Form PTO-1594
(Rev. 10/02)
OMB No. 0651-0027 (exp. 6/30/2005)

02-10-2004

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

2/9/04

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To the Honorable Commissioner of P[illegible] the attached original documents or copy thereof.

1. Name of conveying party(ies):

**DAYTON SUPERIOR CORPORATION**

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

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

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

3. Nature of conveyance:

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

Execution Date: January 30, 2004

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:..... **37**

7. Total fee (37 CFR 3.41).....$ 965.00

☒ 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 coy of the original document.*

| Julie L. Dalke | Julie L. Dalke | February 9, 2004 |
|---|---|---|
| Name of Person Signing | Signature | Date |

Total number of pages including cover sheet, attachments, and document: 9

02/10/2004 ECOOPER 00000037 1452916
01 FC:8521 40.00 OP
02 FC:8522 900.00 OP
Rebin. Ref: 02/10/2004 ECOOPER 0009522500
DAA:500524 Name/Number:1452916
FC:9204 $25.00 CR

OC\657313.1

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

## SCHEDULE A

## DAYTON SUPERIOR CORPORATION
## TRADEMARK REGISTRATIONS AND APPLICATIONS

| Registered Owner | Trademark | Registration No.<br>Registration Date |
|---|---|---|
| Dayton Superior Corporation | A | 1452916<br>8/18/87 |
| Dayton Superior Corporation | AMERICAN HIGHWAY TECHNOLOGY | 2536888<br>2/5/02 |
| Dayton Superior Corporation | BOND TECH | 1500540<br>08/16/88 |
| Dayton Superior Corporation | C | 1453913<br>8/25/87 |
| Dayton Superior Corporation | CRETE CURE | 0982189<br>4/16/74 |
| Dayton Superior Corporation | DAY-CHEM | 1177246<br>11/10/81 |
| Dayton Superior Corporation | DAYTON /RICHMOND | 2619423<br>09/17/02 |
| Dayton Superior Corporation | DAYTON SUPERIOR And Design | 1287643<br>7/31/84 |
| Dayton Superior Corporation | DAYTON SUPERIOR And Design | 2158144<br>5/19/98 |
| Dayton Superior Corporation | DUTYLIGHT | 2173972<br>07/14/98 |
| Dayton Superior Corporation | EDOCO | 2658475<br>12/10/02 |
| Dayton Superior Corporation | ESCO | 1517188<br>12/20/88 |
| Dayton Superior Corporation | GR | 2662602<br>12/17/02 |
| Dayton Superior Corporation | GYRO LIFT | 1538915<br>5/16/89 |
| Dayton Superior Corporation | GYRO TILT PLUS | 2301428<br>12/21/99 |
| Dayton Superior Corporation | JAHN | 0751913<br>7/02/63 |
| Dayton Superior Corporation | JAHN And Design | 0846110<br>3/19/68 |
| Dayton Superior Corporation | LEVELAYER | 1397671<br>6/17/86 |
| Dayton Superior Corporation | RAPI-TIES | 0784682<br>2/09/65 |

| **Registered Owner** | **Trademark** | **Registration No.<br>Registration Date** |
|---|---|---|
| Dayton Superior Corporation | RICHMOND SCREW ANCHOR CO., INSIST ON RICHMOND...AND BE SURE! TIME AND LABOR SAVING CONSTRUCTION DEVICES AND CONCRETE CONSTRUCTION And Design | 0759042<br>10/29/63 |
| Dayton Superior Corporation | SURE-GRIP | 0798721<br>11/16/65 |
| Dayton Superior Corporation | SURE-GRIP | 1768658<br>5/4/93 |
| Dayton Superior Corporation | SWIFT LIFT | 1009108<br>4/22/75 |
| Dayton Superior Corporation | TYWEDGE | 751853<br>6/25/63 |
| Dayton Superior Corporation | UTILITY ANCHOR | 2684897<br>2/4/03 |
| **Owner** | **Trademark** | **Serial No.<br>Filing Date** |
| Dayton Superior Corporation | AHT MASTER | Application No. 78/136567<br>06/18/02 |
| Dayton Superior Corporation | AHT PRIME | Application No. 78/136557<br>06/18/02 |
| Dayton Superior Corporation | AHT SKILL | Application No. 78/136564<br>06/18/02 |
| Dayton Superior Corporation | AHT XTREME | Application No. 78/136571<br>06/18/02 |
| Dayton Superior Corporation | HOLZIN | Application No. 76/361415<br>1/22/02 |
| Dayton Superior Corporation | SNAPIN | Application No. 76/361409<br>1/22/02 |
| Dayton Superior Corporation | SPECLINK | Application No. 76/260739<br>5/22/01 |
| Dayton Superior Corporation | STAR SCRUIN | Application No. 76/361411<br>1/22/02 |
| Dayton Superior Corporation | STAR SNAPIN | Application No. 76/361499<br>1/22/02 |
| Dayton Superior Corporation | STAR STAZIN | Application No. 76/361496<br>1/22/02 |
| Dayton Superior Corporation | STAR TAPIN | Application No. 76/361413<br>1/22/02 |
| Dayton Superior Corporation | STAZIN | Application No. 76/361410<br>1/22/02 |

# 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 DAYTON SUPERIOR CORPORATION (the "Grantor"), an Ohio corporation with principal offices at 7777 Washington Village Drive, Suite 130, Dayton, OH, 45459, 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

DAYTON SUPERIOR 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:

DAYTON SUPERIOR CORPORATION

By _____
Name: EDWARD J. PULSKIS
Title: VP AND CFO

NY\862634.2

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