

05-26-2004



COVER SHEET  
ONLY

U.S. DEPARTMENT OF  
Patent and Trademark

*Steeley*

Tab settings DD

102753182

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

1. Name of conveying party(ies):  
**GENERAL ELECTRIC CAPITAL CORPORATION**

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

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

2. Name and address of receiving party(ies)

**DURAMAX, INC.**

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

Street Address : **16910 MUNN ROAD**

**CHAGRIN FALLS** State: **OH** Zip: **44023**

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_

- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation State **OH**

Other \_\_\_\_\_

If assignee is not domiciled in the United States, a 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 **Release**
- Merger
- Change of Name

Execution Date: **April 30, 2004**

4. Application number(s) or trademark

A. Trademark Application No.(s)

**75/624,421 75/778,192 75/778,194 75/314,639**  
**75/624,422 75/567,799 75/624,423**

B. Trademark Registration

**1,978,623 1,947,335 1,474,193 2,124,243**  
**2,233,414 867,337 2,127,677 2,078,112**

Additional numbers attached? **YES**

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

Name: **Rebecca L. Ramstrom**

Internal Address: **18<sup>th</sup> Floor**

Street Address: **Katten Muchin Zavis Rosenman**

**525 W. Monroe**

City: **Chicago** Stat **IL** ZIP **60661**

6. Total number of applications and registrations **23**

7. Total fee (37 CFR 3.41) \$ **590.00**

- Enclosed
- Authorized to be charged to deposit

8. Deposit account number:

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

05/27/2004 LMUELLER 00000016 75624421

DO NOT USE THIS SPACE

01 FB:0521 402.00 UP  
02 EC:0522 550.00 UP

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 of the original document.

**Rebecca L. Ramstrom**  
Name of Person

*Rebecca L. Ramstrom*  
Signature

**05/24/04**

Date

Total number of pages including cover sheet, attachments, and

**11**

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

TRADEMARK  
REEL: 002974 FRAME: 0676

**SCHEDULE 1**

**TRADEMARKS AND TRADEMARK REGISTRATIONS**

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>
COLORMATCH	1,978,623	June 4, 1996
COMFORTECH	1,947,335	January 9, 1996
DURA-COVE	1,474,193	January 26, 1988
GEM FINISHES	2,124,243	December 23, 1997
GENESES	2,233,414	March 23, 1999
JOHNSONITE	867,337	April 1, 1989
OPTIX	2,127,677	January 6, 1998
PRIMA	2,078,112	July 8, 1997
PRISTINE FINISHES	2,185,272	September 1, 1998
ROUNDEL	1,388,394	April 1, 1986
SAFE-T-FIRST	2,006,547	October 8, 1996
SAFE-T-RIB	904,827	December 22, 1990
TERRA-TURF	1,853,407	September 13, 1994
THRUST-A-PAD	725,793	January 2, 1982
TIGHTLOCK	2,052,008	April 15, 1997
VENT-COVE	1,922,029	September 26, 1995

**TRADEMARK APPLICATIONS**

<b>Trademark</b>	<b>Serial Number</b>	<b>Registration Date</b>
BRONZE REFLECTIONS	75/624,421	January 20, 1999
DURAMAX	75/778,195 <sup>2</sup>	August 17, 1999
DURAMAX	75/778,194	August 17, 1999
FLAGSTONE	75/314,639	June 25, 1997
METALLICS	75/624,422	January 20, 1999
SAFETY STRIDE	75/567,799	October 9, 1998
SPECKSTONE	75/624,423	January 20, 1999

23

NY:742062.4

RECORDED: 06/16/2003

TRADEMARK  
REEL: 002747 FRAME: 0182

TRADEMARK  
REEL: 002974 FRAME: 0677

Continuation Item 4

**SCHEDULE 1**

**TRADEMARKS AND TRADEMARK REGISTRATIONS**

COLORMATCH	1,978,623	June 4, 1996
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23

**TRADEMARK**  
**REEL: 002747 FRAME: 0178**

**TRADEMARK**  
**REEL: 002974 FRAME: 0678**

**CONFIRMATORY ASSIGNMENT OF TRADEMARK SECURITY INTEREST**

**(TRADEMARKS, TRADEMARK APPLICATIONS  
AND TRADEMARK LICENSES)**

WHEREAS, DURAMAX, INC., an Ohio corporation with a place of business at 16025 Johnson Street, Middlefield, Ohio 44062, has granted to Banc of America Commercial Finance Corporation, a Delaware corporation (the "ASSIGNOR"), pursuant to that certain Trademark Security Agreement, dated as of September 30, 1999, a security interest in and to certain trademarks identified in Schedule 1 hereto, including the trademark registrations and applications for registration thereof, the common law rights pertaining thereto, and in and to the goodwill of the business symbolized by the trademarks and connected with the use thereof, (hereinafter the "SECURITY INTEREST") and ASSIGNOR has recorded said SECURITY INTEREST with the U.S. Patent and Trademark Office Assignment Division; and

WHEREAS, General Electric Capital Corporation, a Delaware corporation with a place of business at 335 Madison Avenue, 12th Floor, New York, New York 10017 (hereinafter "ASSIGNEE"), has succeeded by that certain Omnibus Amendment Agreement, dated December 31, 2002, and is desirous of succeeding of record, to the rights thus owned by ASSIGNOR and acquiring of record therefrom all of ASSIGNOR's right, title and interest in, to and under the SECURITY INTEREST;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. ASSIGNOR effective December 31, 2002, did and hereby does assign, transfer and convey to ASSIGNEE, its successors, legal representatives and assigns, all of ASSIGNOR's right, title, and interest in and to the SECURITY INTEREST in all jurisdictions.

