

MRD 10-9-98

10-16-1998

FORM PTO-1594 (Rev. 6-93)

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U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

OMB No. 0651-0011 (exp. 4/94)

Tab settings

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

1. Name of conveying party(ies):

Western Enterprises Division/ The Scott Fetzer Company Inc.

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

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

2. Name and address of receiving party(ies)

Name: Western/Scott Fetzer Company

Internal Address:

Street Address: 875 Bassett Road

City: Westlake State: OH ZIP: 44145

- Individual(s) citizenship, Association, General Partnership, Limited Partnership, Corporation-State Delaware, 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, Merger, Security Agreement, Change of Name, Other

Execution Date: December 4, 1997

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

A. Trademark Application No.(s)

75/178,085

B. Trademark Registration No.(s)

Additional numbers attached? Yes No

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

Name: Pamela J. Eblen

Internal Address: Jones, Day, Reavis & Pogue

Street Address: North Point

901 Lakeside Avenue

City: Cleveland State: OH ZIP: 44114

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

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

10/16/1998 TTK11 00000004 75178085

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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.

Pamela J. Eblen Name of Person Signing

Signature

10/6/98 Date

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

3

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

TRADEMARK REEL: 1799 FRAME: 0663

ASSIGNMENT OF UNITED STATES TRADEMARK RIGHTS

WHEREAS, Western Enterprises Division, The Scott Fetzer Company, a corporation organized under the laws of the State of Delaware, having an office located at 875 Bassett Road, Westlake, Ohio 44145, ("Assignor"), is the sole and exclusive owner of the United States trademark application no. 75/178,085, filed on October 7, 1996, for the mark "O2ADVANTAGE"; and

WHEREAS, Western/Scott Fetzer Company, a corporation duly organized and existing under the laws of the State of Delaware having an office located at 875 Bassett Road, Westlake, Ohio 44145, ("Assignee"), wishes to acquire all of Western Enterprise Division, The Scott Fetzer Company's right, title, and interest to the United States trademark application no. 75/178,085 and the mark covered thereby;


NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby sell, convey, assign, transfer and deliver as sole legal and beneficial owner to Assignee, for its use and the use of its successors, assigns and legal representatives, all of Assignor's right, title and interest in and to the United States trademark application no. 75/178,085, and made a part hereof, together with any and all additions, divisions and/or extensions thereof, and including all common law rights and the goodwill associated therewith, for the full term or terms of all such rights, together with the right to sue and recover all claims for damages for the past infringement thereof, for its own use and for the use of its successors, assigns and legal representatives.

IN WITNESS WHEREOF, each of the parties hereto have caused this ASSIGNMENT OF UNITED STATES TRADEMARK RIGHTS to be executed on its behalf as of the 4th day of December, 1997.

Western Enterprises Division, The Scott Fetzer Company
(Assignor)

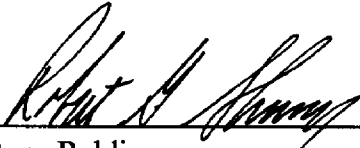

Byron A. Crampton
President

Western/Scott Fetzer Company
(Assignee)


Timothy S. Guster
Vice President
General Counsel and Secretary

STATE OF OHIO)
) SS:
COUNTY OF Cuyahoga)

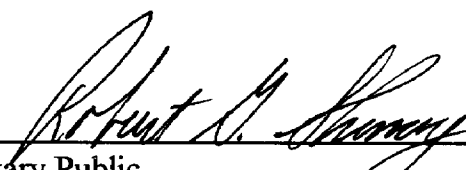
On this 4th day of December, 1997, before me personally came Byron A. Crampton, to me known to be the President of Western Enterprises Division, The Scott Fetzer Company, a Delaware corporation, the Assignor of the above-named, and acknowledge that he executed the foregoing instrument as his free act on behalf of the said Assignor pursuant to authority duly received.



Notary Public
ROBERT G. SHUMAY, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R. C.

STATE OF OHIO)
) SS:
COUNTY OF Cuyahoga)

On this 4th day of December, 1997, before me personally came Timothy S. Guster, to me known to be the Vice President, General Counsel and Secretary of Western/Scott Fetzer Company., a Delaware corporation, the Assignee of the above-named, and acknowledge that he executed the foregoing instrument as his free act on behalf of the said Assignee pursuant to authority duly received.



Notary Public
ROBERT G. SHUMAY Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R. C.