

03-15-1999



02-22-1999

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

100982990

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

D

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

Submission Type

2-22-99

- 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  
Effective Date  
Month Day Year
- Merger
- Change of Name
- Other Release of security interest

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
01061999

Name FLEET CAPITAL CORPORATION

Formerly SHAWMUT CAPITAL CORPORATION

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

Receiving Party

Mark if additional names of receiving parties attached

Name TOASTMASTER INC.

DBA/AKATA

Composed of

Address (line 1) 1801 NORTH STADIUM ROAD

Address (line 2)

Address (line 3) COLUMBIA

MO

65202

City

State/Country

Zip Code

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

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.)

03/12/1999 DNGUYEN 00000177 0214404

FOR OFFICE USE ONLY

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01 FC:481 40.00 OP  
02 FC:482 625.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231  
TRADEMARK

REEL: 1866 FRAME: 0774

**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

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**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" value="0214404"/>	<input type="text" value="0233519"/>	<input type="text" value="0379306"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0394562"/>	<input type="text" value="0635483"/>	<input type="text" value="0687954"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0938778"/>	<input type="text" value="0973277"/>	<input type="text" value="1104683"/>

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

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:

#

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.

JENNIFER H. HAMMOND

Name of Person Signing

Signature

Date Signed

**RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY**

FORM PTO-1618C  
Expires 06/30/99  
OMB 0651-0027

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

**Conveying Party**

Enter Additional 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**

Enter Additional 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 the Assignment.)

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

**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)**

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<input type="text" value="1105990"/>	<input type="text" value="1139544"/>	<input type="text" value="1191134"/>
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<input type="text" value="1832097"/>	<input type="text" value="1842876"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**RELEASE OF TRADEMARK COLLATERAL ASSIGNMENT  
AND  
REASSIGNMENT OF TRADEMARK**

This Release of Trademark Collateral Assignment and Reassignment of Trademark is made as of January 6, 1999, between FLEET CAPITAL CORPORATION, a Rhode Island corporation ("Lender") and TOASTMASTER INC., a Delaware corporation ("Borrower").

WHEREAS, Borrower and Lender entered into a certain Loan and Security Agreement dated as of April 18, 1990, as amended (the "Loan Agreement"); and


WHEREAS, the obligations of Borrower to Lender under the Loan Agreement were secured, in part, by a Trademark Collateral Assignment dated as of April 18, 1990, by and between Borrower and Lender and recorded June 21, 1990, in the trademark records of the United States at Reel 0717, frames 309 through 318; and

WHEREAS, the obligations of Borrower to Lender secured by the trademarks have been satisfied;

NOW, THEREFORE, Lender hereby releases its security interest in the trademarks listed on Schedule A, attached hereto and incorporated herein, including any renewals thereof and all rights corresponding thereto, and reassigns to Borrower any and all rights in such trademarks held by Lender, without recourse, representation or warranty.

IN WITNESS WHEREOF, Lender has caused this Release of Trademark Collateral Assignment and Reassignment of Trademark to be executed by its duly authorized representative as of the day and year first above written.

FLEET CAPITAL CORPORATION

By:   
Name: Edward M. Bartkowski  
Title: Vice President

STATE OF WISCONSIN )  
 ) SS.  
COUNTY OF WAUKESHA )

On January 4<sup>th</sup>, 1999, before me, a Notary Public in and for the County and State aforesaid, personally appeared Edward M. Bartkowski, a duly authorized officer of Fleet Capital Corporation, a Rhode Island corporation, who acknowledged the execution of the foregoing instrument as his own free and voluntary act for and on behalf of such corporation and stated his execution on behalf of such corporation was duly authorized and approved by all appropriate action of such corporation.

