

PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	12/31/2004
CONVEYING PARTY DATA	
Name	Execution Date
Dur-O-Wal, Inc.	10/13/2004
RECEIVING PARTY DATA	
Name:	Dayton Superior Corporation
Street Address:	7777 Washington Village Drive
Internal Address:	Suite 130
City:	Miamisburg
State/Country:	OHIO
Postal Code:	45459
PROPERTY NUMBERS Total: 1	
Property Type	Number
Patent Number:	5644889
CORRESPONDENCE DATA	
Fax Number:	(937)443-6635
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	937-443-6600
Email:	IPDocket@ThompsonHine.com
Correspondent Name:	David R. Jaglowski
Address Line 1:	P.O. Box 8801
Address Line 4:	Dayton, OHIO 45401-8801
ATTORNEY DOCKET NUMBER:	442005-00001
NAME OF SUBMITTER:	David R. Jaglowski
<p>Total Attachments: 11</p> <p>source=DSC_DurOWal_Merger#page1.tif</p>	

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CERTIFICATE OF MERGER
of
AZTEC CONCRETE ACCESSORIES, INC.,
DAYTON SUPERIOR SPECIALTY CHEMICAL CORP.,
DUR-O-WAL, INC.,
SOUTHERN CONSTRUCTION PRODUCTS, INC.,
SYMONS CORPORATION
and
TREVECCA HOLDINGS, INC.
into
DAYTON SUPERIOR CORPORATION

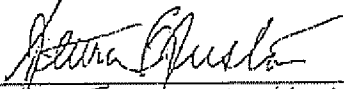
DAYTON SUPERIOR CORPORATION hereby certifies pursuant to Section 252 of the General Corporation Law of the State of Delaware that:

- (1) The name and jurisdiction of incorporation of each of the constituent corporations is:
 - (a) Dayton Superior Corporation, an Ohio corporation; and
 - (b) Aztec Concrete Accessories, Inc., a California corporation
 - (c) Dayton Superior Specialty Chemical Corp., a Kansas corporation,
 - (d) Dur-O-Wal, Inc., a Delaware corporation;
 - (e) Southern Construction Products, Inc., an Alabama corporation;
 - (f) Symons Corporation, a Delaware corporation; and
 - (g) Trevecca Holdings, Inc., a Delaware corporation
- (2) An agreement of merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 252 of the Delaware General Corporation Law.
- (3) The name of the surviving corporation is Dayton Superior Corporation.

- (4) The certificate (articles) of incorporation of Dayton Superior Corporation shall be the certificate (articles) of incorporation of the surviving corporation.
- (5) The merger shall be effective at 11:59 p.m. Eastern Standard Time on December 31, 2004.
- (6) The executed agreement of merger is on file at the office of the surviving corporation at 7777 Washington Village Drive, Suite 130, Dayton, Ohio 45459.
- (7) A copy of the agreement of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.
- (8) The surviving corporation agrees that it may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of the surviving corporation arising from this merger, including any suit or other proceeding to enforce the rights of any stockholders as determined in appraisal proceedings pursuant to the provisions of Section 262 of the Delaware General Corporation Law, and irrevocably appoints the Secretary of State of Delaware as its agent to accept services of process in any such suit proceeding. The Secretary of State shall mail any such process to the surviving corporation at 7777 Washington Village Drive, Suite 130, Dayton, Ohio 45459.

IN WITNESS WHEREOF, the undersigned has caused this certificate to be signed by an authorized officer on the 13 day of October, 2004.

DAYTON SUPERIOR CORPORATION

By: 
Name: Steven C. Huston
Title: Corporate Secretary

357554

CERTIFICATE OF MERGER

of

AZTEC CONCRETE ACCESSORIES, INC.,

DAYTON SUPERIOR SPECIALTY CHEMICAL CORP.,

DUR-O-WAL, INC.,

SOUTHERN CONSTRUCTION PRODUCTS, INC.,

SYMONS CORPORATION

and

TREVECCA HOLDINGS, INC.

into

DAYTON SUPERIOR CORPORATION

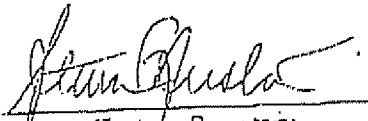
DAYTON SUPERIOR CORPORATION hereby certifies pursuant to Section 17-6702 of the Kansas General Corporation Code that:

