

FORM PTO-1618A  
Expires 08/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
**TRADEMARK**

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

#### Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID #
- Correction of PTO Error  
Reel #  Frame #
- Corrective Document  
Reel #  Frame #

#### Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger Effective Date  
Month Day Year
- Change of Name
- Other

#### Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name

Formerly

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization

#### Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)     
City State/Country Zip Code

- Individual  General Partnership  Limited Partnership  If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)
- Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization

FOR OFFICE USE ONLY

FORM PTO-1618B  
Expires 08/30/00  
OMB 0851-0027

U.S. Department of Commerce  
Patent and Trademark Office  
**TRADEMARK**

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

(216) 566-2432

Name

Robert E. McDonald, Esq.

Address (line 1)

The Sherwin-Williams Company

Address (line 2)

101 Prospect Avenue, NW

Address (line 3)

1100 Midland Bldg. - Legal Dept.

Address (line 4)

Cleveland, OH 44115-1075

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trademark Application Number(s)**

**Registration Number(s)**

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

1894751	1885750	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Number of Properties**

Enter the total number of properties involved.

#

2

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

65

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

19-2025

Authorization to charge additional fees:

Yes

No

**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. Charges to deposit account are authorized, as indicated herein.

Robert E. McDonald

March 28, 2001

Name of Person Signing

Signature

Date Signed

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BOX ASSIGNMENT**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**REQUEST FOR RECORDATION OF ASSIGNMENT**  
**BY MERGER AND NAME CHANGE**  
**AND APPOINTMENT OF ATTORNEYS OF RECORD**

Dear Sir:


Enclosed for recordation is a certified copy of a Certificate of Merger of Rubberset Company, a Florida corporation, with and into The Sherwin-Williams Company, an Ohio corporation, recorded in the Office of the Secretary of State of the State of Ohio on December 31, 1998. This merger and name change will cause the "Owner of Record" of the following trademark registrations to be The Sherwin-Williams Company:

<u>MARK</u>	<u>REG. NO.</u>
DECK SHIELD	1894751
MICRO TITE	1885750

The Sherwin-Williams Company, having an address at 101 Prospect Avenue NW, Cleveland, Ohio 44115-1075, respectfully requests that this assignment by merger and name change be made of record for each of the above-identified U.S. trademark registrations.

The undersigned, acting on behalf of The Sherwin-Williams Company, hereby appoints ROBERT E. McDONALD, Reg. No. 29,193; VIVIEN Y. TSANG, Reg. No. 40,209; and PAUL KATTERLE, Reg. No. 36,563, whose address is The Sherwin-Williams Company, 101 Prospect Avenue NW, 1100 Midland Bldg. - Legal Dept., Cleveland, Ohio 44115-1075, and whose telephone number is (216) 566-2432, its attorney and associate attorneys, with full power of substitution and revocation to transact all business in the Patent and Trademark Office in connection therewith.

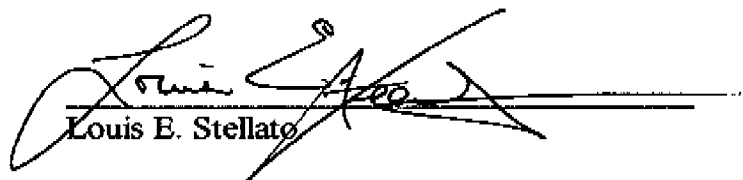
Respectfully submitted,  
THE SHERWIN-WILLIAMS COMPANY

By   
Louis E. Stellato  
Vice President, General Counsel  
and Secretary

TRADEMARK  
REEL: 002215 FRAME: 0620

**CERTIFICATION**

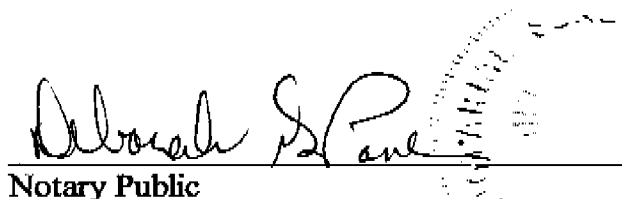
I, Louis E. Stellato, Vice President, General Counsel and Secretary of The Sherwin-Williams Company, do hereby certify that the attached copy of the CERTIFICATE OF MERGER, merging Rubberset Company, a Florida corporation with and into The Sherwin-Williams Company, an Ohio corporation, is a true copy 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this TWENTY-EIGHTH day of MARCH, 2001.

