

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM552208

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Release of Security Interest (Reel/Frame 6436/0080)		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
The Bank of New York Mellon, as Collateral Agent		12/04/2019	Corporation: NEW YORK
RECEIVING PARTY DATA			
Name:	Dayton Superior Corporation		
Street Address:	1125 Byers Road		
City:	Miamisburg		
State/Country:	OHIO		
Postal Code:	45342		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 62			
Property Type	Number	Word Mark	
Registration Number:	728771	MAGIC KOTE	
Registration Number:	745290	S	
Registration Number:	760829	S	
Registration Number:	798721	SURE-GRIP	
Registration Number:	846110	JAHN	
Registration Number:	899048	SNAPPLUGS	
Registration Number:	1009108	SWIFT LIFT	
Registration Number:	1100771	STEEL-PLY	
Registration Number:	1254958	SYMONS	
Registration Number:	1280346	S	
Registration Number:	1397671	LEVELAYER	
Registration Number:	1481622	FLEX-FORM	
Registration Number:	1511787	E-Z CHAIR	
Registration Number:	1538915	GYRO LIFT	
Registration Number:	1687147	CONSPEC 100	
Registration Number:	1695347	ALL-PATCH	
Registration Number:	1747797	CONSPEC ENDURO 50	
Registration Number:	1768658	SURE-GRIP	
Registration Number:	1872124	CONSPEC	
TRADEMARK			

OP \$1565.00 728771

Property Type	Number	Word Mark
Registration Number:	1912991	MAX-A-FORM
Registration Number:	1934555	
Registration Number:	1955413	SUPROTEK
Registration Number:	2026640	AZTEC
Registration Number:	2026641	AZTEC
Registration Number:	2136857	CASTLE CHAIR REBAR SUPPORTS
Registration Number:	2254802	COREWALL
Registration Number:	2301428	GYRO TILT PLUS
Registration Number:	2308754	PRISON-LOC
Registration Number:	2477213	BAR LOCK
Registration Number:	2536888	AMERICAN HIGHWAY TECHNOLOGY
Registration Number:	2619423	DAYTON/RICHMOND
Registration Number:	2658475	EDOCO
Registration Number:	2662602	GR
Registration Number:	2684897	UTILITY ANCHOR
Registration Number:	2886090	UNITEX
Registration Number:	2927934	AQUAFILM
Registration Number:	2956123	SPECIAL PATCH
Registration Number:	2963833	SUPROTEK
Registration Number:	3108060	Q-2
Registration Number:	3129235	SL
Registration Number:	3368062	ACCUBRACE SHORING, LLC
Registration Number:	3371777	ACCUBRACE
Registration Number:	3472964	TILT-WERKS
Registration Number:	3499520	SURE-GUARD
Registration Number:	3561926	CONPATCH V/O
Registration Number:	3577291	TURBO GROUT
Registration Number:	3577459	BIO-RELEASE EF
Registration Number:	3645214	DAYTON ACCESS
Registration Number:	3655250	GREEN BEAN CLEAN
Registration Number:	3674630	TAPER-LOCK
Registration Number:	3677957	TAPERLOCK
Registration Number:	3681671	EARTH FRIENDLY
Registration Number:	3717385	
Registration Number:	3717386	EARTH FRIENDLY
Registration Number:	3818797	DP
Registration Number:	3902152	
Registration Number:	3918157	BUILDING STRENGTH

Property Type	Number	Word Mark
Registration Number:	3932738	SLEEVE-LOCK
Registration Number:	4043722	DAYTON SUPERIOR
Registration Number:	4101544	ARCHI-FOAM
Registration Number:	4311939	SYM-PLY
Registration Number:	4528413	DBDI

CORRESPONDENCE DATA

Fax Number:

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 800-494-5225
Email: ipteam@cogencyglobal.com
Correspondent Name: Stewart Walsh
Address Line 1: 1025 Vermont Ave NW, Ste 1130
Address Line 2: COGENCY GLOBAL Inc.
Address Line 4: Washington, D.C. 20005

