

12-23-1999

FORM PTO-1594
1-31-92

MILN
12/8/99



U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

101231208

To the Honorable Commissioner of Patents and Trademarks

or copy thereof.

1. Name of conveying party(ies):

Kabushiki Kaisha Kobe Seiko Sho, t/a Kobe Steel, Ltd.

- Individual(s)
- General Partnership
- Corporation-Japan
- Other
- Association
- Limited Partnership

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of Conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: November 19, 1999

2. Name and address of receiving party(ies):

Name: Kobelco Construction Machinery Co., Ltd.

Address: 12-4, Gion 3-chome
Asaminami-ku, Hiroshima-shi, Hiroshima
JAPAN

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-Japan
- 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

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

A. Trademark Application No.(s)

B. Trademark registration No.(s)

Reg. No. 2, 235,282 Mark: ACERA

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Jeffrey H. Kaufman
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
Attorneys at Law
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202

OSMMN Ref: 0023-1537-33 (PIH/cds)

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 15-0030
(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.

Jeffrey H. Kaufman
Name of Person Signing

Jeffrey H. Kaufman
Signature

12/8/99
Date

Total number of pages including cover sheet, attachments, and document: 6

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

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Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

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TRADEMARK
REEL: 002003 FRAME: 0319

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POST REGISTRATION SECTION

In re the Registration of:

Kobelco Construction Machinery Co., Ltd.

Registration No.: 2,235,282

BOX RESPONSES
NO FEE

Issued: March 23, 1999

Mark: ACERA

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

DESIGNATION OF DOMESTIC REPRESENTATIVE

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C., whose postal address is 1755 Jefferson Davis Highway, Fourth Floor, Arlington, Virginia 22202, is hereby designated Applicant's representative upon whom notice or process in proceedings affecting the mark may be served.

POWER OF ATTORNEY

The undersigned hereby appoints Jeffrey H. Kaufman, and the following attorneys of the law firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C., as its attorneys with full powers of substitution and revocation, to file and prosecute this application to register and to transact all business in the Patent and Trademark Office in connection with the captioned registration:

ASSIGNMENT

WHEREAS, Kabushiki Kaisha Kobe Seiko Sho, trading also as Kobe Steel, Ltd., a corporation of Japan, located and doing business at 3-18, 1-chome, Wakinohama-cho, Chuo-ku, Kobe, Japan (hereinafter referred to as "Assignor") is the owner of the trademark ACERA and U.S. Registration No. 2,235,282 thereof, issued March 23, 1999; and

WHEREAS, Kobelco Construction Machinery Co., Ltd., a corporation organized under the laws of Japan, located and doing business at 12-4, Gion 3-chome, Asaminami-ku, Hiroshima-shi, Hiroshima Japan (hereinafter referred to as "Assignee") desires to obtain said trademark and the registration thereof;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, said Assignor does hereby sell, assign, set over, and transfer to said Assignee the entire right, title and interest in and to the trademark ACERA and U.S. Registration No. 2,235,282 thereof, together with the goodwill connected with the use of and symbolized by the trademark, the same and the rights of said Assignor to be held and enjoyed by said Assignee for its own use and enjoyment, for the use and enjoyment of its successors, assigns, or other legal representatives, to the end of the term or terms for which the trademark registration may be renewed or reissued, as fully and entirely as the same would have been held and enjoyed by said Assignor if this assignment and sale had not been made, together with all claims for damages by reason of past infringement of said trademark, and trademark registration, with the right to sue for and collect the same for its own use and behalf, and for the use and behalf of its successors, assigns, or other legal representatives.

IN TESTIMONY WHEREOF, said Assignor has caused its name to be signed by its duly authorized officer, this ____ day of _____, 1999.

KABUSHIKI KAISHA KOBE SEIKO SHO,
T/A KOBE STEEL LTD.

Signature: Hiroshi Satoh
Name: Hiroshi Satoh
Title: Director
Date: November 19, 1999

JHK/PJH/cds (11/19/99 11:15 AM)

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John T. Goolkasian*
Richard L. Chinn
Steven P. Weihrouch

Members of the Bar of Virginia (except as indicated)

* Member of the Bar of the District of Columbia

Please address all correspondence to Jeffrey H. Kaufman at OBLON, SPIVAK,
McCLELLAND, MAIER & NEUSTADT, P.C., Fourth Floor, 1755 Jefferson Davis Highway,
Arlington, Virginia 22202.

KOBELCO CONSTRUCTION
MACHINERY CO., LTD.

Signature:

J. Fujioka

Name:

Jun Fujioka

(printed or typewritten)

Title:

Vice President, Corporate Planning

Date:

October , 1999

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