

RE
2-2-04

08-25-2004



102821685

TRADEMARKS ONLY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : The Excello Specialty Company
 MARK : XLO (+ 7 others)
 REG NO. : 773,212 (+ 7 others)
 REG. DATE : July 14, 1964 (+ 7 others)
 ATTORNEY DOCKET NO. : ESCZ 8 00179

OFFICE OF PATENT AND TRADEMARKS
 2004 FEB -2 3 10 PM
 FINANCE SECTION

ASSIGNMENT RECORDATION FORM COVER SHEET

MAIL STOP ASSIGNMENT RECORDATION SERVICES
 Commissioner of Patents and Trademarks
 P.O. Box 1450
 Alexandria, VA 22313-1450

To the Honorable Commissioner of Patents and Trademarks:

Please record the attached original document(s) or copy thereof.

1. Name of Party(ies) conveying an interest:

The Excello Specialty Company

2. Name and address of Party(ies) receiving an interest:

The XLO Group of Companies, Inc.
 4495 Cranwood Parkway
 Cleveland, Ohio 44128

02/03/2004 MYRNE 00000109 773212

01 FC:8521
02 FC:8522

40.00 OP
175.00 OP

TRADEMARK
REEL: 003034 FRAME: 0858

Description of the interest conveyed:

- | | | | |
|-------------------------------------|--------------------|--------------------------|----------------|
| <input checked="" type="checkbox"/> | Assignment | <input type="checkbox"/> | Change of Name |
| <input type="checkbox"/> | Security Agreement | <input type="checkbox"/> | Merger |
| <input type="checkbox"/> | Other | | |

Execution Date: January 26, 2004

3. 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)

4. Name and address of Party to whom correspondence concerning this document should be mailed:

James W. McKee, Esq.
Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518

5. Eight (8) trademarks application are involved.

6. Amount of fee enclosed: \$215.00

7. Deposit Account Number (attached duplicate copy of this form if paying by Deposit Account):

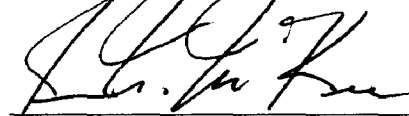
8. Please charge any additional fees or credit overpayment to Deposit Account No. 06-0308.

10. 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.

11. Total number of pages including cover sheet, attachments and documents: 5.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



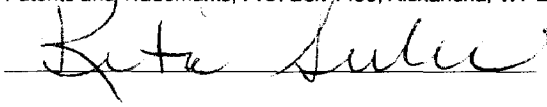
James W. McKee
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
216/861-5582

1-30-04

Date

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service on January 30, 2004 and is addressed to the Mail Stop Assignment Recordation Services, Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.



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TRADEMARK ASSIGNMENT

This Trademark Assignment is made as of Jan. 26, 2004 by and between The Excello Specialty Company, an Ohio corporation, 4495 Cranwood Parkway, Cleveland, Ohio 44128 ("Assignor"), and The XLO Group of Companies, Inc., an Ohio corporation, 4495 Cranwood Parkway, Cleveland, Ohio 44128 ("Assignee").


Whereas, Assignor is the owner of the trademarks as well as the U.S. and foreign registrations and applications for such trademarks as identified in Schedule A annexed hereto and made a part hereof ("Trademarks");

Whereas, Assignor is desirous of conveying and Assignee is desirous of acquiring the entire right, title and interest of Assignor in and to the Trademarks, together with the goodwill of the business in connection with which the Trademarks are used and the registrations therefor as identified in Schedule A;

Now, Therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign, transfer, and convey to Assignee, its successors and assigns, the entire right, title and interest in and to the Trademarks and the registrations therefor, together with the goodwill of the business in connection with which said marks are used.

In Witness Whereof, The Excello Specialty Company has caused this Assignment to be executed by its duly authorized representative.

THE EXCELLO SPECIALTY COMPANY

By  JEFFREY JONES

Title PRESIDENT

Date 01-26-04

Witnessed by:

(1) 
(2) 

SCHEDULE A

UNITED STATES				
<i>Trademark</i>	<i>Serial No.</i>	<i>Filing Date</i>	<i>Reg. No.</i>	<i>Reg. Date</i>
XLO	173,243	07-18-1963	773,212	07-14-1964
ZONE-KOTE	367,272	06-01-1982	1,240,342	05-31-1983
XLO (stylized)	482,918	05-31-1984	1,342,056	06-18-1985
SLIP-N PLACE	474,067	04-06-1984	1,319,371	02-12-1985
FOIL-KOTE	478,586	05-03-1984	1,365,585	10-15-1985
KONTOUR	765,412	11-23-1988	1,582,537	02-13-1990
EXPANDO	74/663,209	04-19-1995	2,032,905	01-21-1997
SRB	75/591,845	11-19-1998	2,480,398	08-21-2001