ATTORNEY DOCKET NUMBER:	1160008 A TM Rel
NAME OF SUBMITTER:	Karen S. Cottrell
SIGNATURE:	/Karen S. Cottrell/
DATE SIGNED:	12/06/2019

Total Attachments: 10

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**NOTICE OF RELEASE OF
SECURITY INTEREST IN TRADEMARK AND PATENT COLLATERAL**

THIS NOTICE OF RELEASE OF SECURITY INTEREST IN TRADEMARK AND PATENT COLLATERAL (this “Release”), is entered into as of December 4, 2019 by **THE BANK OF NEW YORK MELLON**, as collateral agent for the Secured Parties (in such capacity, the “Agent”) in favor of Dayton Superior Corporation, a Delaware corporation (the “Lien Grantor”). Capitalized terms used and not otherwise defined herein have the meanings assigned to them in the Security Agreement or the Trademark and Patent Security Agreement (each as defined below), as applicable.

WHEREAS, the Lien Grantor entered into that certain Security Agreement dated as of November 15, 2016 (as amended, restated, amended and restated, supplemented or otherwise modified from time to time, the “Security Agreement”), among Dayton Superior Corporation, the guarantors party thereto and Deutsche Bank AG New York Branch, as collateral agent (“DB”);

WHEREAS, the Lien Grantor entered into that certain Trademark and Patent Security Agreement dated as of November 15, 2016 (the “Trademark and Patent Security Agreement”), pursuant to which the Lien Grantor granted to DB, for the benefit of the Secured Parties, a continuing security interest in all of the Lien Grantor’s right, title and interest in, to and under the following (all of the following items or types of property being herein collectively referred to as the “Trademark and Patent Collateral”), whether now owned or existing or hereafter acquired or arising: (i) the patents and patent applications set forth in Schedule A hereto (the “Patents”); (ii) the trademark and service mark registrations and applications set forth in Schedule B hereto (provided that no security interest shall be granted in United States intent-to-use trademark applications to the extent that, and solely during the period in which, the grant of a security interest therein would impair the validity or enforceability of such intent-to-use trademark applications under applicable federal law), together with the goodwill symbolized thereby (the “Trademarks”); (iii) all reissues, divisions, continuations, continuations-in-part, extensions, renewals and reexaminations of any of the foregoing, all rights in the foregoing provided by international treaties or conventions, all rights corresponding thereto throughout the world and all other rights of any kind whatsoever of the Lien Grantor accruing thereunder or pertaining thereto; (iv) any and all claims for damages and injunctive relief for past, present and future infringement, dilution, misappropriation, violation, misuse or breach with respect to any of the foregoing, with the right, but not the obligation, to sue for and collect, or otherwise recover, such damages; and (v) any and all proceeds of, collateral for, income, royalties and other payments now or hereafter due and payable with respect to, and supporting obligations relating to, any and all of the Trademark and Patent Collateral of or arising from any of the foregoing;

WHEREAS, the Trademark and Patent Security Agreement was recorded with the United States Patent and Trademark Office on February 13, 2017 at Reel 5988, Frame 0762.

WHEREAS, DB entered into that certain Assignment of Security Interest in Trademark and Patent Collateral dated as of September 10, 2018 (the “Trademark and Patent Assignment”) pursuant to which DB assigned to Agent, and Agent assumed, all of DB’s right, title and interest in, to and under, the Trademark and Patent Collateral and the Trademark and Patent Security Agreement, including, without limitation, its lien on and security interest in DB’s right, title and interest in to and under the Trademark and Patent Collateral.

WHEREAS, the Trademark and Patent Assignment was recorded with regard to trademarks with the United States Patent and Trademark Office on September 12, 2018 at Reel 6436, Frame 0080.

WHEREAS, the Trademark and Patent Assignment was recorded with regard to patents with the United States Patent and Trademark Office on September 12, 2018 at Reel 047525, Frame 0143.

