

## TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT														
NATURE OF CONVEYANCE:	to correct a Merger Document inadvertently recorded in error against the registration														
CONVEYING PARTY DATA															
<table border="1"> <thead> <tr> <th>Name</th> <th>Formerly</th> <th>Execution Date</th> <th>Entity Type</th> </tr> </thead> <tbody> <tr> <td>Arnold Industries, Inc.</td> <td></td> <td>12/11/2003</td> <td>CORPORATION: PENNSYLVANIA</td> </tr> </tbody> </table>				Name	Formerly	Execution Date	Entity Type	Arnold Industries, Inc.		12/11/2003	CORPORATION: PENNSYLVANIA				
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RECEIVING PARTY DATA															
<table border="1"> <tr> <td>Name:</td> <td>Arnold Industries, Inc.</td> </tr> <tr> <td>Street Address:</td> <td>10990 Roe Avenue</td> </tr> <tr> <td>City:</td> <td>Overland Park</td> </tr> <tr> <td>State/Country:</td> <td>KANSAS</td> </tr> <tr> <td>Postal Code:</td> <td>66211</td> </tr> <tr> <td>Entity Type:</td> <td>CORPORATION: PENNSYLVANIA</td> </tr> </table>				Name:	Arnold Industries, Inc.	Street Address:	10990 Roe Avenue	City:	Overland Park	State/Country:	KANSAS	Postal Code:	66211	Entity Type:	CORPORATION: PENNSYLVANIA
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Postal Code:	66211														
Entity Type:	CORPORATION: PENNSYLVANIA														
PROPERTY NUMBERS Total: 1															
<table border="1"> <thead> <tr> <th>Property Type</th> <th>Number</th> <th>Word Mark</th> </tr> </thead> <tbody> <tr> <td>Registration Number:</td> <td>1712273</td> <td>NEW PENN</td> </tr> </tbody> </table>				Property Type	Number	Word Mark	Registration Number:	1712273	NEW PENN						
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Registration Number:	1712273	NEW PENN													
CORRESPONDENCE DATA															
<p>Fax Number: 5125364598</p> <p><i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i></p> <p>Phone: 612.321.2812</p> <p>Email: pgallagher@fulbright.com</p> <p>Correspondent Name: Pat Gallagher/Fulbright &amp; Jaworski LLP</p> <p>Address Line 1: 98 San Jacinto Boulevard, Suite 1100</p> <p>Address Line 2: c/o Trademark Docketing Dept.</p> <p>Address Line 4: Austin, TEXAS 78701-4255</p>															
ATTORNEY DOCKET NUMBER:	MERGER														
NAME OF SUBMITTER:	Patrick J. Gallagher														
Signature:	/Patrick J. Gallagher/														

Date:

08/31/2012

**Total Attachments: 7**

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IN THE MATTER OF United States  
Trademark Registration No. 1,712,273  
for the Mark NEW PENN & Design in  
International Class 39 in the name of  
Arnold Industries, Inc.

### **AFFIDAVIT OF PATRICK J. GALLAGHER**

I, PATRICK J. GALLAGHER, of St. Paul, Minnesota, United States of America, MAKE OATH  
AND SAY AS FOLLOWS:

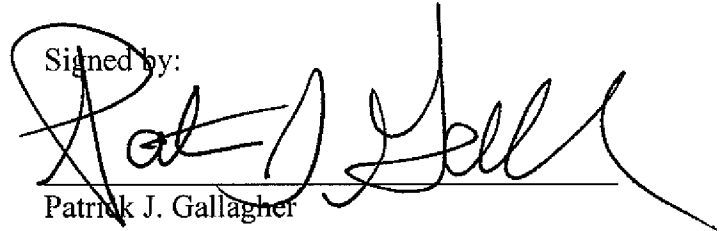
1. I am Patrick J. Gallagher, Partner at Fulbright & Jaworski L.L.P., the correspondent of record for the Recorded Merger Document for which a Corrective Assignment is being submitted. I therefore have personal knowledge of the matter for which I hereinafter depose. I am also duly authorized to make this affidavit on behalf of the owner, Arnold Industries, Inc. (now known as Roadway Next Day Corporation)("Owner").
2. A merger document between Roadway Corporation and Yankee LLC was incorrectly recorded with the Assignment Branch of the U.S. Patent and Trademark Office in connection with U.S. Registration No. 1,712,273 for the mark NEW PENN & Design. This document was inadvertently recorded against the referenced registration; this document does not pertain to this registration.
3. This affidavit is being submitted in conjunction with a corrective assignment recordation request concerning the document previously recorded on December 20, 2003, at Reel/Frame 2767/0229. In the Corrective Assignment, we are requesting that the record be corrected to disregard the merger document and to reflect the correct entity as Owner.

