

11-17-2005

11-1005

RE

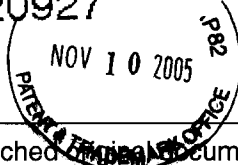


EET

Our Ref.: 4014-28

### Mail Stop Assignment Recordatio.

103120927



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Commissioner for Trademarks: Please record the attached ~~original~~ documents or copy thereof.

<p>1. Name of conveying party(ies): Banca Intesa S.p.A. (Representative of sixteen pledgees)</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: ITALY  <input type="checkbox"/> Other: _____</p> <p>3. Nature of conveyance:</p> <p><input type="checkbox"/> Assignment                              <input type="checkbox"/> Merger  <input type="checkbox"/> Security Assignment                      <input type="checkbox"/> Change of Name  <input checked="" type="checkbox"/> Other: Cancellation of Security Agreement executed on May 8, 2001</p> <p>Execution Date: December 17, 2004</p>	<p>2. Name and address of receiving party(ies): Name: Guala Closures S.p.A. Internal Address: _____ Street Address: Via San Giovanni Bosco 53/55</p> <p>City: Alessandria State/Country: ITALY Zip: _____</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 ITALY  <input type="checkbox"/> Other _____</p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Designations must be a separate document from Assignment) Additional name/s &amp; address/es attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	--

### 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: \_\_\_\_\_

<p>A. Trademark Application No.(s) (1) (2) (3)</p>	<p>B. Trademark Registration No.(s) (1) 2,730,980 (2) (3)</p>
--	---

Additional numbers attached?  Yes  No

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

Name: Frank P. Presta  
Internal Address: \_\_\_\_\_  
Street Address: Nixon & Vanderhye P.C.  
901 North Glebe Road  
11th Floor  
City Arlington State: VA Zip: 22203

### 6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41)(8521; \$40) (8522; \$25)\$ 40.00  
 Enclosed  
 Authorized to be charged to deposit account #14-1140

### 8. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.

**DO NOT USE THIS SPACE**

### 9. Statements 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.

Frank P. Presta                                      *Frank P. Presta*                                      November 10, 2005  
Name of Person Signing                                      Signature                                      Date

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

FPP:lcb

40.00 DP

Registered in Milan 3  
Date: 30 December 2004  
Under no.: 103975  
Series: 2  
Fee: € 3.72

5  
10 Milan, 17 December 2004

Regular taxes and fees as required by D.P.R. [Presidential Decree] no. 601, 09/29/1973

15 CERTIFICATE OF CONSENT TO CANCELLATION OF BOND ON TRADEMARKS  
AND PATENTS

Reference is hereby made to the instrument that established a bond on trademarks  
and patents (the “Instrument Establishing a Bond on Trademarks and Patents”) that was  
signed in Milan on 8 May 2001, in its capacity as the party posting the bond, by Guala  
20 Closures, S.p.A., a company established in Italy, having its domicile at Via San Giovanni  
Bosco 53/55, 15100, Alessandria, recorded under no. 24208/1999 of the Commercial  
Register that is kept by the C.C.I.A.A. (Chamber of Commerce, Industry, Agriculture,  
and Crafts) of Alessandria, Tax Identification Number 12250900151, and subsequently  
merged by incorporation into Luna S.p.A., which in turn changed the name to Guala  
25 Closures S.p.A., in the person of Mr. Gianni Roberto Ferrari, date of birth: 19 November  
1944, place of birth: Alessandria, whose signature was certified by Luigi Cecala, a  
Notary of Milan, which instrument established a real right of guarantee on the trademarks  
and patents listed in Attachment B to the Instrument Establishing a Bond on Trademarks  
and Patents and on other trademarks and patents that were subsequently registered (the  
30 “Bond on Trademarks and Patents”).

The undersigned Banca Intesa S.p.A., in its capacity as Common Representative  
of the Distrainging Creditors, as defined by the Instrument Establishing a Bond on  
Trademarks And Patents, on its own behalf and also in the name of and on behalf of the  
35 Distrainging Creditors as per Art. 11 of the Instrument Establishing a Bond on Trademarks  
and Patents, hereby agrees that, if so requested of any party, the Bond on Trademarks and

Patents shall be cancelled in its entirety, whereby the Custodian shall be released from any associated liability as regards the enforcement thereof.

5 It is understood that, as provided by Art. 16 of the Instrument Establishing a Bond on Trademarks and Patents, the party posting the bond shall be solely responsible for all taxes, fees, and costs associated with this document and with the resultant formalities.