WHEREAS, the Agent now desires to terminate and release the entirety of its Liens on and continuing security interest in the Trademark and Patent Collateral.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Agent hereby agrees as follows:

1. Release of Security Interest. The Agent hereby (i) terminates, cancels, releases and discharges all of its Liens on and security interests in the Trademark and Patent Collateral without representation, warranty or recourse of any kind or nature, (ii) terminates and cancels the Trademark and Patent Security Agreement.

2. Further Assurances. The Agent hereby authorizes the Lien Grantor or any of its designees to record this Release with the United States Patent and Trademark Office (“USPTO”) and any other offices as may be necessary to carry out the intention of this Release, and to the extent applicable, the Agent authorizes and requests that the USPTO record this Release.

The Agent shall, at the Lien Grantor’s sole cost and expense, take all further actions, and provide to the Lien Grantor, its successors, assigns or other legal representatives, all such cooperation and assistance (including, without limitation, the execution and delivery of any and all documents or other instruments in form and substance reasonably satisfactory to the Agent) reasonably requested by the Lien Grantor to more fully and effectively effectuate the purposes of this Release.

3. Governing Law. THIS RELEASE, AND THE RIGHTS AND OBLIGATIONS OF THE PARTIES HEREUNDER SHALL BE GOVERNED BY, AND CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, THE LAW OF THE STATE OF NEW YORK, WITHOUT REFERENCE TO CONFLICTS OF LAW PROVISIONS.

4. Miscellaneous. Delivery of an executed signature page to this Release by facsimile or electronic transmission (including .pdf file) shall be effective as delivery of an original signature.

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IN WITNESS WHEREOF, the undersigned has caused this Release to be duly executed and delivered by its respective officers thereunto duly authorized as of the day and year first above written.

THE BANK OF NEW YORK MELLON,
as Agent

By: Rebecca A. Norton
Name: Rebecca A. Norton
Title: Authorized Officer

{Signature Page to Term Loan Trademark and Patent Release}

TRADEMARK
REEL: 006810 FRAME: 0108

Schedule A

U.S. PATENT REGISTRATIONS

<u>Grantor</u>	<u>Title</u>	<u>Patent No.</u> <u>Issue Date</u>
Dayton Superior Corporation	Anchor positioning insert	6082700 7/4/2000
Dayton Superior Corporation	Method and apparatus for supporting reinforcement members	6089522 7/18/2000
Dayton Superior Corporation	Quick connect rebar splice	6089779 7/18/2000
Dayton Superior Corporation	Taper lock rebar splice joint	6099196 8/8/2000
Dayton Superior Corporation	Knee brace bracket for tilt-up construction	6112475 9/5/2000
Dayton Superior Corporation	Erection anchor for concrete panel	6647674 11/18/2003
Dayton Superior Corporation	Overhanging form system and method of using the same	6715729 4/6/2004
Dayton Superior Corporation	Plastic slab bolster upper	6722097 4/20/2004
Dayton Superior Corporation	Plastic slab bolster upper	6735918 5/18/2004
Dayton Superior Corporation	Concrete void former and cooperating cover	6755385 6/29/2004
Dayton Superior Corporation	Structural tie shear connector for concrete and insulation composite panels	6761007 7/13/2004
Dayton Superior Corporation	Adjustable support brace and mounting shoe	6854222 2/15/2005
Dayton Superior Corporation	Protective cover for reinforcing bar	6857235 2/22/2005
Dayton Superior Corporation	Post-tension intersection chair	6925771 8/9/2005
Dayton Superior Corporation	Plastic slab bolster upper	6948291 9/27/2005
Dayton Superior Corporation	Concrete wall form with flexible tie system	6951329 10/4/2005
Dayton Superior Corporation	Concrete void former	7004443 2/28/2006
Dayton Superior Corporation	Wire mesh chair	7028443 4/18/2005
Dayton Superior Corporation	Sandwich erection lift anchor with welding plate assembly	7032354 4/25/2005

