

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM756993

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT		
NATURE OF CONVEYANCE:	Corrective Assignment to correct the record by removing Reg. No. 788933 from the recordal previously recorded on Reel 001335 Frame 0762. Assignor(s) hereby confirms the ASSIGNS THE ENTIRE INTEREST.		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Southern Equipment Company		03/13/1995	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	DUKE MANUFACTURING COMPANY		
Street Address:	2305 N. BROADWAY		
City:	ST. LOUIS		
State/Country:	MISSOURI		
Postal Code:	63102		
Entity Type:	Corporation: MISSOURI		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	0788933	FLOMATIC	
CORRESPONDENCE DATA			
Fax Number:	3127506546		
<i>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.</i>			
Phone:	312.269.8000		
Email:	temanelson@nge.com		
Correspondent Name:	Thomas C. McDonough		
Address Line 1:	2 North LaSalle Street, Suite 1700		
Address Line 2:	Neal, Gerber & Eisenberg LLP		
Address Line 4:	Chicago, ILLINOIS 60602		
ATTORNEY DOCKET NUMBER:	008496.7062		
NAME OF SUBMITTER:	Thomas C. McDonough		
SIGNATURE:	/Thomas C. McDonough/		
DATE SIGNED:	09/22/2022		
Total Attachments: 17			
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NEAL GERBER EISENBERG

September 22, 2022

Thomas C. McDonough
Attorney at Law

Tel 312.269.5282
Fax 312.578.4946
tmcdonough@nge.com

VIA ONLINE SUBMISSION

Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Re: Correction of the Assignment History for United States
Trademark Reg. No. 788,933 for the mark FLOMATIC**

Dear Sir or Madam:

This submission is being made on behalf of Engineered Controls International, LLC (“ECI”) and is a request for a correction of the Assignment Recordation Branch records for the above-referenced registration.

ECI is the owner of record of the FLOMATIC mark and corresponding United States Trademark Registration No. 788,933 therefore (the “Registration”). Certain extraneous and improper assignments have been recorded against the Registration, according to the records of the Assignment Recordation Branch. ECI respectfully requests that the Assignment Recordation Branch remove or invalidate all improper assignments as described below.

This request is supported by a Declaration from Chad Thomas of ECI and a Declaration from John W. Schierholz of Duke Manufacturing Company (“Duke”), attesting to the fact that Duke does not have any ownership in the Registration.

As demonstrated by the attached declarations, ECI has retained exclusive ownership of the FLOMATIC trademark and the Registration. ECI has not transferred or assigned the FLOMATIC trademark or its Registration to any other party.

Starting in 1989, an improper chain of title was inadvertently filed at the Assignment Recordation Branch of the United States Patent and Trademark Office:

- On July 14, 1989, an assignment from Hussmann Corporation to Middleby Marshall, Inc. that purported to include the Registration, was recorded, despite the fact that Hussmann Corporation did not have any ownership interest in the FLOMATIC mark. **See Attachment A:** Assignment from Hussmann Corporation to Middleby Marshall, Inc., recorded at Reel 0661, Frame 0011.
- On February 9, 1990, an assignment of the Registration from Middleby Marshall, Inc. to Southern Acquisition Company of St. Louis was recorded. **See Attachment B:**



Assignment from Middleby Marshall to Southern Acquisition Company of St. Louis, recorded at Reel 0693, Frame 0925.

- Southern Acquisition Company of St. Louis changed its name to Southern Equipment Company on February 9, 1990, and this name change was recorded at Reel 1355, Frame 0880.
- On March 13, 1995, an assignment of the Registration from Southern Equipment Company to Duke Manufacturing Company was recorded. *See Attachment C: Assignment from Southern Equipment Company to Duke Manufacturing Company, recorded at Reel 1335, Frame 0762.*

Thus, this “chain of title” for the improper assignments ends with Duke Manufacturing Company. Duke has confirmed that it does not have any ownership interest in the FLOMATIC mark or the Registration through a Declaration from John W. Schierholz of Duke Manufacturing Company. *See Attachment D: Relinquishment of Assignment – FLOMATIC from Duke.*

ECI has retained exclusive ownership of the FLOMATIC trademark and the Registration, and has not transferred or assigned the FLOMATIC trademark or its Registration to any other party. In addition, Duke Manufacturing expressly disclaims and disavows any purported rights in and to the FLOMATIC name and Registration.

