

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM416609

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	SECURITY INTEREST

## CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
The Brewer Company		02/17/2017	Corporation: OHIO

## RECEIVING PARTY DATA

<b>Name:</b>	The Huntington National Bank
<b>Street Address:</b>	525 Vine Street
<b>Internal Address:</b>	20TH Floor
<b>City:</b>	Cincinnati
<b>State/Country:</b>	OHIO
<b>Postal Code:</b>	45202
<b>Entity Type:</b>	Corporation: MARYLAND

## PROPERTY NUMBERS Total: 10

Property Type	Number	Word Mark
Registration Number:	1907362	FORTRESS
Registration Number:	2080439	FORTRESS
Registration Number:	2118607	FORTRESS
Registration Number:	2182076	FORTRESS
Registration Number:	2183684	FORTRESS
Registration Number:	1846744	STORM KING
Registration Number:	2864809	BREWER COTE
Registration Number:	2586004	ECLIPSE
Registration Number:	1072682	
Registration Number:	1817936	

## CORRESPONDENCE DATA

Fax Number: 6142272100

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

Email: mbarnett@porterwright.com

Correspondent Name: Melissa A. Barnett

Address Line 1: 41 S. High Street

Address Line 2: Ste. 3100

Address Line 4: Columbus, OHIO 43215

TRADEMARK

<b>ATTORNEY DOCKET NUMBER:</b>	0266900-206338
<b>NAME OF SUBMITTER:</b>	Melissa A. Barnett
<b>SIGNATURE:</b>	/Melissa A. Barnett/
<b>DATE SIGNED:</b>	02/17/2017

**Total Attachments: 15**

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## SHORT FORM TRADEMARK SECURITY AGREEMENT

**SHORT FORM TRADEMARK SECURITY AGREEMENT**, dated as of February 17, 2017, by THE BREWER COMPANY, an Ohio corporation (“*Borrower*”), each of the entities listed on the signature pages hereof as grantors or that becomes a party hereto pursuant to *Section 7.9 (Additional Grantors)* of the Security Agreement referred to below (together with Borrower, each a “*Grantor*” and, collectively, the “*Grantors*”) in favor of THE HUNTINGTON NATIONAL BANK (“*Lender*”).

### WITNESSETH:

WHEREAS, pursuant to the Credit Agreement of even date herewith (as amended, restated, supplemented, or otherwise modified from time to time, the “*Loan Agreement*”) between Borrower and Lender, Lender has agreed to make extensions of credit to Borrower upon the terms and subject to the conditions set forth therein; and

WHEREAS, all the Grantors are party to a Security Agreement and Collateral Assignment of even date herewith in favor of Lender (the “*Security Agreement*”) pursuant to which the Grantors are required to execute and deliver this Short Form Trademark Security Agreement;

NOW, THEREFORE, in consideration of the premises and to induce Lender to enter into the Loan Agreement and to induce Lender to continue to make extensions of credit to Borrower thereunder, each Grantor hereby agrees with Lender as follows:

**Section 1. Defined Terms.** Unless otherwise defined herein, capitalized terms defined in the Loan Agreement or in the Security Agreement and used herein have the meaning given to them in the Loan Agreement or the Security Agreement.

**Section 2. Grant of Security Interest in Trademark Collateral.** Each Grantor, as collateral security for the full, prompt and complete payment and performance when due (whether at stated maturity, by acceleration or otherwise) of the Secured Obligations, hereby collaterally mortgages, pledges and hypothecates to Lender, and grants to Lender a lien on and security interest in, all of its right, title and interest in, to and under the following Collateral of such Grantor (the “*Trademark Collateral*”):

- (a) all of its Trademarks and Trademark Licenses to which it is a party, including without limitation those referred to on *Schedule I* hereto;
- (b) all reissues, continuations or extensions of the foregoing;
- (c) all goodwill of the business connected with the use of, and symbolized by, each Trademark and each Trademark License; and
- (d) all Proceeds of the foregoing, including without limitation any claim by such Grantor against third parties for past, present, future (i) infringement or dilution of any Trademark or Trademark licensed under any Trademark License, or (ii) injury to the goodwill associated with any Trademark or any Trademark licensed under any Trademark License.