<u>Grantor</u>	<u>Title</u>	<u>Patent No.</u> <u>Issue Date</u>
Dayton Superior Corporation	Brace for concrete forms	7051988 5/30/2006
Dayton Superior Corporation	Concrete anchor	7065925 6/27/2006
Dayton Superior Corporation	Passthrough concrete anchor	7111432 9/26/2006
Dayton Superior Corporation	Cover for a concrete construction	7222460 5/29/2007
Dayton Superior Corporation	Dowel bar assembly with snap fit side frames	7314334 1/1/2008
Dayton Superior Corporation	Dowel bar assembly with snap fit side frames	7404691 7/29/2008
Dayton Superior Corporation	Concrete dowel void former	7487949 2/10/2009
Dayton Superior Corporation	Multi-level post tension cable support chair and method of use	7497059 3/3/2009
Dayton Superior Corporation	Slab bolster coupling	7775010 8/17/2010
Dayton Superior Corporation	Concrete form brace and battering wedge	7828263 11/9/2010
Dayton Superior Corporation	Method of forming a void in a mass of concrete using a dowel void former	7887735 2/15/2011
Dayton Superior Corporation	Locking system for concrete form panels	8042786 10/25/2011
Dayton Superior Corporation	Tilt-up concrete form brace	8186645 5/29/2012
Dayton Superior Corporation	Post-tension intersection chair	8322108 12/11/2012
Dayton Superior Corporation	Jump form system	8464996 6/18/2013
Dayton Superior Corporation	Jump form system	9297173 3/29/2016
Dayton Superior Corporation	Construction hanger	9347231 5/24/2016
Dayton Superior Corporation	Pass through concrete anchor	D520649 5/9/2006
Dayton Superior Corporation	Pass through concrete anchor	D521159 5/16/2006
Dayton Superior Corporation	W foot anchor	D540657 4/17/2007

<u>Grantor</u>	<u>Title</u>	<u>Patent No. Issue Date</u>
Dayton Superior Corporation	Ring lift anchor	D547524 7/24/2007
Dayton Superior Corporation	Cap for anchor on tilt-up concrete slabs	D559499 1/8/2008
Dayton Superior Corporation	Anchor for tilt-up concrete slabs	D560872 1/29/2008
Dayton Superior Corporation	Flat anchor for tilt-up concrete slabs	D569071 5/13/2008

U.S. PATENT APPLICATIONS

<u>Grantor</u>	<u>Title</u>	<u>Applic. No./ Filing Date</u>
Dayton Superior Corporation	Construction hanger	15/096,408 5/24/2016

Schedule B

U.S. TRADEMARK REGISTRATIONS

<u>Grantor</u>	<u>Mark</u>	<u>Reg. No./Reg. Date</u>
Dayton Superior Corporation	MAGIC KOTE & Design	728771 3/20/1962
Dayton Superior Corporation	S AND DIAMOND DESIGN	745290 2/19/1963
Dayton Superior Corporation	S AND DIAMOND DESIGN	760829 12/26/1963
Dayton Superior Corporation	SURE-GRIP	798721 11/16/1965
Dayton Superior Corporation	JAHN	846110 3/19/1968
Dayton Superior Corporation	SNAPPLUGS	899048 9/22/1970
Dayton Superior Corporation	SWIFT LIFT	1009108 4/22/1975
Dayton Superior Corporation	STEEL-PLY	1100771 8/29/1978
Dayton Superior Corporation	SYMONS	1254958 10/25/1983
Dayton Superior Corporation	S AND DIAMOND DESIGN	1280346 6/5/1984
Dayton Superior Corporation	LEVELAYER	1397671 6/17/1986
Dayton Superior Corporation	FLEX-FORM	1481622 3/22/1988
Dayton Superior Corporation	E-Z CHAIR	1511787 11/8/1988
Dayton Superior Corporation	GYRO LIFT	1538915 5/16/1989
Dayton Superior Corporation	CONSPEC 100	1687147 5/12/1992
Dayton Superior Corporation	ALL-PATCH	1695347 6/16/1992
Dayton Superior Corporation	CONSPEC ENDURO 50	1747797 1/19/1993
Dayton Superior Corporation	SURE-GRIP	1768658 5/4/1993
Dayton Superior Corporation	CONSPEC	1872124 1/10/1995

