



2/19/04

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102665882

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

1. Name of conveying party(ies):

**SYMONS CORPORATION**

- Individual(s)                       Association
- General Partnership               Limited Partnership
- Corporation- Delaware
- 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)

**SEE ATTACHED SCHEDULE**

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:.....

21

7. Total fee (37 CFR 3.41).....\$ 565.00

- 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: 9

02/10/2004 ECDOPER 00000032 0415760

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

01 FC:8521 40.00 OP  
02 FC:8522 500.00 OP  
Serial Ref: 02/10/2004 ECDOPER 0008324400  
DAB:500524 Name/Number:0415760  
FC: 9204 OC1657344.1 \$25.00 CP

**SCHEDULE A**  
**SYMONS CORPORATION**  
**TRADEMARK REGISTRATIONS AND APPLICATION**

<b><u>Registered Owner</u></b>	<b><u>Trademark</u></b>	<b><u>Registration No.</u></b> <b><u>Registration Date</u></b>
Symons Corporation	(DESIGN)	0415760 8/14/45
Symons Corporation	DESIGNFAST	2686409 2/11/03
Symons Corporation	ELASTOTEX	1273527 4/10/84
Symons Corporation	FLEX-FORM	1481622 3/22/88
Symons Corporation	FORM-FIX (stylized)	0826701 4/04/67
Symons Corporation	FRP MULTI KOTE	1290610 8/21/84
Symons Corporation	MAGIC KOTE	0728771 3/20/62
Symons Corporation	MAX-A-FORM	1912991 8/22/95
Symons Corporation	MAX-A-PLY	1157317 6/09/81
Symons Corporation	QUAD CURE	1954371 2/06/96
Symons Corporation	RESI-CHEM	1246732 8/02/83
Symons Corporation	S	1280346 6/05/84
Symons Corporation	S (and Design)	0745290 2/19/63
Symons Corporation	S (and Design)	0760829 11/26/63
Symons Corporation	SPRINGFORM	1038505 4/27/76
Symons Corporation	STEEL-PLY	1100771 8/29/78
Symons Corporation	SYMONS	1254958 10/25/83
Symons Corporation	SYMONS DURA-TEX	1401206 7/15/86
Symons Corporation	THRIFT KOTE	1277614 5/15/84
Symons Corporation	VERSIFORM	0981820 4/09/74

Schedule to Security Interest Amendment

<u>Owner</u>	<u>Trademark</u>	<u>Serial No.</u> <u>Filing Date</u>
Symons Corporation	FORMCAD	Application No. 78/198116 12/27/02

## 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 SYMONS CORPORATION, (the "Grantor"), a Delaware corporation with principal offices at 200 E. Touhy Avenue, Des Plaines, IL, 60018, as follows:

### WITNESSETH

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

SYMONS CORPORATION

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:

SYMONS CORPORATION

By  \_\_\_\_\_

Name: EDWARD J. PUCETTI

Title: VICE PRESIDENT AND CFO

**SCHEDULE A**  
**SYMONS CORPORATION**  
**TRADEMARK REGISTRATIONS AND APPLICATION**

<u>Registered Owner</u>	<u>Trademark</u>	<u>Registration No.</u> <u>Registration Date</u>
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. Schedule to Security Interest Amendment

<u>Owner</u>	<u>Trademark</u>	<u>Serial No.</u> <u>Filing Date</u>
Symons Corporation	FORMCAD	Application No. 78/198116 12/27/02