



### ASSIGNMENT OF TRADEMARKS

WHEREAS, American Biltrite Inc., a Delaware corporation with a principal place of business at 57 River Street, Wellesly Hills, Massachusetts 02181 (hereinafter "BILTRITE"), is the owner of the trademarks, trademark registrations, and trademark applications scheduled in Attachment A annexed hereto (hereinafter the "TRADEMARKS"); and

WHEREAS, BILTRITE entered into a certain Joint Venture Agreement with Resilient Holdings Incorporated, Congoleum Corporation, Hillside Industries Incorporated, and Hillside Capital Incorporated, dated as of December 16, 1992 pursuant to which BILTRITE agreed to assign the assets of BILTRITE's U.S. Flooring Division, including but not limited to all of BILTRITE's right, title, and interest in and to the TRADEMARKS, to Congoleum Holdings Incorporated, a Delaware corporation with a principal place of business in Trenton, New Jersey ("HOLDINGS"); and

WHEREAS, HOLDINGS is desirous of acquiring all rights in the TRADEMARKS.

NOW, THEREFORE, effective as of the date hereof, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, BILTRITE does hereby assign unto HOLDINGS, its successors and assigns, in furtherance

TRADEMARK

REF0947 FRAME354

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REFL:002047 FRAME:0041

but not in limitation of the Bill of Sale/Assignment and Assumption between BILTRITE and HOLDINGS of even date herewith, all of its right, title and interest in and to the TRADEMARKS, including (i) the goodwill of the business symbolized thereby; (ii) the registrations, including any and all renewals thereof, and applications for registration of the TRADEMARKS; and (iii) the right to sue for injunctive relief and collect damages for past infringement of the TRADEMARKS.

IN WITNESS WHEREOF, the undersigned has caused this Trademark Assignment to be duly executed by its authorized officer as of March 11, 1993.

AMERICAN BILTRITE INC.

By: Gilbert K. Gailus

Title: Vice President - Finance

STATE OF NEW YORK )  
 ) ss.  
 COUNTY OF NEW YORK )

Before me personally appeared said Gilbert K. Gailus and acknowledged the foregoing instrument to be his free act and deed this 11 day of March, 1993.

Judith H. Minkoff  
 Notary Public

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JUDITH H. MINKOFF  
 Notary Public, State of New York  
 No. 03123109  
 Certified in Seneca County  
 Certificate of Seneca County  
 Commission Expires May 31, 1994

TRADEMARK

REEL 0947 FRAME 355

TRADEMARK

REEL: 002947 FRAME: 0040

TRADEMARK  
Docket No. 27964-2406601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
POST-REGISTRATION DIVISION

Registrant: PC Mall Sales, Inc.  
Mark: CLUBMAC  
Reg. No.: 1,739,578

DECLARATION

I, Rory Zaks, declare:

1. I am President of PC Mall Sales, Inc. and I am authorized to make this declaration on its behalf.
2. PC Mall Sales, Inc. is the true owner of the above-referenced registration for the mark CLUBMAC.
3. Due to an error on the recordation cover sheets and in the underlying assignment documents, the above-referenced registration was erroneously recorded as being assigned from American Biltrite, Inc. to Congoleum Holdings Incorporated, at Reel/Frame No. 0947/0351 and Reel/Frame No. 1813/0909, and from Resilient Holdings Incorporated to Congoleum Corporation, at Reel/Frame No. 0947/0365 and Reel/Frame No. 1813/0885. Neither American Biltrite, Inc. nor Resilient Holdings Incorporated had any interest in the above-referenced trademark at the time of the purported assignments.