Dayton Superior Corporation	MAX-A-FORM	1912991 8/22/1995
Dayton Superior Corporation	MISC DESIGN (CONSPEC DESIGN)	1934555 11/14/1995
Dayton Superior Corporation	SUPROTEK	1955413 2/6/1996
Dayton Superior Corporation	AZTEC	2026640 12/31/1996
Dayton Superior Corporation	AZTEC (Stylized)	2026641 12/31/1996
Dayton Superior Corporation	CASTLE CHAIR REBAR SUPPORTS & DESIGN	2136857 2/17/1998
Dayton Superior Corporation	COREWALL	2254802 6/22/1999
Dayton Superior Corporation	GYRO TILT PLUS	2301428 12/21/1999
Dayton Superior Corporation	PRISON-LOC	2308754 1/18/2000
Dayton Superior Corporation	BAR LOCK	2477213 8/14/2001
Dayton Superior Corporation	AMERICAN HIGHWAY TECHNOLOGY	2536888 2/5/2002
Dayton Superior Corporation	DAYTON/RICHMOND	2619423 9/17/2002
Dayton Superior Corporation	EDOCO	2658475 12/10/2002
Dayton Superior Corporation	GR	2662602 12/17/2002
Dayton Superior Corporation	UTILITY ANCHOR	2684897 2/4/2003
Dayton Superior Corporation	UNITEX	2886090 9/21/2004
Dayton Superior Corporation	AQUAFILM	2927934 2/22/2005
Dayton Superior Corporation	SPECIAL PATCH	2956123 5/24/2005
Dayton Superior Corporation	SUPROTEK	2963833 6/28/2005
Dayton Superior Corporation	Q-2	3108060 6/20/2006
Dayton Superior Corporation	SL	3129235 8/15/2006

Dayton Superior Corporation	ACCUBRACE SHORING, LLC	3368062 1/15/2008
Dayton Superior Corporation	ACCUBRACE	3371777 1/22/2008
Dayton Superior Corporation	TILT-WERKS	3472964 7/22/2008
Dayton Superior Corporation	SURE-GUARD	3499520 9/9/2008
Dayton Superior Corporation	CONPATCH V/O	3561926 1/13/2009
Dayton Superior Corporation	TURBO GROUT	3577291 2/17/2009
Dayton Superior Corporation	BIO-RELEASE EF	3577459 2/17/2009
Dayton Superior Corporation	DAYTON ACCESS	3645214 6/23/2009
Dayton Superior Corporation	GREEN BEAN CLEAN	3655250 7/14/2009
Dayton Superior Corporation	TAPER-LOCK	3674630 8/25/2009
Dayton Superior Corporation	TAPERLOCK & Design	3677957 9/1/2009
Dayton Superior Corporation	EARTH FRIENDLY	3681671 9/8/2009
Dayton Superior Corporation	Globe Design	3717385 12/1/2009
Dayton Superior Corporation	EARTH FRIENDLY & Design	3717386 12/1/2009
Dayton Superior Corporation	DP	3818797 7/13/2010
Dayton Superior Corporation	HEXAGON LOGO	3902152 1/4/2011
Dayton Superior Corporation	BUILDING STRENGTH	3918157 2/8/2011
Dayton Superior Corporation	SLEEVE-LOCK	3932738 3/15/2011
Dayton Superior Corporation	DAYTON SUPERIOR	4043722 10/25/2011
Dayton Superior Corporation	ARCHI-FOAM	4101544 2/21/2012
Dayton Superior Corporation	SYM-PLY	4311939 4/2/2013

Dayton Superior Corporation	DBDI	4528413 5/13/2014
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