

3/31/04

Document I.D. No. 102531561

04-05-2004

*Resubm*

Form **SI** No. **89**  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
Tab settings  $\Rightarrow \Rightarrow \Rightarrow$   $\nabla$   $\nabla$   $\nabla$   $\nabla$

**RECOR TR**

102712102

DEPARTMENT OF COMMERCE  
S. Patent and Trademark Office

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

<p><b>1. Name of conveying party(ies):</b> Schwitzer U.S. Inc.</p> <p><input type="checkbox"/> Individual(s)      <input type="checkbox"/> Association  <input type="checkbox"/> General Partnership      <input type="checkbox"/> Limited Partnership  <input checked="" type="checkbox"/> Corporation-State  <input type="checkbox"/> Other _____</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><b>2. Name and address of receiving party(ies)</b> Name: <u>Borg-Warner Automotive Turbo</u> Internal <u>Systems Corporation</u> Address: _____</p> <p>Street Address: <u>3800 Automation Avenue, Suite 100</u> City: <u>Auburn Hills</u> State: <u>MI</u> Zip: <u>48326</u></p> <p><input type="checkbox"/> Individual(s) citizenship _____  <input type="checkbox"/> Association _____  <input type="checkbox"/> General Partnership _____  <input type="checkbox"/> Limited Partnership _____  <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u>  <input type="checkbox"/> Other _____</p> <p><small>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designations must be a separate document from assignment) Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</small></p>
<p><b>3. Nature of conveyance:</b></p> <p><input type="checkbox"/> Assignment      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement      <input checked="" type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>March 17, 1999</u></p>	

<p><b>4. Application number(s) or registration number(s):</b></p> <p>A. Trademark Application No.(s) _____</p>	<p>B. Trademark Registration No.(s) <u>1,307,686</u></p>
Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<p><b>5. Name and address of party to whom correspondence concerning document should be mailed:</b></p> <p>Name: <u>Emch, Schaffer, Schaub &amp; Porcello</u> Internal Address: _____ _____</p> <p>Street Address: <u>P.O. Box 916</u> _____</p> <p>City: <u>Toledo</u> State: <u>Ohio</u> Zip: <u>43697-0916</u></p>	<p><b>6. Total number of applications and registrations involved:</b> ..... <span style="border: 1px solid black; padding: 2px;">1</span></p> <p><b>7. Total fee (37 CFR 3.41).....\$</b> <u>40.00</u></p> <p><input checked="" type="checkbox"/> Enclosed  <input checked="" type="checkbox"/> Authorized to be charged to deposit account          Deficiency in fee</p> <p><b>8. Deposit account number:</b> <u>15-0825</u></p> <p><small>(Attach duplicate copy of this page if paying by deposit account)</small></p>
---	--

**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.

Charles R. Schaub      *Charles R. Schaub*      3-25-04  
Name of Person Signing      Signature      Date

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

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

08-21-2003  
0253/561

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

RE



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

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

1. Name of conveying party(ies): Schwitzer U.S. Inc. **7-28-03**  
 Individual(s)  Association  
 General Partnership  Limited Partnership  
 Corporation-State  
 Other \_\_\_\_\_  
Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
Name: Borg-Warner Automotive Turbo Systems Internal Corporation  
Address: \_\_\_\_\_  
Street Address: 3800 Automation Avenue, Suite 100  
City: Auburn Hills State: MI Zip: 48326  
 Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Delaware  
 Other \_\_\_\_\_  
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 \_\_\_\_\_  
Execution Date: March 17, 1999

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s)  
JUL 28 2003

B. Trademark Registration No.(s)  
1,307,686  
Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: Emch, Schaffer, Schaub & Porcello  
Internal Address: \_\_\_\_\_  
Street Address: P.O. Box 916  
City: Toledo State: OH Zip: 43697-0916

6. Total number of applications and registrations involved: ..... 1  
7. Total fee (37 CFR 3.41).....\$ 40.00  
 Enclosed  
 Authorized to be charged to deposit account  
Deficiency in fee  
8. Deposit account number:  
15-0825  
(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.*  
Charles R. Schaub Charles R. Schaub 7-25-03  
Name of Person Signing Signature Date  
Total number of pages including cover sheet, attachments, and document: 9