BRAZIL				
<i>Trademark</i>	<i>Serial No.</i>	<i>Filing Date</i>	<i>Reg. No.</i>	<i>Reg. Date</i>
ZONE-KOTE	820540854	01-29-1998	820540854	11-16-1999
KONTOUR	820540862	01-29-1998	820540862	11-16-1999
XLO	820588008	02-27-1998	820588008	05-02-2000
SRB	822288168	12-15-1999		

COMMUNITY TRADEMARKS				
<i>Trademark</i>	<i>Serial No.</i>	<i>Filing Date</i>	<i>Reg. No.</i>	<i>Reg. Date</i>
ZONE-KOTE	990556	11-13-1998	990556	01-13-2000
KONTOUR	990135	11-13-1998	990135	01-14-2000
XLO	990127	11-13-1998	990127	01-13-2000
SRB	1403153	11-30-1999	1403153	11-27-2000

GREAT BRITAIN				
<i>Trademark</i>	<i>Serial No.</i>	<i>Filing Date</i>	<i>Reg. No.</i>	<i>Reg. Date</i>
ZONE-KOTE	2145387	09-18-1997	2145387	09-18-1997
KONTOUR	2145384	09-18-1997	2145384	09-18-1997
XLO	2145407	09-18-1997	2145407	09-18-1997

JAPAN				
<i>Trademark</i>	<i>Serial No.</i>	<i>Filing Date</i>	<i>Reg. No.</i>	<i>Reg. Date</i>
ZONE-KOTE	10-65787	07-31-1998	4432560	11-17-2000
KONTOUR	10-65788	07-31-1998	4432561	11-17-2000
XLO	10-65789	07-31-1998	4432562	11-17-2000
SRB	2001-084776	09-19-2001	4671680	05-16-2003

OFFICE OF PUBLIC RECORDS

2104 AUG 23 PM 3:11

FINANCE SECTION

ESCZ 8 00179

Practitioner's Docket No. _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Assignment Recordation Services
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**RESUBMISSION OF ASSIGNMENT (DOCUMENT) PAPERS
REFUSED FOR RECORDAL (37 C.F.R. § 3.51)**

NOTE: "The date of recording of a document is the date the document meeting the requirements for recording set forth in this part is filed in the Office. A document which does not comply with the identification requirements of § 3.21 will not be recorded. Documents not meeting the other requirements for recording, for example, a document submitted without a completed cover sheet or without the required fee, will be returned for correction to the sender where a correspondence address is available. The returned papers, stamped with the original date of receipt by the Office, will be accompanied by a letter which will indicate that if the returned papers are corrected and resubmitted to the Office within the time specified in the letter, the Office will consider the original date of filing of the papers as the date of recording of the document. The procedure set forth in § 1.8 or § 1.10 of this chapter may be used for resubmissions of returned papers to have the benefit of the date of deposit in the United States Postal Service. If the returned papers are not corrected and resubmitted within the specified period, the date of filing of the corrected papers will be considered to be the date of recording of the document. The specified period to resubmit the returned papers will not be extended." 37 C.F.R. § 3.51.

". . . If a document to be recorded is not accompanied by a completed cover sheet, the document and any incomplete cover sheet will be returned pursuant to § 3.51 for proper completion of a cover sheet and resubmission of the document and a completed cover sheet." 37 C.F.R. § 3.28.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:


MAILING

FACSIMILE

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

transmitted by facsimile to the Patent and Trademark Office.

Date: 8-17-04



Signature

Rita M. Sulic

(type or print name of person certifying)

(Resubmission of Assignment Papers Refusal for Recordal [16-7]—page 1 of 2)

1. The PTO has sent a letter to the applicant stating that the papers previously submitted do not comply with § 3.21 and were not recorded.

A copy of the PTO letter is attached.

2. The term for resubmission of the papers set in the PTO letter expires on 03SE2004
Date

NOTE: See 37 C.F.R. § 3.51.

3. Applicant resubmits the papers refused recordal:

(check the appropriate box(es) below)

with the necessary corrections and/or omissions entered on the papers.

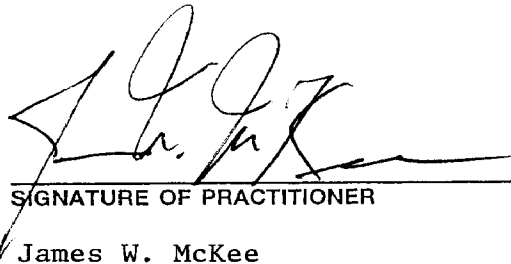
with new appropriate papers added.

4. Recordal is now respectfully requested.

Reg. No.: 26,482

Tel. No.: (216) 861-5582

Customer No.: 027885



SIGNATURE OF PRACTITIONER

James W. McKee

(type or print name of practitioner)

Fay, Sharpe, Fagan, Minnich & McKee

P.O. Address

1100 Superior Avenue, 7th Floor

Cleveland, Ohio 44114-2579

(Resubmission of Assignment Papers Refusal for Recordal [16-7]—page 2 of 2)