- (1) The name and state of incorporation of each of the constituent corporations is:
 - (a) Dayton Superior Corporation, an Ohio corporation; and
 - (b) Aztec Concrete Accessories, Inc., a California corporation
 - (c) Dayton Superior Specialty Chemical Corp., a Kansas corporation;
 - (d) Dur-O-Wal, Inc., a Delaware corporation;
 - (e) Southern Construction Products, Inc., an Alabama corporation;
 - (f) Symons Corporation, a Delaware corporation; and
 - (g) Trevecca Holdings, Inc., a Delaware corporation.
- (2) An agreement of merger has been approved, adopted, certified and executed by each of the constituent corporations in accordance with Section 17-6702 of the Kansas General Corporation Code.
- (3) The name of the surviving corporation is Dayton Superior Corporation.
- (4) The articles of incorporation of Dayton Superior Corporation shall be the articles of incorporation of the surviving corporation.

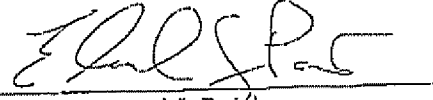
- (5) The executed agreement of merger is on file at the principal place of business of the surviving corporation at 7777 Washington Village Drive, Suite 130, Dayton, Ohio 45459.
- (6) A copy of the agreement of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.
- (7) The surviving corporation agrees that it may be served with process in the State of Kansas in any proceeding for enforcement of any obligation of the surviving corporation arising from this merger, including any suit or other proceeding to enforce the rights of any stockholders as determined in appraisal proceedings pursuant to the provisions of Section 17-6712 of the Kansas General Corporation Code, and irrevocably appoints the Secretary of State of Kansas as its agent to accept services of process in any such suit proceeding. The Secretary of State shall mail any such process to the surviving corporation at 7777 Washington Village Drive, Suite 130, Dayton, Ohio 45459.
- (8) In accordance with the agreement and plan of merger, the merger shall be effective at 11:59 p.m. Eastern Standard Time on December 31, 2004.

IN WITNESS WHEREOF, the undersigned has caused this certificate to be signed by an authorized officer on the 13 day of October, 2004.

ATTEST:


Steven Huston, Secretary

DAYTON SUPERIOR CORPORATION

By: 
Name: Edward J. Parisi
Title: Vice President & Chief Financial Officer

357988



Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State

Central Ohio: (614) 466-3910

Toll Free 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos

e-mail: busserv@sos.state.oh.us

Expedite this Form: (select one)	
Mail Form to one of the following:	
<input type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 *** Requires an additional fee of \$100 ***
<input checked="" type="radio"/> No	PO Box 1329 Columbus, OH 43216

CERTIFICATE OF MERGER
(For Domestic or Foreign, Profit or Non-Profit)
Filing Fee \$125.00
(154-MER)

In accordance with the requirements of Ohio law, the undersigned corporations, banks, savings banks, savings and loan, limited liability companies, limited partnerships and/or partnerships with limited liability, desiring to effect a merger, set forth the following facts:

I. SURVIVING ENTITY

A. The name of the entity surviving the merger is:

Dayton Superior Corporation

B. Name Change: As a result of this merger, the name of the surviving entity has been changed to the following:

(Complete only if name of surviving entity is changing through the merger)

C. The surviving entity is a: (Please check the appropriate box and fill in the appropriate blank)

- ☐ Domestic (Ohio) For-Profit Corporation, charter number 278345
- ☐ Domestic (Ohio) Non-Profit Corporation, charter number _____
- ☐ Foreign (Non-Ohio) Corporation incorporated under the laws of the state/country of _____ and licensed to transact business in the State of Ohio under license number _____
- ☐ Foreign (Non-Ohio) Corporation incorporated under the laws of the state/country of _____ and NOT licensed to transact business in the state of Ohio, _____
- ☐ Domestic (Ohio) Limited Liability Company, with registration number _____
- ☐ Foreign (Non-Ohio) Limited Liability Company organized under the laws of the state/country of _____ and registered to do business in the State of Ohio under registration number _____
- ☐ Foreign (Non-Ohio) Limited Liability Company organized under the laws of the state/country of _____ and NOT registered to do business in the State of Ohio _____
- ☐ Domestic (Ohio) Limited Partnership, with registration number _____
- ☐ Foreign (Non-Ohio) Limited Partnership organized under the laws of the state/country of _____ and registered to do business in the state of Ohio under registration number _____