2. ASSIGNOR hereby agrees to authorize and request the Commissioner of Patents and Trademarks of the United States of America and the appropriate officers of all other jurisdictions in which the SECURITY INTEREST is recorded or in which an application for recordation of the SECURITY INTEREST is pending, to record the title of ASSIGNEE, its successors, legal representatives and assigns, as owner of all right, title and interest in and to the SECURITY INTEREST, and to issue the Notice of Recordation resulting from any such application for recordation of the SECURITY INTEREST to ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

ASSIGNOR agrees that it will execute and deliver, or cause to be executed and delivered, to ASSIGNEE or ASSIGNEE's legal representatives, any other or additional assignments, documents, certificates, powers or other writings, and take all additional actions, as may be necessary to transfer the SECURITY INTEREST to ASSIGNEE, to effectuate and validate this Confirmatory Assignment, to record this Confirmatory Assignment of the SECURITY INTEREST to ASSIGNEE with the United States Patent and Trademark Office and the appropriate agencies and offices of all jurisdictions in which the SECURITY INTEREST is or

NY:742062.4

**TRADEMARK  
REEL: 002747 FRAME: 0179**

**TRADEMARK  
REEL: 002974 FRAME: 0679**

may be recorded or in which applications for recordation of the SECURITY INTEREST are pending, under the relevant laws of the United States or any other jurisdictions.

[Signature page follows]

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NY:742062.4

**TRADEMARK**  
**REEL: 002747 FRAME: 0180**

**TRADEMARK**  
**REEL: 002974 FRAME: 0680**

IN WITNESS WHEREOF, the undersigned has executed this Confirmatory Assignment as of this 30<sup>th</sup> day of December, 2002.

BANC OF AMERICA COMMERCIAL FINANCE CORPORATION, a Delaware corporation

By: Steven W Dampsey  
Name: Steven W Dampsey  
Title: Vice President

State of CT )  
County of Ffld ) ss

On this 30<sup>th</sup> day of December, 2002, before me personally appeared Steven W. Dampsey personally known, who being duly sworn, did say that he/she is the Vice President of BANC OF AMERICA COMMERCIAL FINANCE CORPORATION and that he/she duly executed the foregoing instrument for and on behalf of BANC OF AMERICA COMMERCIAL FINANCE CORPORATION, being duly authorized to do so and that said individual acknowledged said instrument to be the free act and deed of said corporation.

Patricia M. Duesch  
Notary Public

SEAL

**My Commission Expires Mar. 31, 2005**

NY:742062.4

TRADEMARK  
REEL: 002747 FRAME: 0181

TRADEMARK  
REEL: 002974 FRAME: 0681

**SCHEDULE 1**

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SPECKSTONE	75/624,423	January 20, 1999

23

NY:742062.4

RECORDED: 06/16/2003

TRADEMARK  
REEL: 002747 FRAME: 0182

TRADEMARK  
REEL: 002974 FRAME: 0682

SATISFACTION AND DISCHARGE OF TRADEMARK SECURITY INTEREST

KNOW ALL MEN BY THESE PRESENTS that the conditions of that certain Trademark Security Agreement, dated as of September 30, 1999, which granted to Bank of America Commercial Finance Corporation, a Delaware corporation, a security interest in and to certain trademarks identified in Schedule 1 hereto, including the trademark registrations and applications for registration thereof, the common law rights pertaining thereto and in and to the goodwill of the business symbolized by the trademarks and connected with the use thereof (the "Security Interest"), which Security Interest was assigned to General Electric Capital Corporation pursuant to a Confirmatory Assignment of Trademark Security Interest dated December 31, 2002, have been fully satisfied and the same are hereby fully released and discharged and the United States Patent and Trademark Office is hereby authorized to discharge such Security Interest recorded on June 16, 2003, at Reel/Frame: 002747/0176.

IN WITNESS WHEREOF, Kenneth Li, the <sup>duly authorized</sup> ~~Sigatory~~ <sup>Sigatory</sup> of General Electric Capital Corporation has signed this Satisfaction and Discharge of Trademark Security Interest as of this 30th day of April, 2004.

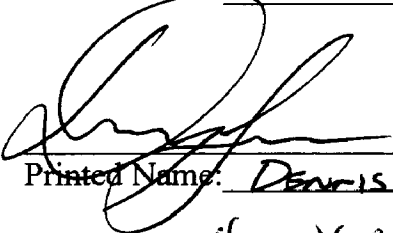
Signed and acknowledged

GENERAL ELECTRIC CAPITAL CORPORATION

  
 Printed Name: Kenneth Li

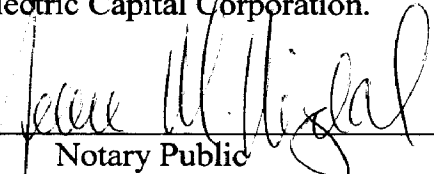
By:   
 Name: Kenneth Li

Its: Duly Authorized Signatory

  
 Printed Name: Dennis Jones

STATE OF New York )  
 ) SS:  
 COUNTY OF New York )

The foregoing instrument was acknowledged before me this 30th day of April, 2004, by Kenneth Li, the <sup>duly authorized</sup> ~~Sigatory~~ <sup>Sigatory</sup> of General Electric Capital Corporation.

  
 Notary Public

(Notarial Seal)

My Commission Expires: \_\_\_\_\_

This instrument was prepared by  
 And should be returned to:  
 Jennifer I. Wolfe  
 Katten Muchin Zavis Rosenman

JEAN M. MIGDAL  
 Notary Public, State of New York  
 No. 02M16032011  
 Qualified in New York County  
 Commission Expires Oct. 12, 2005