

12-10-2001

U.S. Patent & TMOrc/TM Mail Rcpt Dt. #56

12-14-2001



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12-10-01

FORM PTO-1618A
Expires 06/30/99
OMB 0651-0027

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)
Document ID #
- Correction of PTO Error
Reel # Frame #
- Corrective Document
Reel # Frame #

Conveyance Type

- Assignment License
 - Security Agreement Nunc Pro Tunc Assignment
 - Merger Change of Name
 - Other
- Effective Date
Month Day Year

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name

Formerly

- Individual General Partnership Limited Partnership Corporation Association
- Other
- Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

- Individual General Partnership Limited Partnership If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)
- Corporation Association
- Other

Citizenship/State of incorporation/Organization

12/13/2001 LMUELLER 00000102 1157318

FOR OFFICE USE ONLY

01 FC:481
02 FC:482

40.00 CP
25.00 CP

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

#

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1,157,318"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1,165,827"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

No

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. Charges to deposit account are authorized, as indicated herein.

Philip D. Mitchell

Name of Person Signing

Philip D. Mitchell

Signature

12.10.01

Date Signed

TRADEMARK ASSIGNMENT

WHEREAS, ESSROC CEMENT CORP., a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 248-Bath Highway, Bath, Pennsylvania 18014, is owner of the trademarks and registrations thereof registered in the United States Patent and Trademark office as set forth below:

<u>Trademark</u>	<u>Registration No.</u>
COPLAY C and Design	Registration No. 1,157,318
COPLAY C and Design	Registration No. 1,165,827


WHEREAS, TOMAHAWK, INC., a corporation organized and existing under the laws of Delaware, with its principal place of business at 1105 North Market Street, Suite 1300, Wilmington, Delaware 19801 desires to acquire said mark and registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ESSROC CEMENT CORP. sells, assigns and transfers to TOMAHAWK, INC. all rights, titles, and interest in the trademark and registrations set forth herein, together with the goodwill of the business connected with and symbolized by the said mark and registrations and together with all the rights for recovery and the damages and profits for past infringements, if any, effective as of June 15, 1999.


IN WITNESS WHEREOF, the undersigned, have caused this instrument to be executed this 20th day of June 2001.

ESSROC CEMENT CORP.

[Corporate Seal]

By: 
Gordon C. Andrews
Secretary

SUBSCRIBED and SWORN to
Before me this 20th of June, 2001


Notary Public
My Commission expires: 3-30-03

NE:54120.1

ELLEN M. ALLISON
Notary Public, State of New York
No. 44-484572, Qual. in Rockland Co.
Certificate Filed in New York County
Certificate Filed in Westchester Co. 03
Commission Expires March 30, 2003

RECORDED: 12/10/2001

TRADEMARK
REEL: 002408 FRAME: 0031