

02-10-2004



102665880

2/9/04

Tab settings => => =>

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

DAYTON SUPERIOR SPECIALTY CHEMICAL CORP.

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation- Kansas
☐ Other _____

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Security Interest Amendment

Execution Date: January 30, 2004

2. Name and address of receiving party(ies):

Name: The Bank of New York (Collateral Trustee)

Internal

Address: _____

Street Address: 101 Barclay Street

City: New York State: NY Zip: 10286

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☐ Corporation-State _____
☒ Other New York Banking Corporation

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☒ No
(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

SEE ATTACHED SCHEDULE

Additional number(s) attached ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Julie L. Dalke, Esq.

Internal Address: Latham & Watkins LLP

Street Address: 650 Town Center Drive

Suite 2000

City: Costa Mesa State: CA Zip: 92626

6. Total number of applications and registrations involved:.....

8

7. Total fee (37 CFR 3.41).....\$ 240.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number

50-0524

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Julie L. Dalke

Name of Person Signing

Julie L. Dalke
Signature

February 9, 2004

Date

Total number of pages including cover sheet, attachments, and document: **7**

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignments
Washington, D.C. 20231

02/10/2004 ECOOPER 00000034 1695347

01 FC:8521 40.00 CP
02 FC:8522 175.00 CP
Ref: 02/10/2004 ECOOPER 00000034 1695347
DAH:500524 Name/Number:1695347
FC: 9204 \$25.00 CR
OC\657316.1

TRADEMARK
REEL: 002910 FRAME: 0815

SCHEDULE A**DAYTON SUPERIOR SPECIALTY CHEMICAL CORPORATION**
TRADEMARK REGISTRATIONS

<u>Registered Owner</u>	<u>Trademark</u>	<u>Registration No.</u> <u>Registration Date</u>
Dayton Superior Specialty Chemical Corp.	ALL-PATCH	1695347 06/16/92
Dayton Superior Specialty Chemical Corp.	CONPLATE	1695161 06/16/92
Dayton Superior Specialty Chemical Corp.	CONSHAKE	1749695 02/02/93
Dayton Superior Specialty Chemical Corp.	CONSPEC	1872124 01/10/95
Dayton Superior Specialty Chemical Corp..	CONSPEC 100	1687147 05/12/92
Dayton Superior Specialty Chemical Corp.	CONSPEC ENDURO 50	1747797 01/19/93
Dayton Superior Specialty Chemical Corp.	CONSPECIFIER	2770741 10/07/03 Application No. 76/272713 06/18/01
Dayton Superior Specialty Chemical Corp.	MISC. DESIGN (Design only)	1934555 11/14/95

SECURITY INTEREST AMENDMENT

This Security Interest Amendment entered into as of January 30, 2004, by THE BANK OF NEW YORK, as collateral agent (the "Collateral Agent") and as successor to Deutsche Bank Trust Company Americas (formerly known as Bankers Trust Company), as collateral agent (the "Original Collateral Agent"), with principal offices at 101 Barclay Street, New York, NY 10286, and DAYTON SUPERIOR SPECIALTY CHEMICAL CORP., (the "Grantor"), a Kansas corporation with principal offices at 4226 Kansas Avenue, Kansas City, KS, 66106, as follows:

W I T N E S S E T H

WHEREAS, the Grantor has heretofore granted to the Collateral Agent a security interest in certain U.S. trademarks, trademark registrations and trademark applications as more particularly set forth on Schedule A attached hereto (the "Marks") to secure certain obligations pursuant to the Second Amended and Restated Security Agreement, originally dated as of June 16, 2000, amended and restated as of June 9, 2003 and further amended and restated as of January 30, 2004, between the Agent, the Grantor and certain other parties (the "Security Agreement")); and

WHEREAS, the Collateral Agent and the Grantor wish to acknowledge, among other things, the replacement by the Collateral Agent of the Original Collateral Agent pursuant to the Security Agreement.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Collateral Agent and Grantor hereby amend the Original Collateral Agent's security interest in the Marks to reflect the following:

1. The secured party of record is The Bank of New York, as Collateral Agent, and as successor to the Original Collateral Agent.

2. The lien and security interest granted to the Collateral Agent pursuant to each Security Interest are subject to the provisions of the Intercreditor Agreement, dated as of January 30, 2004, among General Electric Capital Corporation, as Agent, The Bank of New York, as Collateral Agent and as Trustee, and the Obligors (as defined therein). In the event of any conflict between the terms of the Intercreditor Agreement, this Amendment or any instrument granting a Security Interest amended hereby, the terms of the Intercreditor Agreement shall govern.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned, by and through its authorized officer,
has caused this instrument to be executed on the date first written above.

THE BANK OF NEW YORK,
as Collateral Agent

By Cynthia Chaney
Name: CYNTHIA J. CHANEY
Title: VICE PRESIDENT

DAYTON SUPERIOR SPECIALTY CHEMICAL
CORP.

By _____
Name:
Title:

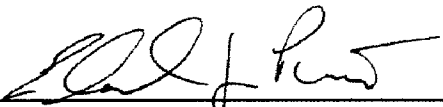
IN WITNESS WHEREOF, the undersigned, by and through its authorized officer,

has caused this instrument to be executed on the date first written above.

THE BANK OF NEW YORK,
as Collateral Agent

By _____
Name:
Title:

DAYTON SUPERIOR SPECIALTY CHEMICAL
CORP.

By  _____
Name: EDWARD S. DUFF
Title: VICE PRESIDENT AND CFO

SCHEDULE A**DAYTON SUPERIOR SPECIALTY CHEMICAL CORPORATION**
TRADEMARK REGISTRATIONS

<u>Registered Owner</u>	<u>Trademark</u>	<u>Registration No.</u> <u>Registration Date</u>
Dayton Superior Specialty Chemical Corp.	ALL-PATCH	1695347 06/16/92
Dayton Superior Specialty Chemical Corp.	CONPLATE	1695161 06/16/92
Dayton Superior Specialty Chemical Corp.	CONSHAKE	1749695 02/02/93
Dayton Superior Specialty Chemical Corp.	CONSPEC	1872124 01/10/95
Dayton Superior Specialty Chemical Corp..	CONSPEC 100	1687147 05/12/92
Dayton Superior Specialty Chemical Corp.	CONSPEC ENDURO 50	1747797 01/19/93
Dayton Superior Specialty Chemical Corp.	CONSPECIFIER	2770741 10/07/03 Application No. 76/272713 06/18/01
Dayton Superior Specialty Chemical Corp.	MISC. DESIGN (Design only)	1934555 11/14/95