**Section 3. Security Agreement.** The security interest granted pursuant to this Short Form Trademark Security Agreement is granted in conjunction with the security interest granted to Lender pursuant to the Security Agreement, and each Grantor hereby acknowledges and affirms that the rights and remedies of Lender with respect to the security interest in the Trademark Collateral made and granted hereby are more fully set forth in the Security Agreement, the terms and provisions of which are incorporated by reference herein as if fully set forth herein.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, Grantor has caused this Short Form Trademark Security Agreement to be executed and delivered by its duly authorized officer as of the date first set forth above.

Very truly yours,

GRANTOR:

**THE BREWER COMPANY**, an Ohio  
corporation

By: \_\_\_\_\_

*Pinckney W. Brewer*  
Pinckney W. Brewer, President

[SIGNATURE PAGE TO SHORT FORM TRADEMARK SECURITY AGREEMENT]

**TRADEMARK**  
**REEL: 005991 FRAME: 0694**

ACCEPTED AND AGREED  
as of the date first above written:

THE HUNTINGTON NATIONAL BANK

By:

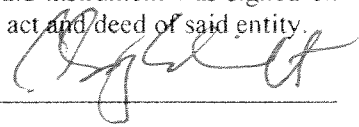
  
Adam B. Rottenberg, Vice President

[SIGNATURE PAGE TO SHORT FORM TRADEMARK SECURITY AGREEMENT]

ACKNOWLEDGEMENT OF GRANTORS

STATE OF OHIO )  
 ) ss.  
COUNTY OF Hamilton )

On this 15<sup>th</sup> day of February, 2017, before me personally appeared Pinckney W. Brewer, proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument on behalf of THE BREWER COMPANY, an Ohio corporation, who being by me duly sworn did depose and say that he is an authorized representative of said entity, that said instrument was signed on behalf of said entity and that he acknowledged said instrument to be the free act and deed of said entity.

  
\_\_\_\_\_

Notary Public



G. GREGORY SCHMIDT, ESQ. Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration  
date, Section 147.03 O.R.C.

SCHEDULE I  
TO  
SHORT FORM TRADEMARK SECURITY AGREEMENT

*Trademark Registrations*

A. REGISTERED TRADEMARKS (See Attached Registrations)

Trademark	Country	Status	App. Date	App. No.	Reg. Date	Reg. No.
Fortress	U.S.	Active			07/25/1995	1,907,362
Fortress	U.S.	Active			07/22/1997	2,080,439
Fortress & Design	U.S.	Active			12/09/1997	2,118,607
Fortress & Design	U.S.	Active			08/18/1998	2,182,076
Fortress	U.S.	Active			08/25/1998	2,183,684
Storm King	U.S.	Active			07/26/1994	1,846,744
Brewer Cote	U.S.	Active			07/20/2004	2,864,809
Eclipse	U.S.	Active			06/25/2002	2,586,004
Dog Design	U.S.	Active			09/06/1977	1,072,682
Dog Design	U.S.	Active			01/25/1994	1,817,936

B. TRADEMARK APPLICATIONS

NONE

C. TRADEMARK LICENSES

NONE

Int. Cl.: 19

Prior U.S. Cl.: 12

Reg. No. 1,907,362

**United States Patent and Trademark Office** Registered July 25, 1995

**TRADEMARK  
PRINCIPAL REGISTER**

**FORTRESS**

BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FIRST USE 0-0-1992; IN COMMERCE  
0-0-1992.

SER. NO. 74-503,427, FILED 3-15-1994.

FOR: BITUMINOUS COATINGS AND CEMENTS FOR USE IN ROOFING, WATER-PROOFING, AND DAMPPROOFING, IN CLASS 19 (U.S. CL. 12).