10 It is hereby requested that this document be filed in the collection of the authenticating Notary.

/s/

Banca Intesa S.p.A.,

On its own behalf and also in the name of and on behalf of the Distraing Creditors as per Art. 11 of the Instrument Establishing a Bond on Trademarks and Patents.

**AUTHENTICATION OF SIGNATURE**5 **REPUBLIC OF ITALY**

I, the undersigned Doctor Luigi Cecala, a Notary of Milan, registered with the Notary Board of the United Districts of Milan, Busto Arsizio, Lodi, Monza, and Varese,  
10 hereby certify that Mr.:

-Giuseppe Francesco Poggioli, date of birth: 11 March 1963, place of birth: Lodi,  
residing in Milan at piazza della Scala no. 6, employed,

In his capacity as attorney for:

15 **BANCA INTESA S.P.A.**, domiciled in Milan at Piazza Paolo Ferrari no. 10, recorded in  
the Commercial Register of Milan under no. 00799960158 and having said number as its  
Tax Identification Number;

Duly authorized;

The above-mentioned Banca Intesa S.p.A. is likewise acting as the common  
20 representative of the following banking institutions:

-**BANCA DI ROMA S.P.A.**, domiciled in Rome at viale Umberto Tupini no. 180,  
recorded in the Commercial Register of Rome under number 06978161005 and having  
said number as its Tax Identification Number;

25 -**UNICREDIT BANCA D'IMPRESA S.P.A.**, domiciled in Verona at via Giuseppe  
Garibaldi No. 1, recorded in the Commercial Register of Verona under no. 03656170960  
and having said number as its Tax Identification Number;

-**MCC S.P.A.**, domiciled in Rome at via Piemonte No. 51, recorded in the Commercial  
Register of Rome under no. 00594040586 and having said number as its Tax  
Identification Number;

**-CASA DI RISPARMIO DI ALESSANDRIA S.P.A.**, domiciled in Alessandria at via Dante No. 2, recorded in the Commercial Register of Alessandria under number 00186450060 and having said number as its Tax Identification Number;

5 **-BAYERISCHE HYPO- UND VEREINSBANK AG – MILAN BRANCH**, a company established in the Federal Republic of Germany, having its legal domicile at Am Tucherpark 1, 80538 Monaco, recorded under number 42148 in the Commercial Register, which is acting through its Milan branch, located at via Durini No. 9, recorded in the Commercial Register of Milan under number 09144100154 and having said number as its Tax Identification Number;

10 **-CALYON S.A.**, a company established in France, having its official domicile in Paris at 9 quai du President Paul Doumer 92 920, which is acting through its Milan branch, located at via Brera No. 21, recorded in the Commercial Register of Milan under number 11622280151 and having said number as its Tax Identification Number;

15 **-SANPAOLO IMI S.P.A.**, domiciled in Turin at piazza San Carlo No. 156, recorded in the Commercial Register of Turin under number 06210280019 and having said number as its Tax Identification Number;

20 **-BANCA POPOLARE DI MILANO, SOCIETA' COOPERATIVA A RESPONSABILITA' LIMITATA**, domiciled in Milan at Piazza Meda No. 4, recorded in the Commercial Register of Milan under number 00715120150 and having said number as its Tax Identification Number;

**-CENTROBANCA – BANCA DI CREDITO FINANZIARIO E MOBILIARE S.P.A.**, domiciled in Milan at corso Europa No. 16, recorded in the Commercial Register of Milan under number 00714470150 and having said number as its Tax Identification Number;

25 **- BANCA POPOLARE DI LODI, SOCIETA' COOPERATIVA A RESPONSABILITA' LIMITATA**, domiciled in Lodi at via Polenghi Lombardo No. 13, recorded in the Commercial Register of Lodi under number 00691360150 and having said number as its Tax Identification Number;

30 **-BANCO DI BRESCIA SAN PAOLO CAB S.P.A.**, domiciled in Brescia at Corso Martiri della Libertà No. 13, recorded in the Commercial Register of Brescia under number 003480080177 and having said number as its Tax Identification Number;

-**EFIBANCA S.P.A.**, domiciled in Rome at via Boncompagni No. 71, recorded in the Commercial Register of Rome under number 04114020961 and having said number as its Tax Identification Number;

-**THE ROYAL BANK OF SCOTLAND**, a company established in Scotland (Great Britain), domiciled at 36 St. Andrew Square, Edinburgh EH2 2YB, which is acting through its Milan branch, located at via Turati No. 16/18, recorded in the Commercial Register of Milan under number 97303360156 and having said number as its Tax Identification Number;

In accordance with Art. 11 of the Instrument Establishing a Bond on Trademarks and Patents, authenticated by myself on 8 May 2001 under No. 10022/2698, registered with the Revenue Office of Milan on 15 May 2001 under No. 5097;

Whose personal identity, qualifications, and authorization I hereby certify;

Whereby the presence of witnesses has been waived, to which I have consented;

Has in my presence signed, at the bottom and in the margins of the intermediate sheet, this private document,

Done in Milan, at via Santa Maria Segreta No. 7/9, on the seventeenth of December 2004.

[Notary seal of Milan]  
/s/

Certified copy  
Milan, 22 January 2005

Cecala, Luigi di Nicola, Notary of Milan  
[Notary seal]  
/s/

Registrato a Milano .....  
il 30 DICEMBRE 2004  
al n° 103975  
Serie 2  
Esatti € 3,72

Milano 17 dicembre 2004

IMPOSTE E TASSE REGOLATE DAL D.P.R. 29.09.1973 N. 601

**ATTO DI CONSENSO A CANCELLAZIONE DI PEGNO SU MARCHI E BREVETTI**

Si fa riferimento all'atto di costituzione di pegno su marchi e brevetti (l'"Atto di Costituzione di Pegno su Marchi e Brevetti") sottoscritto a Milano in data 8 maggio 2001 in qualità di Costituente da Guala Closures S.p.A., società costituita in Italia, con sede legale in Via San Giovanni Bosco 53/55, 15100, Alessandria, iscritta al n. 24208/1999 del Registro delle Imprese tenuto presso la C.C.I.A.A. di Alessandria, codice fiscale n. 12250900151 e successivamente fusa per incorporazione in Luna S.p.A. la quale ha a sua volta cambiato denominazione in Guala Closures S.p.A., in persona del Sig. Gianni Roberto Ferrari, nato a Alessandria il 19 novembre 1944, la cui sottoscrizione fu autenticata da Luigi Cecala, Notaio in Milano, con il quale venne costituito un diritto reale di garanzia sui Marchi e Brevetti elencati all'allegato B dell'Atto di Costituzione di Pegno su Marchi e Brevetti e sugli ulteriori marchi e brevetti successivamente registrati (il "Pegno su Marchi e Brevetti").

La scrivente Banca Intesa S.p.A., in qualità di Rappresentante Comune dei Creditori Pignoratizi ai sensi dell'Atto di Costituzione di Pegno su Marchi e Brevetti e pertanto agendo in nome proprio ed altresì in nome e per conto dei Creditori Pignoratizi ai sensi dell'Art. 11 dell' Atto di Costituzione di Pegno su Marchi e Brevetti, dichiara di consentire a che, su richiesta di chiunque, venga totalmente cancellato il Pegno su Marchi e Brevetti, con esonero per il Conservatore da ogni responsabilità al riguardo in ordine alle formalità da eseguirsi.

Resta inteso che, in conformità a quanto previsto dall'Art. 16 dell'Atto di Costituzione di Pegno su Marchi e Brevetti le tasse, le imposte e le spese relative al presente atto e alle conseguenti formalità sono interamente a carico del Costituente.

Si richiede il deposito del presente atto nella Raccolta del Notaio autenticante.



*[Handwritten signature of Francesco Pedio]*

**Banca Intesa S.p.A.**

per conto proprio ed in qualità di Rappresentante Comune dei Creditori Pignoratizi ai sensi dell'Atto di Costituzione di Pegno su Marchi e Brevetti

*[Handwritten signature]*

**AUTENTICA DI FIRMA  
REPUBBLICA ITALIANA**

Certifico io sottoscritto Dottor **LUIGI CECALA** Notaio in Milano, iscritto presso il Collegio Notarile dei Ristretti Riuniti di Milano, Busto Arsizio, Lodi, Monza e Varese che il signor:

- Giuseppe Francesco Poggioli, nato a Lodi il giorno 11 marzo 1963, domiciliato in Milano, piazza della Scala n. 6, impiegato nella sua qualità di procuratore di

**BANCA INTESA S.P.A.**, con sede in Milano, Piazza Paolo Ferrari n. 10, numero di iscrizione presso il Registro delle Imprese di Milano e codice fiscale 00799960158;

munito degli occorrenti poteri

la quale Banca Intesa S.p.A. interviene altresì in qualità di Rappresentante Comune dei seguenti istituti bancari:

- **BANCA DI ROMA S.P.A.**, con sede in Roma, viale Umberto Tupini n. 180, numero di iscrizione presso il Registro delle Imprese di Roma e codice fiscale 06978161005;

- **UNICREDIT BANCA D'IMPRESA S.P.A.**, con sede in Verona, via Giuseppe Garibaldi n. 1, numero di iscrizione presso il Registro delle Imprese di Verona e codice fiscale 03656170960;

- **MCC S.P.A.**, con sede in Roma, via Piemonte n. 51, numero di iscrizione presso il Registro delle Imprese di Roma e codice fiscale 00594040586;

- **CASSA DI RISPARMIO DI ALESSANDRIA S.P.A.**, con sede in Alessandria, via Dante n. 2, numero di iscrizione presso il Registro delle Imprese di Alessandria e codice fiscale 00186450060;

- **BAYERISCHE HYPO-UND VEREINSBANK AG - MILAN BRANCH**, società costituita nella Repubblica Federale di Germania, con sede legale in Am Tucherpark 1, 80538 Monaco, iscritta al N. 42148 del registro delle società, che agisce per il tramite della sua filiale di Milano, Via Durini n. 9 numero di iscrizione presso il Registro delle Imprese di Milano e Codice fiscale 09144100154;

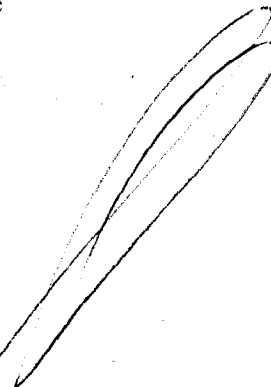
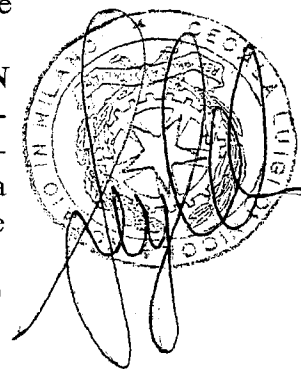
- **CALYON S.A.**, società costituita in Francia, con sede legale in Parigi, 9 quai du President Paul Doumer 92 920, che agisce per il tramite della sua filiale di Milano, via Brera n. 21, numero di iscrizione presso il Registro delle Imprese di Milano e codice fiscale 11622280151;

- **SANPAOLO IMI S.P.A.**, con sede in Torino, piazza San Carlo n. 156, numero di iscrizione presso il Registro delle Imprese di Torino e codice fiscale 06210280019;

- **BANCA POPOLARE DI MILANO SOCIETA' COOPERATIVA A RESPONSABILITA' LIMITATA**, con sede in Milano, Piazza Meda n. 4, numero di iscrizione presso il Registro delle Imprese di Milano e codice fiscale 00715120150;

- **CENTROBANCA - BANCA DI CREDITO FINANZIARIO E MOBILIARE S.P.A.**, con sede in Milano, corso Europa n. 16, numero di iscrizione presso il Registro delle Imprese di Milano e codice fiscale 00714470150;

- **BANCA POPOLARE DI LODI SOCIETA' COOPERATIVA A RESPONSABILITA' LIMITATA**, con sede in Lodi, via Polenghi Lombardo n. 13, numero di iscrizione presso il Registro delle Imprese di Lodi e codice fiscale 00691360150;





- BANCO DI BRESCIA SAN PAOLO CAB S.P.A., con sede in Brescia, Corso Martiri della Libertà n. 13, codice fiscale e numero di iscrizione presso il Registro delle Imprese di Brescia 03480080177;

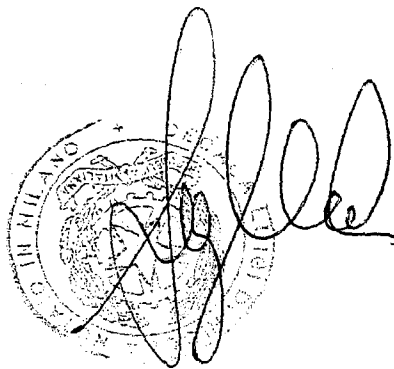
- EFIBANCA S.P.A., con sede in Roma, via Boncompagni n. 71, numero di iscrizione presso il Registro delle Imprese di Roma e codice fiscale 04114020961;

- THE ROYAL BANK OF SCOTLAND, società costituita in Scozia (Gran Bretagna) con sede legale in 36 St. Andrew Square, Edimburgo EH2 2YB, che agisce per il tramite della sua filiale di Milano, via Turati n. 16/18, numero di iscrizione presso il Registro delle Imprese di Milano e codice fiscale 97303360156

ai sensi dell'art. 11 dell'atto di Costituzione di Pegno su Marchi e Brevetti da me autenticato in data 8 maggio 2001 al N. 10022/2698, registrato presso l'Agenzia delle Entrate di Milano il 15 maggio 2001 al N. 5097.

della cui identità personale, qualifica e poteri io Notaio sono certo, premessa la rinuncia all'assistenza dei testimoni, con il mio consenso, ha sottoscritto alla mia presenza in calce e nel margine del foglio intermedio, la presente scrittura privata.

Milano, via Santa Maria Segreta n. 7/9, lì diciassette dicembre duemilaquattro.

A handwritten signature in black ink is written over a circular notary seal. The seal contains the text "C.C.I.A.A. MILANO" and "C.A.M. MILANO".

COPIA CONFORME ALL'ORIGINALE  
MILANO, 22 GIUGNO 2005

A handwritten signature in black ink is written over a circular notary seal. The seal contains the text "CECALA LUIGI DI NICOLA" and "C.A.M. MILANO".



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Law Office: Assignment Division  
Serial No.: 75/557,466  
Registration No. 2,730,980

Mark: GUALA CLOSURES

In re Trademark Application of

Guala Closures, S.p.A.

Atty. Ref.: 4014-28

Filed: September 23, 1998

Attorney: Frank P. Presta

\* \* \* \* \*

November 10, 2005

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

**DESIGNATION OF DOMESTIC REPRESENTATIVE**

Nixon & Vanderhye P.C., whose postal address is 901 North Glebe Road, 11th Floor, Arlington, Virginia 22203-1808, and Larry S. Nixon, Robert A. Vanderhye, Arthur R. Crawford, James T. Hosmer, Robert W. Faris, Robert W. Adams, Richard G. Besha, Mark E. Nusbaum, Michael J. Keenan, Bryan H. Davidson, Stanley C. Spooner, Robert A. Rowan, Leonard C. Mitchard, Duane M. Byers, Jeffry H. Nelson, Donna J. Bunton, John R. Lastova, H. Warren Burnam, Jr., Mary J. Wilson, Alan M. Kagen, Michael E. Crawford, Robert A. Molan, B. J. Sadoff, Updeep S. Gill, Jonathon T. Reavill, Michael J. Shea, Sheryl L. Scharmach, Michelle N. Lester, Frank P. Presta, Joseph S. Presta, Joseph A. Rhoa, Raymond Y. Mah, Chris Comuntzis, Gary R. Tanigawa, Paul T.

**GUALA CLOSURES**

Serial No. 75/557,466

Registration No. 2,730,980

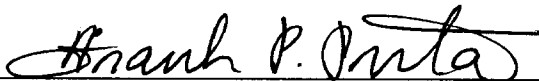
Bowen, Willem F. Gadiano and Gordon P. Klancnik are designated as Guala Closures

S.p.A's representatives on whom notices or processes in proceedings affecting the

above-identified mark may be served.

Respectfully submitted,

**GUALA CLOSURES S.p.A.**

By: 

Frank P. Presta  
Attorney for Applicant

FPP:lcb

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

# GFE TRANSLATION Co., Est'd. 1971

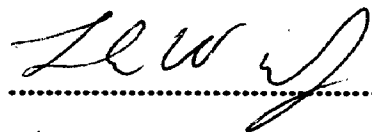
HARRY JULICH, ENGINEER  
6807 WINTER LANE  
ANNANDALE, VA 22003  
PHONE: (703) 354-0491  
FAX: (703) 354-2269

## CERTIFICATION

I, the undersigned, am a professional translator, fully competent to translate from Italian into English, and I declare hereby that the attached English rendition, is a genuine translation, accurate in every particular, to the best of my ability and knowledge, of the Italian <sup>x</sup> text, also attached,

## CERTIFICATE OF CONSENT TO CANCELLATION OF BOND ON TRADEMARKS AND PATENTS

The 26th of September 2005



Th. Appich

\* ATTO DI CONSENSO A CANCELLAZIONE DI PEGNO SU MARCHI E BREVETTI • H. Julich, 9-28-2005