I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false

statements may jeopardize the validity of this document, declare that I am properly authorized to execute this document on behalf of the Owner, and all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Date: August 31, 2012

Signed by:



Patrick J. Gallagher  
Partner  
Fulbright & Jaworski L.L.P.

**SOLEMLY DELCARED BEFORE ME**  
City of Minneapolis, State of Minnesota  
this 31st day of August, 2012

)  
)  
)



Kathy L. Nelson  
Notary Public

Stamp:

**TRADEMARK ASSIGNMENT**

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
ROADWAY CORPORATION		12/11/2003	CORPORATION: DELAWARE

RECEIVING PARTY DATA

Name:	YANKEE LLC
Street Address:	10990 ROE BLVD.
City:	OVERLAND PARK
State/Country:	KANSAS
Postal Code:	66211
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE

PROPERTY NUMBERS Total: 2

Property Type	Number	Word Mark
Serial Number:	76453015	SUPPLY CHAIN LUBRICATION
Registration Number:	1712273	NEW PENN

CORRESPONDENCE DATA

Fax Number: (214)855-8200  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 2148557104  
 Email: HOTRADEMARK@FULBRIGHT.COM  
 Correspondent Name: FULBRIGHT & JAWORSKI LLP  
 Address Line 1: 1301 McKINNEY  
 Address Line 2: SUITE 5100  
 Address Line 4: HOUSTON, TEXAS 77010-3095

ATTORNEY DOCKET NUMBER:	10310836
NAME OF SUBMITTER:	ANN K. BURNS

Total Attachments: 3  
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CH \$65.00 76453015

**TRADEMARK**  
 REEL: 002767 FRAME: 0229  
**TRADEMARK**  
 REEL: 004854 FRAME: 0277



# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:  
"ROADWAY CORPORATION", A DELAWARE CORPORATION,  
WITH AND INTO "YANKEE LLC" UNDER THE NAME OF "YANKEE LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE ELEVENTH DAY OF DECEMBER, A.D. 2003, AT 7:56 O'CLOCK A.M.  
A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3677298 8100M  
030795342

AUTHENTICATION: 2802714  
DATE: 12-11-03

TRADEMARK  
REEL: 002767 FRAME: 0231  
TRADEMARK  
REEL: 004854 FRAME: 0279

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 08:03 AM 12/11/2003  
FILED 07:56 AM 12/11/2003  
SRV 030795342 - 3671298 FILE

**CERTIFICATE OF MERGER**

Merging  
Roadway Corporation, a Delaware corporation  
Into  
Yankee LLC, a Delaware Limited Liability company

Pursuant to the provisions of Section 264 of the Delaware General Corporation Law (the "DGCL") and Section 18-209 of the Limited Liability Company Act of the State of Delaware (the "DLCA"), the undersigned Limited Liability company submits the following Certificate of Merger for the purpose of effecting a merger of domestic entities under the DGCL and the DLCA.

1. The name and state of incorporation or organization of each of the constituent entities is as follows:

<u>Name of Corporation or Limited Liability Company</u>	<u>State of Incorporation or Organization</u>
Roadway Corporation	Delaware
Yankee LLC	Delaware

2. An agreement of merger has been approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with Section 264(b) of the DGCL and Section 18-209 of the DLCA.

3. The name of the surviving limited liability company is Yankee LLC (the "Surviving Entity").

4. The Certificate of Formation of Yankee LLC shall be the Certificate of Formation of the Surviving Entity, with the exception that Article First of the Certificate of Formation shall be amended to read in its entirety as follows: "The name of the limited liability company is Roadway LLC."


5. The executed agreement of merger is on file at the principal place of business of the Surviving Entity, located at 1077 Gorge Boulevard, Akron, Ohio 44310.

6. A copy of the agreement of merger will be furnished by the Surviving Entity, on request and without cost, to any stockholder or member in either constituent entity.



IN WITNESS WHEREOF, this Certificate of Merger has been executed by the undersigned, a duly authorized officer of the Surviving Entity, as of the 11<sup>th</sup> day of December, 2003.

Yankee LLC

By:   
Daniel J. Chisney  
Senior Vice President, General Counsel  
and Secretary