

10-22-2004

10-19-04



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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): Marsellus Casket Co. [] Individual(s) [] Association [] General Partnership [] Limited Partnership [X] Corporation New York [] Other Additional name(s) of conveying party(ies) attached? [] Yes [X] No

2. Name and address of receiving party(ies) Name: Batesville Services, Inc. Internal Address: One Batesville Boulevard Street Address: City Batesville State IN Zip 47006 [] Individual(s) citizenship [] Association [] General Partnership [] Limited Partnership [X] Corporation Indiana [] Other If assignee is not domiciled in the United States, a domestic representative designation is attached: [] Yes [X] No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? [] Yes [X] No

3. Nature of conveyance: [] Assignment [] Merger [] Security Agreement [] Change of Name [X] Other Nunc Pro Tunc assignment effective March 24, 2003 Execution Date: October 15, 2004

4. Application number(s) or registration number(s): A. Trademark Application No.(s) Additional number(s) attached [] Yes [X] No

B. Trademark Registration No.(s) 1,544,488; 1,570,979 [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed: Name: Louis K. Ebling, Esq. Internal Address: Greenebaum Doll & McDonald PLLC Street Address: 255 East Fifth Street 2800 Chemed Center City Cincinnati State OH Zip 45202

6. Total number of applications and registrations involved: 2 7. Total fee (37 CFR 3.41) \$ 65.00 [] Enclosed [X] Authorized to be charged to deposit account along with any deficiency in this fee 8. Deposit account number: 50-2904 (Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. 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. Louis K. Ebling, Esq. Name of Person Signing Signature Date 10/19/04 Total number of pages including cover sheet, attachments, and document []

10/21/2004 ECOOPER 00000004 502904 1544488 01 FC:8521 40.00 DA 02 FC:8522 25.00 DA

TRADEMARK REEL: 003065 FRAME: 0900

NUNC PRO TUNC TRADEMARK ASSIGNMENT

WHEREAS, Marsellus Casket Co. a New York corporation ("Assignor"), with an address at 101 Richmond Avenue, Syracuse, New York 13221 ("Assignor"), is the owner of all right, title, and interest in and to the trademarks identified in Exhibit A hereto (the "Trademarks"); and

WHEREAS, Batesville Services, Inc., an Indiana corporation, with its principal place of business at One Batesville Boulevard, Batesville, Indiana 47006 ("Assignee") wishes to acquire all rights that Assignor has in and to the Trademarks and the registrations therefor, together with the good will of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, along with the right to recover for damages and profits for past infringements thereof;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign, transfer, set over, and deliver to Assignee, *nunc pro tunc* as of March 24, 2003:

- (i) all of Assignor's right, title, and interest, in and to the Trademarks and the registrations therefor,;
- (ii) the goodwill of the business symbolized by the Trademarks;
- (iii) all causes of actions, claims and demands, right to recover or other rights for, or arising from, any infringement, including past infringement, of such Trademarks and other items set forth on Exhibit A and
- (iv) all rights corresponding thereto throughout the world.

From time to time after the date hereof, at the request of either party hereto, and at the expense of the party so requesting, each of the parties hereto shall execute and deliver to such requesting party such documents and take such other action as such requesting party may reasonably request in order to consummate more effectively the transactions contemplated thereby.

Assignor also hereby authorizes and requests the issuing authority to issue any and all United States and foreign Trademarks as set forth herein to the Assignee; and

This Assignment shall be binding on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

IN WITNESS WHEREOF, the undersigned has caused this Assignment to be executed by the signature of its duly authorized officer as of the date above first written.

MARSELLUS CASKET CO.

By: _____
Name: _____
Title: _____

Acknowledged and Accepted:

BATESVILLE SERVICES, INC.

By: [Signature]
Name: Douglas J. Kunkel
Title: VP & CFO

STATE OF Indiana)
) SS
COUNTY OF Ripley)

The foregoing instrument was acknowledged before me this 15th day of October 2004, by
[name] Douglas J. Kunkel, {title} Vice President & CFO of
[company name] Batesville Services, Inc., who is authorized to act on behalf of said corporation.

My commission expires 12-12-07.

(SEAL)

[Signature]
Notary Public
My County of Residence: Franklin

**EXHIBIT A
TRADEMARKS**

Trademark	Description	U.S. Serial No.	Filing Date	Registration No.	Issue Date	Status	Record Owner
THE BRADFORD	Burial caskets	73/754,259	09/26/88	1,544,488	06/20/89	Active	Marsellus Casket Co.
THE VERSAILLES	Burial caskets	73/791,137	04/05/89	1,570,979	12/12/89	Renewed	Marsellus Casket Co.

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