ECI respectfully requests that the Assignment Recordation Branch of the United States Patent and Trademark Office correct the assignment history of the FLOMATIC trademark (Reg. No. 788,933) to remove or invalidate the improper assignments as described above. Specifically, ECI requests that the following assignments be removed from the record:

- Reel 0582, Frame 0648: Merger and Change of Name from Hussmann Refrigeration Inc. to Hussmann Corporation.
- Reel 0661, Frame 0011: Assignment from Hussmann Corporation to Middleby Marshall.
- Reel 0731, Frame 0391: Security Interest from Middleby Marshall Inc. to Citibank, N.A., as Agent.
- Reel 0693, Frame 0925: Assignment from Middleby Marshall, Inc. to Southern Acquisition Company of St. Louis.
- Reel 0693, Frame 0920: Release by Secured Party from Citibank, N.A., as Agent to Middleby Marshall Inc.



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United States Patent and Trademark Office
September 22, 2022
Page 3

- Reel 0693, Frame 0910: Security Interest from Southern Acquisition Company of St. Louis to The Boatmen's National Bank of St. Louis.
- Reel, 1355, Frame 0880: Change of Name from Southern Acquisition Company of St. Louis to Southern Equipment Company.
- Reel 1355, Frame 0743: Release of Security Interest from Boatman's National Bank of St. Louis to Southern Acquisition Company of St. Louis
- Reel 1335, Frame 0762: Assignment from Southern Acquisition Company to Duke Manufacturing Company.
- Reel 2030, Frame 0228: Security Interest from Duke Manufacturing Company to Bank of America, N.A.
- Reel 2707, Frame 0080: Security Interest from Duke Manufacturing Company to Bank of America, N.A.

Please contact the undersigned attorney with any questions.

Very truly yours,

Thomas C. McDonough
Reg. No. 33,734

TCM:jbs
Attachments
33714853.6

UNITED STATES TRADEMARK ASSIGNMENT

WHEREAS, Husemann Corporation, a Missouri corporation having principal offices at 12999 St. Charles Rock Road, Bridgeton, Missouri 63044 (hereinafter called "Assignor") is the owner of record of United States Letters Trademark Registrations (set out and identified on Schedule I attached hereto) and common law and formerly registered trademarks, service marks and trade names (set out and identified on Schedule II attached hereto) and other trademarks adopted and used from time to time in the business of Assignor's Foodservice Group and its predecessors thereto, all of said trademarks, service marks and trade names sometimes being called "U. S. Trademark Rights"; and

WHEREAS, Middleby Marshall, Inc., a Delaware corporation having principal offices at 8300 Austin Avenue, Morton Grove, Illinois 60053 (hereinafter called "Assignee") is acquiring certain assets of Assignor's Foodservice Group, which include the aforesaid U. S. Trademark Rights.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that, for good and valuable consideration, the receipt of which is hereby acknowledged, the said Assignor by those presents has sold, assigned, transferred and set over and does hereby sell, assign, transfer and set over to the said Assignee the entire right, title and interest in and to the said trademarks and the United States Registrations thereof as set out on Schedule I, together with the entire good will of the business of Assignor's Foodservice Group and its predecessors connection with the use of and symbolized by said trademarks, including the right to sue for past infringements.

Assignor makes no representation or warranty to Assignee with respect to the validity, perfection or priority of its right, title or interest in, to and under any trademark or registration thereof;

TRADE MARK
REEL 0561 FRAME 11

IN WITNESS WHEREOF, Assignor has caused these presents to be signed by its duly authorized officer, and its corporate seal to be affixed hereto this 14th day of July, 1989.

HUSSMANN CORPORATION

By Burton Halpern
Burton Halpern

Attest:

Henry C. Magentally

State of Missouri :
County of St. Louis : ss.

