

MRD 9-18-98

FORM PTO-1594 (Rev. 6-93) OMB No. 0651-0011 (exp. 4/94) Tab settings

09-24-1998



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U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks, please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Power Plant Aggregates of Iowa, Inc.
Individual(s) Association
General Partnership Limited Partnership
Corporation-State
Other
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: JTM Industries
Internal Address:
Street Address: 136 South Temple Street
City: Salt Lake City State: UT ZIP: 84111
Individual(s) citizenship
Association
General Partnership
Limited Partnership
Corporation-State Texas
Other
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

3. Nature of conveyance:
Assignment Merger
Security Agreement Change of Name
Other

Execution Date: September 8, 1998

4. Application number(s) or patent number(s):
A. Trademark Application No.(s)
Serial No. 75/085,325 filed 4/8/96
Additional numbers attached? Yes No

B. Trademark Registration No.(s)
TM Reg. No. 2,029,031 issued 2/18/97

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Donald H. Zarley
Internal Address: Zarley, McKee, Thomte, Voorhees & Sease
Street Address: 801 Grand Avenue, Suite 3200
City: Des Moines State: IA ZIP: 50309

6. Total number of applications and registrations involved: 2
7. Total fee (37 CFR 3.41) \$ 65.00
Enclosed
Authorized to be charged to deposit account
8. Deposit account number:
(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 attached copy is a true copy of the original document.
Jo Ann L. Ketterling Name of Person Signing
Signature
September 14, 1998 Date

Total number of pages including cover sheet, attachments, and documents: 3

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

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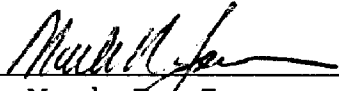
NUNC PRO TUNC ASSIGNMENT

WHEREAS, JTM INDUSTRIES, a Texas corporation, having a place of business at 136 South Temple, Salt Lake City, Utah 84111, is the successor in interest to certain assets of POWER PLANT AGGREGATES OF IOWA, INC., having its principal place of business at 2220 Hawkeye Drive, P.O. Box 3557, Sioux City, Iowa 51102, and

WHEREAS United States Trademark Registration No. 2,039,031, issued February 18, 1997 on the servicemark **Alka•pHix** and United States Trademark Application Serial Number 75/085,325 filed April 8, 1998 on the trademark **Alka•pHix**, was among the assets transferred from POWER PLANT AGGREGATES OF IOWA, INC., to JTM INDUSTRIES by an agreement and understanding of the parties effected on or about March 20, 1998;

NOW THEREFORE, for good and valuable consideration receipt of which is hereby acknowledged, said POWER PLANT AGGREGATES OF IOWA, INC. does hereby assign unto JTM INDUSTRIES all rights, title and interest in and to the above-identified Servicemark Registration and Trademark application together with the goodwill associated with the marks. This Assignment has retroactive effect from March 20, 1998.

POWER PLANT AGGREGATES OF IOWA, INC.

BY:   
Mark R. Jensen  
Vice President, Operations

On this 8<sup>th</sup> day of September, 1998, before me, a Notary Public in and for the County and State aforesaid, appeared Mark R. Jensen to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Scott Pennington  
Notary Public

My Commission Expires: Sept. 30, 1999

