

08-05-2003



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102516195

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

1. Name of conveying party(ies):

The Bank of New York

5.1.03

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

2. Name and address of receiving party(ies)

Name: Building Materials Investment Corporation

Internal Address: Suite 303

Street Address: 300 Delaware Avenue

City: Wilmington State: Delaware Zip: 19801

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

3. Nature of conveyance:

☐ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☒ Other Termination and Release of Security Interest

Execution Date: July 9, 2003

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

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

N/A

B. Patent No.(s)

5,167,579 5,238,450 5,326,318 5,352,154

5,425,672 5,511,918 5,528,872 5,560,157

5,561,953 5,785,478

Additional numbers attached? ☐ Yes ☒ No

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

Name: Intellectual Property Docketing

Internal Address: SHEARMAN & STERLING LLP

Street Address: 599 Lexington Avenue

City: New York State: NY Zip: 10022

6. Total number of applications and patents involved: 10

7. Total fee (37 CFR 3.41).....\$ 400.00

☒ Enclosed

☒ Authorized to be charged to deposit account

8. If check is missing or otherwise insufficient, charge deposit account number:

50-0324

(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.*

Tamara L. Hrivnak

Name of Person Signing

[Signature]

Signature

July 24, 2003

Date

Total number of pages including cover sheet, attachments, and documents: 11

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

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2003 AUG -1 AM 3:56  
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PATENT  
REEL: 014332 FRAME: 0501

## TERMINATION AND RELEASE OF SECURITY INTEREST IN PATENTS

TERMINATION AND RELEASE, dated as of July 9, 2003, from THE BANK OF NEW YORK, as Collateral Agent under that certain Security Agreement, dated as of December 22, 2000 among each Grantor (as defined in said Security Agreement) and The Bank of New York, as Collateral Agent (the "Security Agreement") and Building Materials Investment Corporation (the "Pledgor").

WHEREAS, a security interest (the "Security Interest") in certain Collateral (as hereinafter defined) was granted to The Bank of New York in its capacity as Collateral Agent under the Security Agreement, which Security Interest was recorded in the United States Patent & Trademark Office on January 29, 2001, at Reel 011474; Frame 0440; and

WHEREAS, the Collateral Agent now desires to terminate and release the entirety of its Security Interest in the Collateral.

NOW THEREFORE, for good and valuable consideration including the satisfaction of all obligations, indebtedness and liabilities secured by the Collateral, the receipt and adequacy of which are hereby acknowledged, and upon the terms set forth in this Release, the Collateral Agent hereby agrees as follows:

1. Collateral: The term "Collateral," as used herein, shall mean all of the Pledgor's right, title and interest of every kind and nature in and to the patents and applications set forth on Schedule A attached hereto and (i) all registrations, applications, recordings and common-law rights relating thereto; (ii) all renewals thereof; (iii) all income, license royalties, damages and payments now and hereafter due and/or payable with respect thereto, including, without limitation, damages and payments for past, present and/or future infringements thereof; (iv) the right to sue for past, present and future infringements thereof; and (v) all rights corresponding thereto throughout the world.

2. Release: The Collateral Agent hereby terminates and releases in its entirety the Security Interest in the Collateral.

3. Recordation: The Collateral Agent hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States to record this release of the Security Interest in the Collateral.

4. Further Assurance: The Collateral Agent hereby agrees to, at the sole expense of the Pledgor, duly execute, acknowledge, procure and deliver any further documents, including, but not limited to, those documents necessary under Article 9 of the Uniform Commercial Code or other applicable law, and to do such other acts as may be reasonably necessary to effect the release of the Security Interest contemplated hereby.

5. Modification: This Termination and Release may not be modified, nor may any provision hereof be waived, orally or in any manner other than by an agreement in writing signed by the parties hereto or their respective successors and assigns.

6. Counterparts: This Termination and Release may be executed in any number of separate counterparts, each of which, when so executed, shall be deemed an original, and all of said counterparts taken together shall be deemed to constitute but one and the same instrument.

[Signature page follows.]