On this 14th day of July, 1989 before me personally appeared Burton Halpern, to me known and known to me to be the Vice President and Secretary of Hussmann Corporation, the Assignor above-named, and acknowledged that he executed the foregoing instrument on behalf of Assignor as his free act and deed pursuant to authority duly received.

Henry C. Magentally
Notary Public
My Commission Expires: August 4, 1992

TRADE-MARK
REEL 0661 FRAME 12

- SCHEDULE I -

United States Trademark Registrations

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
ARES	1,231,778	03-22-83
CIRCUL-AIR	820,300	12-13-66
HALLMARK	1,118,717	05-22-79
QUIK-FLIP	756,349	09-10-63
RAETONE	645,106	05-07-57
RAPID BLAST	1,041,272	06-15-76
RAPID CHILL	1,072,946	09-06-77
RAPID THAW	1,072,947	09-06-77
SECO	443,023	07-05-49
SECO-MATIC	575,093	06-02-53
SECONOMY LINE (Des.)	443,022	07-05-49
SNO-QUEEN	615,759	11-05-55
STA-KOLD	631,765	07-31-56
VERSA-TEMP	1,159,029	06-31-81
VICTORY	1,256,771	11-08-83
VINCO	790,978	06-15-65
VINCO (Des.)	637,712	11-27-56
V LINE	698,593	05-31-60
BASTIAN-BLESSING	749,127	05-07-63
CERTIMATIC	635,774	10-16-56
EXCELALL	779,012	10-27-64
FAST-SERV	591,098	06-15-54
FAST-SERV	591,149	06-15-54
FIESTA	737,081	09-04-62
FLOMATIC	788,933	05-04-65
FOAM FAST	722,223	10-03-61
INTEROL	635,775	10-16-56
MULTIPORT	761,816	12-24-63
MULTIVALVE	597,223	10-19-54
REGO (Des.)	601,518	02-01-55
REGO LP GAS (Des.)	598,366	11-23-54
ROTOGAGE	778,751	10-20-64
TWIN-SERV	529,912	06-29-60
VIEWMATIC	716,440	06-06-61
SOUTH BEND	990,159	08-06-74

TRADE-MARK

REG. 0661 MAR 13

- SCHEDULE II -

Common Law Trademarks and Trade Names

<u>Mark</u>	<u>Expired U.S. Reg.</u>
CUSTOM-BILT	287,421
DIET-TRAY	
MAIN LINE	
PIC-A-RACK	710,740
PIGGY-BACK	
SECO HOT-COLD FAX	
STA-DRI	
STA-MOR	
TITAN	
TRI-VEYOR	714,954
UNI-HEAT	
SECO WASH	
SECO PRODUCTS	
SECO COMPANY	
SECO ENGINEERING	
SOUTHERN EQUIPMENT	
VICTORY	
VICTORY REFRIGERATION	
RED STAR and Design	288,923
Design of Shield	300,787
BASBLECO and Design	314,726
BASBLECO and Design	316,320
ROFOGAGE	440,067
MICRO-MIST	440,925
TWINSERV	556,882
ROTO-SIGN	601,869
EXCELALL	662,525
VAPORMATIC	664,722
CHEK-LOK	674,424
TRI-O-SEAL	679,115
Design of Knight	682,152
SUPER-SODA	689,174
METROPOLITAN	709,608
BACOPAK	712,137
REFRIGI-GRIDDLE	720,334
GRITROL	726,251
BASTIAN-BLESSING	
THERMAZONE	
JET PACK	
"S" Design	
SOUTHEND	
ESCAN	
MAGIC RAY	845,706
MAGIC AIRE	851,919
Design of a Rose	

TRADE-MARK

III 061 112114

LAFF, WHITESEL, CONTE & SARET

ATTORNEYS AT LAW
401 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60611-4212
TELEPHONE (312) 861-8100

TELECOMEX (312) 861-0000
GROUP 1, II, III

CABLE ADDRESS: LAWYER
TELEX NO. 204004

SAN DIEGO OFFICE
101 WEST BROADWAY
SAN DIEGO, CALIFORNIA 92101
(619) 233-8000

QUAD CITIES OFFICE
P. O. BOX 220
MOLINE, ILLINOIS 61201
(309) 743-8888

MARTIN L. STERN
LOUIS ALTMAN
JOSEPH F. SCHMIDT
BARRY W. HELLMANN
LAWRENCE R. ROBINSON
MARY APPLETON
JENNIFER A. BURKE
THOMAS J. DONOVAN
JUDITH L. GRUBER
HENRY C. QUERY
ANDREA M. BARBERS
ALEXANDRA D. MALATESTA