  
Notary Public

DEBORAH G. PANKIW  
Notary Public, State of Ohio, Cuy. Cty.  
My Commission Expires Sept. 7, 2004

DATE	DOCUMENT NO	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
12/14/1998	199834500984	MER MERGER/DOMESTIC	50.00	10.00	0.00	0.00	0.00
<b>TOTAL</b>			<b>50.00</b>	<b>10.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Return To:  
 C T CORPORATION SYSTEM  
 ATTN A WEBSTER  
 17 S HIGH ST  
 COLUMBUS, OH 43205-0000

-----cut along the dotted line-----



*The State of Ohio*  
 ❁ *Certificate* ❁

*Secretary of State - Bob Taft*

**8027**

*It is hereby certified that the Secretary of State of Ohio has custody of the business records for THE SHERWIN-WILLIAMS COMPANY and that said business records show the filing and recording of:*

Document(s)  
 MERGER/DOMESTIC

Document No(s):  
 199834500984

United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of the Secretary  
 of State at Columbus, Ohio, This 31st day of  
 December, A.D. 1998



*Bob Taft*  
 Bob Taft  
 Secretary of State

<b>DATE</b>	<b>TRANSACTION NO.</b>	<b>TRANSACTION DESCRIPTION</b>
12/14/1998	199834500984	Merged Out of Existence (MEX)

**Mail To:**  
**C T CORPORATION SYSTEM**  
**ATTN A WEBSTER**  
**17 S HIGH ST**  
**COLUMBUS, OH 43205-0000**

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cut along dotted line

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*The State of Ohio*  
 ❖ *Certificate* ❖  
 Secretary of State - Bob Taft  
 928243

*It is hereby certified that the Secretary of State of Ohio has custody of the business records for SHERWIN-WILLIAMS DIVERSIFIED BRANDS, INC. and that said business records show the recording of:*

**MERGED OUT OF EXISTENCE**

United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of the Secretary  
 of State at Columbus, Ohio, This 31st day of  
 December, A.D. 1998



*Bob Taft*  
 Bob Taft  
 Secretary of State

<b>DATE</b>	<b>TRANSACTION NO.</b>	<b>TRANSACTION DESCRIPTION</b>
12/14/1998	199834500984	Merged Out of Existence (MEX)

**Mail To:**  
**C T CORPORATION SYSTEM**  
**ATTN A WEBSTER**  
**17 S HIGH ST**  
**COLUMBUS, OH 43205-0000**

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cut along dotted line



*The State of Ohio*  
 *Certificate*   
*Secretary of State - Bob Taft*  
**928036**

*It is hereby certified that the Secretary of State of Ohio has custody of the business records for RUBBERSET COMPANY and that said business records show the recording of:*

**MERGED OUT OF EXISTENCE**

---

United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of the Secretary  
 of State at Columbus, Ohio, This 31st day of  
 December, A.D. 1998



*Bob Taft*  
 Bob Taft  
 Secretary of State



Prescribed by  
Bob Taft, Secretary of State  
30 East Broad Street, 14th Floor  
Columbus, Ohio 43266-0418  
Form MER (July 1994)

Approved \_\_\_\_\_  
Date \_\_\_\_\_  
Fee \_\_\_\_\_

### CERTIFICATE OF MERGER

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

#### I. SURVIVING ENTITY

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

The Sherwin-Williams Company

(If the surviving entity is an Ohio limited partnership or qualified foreign limited partnership, its registration number must be provided)

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

(Only if the name of surviving entity is changing through the merger) (complete)

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

- Domestic (Ohio) corporation
- Foreign (Non-Ohio) corporation incorporated under the laws of the state/ country of \_\_\_\_\_ and licensed to transact business in the state of Ohio.
- 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
- 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.
- 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, registration number \_\_\_\_\_

RECEIVED

DEC 10 1998

BOB TAFT  
SECRETARY OF STATE

COPY  
TRADEMARK



- [ ] 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.