IN WITNESS WHEREOF, each of the undersigned has executed this  
Termination and Release by its duly authorized officer as of the date first above written.

THE BANK OF NEW YORK, as  
Collateral Agent

By: 

Name: Andres E. Serrano

Title: Vice President

STATE OF NEW YORK            )  
  )  
COUNTY OF NEW YORK        )

On this 1st day of July, 2003, before me personally appeared Andres E. Serrano to  
me known who, being by me duly sworn, did depose and say that he is a vice president of THE  
BANK OF NEW YORK, the corporation described herein and which executed the foregoing  
instrument, and that he signed his name thereto pursuant to the authority granted by such  
corporation.

  
\_\_\_\_\_  
Notary Public

MICAH J. DOOLEY  
NOTARY PUBLIC, State of New York  
No. 24-4753019  
Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires June 30, 2007

# SCHEDULE A

## Martin J. Rotter Patents

Martin J. Rotter Assigned these Patents to  
Building Materials Investment Corporation

FDN NO	PATENT	ISSUED	TITLE
21 26	5,167,579	12/1/92	Roof Vent of Synthetic Fiber Matting
21 30	5,238,450	8/24/93	Air Permeable Barrier for Soffit Vent
2421	5,326,318	7/5/94	Roof Ridge Ventilator
2244*	5,352,154	10/4/94	Metal Roof Ventilation System
* Inventors - Martin J. Rotter and William W. Collins Martin J. Rotter Assigned by 1/2 to Building Materials Investment Corporation and 1/2 assigned to Building Materials Corporation of America			
21 26/CIP	5,425,672	6/20/95	Roof Vent of Synthetic Fiber Matting
231 7	5,511,918	4/30/96	Nail
231 7/DIV	5,528,872	6/25/96	Nail
2370	5,560,157	10/1/96	Fascia Vent
2330	5,561,953	10/8/96	Contoured Ventilation System for Metal Roofs
231 7/CONT	5,785,478	7/28/98	Fastener

# BUILDING MATERIALS

## UNITED STATES PATENT APPLICATIONS

FDN NO.	SERIAL NO.	FILED	CLASS	INVENTOR
2578	2,287,710 991 01 23	10/28/99 11/4/99	Canada Mexico	COMPOSITE ROOFING SHINGLE
2583	PCT/US00/00890 National Phase Entry - August 3, 2001	1/13/2000	ALL PCT	COLD BCND ADHESIVE

**MARTIN ROTTER**

**FOREIGN PATENTS**

FDN NO.	PATENT NO.	ISSUED	COUNTRY	TITLE
21 26/CIP	2,113,354 PCT	8/7/92	Canada	Roof Vent of Synthetic Fiber Matting
2317	0757739	4/20/95	Gr. Br. EPO	Nail for Fastening Sheet Materials
	0757739	"	France EPO	
	0757739	"	Ireland EPO	
	0757739	"	Sweden EPO	
	69517971.3	"	Germany EPO	
2370	701,980	9/12/95	Australia	Fascia Vent
	0787238	9/12/95	Great Br. EPO	
	"	"	France EPO	
	"	"	Ireland EPO	
	"	"	Sweden EPO	
	695 14 676.9-08	"	Germany EPO	

MARTIN ROTTER

FOREIGN PATENT APPLICATIONS

FDN NO.	APPN NO.	FILED	COUNTRY	TYPE
2317 PCT	2,188,927	4/20/95	Canada (PCT)	Nail for Fastening Sheet Materials
	706006/1 996	10/25/96	Korea (PCT)	
	965047	10/23/96	Mexico (PCT)	
2317/CIP	PCT/US96/1 5337	9/25/96	ALL PCT	Fastener
Did not enter National Phase GAT told Paritich firm we are not interested. Entry was due by March 29, 1998				
2330	2,206,565	11/27/95	Canada (PCT)	Contoured Ventilation System for Metal Roofs
	95940869.1	11/27/95	EPC (PCT)	
2370	2,199,392		Canada PCT	FASCIA VENT
	971,902		Mexico PCT	

PATENT

REEL: 014332 FRAME: 0508

RECORDED: 08/01/2003