sf-1601698

TRADEMARK  
REEL: 002947 FRAME: 0043

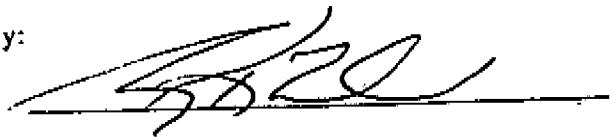
4. The true chain of title for the above-referenced application is as follows: The application was filed and the registration issued in the name of Pacific Business Systems. The registration was assigned from Pacific Business Systems, Inc. to PC Mall, Inc. on April 1, 2002. This assignment was recorded on June 10, 2003, at Reel/Frame No. 002666/0461. The registration was then assigned from PC Mall, Inc. to PC Mall Sales, Inc. on June 11, 2003. This assignment was recorded on June 11, 2003, at Reel/Frame No. 002666/0483. This chain of title should not be considered altered by the incorrect assignment recorded at Reel/Frame No. 0947/0351, Reel/Frame No. 1813/0909, Reel/Frame No. 0947/0365, and Reel/Frame No. 1813/0885.

5. PC Mall Sales, Inc., the last correct assignee, has been and continues to be the owner of the above-referenced registration.

The undersigned being hereby warned that willful, false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the registration, declares that he/she is properly authorized to execute this document on behalf of Registrant; Registrant is the owner of the trademark mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and believe are believed to be true.

Signed at Torrance, CA the 12<sup>th</sup> day of January, 2004.

By:



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Reg. No 1,739,578  
Docket No 27964-2406601

sf-1601698

TRADEMARK  
REEL: 002947 FRAME: 0044

# TRADEMARKS ONLY

Patent and Trademark

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):

American Biltrite Inc.

- Individual(s)
- General Partnership
- Corporation-State
- Other

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

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

Name: Congoleum Holdings Incorporated

Internal Address: \_\_\_\_\_

Street Address: 405 Park Avenue

City: New York State: NY ZIP: 10022

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other

If assignor 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
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: \_\_\_\_\_

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

A. Trademark Application No.(s)

See Attached

B. Trademark registration No.(s)

See Attached

Additional numbers attached?  Yes  No

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

Name: Sven Krogius

Internal Address: Patterson, Belknap, Webb & Tyler

Street Address: 30 Rockefeller Plaza

City: New York State: NY ZIP: 10112

6. Total number of applications and registrations involved:

31

7. Total fee (37 CFR 3.41):

\$ 75

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(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.

Sven Krogius  
Name of Person Signing

*Sven Krogius*  
Signature

4/9/93  
Date

Total number of pages comprising cover sheet:

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0713/219), Washington, D.C. 20503.

Attachment To Trademark Cover Sheet

Trademark Applications Assigned By American Biltrite Inc.  
To Congoleum Holdings Incorporated

TRADEMARK APPLICATION NUMBERS

74/230,456

74/133,809

74/220,994

102,176

TRADEMARK

FIELD 947 PAGES 52

Attachment To Trademark Cover Sheet  
 Trademarks Assigned By American Biltrite Inc.  
 To Congoleum Holdings Incorporated

TRADEMARK REGISTRATION NUMBERS

1,038,538	754,501
803,389	1,346,184
825,632	1,078,483
677,956	966,588
1,503,933	892,355
754,501	
1,036,271	
1,478,834	
1,365,708	
1,621,357	
1,311,108	
800,619	
1,712,737	
1,497,852	
896,788	
1,497,846	
1,468,443	
1,518,970	
1,347,882	
1,496,870	
1,621,358	
896,789	