ANTHONY R. MASIELLO, EXAMINING ATTORNEY



Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

Reg. No. 2,080,439

United States Patent and Trademark Office

Registered July. 22, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**FORTRESS**

BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FOR: REINFORCING FABRICS USED WITH  
HOT AND COLD APPLIED COATINGS AND  
CEMENTS TO REINFORCE ROOFING, WATERPROOFING, PIPE WRAP, INSULATION,

TENNIS COURTS AND DAMP PROOFING, IN  
CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 8-0-1992; IN COMMERCE  
8-0-1992.

OWNER OF U.S. REG. NO. 704,827.

SER. NO. 74-378,803, FILED 4-12-1993.

JOAN LESLIE BISHOP, EXAMINING ATTORNEY

**TRADEMARK**

**REEL: 005991 FRAME: 0699**

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

United States Patent and Trademark Office

Corrected

Reg. No. 2,118,607

Registered Dec. 9, 1997

OG Date Oct. 26, 1999

TRADEMARK  
PRINCIPAL REGISTER

 **FORTRESS**

BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

OWNER OF U.S. REG. NO. 704,827.

FOR: REINFORCING FABRICS USED WITH HOT AND COLD APPLIED COATINGS AND CEMENTS TO REINFORCE ROOFING, WATERPROOFING,

PIPE WRAP, INSULATION, TENNIS COURTS [ DRYWALL ] \* AND \* DAMP PROOFING [ RETAINING NEW SEEDLINGS, EROSION CONTROL AND DITCH LINERS], IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 8-0-1992; IN COMMERCE 8-0-1992.

SER. NO. 74-378,796, FILED 4-12-1993.



*In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Oct. 26, 1999.*

*A. Todd Johnson*

COMMISSIONER OF PATENTS AND TRADEMARKS

TRADEMARK  
REEL: 005991 FRAME: 0700

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

Reg. No. 2,182,076

**United States Patent and Trademark Office**

Registered Aug. 18, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**FORTRESS**

BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FOR: NON-METAL FENCING; NON-METAL MESH SCREENS; CONSTRUCTION MATERIALS, NAMELY, REINFORCING FABRICS USED FOR THE REINFORCEMENT OF CONSTRUCTION TAPE, PIPE WRAP, INSULATION, ROOFING, DAMPPROOFING, AND WATERPROOFING OF VARIOUS SUBSTRATES ON ARCHITECTURAL STRUCTURES; CONSTRUCTION MATERIALS, NAMELY, REINFORCING FABRICS USED FOR THE REINFORCEMENT OF FENCING AND SCREENING; AND CON-

STRUCTION MATERIALS, NAMELY, REINFORCING FABRICS USED FOR THE REINFORCEMENT AND/OR WATERPROOFING OF NEW OR EXISTING PAVEMENT SURFACES, BUT EXCLUDING ROADWAYS, STREETS, AND HIGHWAYS, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 8-0-1992; IN COMMERCE 8-0-1992.

OWNER OF U.S. REG. NOS. 704,827, 2,080,439 AND OTHERS.

SER. NO. 75-279,459, FILED 4-22-1997.

CONRAD WONG, EXAMINING ATTORNEY

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

Reg. No. 2,183,684

United States Patent and Trademark Office

Registered Aug. 25, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**FORTRESS**

BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FOR: NON-METAL FENCING; NON-METAL MESH SCREENS; CONSTRUCTION MATERIALS, NAMELY, REINFORCING FABRICS USED FOR THE REINFORCEMENT OF CONSTRUCTION TAPE, PIPE WRAP, INSULATION, ROOFING, DAMPPROOFING, AND WATERPROOFING OF VARIOUS SUBSTRATES ON ARCHITECTURAL STRUCTURES; CONSTRUCTION MATERIALS, NAMELY, REINFORCING FABRICS USED FOR THE REINFORCEMENT OF FENCING AND SCREENING; AND CON-

STRUCTION MATERIALS, NAMELY, REINFORCING FABRICS USED FOR THE REINFORCEMENT AND/OR WATERPROOFING OF NEW OR EXISTING PAVEMENT SURFACES, BUT EXCLUDING ROADWAYS, STREETS, AND HIGHWAYS, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 8-0-1992; IN COMMERCE 8-0-1992.