- ☐ Foreign (Non-Ohio) Limited Partnership organized under the laws of the state/country of _____ and NOT registered to do business in the state of Ohio.
- ☐ Domestic (Ohio) Partnership having limited liability, with the registration number _____
- ☐ Foreign (Non-Ohio) Partnership having limited liability organized under the laws of the state/country of _____ and registered to do business in the state of Ohio under registration number _____
- ☐ Foreign (Non-Ohio) Partnership having limited liability organized under the laws of the state/country of _____ and NOT registered to do business in the state of Ohio.
- ☐ Foreign (Non-Ohio) Non-Profit Incorporation under the laws of the state/country of _____ and licensed to transact business in the state of Ohio under license number _____
- ☐ Foreign (Non-Ohio) Non-Profit Incorporation under the laws of the state/country of _____ and not licensed to transact business in the state of Ohio
- ☐ General partnership not registered with the state of Ohio

II MERGING ENTITY

The name, charter/license/registration number, type of entity, state/country of incorporation or organization, respectively, of which is the entities merging out of existence are as follows (if this is insufficient space to reflect all merging entities, please attach a separate sheet listing the merging entities)

(Please list the Ohio charter, license/registration no. below)

Name / charter, license or registration number	State/Country of Organization	Type of Entity
Aztec Concrete Accessories, Inc.	California	corporation-for profit
Dur-O-Wal, Inc./994880	Delaware	corporation-for profit
Southern Construction Products, Inc.	Alabama	corporation-for profit
See attachment for continuation		

III MERGER AGREEMENT ON FILE

The name and mailing address of the person or entity from whom/which eligible persons may obtain a copy of the agreement of merger upon written request:

Dayton Superior Corporation	7777 Washington Village Drive, Suite 130	
(name)	(street) NOTE: P.O. Box addresses are NOT acceptable	
Dayton	Ohio	45459
(city, village or township)	(state)	(zip code)

IV EFFECTIVE DATE OF MERGER

This merger is to be effective on: December 31, 2004 (if a date is specified, the date must be a date on or after the date of filing; the effective date of the merger cannot be earlier than the date of filing. If no date is specified, the date of filing will be the effective date of the merger)

V MERGER AUTHORIZED

The laws of the state or country under which each constituent entity exists, permits this merger. This merger was adopted, approved and authorized by each of the constituent entities in compliance with the laws of the state under which it is organized, and the persons signing this certificate on behalf of each of the constituent entities are duly authorized to do so.

VI. STATUTORY AGENT

The name and address of the surviving entity's statutory agent upon whom any process, notice or demand may be served is:

(name)

(street) NOTE: P.O. Box Addresses are NOT acceptable.

, Ohio

(city, village or township)

(zip code)

(This item MUST be completed if the surviving entity is a foreign entity which is not licensed, registered or otherwise authorized to conduct business in the state of Ohio)

VII. ACCEPTANCE OF AGENT

The undersigned, named herein as the statutory agent for the above referenced surviving entity, hereby acknowledges and accepts the appointment of statutory agent for said entity

Signature of Agent

(The acceptance of agent must be completed by the surviving entities if through this merger the statutory agent has changed, or the named agent differs in any way from the name currently on record with the Secretary of State.)

VIII. STATEMENT OF MERGER

Upon filing, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity

IX. AMENDMENTS

The articles of incorporation, articles of organization, certificate of limited partnership or registration of partnership having limited liability (circle appropriate term) of the surviving domestic entity have been amended

☐ Attachments are provided☒ No Changes

X. QUALIFICATION OR LICENSURE OF FOREIGN SURVIVING ENTITY

A. The listed surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability desires to transact business in Ohio as a foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability, and hereby appoints the following as its statutory agent upon whom process, notice or demand against the entity may be served in the state of Ohio. The name and complete address of the statutory agent is:

(name)

(street) NOTE: P.O. Box Addresses are NOT acceptable.