REEL 947 FRAMES 53  
 TRADEMARK



Attachment A

AMERICAN BILTRITE INC.  
 TRADEMARKS - AMTICO FLOORING DIVISION  
 November 20, 1992

<u>Country</u>	<u>Trademark</u>	<u>Reg. No.</u>	<u>Appl. No.</u>
U.S.A.	AMTICO	1,038,538	
U.S.A.	AMTICO & DESIGN	803,389	
U.S.A.	AMTICO & DESIGN	825,632	
U.S.A.	AMTICO CARE-FREE	677,956	
U.S.A.	AMTICO DESIGNER SHOWCASE	1,503,933	
U.S.A.	AMTICO PROMENADE & DESIGN	754,501	
U.S.A.	AMTICON		74/250,456
U.S.A.	CHEVRON DESIGN	1,036,271	
U.S.A.	CLASSIC TOUCH	1,478,834	
U.S.A.	DECATHLON	1,365,708	
U.S.A.	DURAGUARD	1,621,357	
U.S.A.	DURASTEP	1,311,108	
U.S.A.	DURATONE		74/133,809
U.S.A.	DURAVINYL	800,619	
U.S.A.	EVOLUTION		74/220,994
U.S.A.	EXCLAMATION	1,712,737	
U.S.A.	FORTRESS	1,497,852	
U.S.A.	FORTUNA	896,788	
U.S.A.	FORUM	1,497,846	
U.S.A.	KILN ROYAL	1,468,443	
U.S.A.	LUXURY VINYL TILE	1,518,970	
U.S.A.	MAJESTIC	1,347,882	

TRADEMARK

REEL 0947 FRAME 356

AMERICAN BILTRITE INC.  
 TRADEMARKS - AMTICO FLOORING DIVISION  
 PAGE 2

<u>Country</u>	<u>Trademark</u>	<u>Reg. No.</u>	<u>Appln. No.</u>
U.S.A.	METROPOLITAN	1,496,870	
U.S.A.	MICRO-GROUND	1,621,358	
U.S.A.	NIEU AMSTERDAM	896,789	
U.S.A.	PLATINUM COLLECTION		102,176
U.S.A.	PROMENADE	754,501	
U.S.A.	SUNBEAM	1,346,184	
U.S.A.	SUNBRIGHT	1,078,483	
U.S.A.	TUFFITE	966,588	
U.S.A.	ZIP-STIK	892,355	
BRAZIL	AMTICO		1232/063912
CHILE	AMTICO		366,083

**UNREGISTERED TRADEMARKS**

U.S.A.	BLUE LABEL
U.S.A.	NEW GENERATION
U.S.A.	ADVANTAGE
U.S.A.	DESIGNER CAREFREE

TRADEMARK

REEL 947 FRAME 357

RECORDED  
 PATENT AND TRADEMARK  
 OFFICE

APR 12 1993

U.S. DEPARTMENT OF COMMERCE

3/3/04

03-10-2004

HEET

Patent and Trademark Office  
Docket No. 27964-24066.01



102689055

To the Commissioner of Pa.

attached original documents or copy thereof.

1. Name of conveying party(ies):  
PC Mail Sales, Inc.

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State **California**
- Other

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

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

Name: **PC Mail Sales, Inc.** 2004  
 Internal Address:  
 Street Address: **2555 W. 190th Street**  
 City: **Torrance, State: California** ZIP: **90504**

- Individual(s) citizenship: \_\_\_\_\_
- Association: \_\_\_\_\_
- General Partnership: \_\_\_\_\_
- Limited Partnership: \_\_\_\_\_
- Corporation-State: **California**
- Other: \_\_\_\_\_

Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other: **Submission to correct error made in previously recorded assignment document that erroneously affects registration**

Execution Date: January 12, 2004

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

If this document is being filed together with a new application, the execution date of the application is:

A. Trademark Application No.(s)

B. Registration No.(s)

**1,739,578**

Additional numbers attached?  Yes  No

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

Jennifer Lee Taylor  
 Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, California 94105-2482

6. Total number of applications and trademark registrations involved: **three (3)**

7. Total fee (37 C.F.R. § 3.41): **\$40.00**

- Enclosed
- Authorized to be charged to deposit account, referencing Attorney Docket 27964-2400000

8. Deposit account number: **03-1952**

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

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.

Name: **Aaron P. Rubin**

Signature

**3-3-04**

Date

Total number of pages comprising cover sheet, attachments and document: 10

03/09/2004 6TDW11 00000134 031952 1739578

01 FC:8521 40.00 DA

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

TRADEMARK

REEL: 002947 FRAME: 0050

TRADEMARK  
Docket No. 27964-2406601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
POST-REGISTRATION DIVISION

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sf-1601698

TRADEMARK  
REEL: 002947 FRAME: 0051

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Signed at Torrance, CA the 12<sup>th</sup> day of January, 2004.

By:

