

CORRECTED ASSIGNMENT

REEL/FRAME: 002313/0783

Form PTO-1594 (Rev. 07/05)

OMB Collection 0651-0027 (exp. 6/30/2008)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**RECORDATION FORM COVER SHEET
TRADEMARKS ONLY**

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):TXI Operations, LP
Texas Industries, Inc.

- ☐ Individual(s) ☐ Association
☐ General Partnership ☒ Limited Partnership
☐ Corporation- State: _____
☐ Other _____

Citizenship (see guidelines) DelawareAdditional names of conveying parties attached? ☐ Yes ☒ No**3. Nature of conveyance)/Execution Date(s) :**Execution Date(s) March 1, 2001

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

2. Name and address of receiving party(ies)Additional names, addresses, or citizenship attached? ☐ Yes ☒ NoName: Expanded Shale, Clay and Slate Institute

Internal

Address: _____

Street Address: 2225 E. Murray-Holladay Road, Suite 102City: Salt Lake CityState: UtahCountry: USA Zip: 84117

- ☐ Association Citizenship _____
☐ General Partnership Citizenship _____
☐ Limited Partnership Citizenship _____
☒ Corporation Citizenship Delaware
☐ Other _____ Citizenship _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No
(Designations must be a separate document from assignment)**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2350458

Additional sheet(s) attached? ☐ Yes ☒ NoC. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):
SMARTWALL SYSTEMS**5. Name & address of party to whom correspondence concerning document should be mailed:**Name: Lawrence A. Swain, Esq.

Internal Address: _____

Street Address: 9225 Indian Creek ParkwayCity: Overland ParkState: Kansas Zip: 66210Phone Number: 913-451-3355Fax Number: 913-451-3361Email Address: lswain@stklaw.com**6. Total number of applications and registrations involved:**

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card
☒ Authorized to be charged to deposit account
☐ Enclosed

8. Payment Information:a. Credit Card Last 4 Numbers _____
Expiration Date _____b. Deposit Account Number 12-1660Authorized User Name Shughart Thomson & Kilroy PC**9. Signature:**

Signature

4-7-06

Date

Lawrence A. Swain

Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

700256865

TRADEMARK
REEL: 003287 FRAME: 0283

CH \$40.00 121660 2350458

ASSIGNMENT OF REGISTERED TRADEMARK

WHEREAS, **TEXAS INDUSTRIES, INC.**, a Delaware corporation with principal offices at 1341 W. Mockingbird Lane, Dallas, Texas 75247 ("Assignor") has adopted, used and is using a mark which is registered in the United States and Trademark Office, Registration No. 2,350,458, dated May 16, 2000 (the "Smartwall Systems Mark"); and

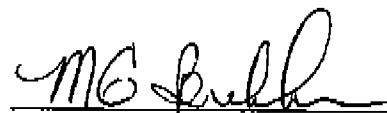
WHEREAS, **EXPANDED SHALE, CLAY AND SLATE INSTITUTE**, a trade association with principal offices at 2225 Murray-Holladay Road, Suite 102, Salt Lake City, Utah 84117 ("Assignee") is desirous of acquiring said mark and the registration thereof.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said **TEXAS INDUSTRIES, INC.** does hereby assign unto said **EXPANDED SHALE, CLAY AND SLATE INSTITUTE** all rights, title and interest in and to the Smartwall Systems Mark, together with the good will of the business symbolized by the Smartwall Systems Mark, and the above identified registration thereof.

EXECUTED, this 1st day of March, 2001.

TEXAS INDUSTRIES, INC.

By:



Mel G. Brekhus
Executive Vice President

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Mel G. Brekhus, known to me to be the person and officer whose name is subscribed to the foregoing instrument entitled Assignment of Registered Trademark, and acknowledged to me that the same was the act of the said **TEXAS INDUSTRIES, INC.**, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 1st day of March, 2001.



Notary Public in and for
The State of Texas

DEBRA A. LUBBERT
Notary Public In and for
the State of Texas
My Commission Expires 11-3-01