[SEAL  
My commission expires:  
3-31-2002

Kelly Ehrhart  
Notary Public

**SCHEDULE A TO RELEASE OF  
TRADEMARK COLLATERAL ASSIGNMENT  
AND REASSIGNMENT OF TRADEMARK**

<b>Registration No.</b>	<b>Issue Date</b>	<b>Trademark</b>	<b>Country</b>
0,214,404	06/22/26	ESKIMO	U.S.A.
0,233,519	10/04/27	ESKIMO	U.S.A.
0,379,306	07/09/40	ESKIMO	U.S.A.
0,394,562	04/14/42	BREWSTER	U.S.A.
0,635,483	10/09/56	HEATUBE	U.S.A.
0,639,647	01/08/57	COMET	U.S.A.
0,643,914	04/09/57	SUPERFLEX	U.S.A.
0,687,954	11/10/59	TIME MASTER	U.S.A.
0,938,778	07/25/72	INGRAHAM	U.S.A.
0,973,277	11/20/73	LOOP DESIGN	U.S.A.
1,077,808	11/22/77	SYSTEM III	U.S.A.
1,083,901	01/31/78	COMFORT SENSOR	U.S.A.
1,104,683	10/24/78	NIGHT WATCHMAN	U.S.A.
1,105,990	11/14/78	TIMEMASTER	U.S.A.
1,139,544	09/16/80	HANDI-PAN	U.S.A.
1,191,134	03/02/82	COMFORT	U.S.A.
1,197,059	06/01/82	TURBO-HEATER	U.S.A.
1,210,332	09/28/82	MASTERMIND	U.S.A.
1,210,387	09/28/82	COMFORT HEATER II	U.S.A.
1,292,094	08/28/84	TOASTMASTER HEATLOG & DES.	U.S.A.
1,319,211	02/12/85	KITCHEN DIMENSIONS	U.S.A.
1,423,768	01/06/87	KITCHEN DIMENSIONS	U.S.A.
1,658,919	10/01/91	SNACKSTER	U.S.A.
1,698,347	06/30/92	COOL STEEL & DESIGN	U.S.A.
1,724,586	10/13/92	HONEY, DID I TURN OFF THE...	U.S.A.
1,743,011	12/29/92	COOL STEEL & DESIGN	U.S.A.
1,768,009	04/27/93	KIDDLE	U.S.A.
1,775,824	06/08/93	PARTY SNACKSTER	U.S.A.

1,832,097

COMFORT CONDITIONER

U.S.A.

1,842,876

INGRAHAM SINCE 1831

U.S.A.

**TRADEMARK APPLICATIONS**

**Application Number**

**Trademark**

**Country**

113,196

AEROSTREAM

U.S.A.

74150992

CALIFORNIA GRILL

U.S.A.

74224082

CALIFORNIA GRILLERIE'

U.S.A.

74235248

GRILLERIE'

U.S.A.

74221658

MR. TOAST

U.S.A.

CERTIFICATE AMENDING OR RESTATING CERTIFICATE OF INCORPORATION  
 61-30 Rev. 9/90  
 Stock Corporation

STATE OF CONNECTICUT  
 SECRETARY OF THE STATE  
 90 TRINITY STREET  
 HARTFORD, CT 06106

1. Name of Corporation ( Please enter name within lines)  
 Shawmut Capital Corporation

2. The Certificate of Incorporation is: (Check one)

- A. Amended only, pursuant to Conn. Gen. Stat. §33 - 360.
- B. Amended only, to cancel authorized shares (state number of shares to be cancelled, the class, the series, if any, and the par value, P.A. 90-107.)
- C. Restated only, pursuant to Conn. Gen. Stat. §33 - 362(a).
- D. Amended and restated, pursuant to Conn. Gen. Stat. §33 - 362(c).
- E. Restated and superseded pursuant to Conn. Gen. Stat. §33 - 362(d).

Set forth here the resolution of amendment and/or restatement. Use an 8 1/2 X 11 attached sheet if more space is needed. Conn. Gen. Stat. §1 - 9.

BE IT RESOLVED, that the By-Laws of the Corporation be, and hereby are, amended to change the name of the Corporation to Fleet Capital Corporation, effective upon the merger of Fleet Financial Group, Inc. and Shawmut National Corporation, which merger is scheduled to occur on or about November 30, 1995; and be it FURTHER RESOLVED, that the Certificate of Incorporation of the Corporation be amended to reflect such name change upon said merger or as soon thereafter as is practically possible.