08/20/2003 ECOOPER 00000201 1307686

01 FC:8521

40.00 OP

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

TRADEMARK  
REEL: 002942 FRAME: 0002

State of Delaware

PAGE 1

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "SCHWITZER U.S. INC.", CHANGING ITS NAME FROM "SCHWITZER U.S. INC." TO "BORG-WARNER AUTOMOTIVE TURBO SYSTEMS CORPORATION", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF MARCH, A.D. 1999, AT 5:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Edward J. Freel*

Edward J. Freel, Secretary of State

2189788 8100

AUTHENTICATION: 9634750

991104782

DATE: 03-18-99

TRADEMARK  
REEL: 002942 FRAME: 0003

**CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
SCHWITZER U.S. INC.**

Schwitzer U.S. Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

**DOES HEREBY CERTIFY:**

**FIRST:** That the Board of Directors of said corporation, by the unanimous written consent of its members, filed with the minutes of the Board of Directors, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation on March 2, 1999:


**RESOLVED,** that the Certificate of Incorporation of Schwitzer U.S. Inc. be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

"1. The name of the Corporation is Borg-Warner Automotive Turbo Systems Corporation."

**SECOND:** That in lieu of a meeting and vote of stockholders, the stockholders have given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

**THIRD:** That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Section 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said SCHWITZER U.S. INC. has caused this certificate to be signed by LAURENE H. HORISZNY, its VICE PRESIDENT AND SECRETARY, this 17<sup>th</sup> day of March, 1999.

  
By: Vice President and Secretary

*State of Delaware*  
*Office of the Secretary of State* PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "KYSOR SNYDER CORPORATION", CHANGING ITS NAME FROM "KYSOR SNYDER CORPORATION" TO "BORG-WARNER AUTOMOTIVE FUEL SYSTEMS CORPORATION", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF MARCH, A.D. 1999, AT 5:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



*Edward J. Freel*

Edward J. Freel, Secretary of State

2973487 8100

991104623

AUTHENTICATION: 9635402

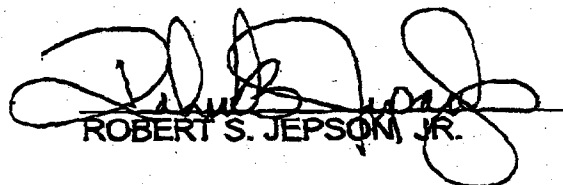
DATE: 03-18-99  
TRADEMARK

REEL: 002942 FRAME: 0005

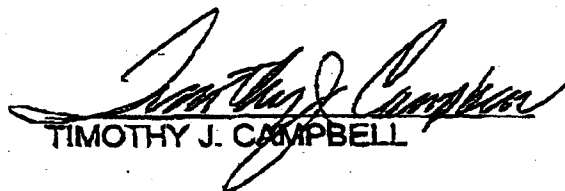
**UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF  
SNYDER TANK CORP.**

---

The undersigned, being all of the directors of Snyder Tank Corp., a New York corporation, do hereby consent to the adoption of the resolutions attached hereto as Exhibit A.

  
ROBERT S. JEPSOM, JR.

  
GARY G. DILLON

  
TIMOTHY J. CAMPBELL

Dated as of December 28, 1998.

**EXHIBIT A**

**WHEREAS**, there has been presented to the directors and sole shareholder of this corporation an Agreement and Plan of Merger (the "Agreement") to merge this corporation ("STC") with and into Kysor Snyder Corporation, a Delaware corporation ("Kysor"), which Agreement is attached hereto as Exhibit A and incorporated herein by this reference; and

**WHEREAS**, the undersigned deem it to be in the best interests of this corporation to merge with and into Kysor as provided in the Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the merger of this corporation with and into Kysor is hereby approved, and that the Agreement is hereby approved and adopted in its entirety.

**FURTHER RESOLVED**, that the proper officers of this corporation are hereby authorized and directed to execute, in the name of and on behalf of this corporation, the Agreement and such other documents and instruments as shall be necessary and appropriate in order to consummate the merger contemplated thereby, including but not limited to Articles of Merger for filing with the Department of State of New York.