J. R. HALVORSEN
OF COUNSEL

SAN DIEGO OFFICE
BERNARD L. KLEINER
JERRY R. POTTS
WILLIAM P. WATERS

July 19, 1989

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attn: Assignment Branch

RE: Hussmann Corporation - Middleby Marshall, Inc.
Assignment of United States Trademark Registrations

Dear Sirs:

Please record the enclosed Assignment from Hussmann Corporation to Middleby Marshall, Inc. covering the thirty-five (35) trademark registrations set forth on Schedule I to the Assignment. A check in the amount of \$280.00 is enclosed to cover the assignment fees.

If any additional charges or fees must be paid in connection with this communication, they may be paid out of our deposit account No. 12-0064.

Sincerely,

LAFF, WHITESEL, CONTE & SARET

Joseph F. Schmidt
RECORDED
INDEXED
U.S. PATENT & TRADEMARK OFFICE
Joseph F. Schmidt
JUL 19 89

JFS/lb
Encls.

EXPRESS MAIL, mailing label

No. LB 065850026

Date of Deposit 7-19-89

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The person mailing this paper/fee is:

Print Joseph F. Schmidt

Signature Joseph F. Schmidt

TRADE-MARK
0661 00013

ASSIGNMENT OF REGISTERED TRADEMARKS

WHEREAS, MIDDLEBY MARSHALL INC., a Delaware corporation ("Assignor"), whose post office address is 8300 Austin Avenue, Morton Grove, Illinois 60053 previously obtained, by assignment, a number of United States Trademarks, as more fully set forth on Exhibit A attached hereto and incorporated herein;

WHEREAS, Assignor has the power to make the assignment herein set forth; and

WHEREAS, SOUTHERN ACQUISITION COMPANY OF ST. LOUIS, a Delaware corporation that will change its name to Southern Equipment Company ("Assignee"), whose post office address is 4550 Gustine Avenue, St. Louis, Missouri, 63116, Attention: James W. Todd, is acquiring certain assets of Assignor, including said Trademarks and the registration thereof;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor, by these presents, does sell, assign and transfer unto Assignee, its entire right, title and interest in and to all of said Trademarks, together with the goodwill of the business symbolized by the marks, and the registration thereof.

Executed this 9th day of February, 1990.

MIDDLEBY MARSHALL INC.

By [Signature]
Title vice president

STATE OF Missouri)
City St. Louis) SS.
COUNTY OF St. Louis)

Before me personally appeared said James W. Todd
and acknowledged the foregoing instrument to be his free act
and deed this 9th day of February, 1990.

Carol S. Cottl
Notary Public

My commission expires:
July 26, 1991

CAROL S. COTTL, Notary Public
STATE OF MISSOURI, St. LOUIS COUNTY
MY COMMISSION EXPIRES JULY 26, 1991

TRADE-MARK
FILM 0693 12M925

EXHIBIT A

List of United States Trademarks Being Assigned

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
ARES	1,231,778	3/22/83
CIRCUL-AIR	820,300	12/13/66
BASTIAN-BLESSING	749,127	5/7/63
FIESTA	737,091	9/4/62
FLOMATIC	788,933	5/4/65

TRADE-MARK
MIL 0693 1111926

RECORDED
PATENT AND TRADEMARK
OFFICE

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REC

05-09-1995



40-481
482
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents

100000613

...ched original documents or copy thereof

1. Name of conveying party(ies):

Southern Equipment Company

- Individual(s)
- General Partnership
- Corporation-State DE
- Other
- Association
- Limited Partnership

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: Duke Manufacturing Company

Internal Address

Street Address: 2305 N. Broadway

City: St. Louis State: MO ZIP: 63102

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Missouri
- Other

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)
Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: March 13, 1995