(If 2A or 2B is checked, go to 5 & 6 to complete this certificate. If 2C or 2D is checked, complete 3A or 3B. If 2E is checked, complete 4.)

3. (Check one)

- A. This certificate purports merely to restate but not to change the provisions of the original Certificate of Incorporation as supplemented and amended to date, and there is no discrepancy between the provisions of the original Certificate of Incorporation as supplemented and amended to date, and the provisions of this Restated Certificate of Incorporation. (If 3A is checked, go to 5 & 6 to complete this certificate.)
- B. This Restated Certificate of Incorporation shall give effect to the amendment(s) and purports to restate all those provisions now in effect not being amended by such new amendment(s). (If 3B is checked, check 4, if true, and go to 5 & 6 to complete this Certificate.)

4. (Check, if true)

- This restated Certificate of Incorporation was adopted by the greatest vote which would have been required to amend any provision of the Certificate of Incorporation as in effect before such vote and supercedes such Certificate of Incorporation.



5. The manner of adopting the resolution was as follows:

A. By the board of directors and shareholders, pursuant to Conn. Gen. Stat. §33 - 360.  
Vote of Shareholders: (Check (i) or (ii), and check (iii) if applicable.)

(i)  No shares are required to be voted as a class; the shareholder's vote was as follows:

Vote Required for Adoption Unanimous (100 shares Vote Favoring Adoption Unanimous  
issued to a single shareholder)

(ii)  There are shares of more than one class entitled to vote as a class. The designation of each class required for adoption of the resolution and the vote of each class in favor of adoption were as follows:  
(Use an 8 1/2 x 11 attached sheet if more space is needed. Conn. Gen. Stat. § 1 - 9.)

(iii)  Check here if the corporation has 100 or more recordholders, as defined in Conn. Gen. Stat. §33 - 311a(a).

B. By the board of directors acting alone, pursuant to Conn. Gen. Stat. § 33 - 360(b)(2) or 33-362(a).

The number of affirmative votes required to adopt such resolution is: \_\_\_\_\_

The number of directors' votes in favor of the resolution was: \_\_\_\_\_

We hereby declare, under the penalties of false statement, that the statements made in the foregoing certificate are true:

(Print or Type)	Signature	(Print or Type)	Signature
Name of Pres./V. Pres.		Name of Sec/Asst-Sec.	
Michael A. Farley Exec. VP	<i>[Signature]</i>	Timothy A. Clarke, Sec.	<i>[Signature]</i>

C. The corporation does not have any shareholders. The resolution was adopted by vote of at least two-thirds of the incorporators before the organization meeting of the corporation, and approved in writing by all subscribers for shares of the corporation. If there are no subscribers, state NONE below.

We (at least two-thirds of the incorporators) hereby declare, under the penalties of false statement, that the statements made in the foregoing certificate are true.

Signed Incorporator	Signed Incorporator	Signed Incorporator
Signed Subscriber	Signed Subscriber	Signed Subscriber

(Use an 8 1/2 X 11 attached sheet if more space is needed. Conn. Gen. Stat. § 1 - 9)

6. Dated at Glastonbury, CT this 28th day of November, 1995

Rec, CC, GS: (Type or Print)  
Fleet Capital Corporation  
200 Glastonbury Boulevard  
Glastonbury, CT 06033  
 Attn: Judith W. Cariglia  
 Please provide filer's name and complete address for mailing receipt

STATE OF CONNECTICUT }  
OFFICE OF THE SECRETARY OF THE STATE } SS. HARTFORD

I hereby certify that this is a true copy of record  
in this Office  
in Testimony whereof, I have hereunto set my hand,  
and affixed the Seal of said State, at Hartford,  
this 1st day of December AD. 1995

*William S. Reynolds*  
\_\_\_\_\_  
SECRETARY OF THE STATE *WRB*