



REC OF  
**FRA**

02-24-1999



02-12-1999

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #34

Tab settings

Docket No.:

3711

100970560

original documents or copy thereof.

To the Honorable Commissioner of Patents and Trademarks

1. Name of conveying party(ies):  
**Sherwin-Williams Diversified Brands, Inc.**  
**101 Prospect Avenue, NW**  
**Cleveland, Ohio 44115-1075**

Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation-State **Delaware**  
 Other \_\_\_\_\_

Additional names(s) of conveying party(ies)       Yes  No

2. Name and address of receiving party(ies):

Name: The Sherwin-Williams Company

Internal Address: \_\_\_\_\_

Street Address: 101 Prospect Avenue, NW

City: Cleveland                      State: OH    ZIP: 44115

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Ohio  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic designation is                       Yes     N  
(Designations must be a separate document from  
Additional name(s) & address(es)                       Yes     N

3. Nature of conveyance: **2-12-99**

Assignment                       Merger  
 Security Agreement               Change of Name  
 Other \_\_\_\_\_

Execution Date: December 31, 1998

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

75/385369	75/439886	75/201606
75/603272	75/603270	75/518765
75/475720	75/603313	75/396264

Additional numbers                       Yes     No

B. Trademark Registration No.(s)

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

Name: Robert E. McDonald, Esq.

Internal Address: The Sherwin-Williams Company  
1100 Midland Bldg. - Legal Dept.

Street Address: 101 Prospect Avenue, NW

City: Cleveland                      State: OH    ZIP: 44115

6. Total number of applications and registrations involved:..... **24**

7. Total fee (37 CFR 3.41):.....\$ \$615.00

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
19-2025

02/23/1999 DNGUYEN 00000130 192025 75385369

DO NOT USE THIS SPACE

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02 FC:482 575.00 CH

**615E**

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.*

Robert E. McDonald                      *Robert E. McDonald*                      2/12/99  
Name of Person Signing                      Signature                      Date

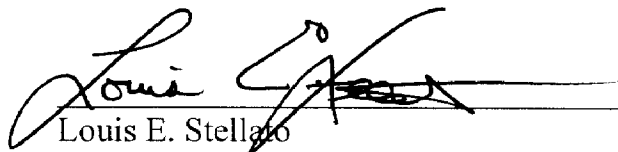
Total number of pages including cover sheet, attachments, and

CONTINUATION OF 4A.

75/385364	75/518766	75/488969
75/385365	75/585878	75/574181
75/385247	75/441546	75/573622
75/488985	75/495022	75/518767
75/551622	75/395675	75/440227

**CERTIFICATION**


I, Louis E. Stellato, Vice President, General Counsel and Secretary of The Sherwin-Williams Company, do hereby certify that the attached copy of CERTIFICATE OF MERGER OF SHERWIN-WILLIAMS DIVERSIFIED BRANDS, INC. AND RUBBERSET COMPANY INTO THE SHERWIN-WILLIAMS COMPANY which merged Sherwin-Williams Diversified Brands, Inc. with and into The Sherwin-Williams Company effective December 31, 1998, is a true copy of the original.

  
\_\_\_\_\_  
Louis E. Stellato

STATE OF OHIO                    )  
  )SS.  
COUNTY OF CUYAHOGA    )

BEFORE ME, a Notary Public in and for said county and state, appeared Louis E. Stellato, to me personally known who being sworn, did say that he is the Vice President, General Counsel and Secretary of The Sherwin-Williams Company and that this is a true copy of the CERTIFICATE OF MERGER OF SHERWIN-WILLIAMS DIVERSIFIED BRANDS, INC. AND RUBBERSET COMPANY INTO THE SHERWIN-WILLIAMS COMPANY.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 12<sup>th</sup> day of February, 1999.

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

DEBORAH G. PANKIW  
Notary Public, State of Ohio, Cuy. Cty.  
My Commission Expires Aug. 21, 1999

Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"RUBBERSET COMPANY", A FLORIDA CORPORATION,

"SHERWIN-WILLIAMS DIVERSIFIED BRANDS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "THE SHERWIN-WILLIAMS COMPANY" UNDER THE NAME OF "THE SHERWIN-WILLIAMS COMPANY", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO, AS RECEIVED AND FILED IN THIS OFFICE THE TENTH DAY OF DECEMBER, A.D. 1998, AT 2 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 1998.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Edward J. Freel*

Edward J. Freel, Secretary of State

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AUTHENTICATION: 9453850  
DATE: 12-10-98

TRADEMARK  
REEL: 1859 FRAME: 0208

**CERTIFICATE OF MERGER  
OF  
SHERWIN-WILLIAMS DIVERSIFIED BRANDS, INC.  
AND  
RUBBERSET COMPANY  
INTO  
THE SHERWIN-WILLIAMS COMPANY**

The Sherwin-Williams Company ("Sherwin-Williams"), a corporation organized and existing under the laws of the State of Ohio, does hereby certify:

FIRST: That the name of and state of incorporation of each constituent corporation of the merger is as follows:

<u>Name</u>	<u>State of Incorporation</u>
Sherwin-Williams Diversified Brands, Inc.	Delaware
Rubberset Company	Florida
The Sherwin-Williams Company	Ohio

SECOND: That a Plan and Agreement of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by the domestic constituent corporation in accordance with the requirements of Section 252(c) of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving corporation of the merger is The Sherwin-Williams Company.

FOURTH: That the Amended Articles of Incorporation, as amended, of Sherwin-Williams, an Ohio corporation, which will survive the merger, shall be the Amended Articles of Incorporation, as amended, of the surviving corporation.

FIFTH: That the executed Plan and Agreement of Merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 101 Prospect Avenue, N.W., Cleveland, Ohio 44115.

SIXTH: That a copy of the Plan and Agreement of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

SEVENTH: That The Sherwin-Williams Company, which shall survive the merger, may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of The Sherwin-Williams Company arising from the merger, including any suit or other

proceeding to enforce the right of any stockholder as determined in appraisal proceedings pursuant to the provisions of Section 262 of Title 8 of the Delaware Code, and it does hereby irrevocably appoint the Secretary of State of Delaware as its agent to accept service of process in any suit or other proceeding. The address to which a copy of such process shall be mailed by the Secretary of State of Delaware is to: The Sherwin-Williams Company, 101 Prospect Avenue, N.W., Cleveland, Ohio, 44115, Attn. Corporate Secretary, until The Sherwin-Williams Company shall have hereafter designated in writing to said Secretary of State a different address for such purpose. Service of process may be made by personally delivering to and leaving with the Secretary of State of Delaware duplicate copies of such process, one of which copies said Secretary of State shall forthwith send by registered mail to The Sherwin-Williams Company at the aforesaid address.

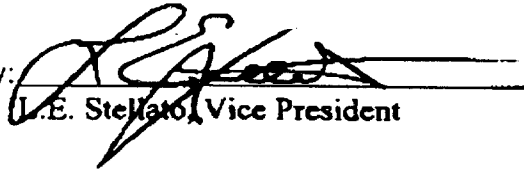
EIGHTH: That the Certificate of Merger shall be effective on December 31, 1998 at 11:59 p.m.

Dated: December 1, 1998

THE SHERWIN-WILLIAMS COMPANY

[SEAL.]

By:

  
J.E. Stellato, Vice President

Attest:

  
J.J. Sgambellone, Assistant Secretary