

02-10-2004



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102665879

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

1. Name of conveying party(ies):

AZTEC CONCRETE ACCESSORIES, INC.

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

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Security Interest Amendment

Execution Date: January 30, 2004

2. Name and address of receiving party(ies)

Name: THE BANK OF NEW YORK

Internal Address: _____

Street Address: 101 Barclay Street

City: New York State: New York Zip: 10286

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

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)

SEE ATTACHED SCHEDULE

B. Patent No.(s)

SEE ATTACHED SCHEDULE

Additional number(s) attached ☒ Yes ☐ No

5. Name and address of party to whom correspondence

concerning document should be mailed:

Name: Julie L. Dalke

Internal Address: Latham & Watkins

Street Address: 650 Town Center Drive

Suite 2000

City: Costa Mesa State: CA Zip: 92626

6. Total number of applications and patents involved:

17

7. Total fee (37 CFR 3.41).....\$ 760.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number:

50-0524

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.

Julie L. Dalke
Name of Person Signing

Julie L. Dalke
Signature

February 9, 2004
Date

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

7

02/10/2004 EDOOPER 00000035 4756641

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680.00 OP

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

Reg'n. Ref: 02/10/2004 EDOOPER 0008485900

DAH:500524 Name/Number:4756641

FC: 9204

\$80.00 CR

OC\657322.1

SCHEDULE A**AZTEC CONCRETE ACCESSORIES, INC.**
PATENT REGISTRATIONS AND APPLICATIONS

<u>Issued Patents</u>		
<u>Registered Owner</u>	<u>Patent Title</u>	<u>Patent No. and Date</u>
Aztec Concrete Accessories, Inc.	Sand Plate and Concrete Reinforcement Support	4,756,641 07/12/88
Aztec Concrete Accessories, Inc.	Two-Part Anchor Bolt Holder	5,050,364 09/24/91
Aztec Concrete Accessories, Inc.	Support for Metal Reinforcements in Poured Concrete	D334,133 03/23/93
Aztec Concrete Accessories, Inc.	Slab On Grade Chair	5,729,949 03/24/98
Aztec Concrete Accessories, Inc.	Bolster Bar	D393,997 05/05/98
Aztec Concrete Accessories, Inc.	Slab On Grade Chair	D394,200 05/12/98
Aztec Concrete Accessories, Inc.	Tower Chair	D421,709 3/21/00
Aztec Concrete Accessories, Inc.	Chair	D428,501 07/18/00
Aztec Concrete Accessories, Inc.	Method Apparatus for Supporting Reinforcement Members	6,089,522 07/18/00
<u>Pending Patent Applications</u>		
<u>Owner</u>	<u>Patent Title</u>	<u>Application No. Application Date</u>
Aztec Concrete Accessories, Inc.	Plastic Slab Bolster Supporter	09/904,152 07/12/01
Aztec Concrete Accessories, Inc.	Tilt Up Concrete Form Brace	10/121,125 04/11/02
Aztec Concrete Accessories, Inc.	Plastic Slab Bolster Upper	10/223,387 08/19/02
Aztec Concrete Accessories, Inc.	Concrete Forming System for Curved Walls	10/301,311 11/21/02
Aztec Concrete Accessories, Inc.	Concrete Void Former	10/392,070 03/19/03
Aztec Concrete Accessories, Inc.	Brace for Concrete Forms	10/425,519 04/29/03
Aztec Concrete Accessories, Inc.	Concrete Construction with Control Joint Protective Strip	10/247,219 09/19/02
Aztec Concrete Accessories, Inc.	Post-Tension Intersection Chair	10/301,311 11/21/02

SECURITY INTEREST AMENDMENT

This Security Interest Amendment entered into as of January 30, 2004, by THE BANK OF NEW YORK, as collateral agent (the "Collateral Agent") and as successor to Deutsche Bank Trust Company Americas (formerly known as Bankers Trust Company), as collateral agent (the "Original Collateral Agent"), with principal offices at 101 Barclay Street, New York, NY 10286, and AZTEC CONCRETE ACCESSORIES, INC., (the "Grantor"), a California corporation with principal offices at 7777 Washington Village Drive, Suite 130, Dayton, OH, 45459, as follows:

W I T N E S S E T H

WHEREAS, the Grantor has heretofore granted to the Collateral Agent a security interest in certain U.S. patents, patent registrations and patent applications as more particularly set forth on Schedule A attached hereto (the "Patents") to secure certain obligations pursuant to the Second Amended and Restated Security Agreement, originally dated as of June 16, 2000, amended and restated as of June 9, 2003 and further amended and restated as of January 30, 2004, between the Agent, the Grantor and certain other parties (the "Security Agreement"); and

WHEREAS, the Collateral Agent and the Grantor wish to acknowledge, among other things, the replacement by the Collateral Agent of the Original Collateral Agent pursuant to the Security Agreement.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Collateral Agent and Grantor hereby amend the Original Collateral Agent's security interest in the Patents to reflect the following:

1. The secured party of record is The Bank of New York, as Collateral Agent, and as successor to the Original Collateral Agent.

2. The lien and security interest granted to the Collateral Agent pursuant to each Security Interest are subject to the provisions of the Intercreditor Agreement, dated as of January 30, 2004, among General Electric Capital Corporation, as Agent, The Bank of New York, as Collateral Agent and as Trustee, and the Obligors (as defined therein). In the event of any conflict between the terms of the Intercreditor Agreement, this Amendment or any instrument granting a Security Interest amended hereby, the terms of the Intercreditor Agreement shall govern.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned, by and through its authorized officer,
has caused this instrument to be executed on the date first written above.

THE BANK OF NEW YORK,
as Collateral Agent

By Cynthia J. Chaney
Name: CYNTHIA J. CHANEY
Title: VICE PRESIDENT

AZTEC CONCRETE ACCESSORIES, INC.

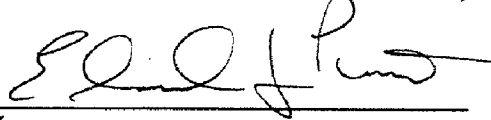
By _____
Name:
Title:

IN WITNESS WHEREOF, the undersigned, by and through its authorized officer,
has caused this instrument to be executed on the date first written above.

THE BANK OF NEW YORK,
as Collateral Agent

By _____
Name:
Title:

AZTEC CONCRETE ACCESSORIES, INC.

By 
Name: EDWARD J. PUCSES
Title: VICE PRESIDENT AND CFO

SCHEDULE A

AZTEC CONCRETE ACCESSORIES, INC.
PATENT REGISTRATIONS AND APPLICATIONS

<u>Issued Patents</u>		
<u>Registered Owner</u>	<u>Patent Title</u>	<u>Patent No. and Date</u>
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