

02-10-2004

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To the Honorable Commissioner of Patents a

102665881

...ial documents or copy thereof.

1. Name of conveying party(ies):

**DUR-O-WAL, INC.**

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

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 (Collateral Trustee)

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

Street Address: 101 Barclay Street

City: New York State: NY Zip: 10286

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State \_\_\_\_\_
- Other New York Banking Corporation

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

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

A. Trademark Application No.(s)

B. Trademark Registration 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, Esq.

Internal Address: Latham & Watkins LLP

Street Address: 650 Town Center Drive

Suite 2000

City: Costa Mesa State: CA Zip: 92626

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

22

7. Total fee (37 CFR 3.41).....\$ 590.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number

50-0524

(Attach duplicate copy of this page if paying by deposit account)

**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: 9

02/10/2004 EDOOPER 00000033 2301777

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

01 FC:8521 40.00 OP  
02 FC:8522 525.00 OP

OC1657342.1

**SCHEDULE A**  
**DUR-O-WAL, INC.**  
**TRADEMARK REGISTRATIONS**

<u>Registered Owner</u>	<u>Trademark</u>	<u>Registration No.</u> <u>Registration Date</u>
Dur-O-Wal, Inc.	ANCHOR-LOC (stylized)	2301777 12/21/99
Dur-O-Wal, Inc.	BRACE-RITE	2735088 07/08/03 Application No. 75/904,390 01/27/00
Dur-O-Wal, Inc.	DUR-O-EYE	1082553 01/17/78
Dur-O-Wal, Inc.	DUR-O-WAL (stylized)	0574351 05/12/53
Dur-O-Wal, Inc.	DUR-O-WEB	1239157 05/24/83
Dur-O-Wal, Inc.	GEL-LOC	2305674 01/04/00
Dur-O-Wal, Inc.	INJECTION-LOC	2287656 10/19/99
Dur-O-Wal, Inc.	JAIL-BOND (stylized)	2176403 07/28/98
Dur-O-Wal, Inc.	JOINT-LOC (stylized)	2308755 01/18/00
Dur-O-Wal, Inc.	KOPRFAB (stylized)	2371329 07/25/00
Dur-O-Wal, Inc.	KOPRKFT (stylized)	2371330 07/25/00
Dur-O-Wal, Inc.	LADUR-EYE	1082552 01/17/78
Dur-O-Wal, Inc.	LADUR TYPE	0696623 04/26/60
Dur-O-Wal, Inc.	MORTARSTOP	2375421 08/08/00
Dur-O-Wal, Inc.	PICK-PROOF (stylized)	2282307 09/28/99
Dur-O-Wal, Inc.	POLYTITE	1871332 01/03/95
Dur-O-Wal, Inc.	PRISON-LOC (stylized)	2308754 01/18/00
Dur-O-Wal, Inc.	PRISON-PRUF (stylized)	2172681 07/14/98
Dur-O-Wal, Inc.	PRISONLOK	2171161 07/07/98
Dur-O-Wal, Inc.	SOUTHERN CONSTRUCTION PRODUCTS, INC. (stylized)	1450350 08/04/87

Schedule to Security Agreement Amendment

<u>Registered Owner</u>	<u>Trademark</u>	<u>Registration No.</u> <u>Registration Date</u>
Dur-O-Wal, Inc.	SURE-STRESS	2388601 09/19/00
Dur-O-Wal, Inc.	TIMBERTITE (stylized)	2132271 01/27/98

## 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 DUR-O-WAL, INC., (the "Grantor"), a Delaware corporation with principal offices at 7777 Washington Village Drive, Suite 130, Dayton, OH, 45459, as follows:

### WITNESSETH

WHEREAS, the Grantor has heretofore granted to the Collateral Agent a security interest in certain U.S. trademarks, trademark registrations and trademark applications as more particularly set forth on Schedule A attached hereto (the "Marks") 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 Marks 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 Chaney  
Name: CYNTHIA J. CHANEY  
Title: VICE PRESIDENT

DUR-O-WAL, INC.

By \_\_\_\_\_  
Name:  
Title:

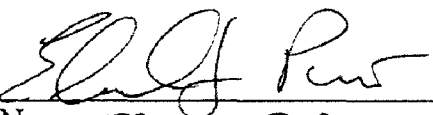
IN WITNESS WHEREOF, the undersigned, by and through its authorized officer,

has caused this instrument to be executed on the date first written above.

THE BANK OF NEW YORK,  
as Collateral Agent

By \_\_\_\_\_  
Name:  
Title:

DUR-O-WAL, INC.

By   
Name: EDWARD G. PUZOS  
Title: VICE PRESIDENT AND CFO

**SCHEDULE A**  
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