4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

- 1. SEFLEX Serial No. 74-598,475
- 2. SOUTHERN EXPRESS Serial No. 74-599,230
- 3. PNEUTRAX Serial No. 74-633,546

B. Trademark Registration No.(s)

- 1. FIESTA Reg. No. 737,091
- 2. BASTIAN-BLESSING Reg. No. 749,127
- 3. FLOMATIC Reg. No. 788,933
- 4. CIRCUL-AIR Reg. No. 820,300

Additional numbers attached? Yes No

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

Name: Richard G. Heywood

Internal Address: c/o Senniger, Powers, Leavitt & Roedel

Street Address: One Metropolitan Square, 16th Floor

City: St. Louis State: MO ZIP: 63102

6. Total number of applications and registrations involved:

10

7. Total fee (37 CFR 3.41).....\$ 265.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

100 MO 05/04/95 0737091

0 481 40.00 OK

100 MO 05/04/95 0737091

0 492 225.00 OK

9. Statement 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.

Richard G. Heywood
Name of Person Signing

Richard G. Heywood
Signature

04/10/95

Date

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

6

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

Tab settings = 2 = 1

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

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

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

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

Execution Date: _____

2. Name and address of receiving party(ies)

Name: _____

Internal Address: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State _____
- Other _____

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

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

Continuation of Item 4

A. Trademark Application No.(s)

4. SOUTHERN Serial No. 74-634,473

5. SOUTHERN ENGINEERING Serial No. 74-633,545

B. Trademark Registration No.(s)

5. ARES Reg. No. 1,231,778

Additional numbers attached? Yes No

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

Name: _____

Internal Address: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

6. Total number of applications and registrations involved: _____

7. Total fee (37 CFR 3.41): _____ \$

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement 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.

Name of Person Signing

Signature

Date

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

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

1. **WHEREAS**, Southern Equipment Company, a Delaware corporation with offices in St. Louis, Missouri (herein called "Assignor"), has acquired and adopted and used certain trademarks in its business; and

2. **WHEREAS**, Assignor has registrations in the United States Patent and Trademark Office (identified in Schedule I appended hereto) and pending trademark applications (identified in Schedule II appended hereto); and

3. **WHEREAS**, Duke Manufacturing Company, a Missouri corporation with offices in St. Louis, Missouri (herein called "Assignee"), is desirous of acquiring the entire right, title and interest of Assignor in said trademarks and said registrations and applications and the good will of the business in connection with which said trademarks are used;

4. **NOW THEREFORE**, in consideration of the sum one dollar (\$1.00) and other good and valuable consideration by Assignee to Assignor in hand paid, receipt of all of which is hereby acknowledged, Assignor has agreed to and does hereby sell, assign and transfer unto Assignee, its successors and assigns, all of Assignor's right, title and interest throughout the world in and to said trademarks and said registrations and pending applications together with the entire good will of the business in connection with which said trademarks are used, and together with full rights to sue for and recover all profits and damages recoverable from past infringements of said trademarks; including specifically, without limiting the generality of the foregoing, the United States registrations and pending applications on Schedules I and II.

5. TO BE HELD AND ENJOYED BY Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor had this sale and assignment not been made.

6. IN WITNESS WHEREOF, Assignor has caused these presents to be executed by its officers thereunto duly authorized and its corporate seal to be affixed this 13th day of March, 1995 at St. Louis, Missouri.

SOUTHERN EQUIPMENT COMPANY

By 

Robert E. Niemeier

Title: President and CEO

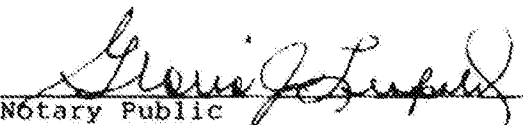
(Corporate Seal)

ATTEST:


Secretary

ACKNOWLEDGMENT

On this 13th day of March, 1995, before me personally came Robert E. Niemeier, to me known, who, being by me duly sworn, did depose and say that he is President of Southern Equipment Company, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.