, Ohio

(city, village or township)

(zip code)

The subject surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability irrevocably consents to service of process on the statutory agent listed above as long as the authority of the agent continues, and to service of process upon the Secretary of State of Ohio if the agent cannot be found. If the corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability fails to designate another agent when required to do so, or if the foreign corporation's, bank's, savings bank's, savings and loan's, limited liability company's, limited partnership's or partnership having limited liability's license or registration to do business on Ohio expires or is canceled

6 The qualifying entity also states as follows: (Complete only if applicable)

1 Foreign Notice Under Section 1703.031

(If the qualifying entity is a foreign bank, savings bank, or savings and loan, then the following information must be completed.)

(a) The name of the Foreign Nationality/Federally chartered bank, savings bank, or savings and loan association is _____

(b) The name(s) of any Trade Name(s) under which the corporation will conduct business: _____

(c) The location of the main office (non-Ohio) shall be:

 (street address)

NOTE: P.O. Box Addresses are NOT acceptable.

 (city, township, or village)

 (county)

 (state)

 (zip code)

(d) The principal office location in the state of Ohio shall be:

 (street address)

NOTE: P.O. Box Addresses are NOT acceptable.

 (city, township, or village)

 (county)

Ohio
 (state)

 (zip code)

(Please note, if there will not be an office in the state of Ohio, please list none.)

(e) The corporation will exercise the following purpose(s) in the state of Ohio:

(Please provide a brief summary of the business to be conducted; a general clause is not sufficient)

2 Foreign Qualifying Limited Liability Company

(If the qualifying entity is a foreign limited liability company, the following information must be completed.)

(a) The name of the limited liability company in its state of organization/registration is _____

(b) The name under which the limited liability company desires to transact business in Ohio is _____

(c) The limited liability company was organized or registered on _____
 under the laws of the state/country of _____

- (d) The address to which interested persons may direct requests for copies of the articles of organization, operating agreement, bylaws, or other charter documents of the company is:

 (street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

 (city, township, or village) (state) (zip code)

3 Foreign Qualifying Limited Partnership

(If the qualifying entity is a foreign limited partnership, the following information must be completed)

- (a) The name of the limited partnership is

- (b) The limited partnership was formed on _____

- (c) The address of the office of the limited partnership in its state/country of organization is:

 (street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

 (city, township, or village) (county) (state) (zip code)

- (d) The limited partnership's principal office address is:

 (street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

 (city, township, or village) (county) (state) (zip code)

- (e) The names and business or residence addresses of the General partners of the partnership are as follows:

Name	Address
_____	_____
_____	_____
_____	_____

(If insufficient space to cover this item, please attach a separate sheet listing the general partners and their respective addresses)

- (f) The address of the office where a list of the names and business or residence addresses of the limited partners and their respective capital contributions is to be maintained is:

 (street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

 (city, township, or village) (county) (state) (zip code)

The limited partnership hereby certifies that it shall maintain said records until the registration of the limited partnership in Ohio is canceled or withdrawn.

4 Foreign Qualifying Partnership Having Limited Liability

(a) The name of the partnership shall be _____

(b) Please complete the following appropriate section (either item b(1) or b(2)):

(1) The address of the partnership's principal office in Ohio is:

(street address)

NOTE: P.O. Box Addresses are NOT acceptable.

_____, Ohio

(city, village or township)

(zip code)

(If the partnership does not have a principal office in Ohio, then items b2 must be completed)

(2) The address of the partnership's principal office (Non-Ohio):

(street address)

NOTE: P.O. Box Addresses are NOT acceptable.

(city, township, or village)

(state)

(zip code)

(c) The name and address of a statutory agent for service of process in Ohio is as follows:

(name)

(street address)

NOTE: P.O. Box Addresses are NOT acceptable.

_____, Ohio

(city, village or township)

(zip code)

(d) Please indicate the state or jurisdiction in which the Foreign Limited Liability Partnership has been formed

(e) The business which the partnership engages in is:

The undersigned constituent entities have caused this certificate of merger to be signed by its duly authorized officers, partners and representatives on the date(s) stated below.

DAYTON SUPERIOR CORPORATION

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

AZTEC CONCRETE ACCESSORIES, INC.

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

DAYTON SUPERIOR SPECIALTY CHEMICAL CORP.

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

DUR-O-WAL, INC.

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

SOUTHERN CONSTRUCTION PRODUCTS, INC.

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

SYMONS CORPORATION

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

TREVCCA HOLDINGS, INC.

(Exact name of entity)

By: John ChuskaIts: Corporate SecretaryDate: October 13, 2004

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____