

# PATENT ASSIGNMENT

Electronic Version v1.1

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	SECURITY AGREEMENT
CONVEYING PARTY DATA	
Name	Execution Date
BURKE INDUSTRIES (DELAWARE), INC.	11/21/2006
RECEIVING PARTY DATA	
Name:	THE CIT GROUP/COMMERCIAL SERVICES, INC.
Street Address:	300 South Grand Avenue, 10th Floor
City:	Los Angeles
State/Country:	CALIFORNIA
Postal Code:	90071
PROPERTY NUMBERS Total: 4	
Property Type	Number
Patent Number:	5724909
Patent Number:	4735003
Patent Number:	4608792
Patent Number:	4603790
CORRESPONDENCE DATA	
Fax Number:	(213)630-5728
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	213-891-5011
Email:	jhawke@buchalter.com
Correspondent Name:	Jody Hawke
Address Line 1:	1000 Wilshire Boulevard, Suite 1500
Address Line 4:	Los Angeles, CALIFORNIA 90017-2457
ATTORNEY DOCKET NUMBER:	C3756-0004
NAME OF SUBMITTER:	Jody Hawke
Total Attachments: 5	

CH \$160.00 5724909

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**PATENT**  
**REEL: 018563 FRAME: 0621**

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**MEMORANDUM OF SECURITY INTEREST  
IN INTELLECTUAL PROPERTY**

BURKE INDUSTRIES (DELAWARE), INC., a Delaware corporation, whose address is 2250 South 10th Street, San Jose, California 95112 ("Debtor") hereby acknowledges that it has granted to THE CIT GROUP/COMMERCIAL SERVICES, INC., a New York corporation, whose address is 300 South Grand Avenue, 10th Floor, Los Angeles, California 90071 (the "Secured Party"), a security interest in and to all of the Debtor's right, title and interest in and to: (a) the trademark and trademark registrations and applications therefor which are identified on Exhibit A attached hereto and herein incorporated by this reference owned by Debtor (the "Trademarks"), together with the goodwill and assets of the business; (b) the patents and patent applications which are identified on Exhibit B attached hereto and herein incorporated by this reference owned by Debtor (the "Patents"); and (c) the copyright registrations which are identified on Exhibit C attached hereto and herein incorporated by this reference owned by Debtor (the "Copyrights") to which such Trademarks, Patents, and Copyrights are appurtenant and all actions for infringement concerning the foregoing.

The terms and conditions of the aforementioned security interest are contained in that certain Financing Agreement dated as of November 21, 2006 (the "Agreement"), entered into between the Debtor and Secured Party, as security for the obligations as set forth in the Agreement and other agreements referred to therein. Nothing contained in this Memorandum of Security Interest in Intellectual Property shall be construed as a present or absolute assignment of any of the collateral nor as limiting any interest which Secured Party may have in any other collateral described in the Agreement or otherwise.

\* \* \* \* \*

IN WITNESS WHEREOF, the undersigned has duly executed this document as of this  
21st day of November, 2006.

BURKE INDUSTRIES (DELAWARE), INC.,  
a Delaware corporation

By: 

Name: Edward Regine

Title: Chief Financial Officer, Vice President  
and Secretary

S-1

Memorandum of Security Interest  
in Intellectual Property

## EXHIBIT A

### TRADEMARKS

<u>Mark</u>	<u>Registration No./ Application No.</u>	<u>Registration Date/ File Date</u>
Ecoscore and Design	78-514,970	11/10/04
Burke Mercer	2,598,053	7/23/02
Mirror-Finish	2,611,504	8/27/02
Uni-Color	1,829,424	4/5/94
Mercer	1,851,494	8/30/94
Flecksibles	1,787,537	8/10/93
Vac-Q-Roof	1,737,636	12/1/92
Rubberlyte	1,651,500	7/23/91
Rouleau	1,518,089	12/27/88
Docksiders	1,372,591	11/26/85
Burkebase	1,339,210	6/4/85
Maxxi-Tread	1,355,586	8/20/85
Endura	1,188,755	2/2/82
Burke Industries	1,063,868	4/19/77
Argonaut	867,442	4/1/69
Mercer Friction Grip	861,475	12/3/68

Exhibit A

## EXHIBIT B

### PATENTS

	<u>Patent</u>	<u>Registration No./ Application No.</u>	<u>Issue Date/ File Date</u>
1.	Passive Pathway Marking System	5,724,909	3/10/98
2.	Protective Toe Cap for Footwear	4,735,003	4/5/88
3.	Roof Membrane Holdown System	4,608,792	9/2/86
4.	Tensioned Reservoir Cover, Rainwater Run-Off Enhancement System	4,603,790	8/5/86

Exhibit B

OHS West, 200128859.1

EXHIBIT C

COPYRIGHTS

<u>Title</u>	<u>Registration No.</u>	<u>Registration Date</u>
1. CONCEPT SKETCH, PORT DOUGLAS RESERVOIR, BURKE FLOATING RESERVOIR COVER	VA 217-869	3/17/1986
2. BURKE DEFINED SUMP FLOATING RESERVOIR COVER FOR A SLOPE SIDED RECTANGULAR POND	VA 217-868	3/17/1986
3. CONCEPT SKETCH, ECHUCA RESERVOIR, BURKE FLOATING RESERVOIR COVER	VA 217-546	3/17/1986
4. 4 STEP INSTALLATION MANUAL FOR BURKE SOLAR HEATERS	A803560	11/12/1976