Notary Public

My Commission Expires:

June 3, 1997

SCHEDULE I

U. S. Trademark Registrations

<u>Mark</u>	<u>Reg. No.</u>	<u>Issue Date</u>	<u>Status</u>	<u>Goods</u>
FIESTA	737,091	09-04-62	Renewed 09-04-82 (20 yr.)	Soda fountains and food service equipment (US Cl. 23)
BASTIAN-BLESSING	749,127	05-07-63	Renewed 05-07-83 (20 yr.)	Equipment and apparatus for preparing, processing, storing and serving of foods and beverages - namely, fountain units, refrigerated display cases, food preparation counters with facilities for cooking, broiling, frying, cooling, and storing of foods and/or beverages; carbonators; refrigeration systems (US Cl. 34)
FLOMATIC	788,933	05-04-65	Renewed 05-04-85 (20 yr.)	Internal type liquid shut-off valves for large tanks (US Cl. 13)
CIRCUL-AIR	820,300	12-13-66	Renewed 12-13-86 (20 yr.)	Shelving - namely, stationery and portable shelving (US Cl. 32)
ARES	1,231,778	03-22-83	(20 yr.)	Industrial make-up air systems for replacing exhaust air with fresh ventilation air comprising furnace blower motor evaporative cooling unit and automatic temperature control thermostat (US Cl. 11)

SCHEDULE II

Pending U. S. Trademark Applications

<u>Mark</u>	<u>Serial. No.</u>	<u>Filing Date</u>	<u>Goods</u>
SEFLEX	74-598,475	11-14-94	Commercial foodservice furniture in the nature of commercial kitchen and cafeteria tables, counters, cabinets and stands for the preparing, displaying and serving of food products (US Cl. 32)
SOUTHERN EXPRESS	74-599,230	11-15-94	Commercial merchandising furniture in the nature of fixed and mobile merchandisers such as kiosks, wall counters, island stands and products carts
PNEUTRAX	74-633,546	02-13-95	Commercial foodservice furniture in the nature of conveyors used during institutional food tray make-up and for transporting soiled trays and dishes (US Cl. 23)
SOUTHERN	74-634,473	02-13-95	Commercial foodservice furniture in the nature of commercial kitchen and cafeteria tables, counters, cabinets, stands and sinks used in the preparation, display and service of food products (US Cl. 32)
SOUTHERN ENGINEERING	74-633,545	02-13-95	Foodservice furniture in the nature of commercial and institutional kitchen equipment: namely, range canopies, exhaust and ventilation hoods, grease extractors and damper assemblies; air handlers for temperature controlling and replacing exhaust air with fresh ventilation air; range and cabinet utility distribution back-bar and duct assemblies; range fire protection sensing and control assemblies; and conveyors used for food tray make-up and for transporting soiled trays and dishes (US Cl. 32)

4

TRADEMARK

RECORDED: 6/13/1995

REEL: 1355 FRAME: 0767

TRADEMARK
REEL: 007853 FRAME: 0725

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re registration of:
Registration No. 788,933
Registered May 4, 1965
Mark: FLOMATIC
Owner: Engineered Controls International, LLC

DECLARATION OF RELINQUISHMENT OF ASSIGNMENT

John W. Schierholz declares that he is Vice President, General Counsel & Secretary of Duke Manufacturing Co. and is authorized to execute this declaration on behalf of Duke Manufacturing Co.

Duke Manufacturing Co. acknowledges that Engineered Controls International, LLC is the owner of U.S. Trademark Reg. No. 788,933 for the mark FLOMATIC ("the Registration") according to the records of the United States Patent and Trademark Office.

Duke Manufacturing Co. further acknowledges and agrees that any purported assignment of rights in or title to the FLOMATIC mark and the Registration that it may have received were inadvertent and granted in mistake, and Duke Manufacturing Co. expressly relinquishes any title to or rights in U.S. Registration No. 788,933 for the FLOMATIC mark.

Duke Manufacturing Co. authorizes the Recordation Branch of the United States Patent and Trademark Office to remove or deem invalid any such transaction that purports to confer upon it any rights in or title to the FLOMATIC mark and the Registration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DUKE MANUFACTURING CO.

By: 

Name: John W. Schierholz

Title: Vice President, General Counsel
& Secretary

Date: April 25, 2012