OWNER OF U.S. REG. NOS. 704,827, 2,080,439 AND OTHERS.

SER. NO. 75-279,058, FILED 4-22-1997.

CONRAD WONG, EXAMINING ATTORNEY

Int. Cl.: 19

Prior U.S. Cl.: 12

**United States Patent and Trademark Office**

Reg. No. 1,846,744

Registered July 26, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

**STORM KING**

BREWER COMPANY, THE (OHIO CORPORATION)  
1434 U.S. HIGHWAY 50  
MILFORD, OH 45150

FIRST USE 2-0-1971; IN COMMERCE  
2-0-1971.

SER. NO. 74-366,084, FILED 3-8-1993.

FOR: ASPHALT BASED ROOF COATINGS,  
IN CLASS 19 (U.S. CL. 12).

R. G. COLE, EXAMINING ATTORNEY

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

United States Patent and Trademark Office

Reg. No. 2,864,809

Registered July 20, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**BREWER COTE**

THE BREWER COMPANY (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FIRST USE 7-6-1945; IN COMMERCE 7-6-1945.

OWNER OF U.S. REG. NO. 1,841,851.

FOR: BITUMINOUS COATINGS AND CEMENT FOR USE IN ROOFING, WATERPROOFING, AND DAMPPROOFING; REINFORCING FABRICS FOR USE IN ROOFING, WATERPROOFING, AND PAVEMENT REPAIR AND MAINTENANCE; BITUMINOUS BASED PAVEMENT SEALERS, CRACKFILLERS, AND PATCHING MATERIALS FOR USE IN PAVEMENT REPAIR AND MAINTENANCE, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE COAT, APART FROM THE MARK AS SHOWN.

SER. NO. 78-175,416, FILED 10-17-2002.

JOHN B. MICHOS, EXAMINING ATTORNEY

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33, and 50

Reg. No. 2,586,004

United States Patent and Trademark Office

Registered June 25, 2002

TRADEMARK  
PRINCIPAL REGISTER

ECLIPSE

BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FIRST USE 5-7-2001; IN COMMERCE 5-7-2001.

SN 75-857,336, FILED 11-24-1999.

FOR: BITUMINOUS BASED COATINGS FOR  
PAVEMENT, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND  
50).

DAVID H. STINE, EXAMINING ATTORNEY

Int. Cl.: 19

Prior U.S. Cl.: 12

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,072,682

Registered Sep. 6, 1977

Renewal Term Begins Sep. 6, 1997

**TRADEMARK  
PRINCIPAL REGISTER**



BREWER COMPANY, THE (OHIO COR-  
PORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FOR: BITUMINOUS SEALING,  
PATCHING AND CRACK FILLING MA-  
TERIALS, IN CLASS 19 (U.S. CL. 12).  
FIRST USE 4-5-1972; IN COMMERCE  
4-5-1972.

SER. NO. 73-107,286, FILED 11-22-1976.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Jan. 20, 1998.*



Int. Cl.: 19

Prior U.S. Cls.: 12 and 42

**United States Patent and Trademark Office**

Reg. No. 1,817,936

Registered Jan. 25, 1994

**TRADEMARK  
PRINCIPAL REGISTER**



BREWER COMPANY, THE (OHIO CORPORATION)  
1354 U.S. HIGHWAY 50  
MILFORD, OH 45150

FOR: BITUMINOUS ROOF COATINGS AND  
WOVEN AND NON-WOVEN REINFORCING  
FABRICS FOR USE IN ROOFING, ROOF  
REPAIR, DRIVEWAY PAVING AND DRIVE-

WAY REPAIR, IN CLASS 19 (U.S. CLS. 12 AND  
42).

FIRST USE 4-5-1972; IN COMMERCE  
4-5-1972.

SER. NO. 74-361,314, FILED 2-19-1993.

VIVIAN MICZNIK FIRST, EXAMINING AT-  
TORNEY