**II. Merging Entities**

The name, type of entity, and state/country of incorporation or organization, respectively, of each entity, other than the survivor, which is a party to the merger are as follows: (If insufficient space is shown on this form, please attach a separate sheet listing the merging entities. Ohio registered or foreign qualified limited partnerships must include registration numbers)

Name	State/ Country of Organization	Type of Entity
<u>Sherwin-Williams Diversified Brands, Inc.</u>	<u>Delaware</u>	<u>Corporation</u>
<u>Rubberset Company</u>	<u>Florida</u>	<u>Corporation</u>

**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:

Name	Address
<u>The Sherwin-Williams Company</u>	<u>101 Prospect Avenue, N.W.</u> (street and number) <u>Cleveland, Ohio 44115</u> (city, village or township) (state) (zip code)

**IV. Effective Date of Merger**

This merger is to be effective:  
December 31, 1998 at  
On 11:59 p.m.

*(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

Address

	<small>(complete street address)</small>
	<small>(city, village or township) (zip code)</small>

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

**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 domestic surviving entities if through this merger the statutory agent for the surviving entity has changed, or the named agent differs in any way from the name reflected on the Secretary of State's records.)*

**VII. 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.

**VIII. Amendments**

The articles of incorporation, articles of organization or certificate of limited partnership (strike the inapplicable terms) of the surviving domestic entity herein, are amended as set forth in the attached "Exhibit A" shall continue to be the articles of incorporation as were in effect of The Sherwin-Williams Company prior to the effective time of the

*(Please note that any amendments to articles of incorporation, articles of organization or to a certificate of limited partnership MUST be attached if the surviving entity is a DOMESTIC corporation, limited liability company, or limited partnership.)*

**IX. Qualification or Licensure of Foreign Surviving Entity**

A. The listed surviving foreign corporation, limited liability company, or limited partnership desires to transact business in Ohio as a foreign corporation, foreign limited liability company, or foreign limited partnership, 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 and number)  
\_\_\_\_\_, Ohio \_\_\_\_\_  
(city, village or township) ( zip code)

The subject surviving foreign corporation, limited liability company or limited partnership 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 if the agent cannot be found, if the corporation, limited liability company or limited partnership fails to designate another agent when required to do so, or if the corporation's, limited liability company's, or limited partnership's license or registration to do business in Ohio expires or is cancelled.

B. The qualifying entity also states as follows: (complete only if applicable)

1. **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 request for copies of the articles of organization, operating agreement, bylaws, or other charter documents of the company is: \_\_\_\_\_

2. **Foreign Qualifying Limited Partnership**  
(If the qualifying entity is a foreign limited partnership, the following information must be completed)

- a. The name of limited partnership is \_\_\_\_\_
- b. The limited partnership was formed on \_\_\_\_\_  
under the laws of the state/country of \_\_\_\_\_
- c. The address of the office of the limited partnership in its state/country of organization is \_\_\_\_\_
- d. The limited partnership's principal office address is \_\_\_\_\_

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:

\_\_\_\_\_  
\_\_\_\_\_

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

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.

The Sherwin-Williams Company  
exact name of entity  
By: [Signature]  
Its: Vice President  
Date: December 1, 1998

The Sherwin-Williams Company  
exact name of entity  
By: [Signature]  
Its: Assistant Secretary  
Date: December 1, 1998

Sherwin-Williams Diversified Brands, Inc.  
exact name of entity  
By: [Signature]  
Its: Vice President  
Date: December 1, 1998

Sherwin-Williams Diversified Brands, Inc.  
exact name of entity  
By: [Signature]  
Its: Assistant Secretary  
Date: December 1, 1998

Rubberset Company  
exact name of entity  
By: [Signature]  
Its: Vice President  
Date: December 1, 1998

Rubberset Company  
exact name of entity  
By: [Signature]  
Its: Assistant Secretary  
Date: December 1, 1998

\_\_\_\_\_  
exact name of entity  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
exact name of entity  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
exact name of entity  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
exact name of entity  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

(Please note that the chairman of the board, the president, vice president, secretary or an assistant secretary must sign on behalf of each constituent corporation, and at least one general partner must sign on behalf of each constituent limited partnership. If insufficient space for signatures, a separate sheet should be attached containing such signatures.)