

06-29-2000

FORM PTO-1594

(Rev. 6-93)

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

M&K 127-T-21-US-01

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office



101392657

To the Commissioner of Patents and Trademark

original documents or copy thereof.

1. Name of conveying party(ies):

James Hardie Irrigation, Inc.

6-5-00

- Individuals
- General Partnership
- Corporation-State of Nevada
- Other: \_\_\_\_\_
- Association
- Limited Partnership

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

The Toro Company

8111 Lyndale Avenue South  
Minneapolis, Minnesota 55420

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other: Submission of a new cover sheet to correct an error in the corporate identity of the receiving party for the assignment of the trademark recorded at Reel 1828, Frame 0012.
- Merger
- Change of Name

- Individual(s) citizenship
- General Partnership
- Corporation-State of Delaware
- Other: \_\_\_\_\_
- Association
- Limited Partnership

If assignee is not domiciled in the United States, a domestic representative designation is attached:  
 Yes  No

(Designations must be separate document from Assignment)

Additional name(s) & address(es) attached?  Yes  No

Execution Date: \_\_\_\_\_

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

A. Trademark Application No.(s)

B. Trademark Reg. No.(s)

1,704,686

Additional numbers attached?  Yes  No

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

Name: Michael L. Mau  
Address: Mau & Krull, P.A.  
1250 Moore Lake Drive East  
Suite E  
Fridley, MN 55432

6. Total number of applications and trademarks involved: 1

7. Total fee (37 CFR 3.41): \$40.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 500549

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.

Michael L. Mau  
Name of Person Signing

June 1, 2000  
Date

06/29/2000 RECEIPT 00000103 1704686

Total number of pages including cover sheet, attachments, and document: 14

FC:481 40.00 DP

Do not detach this portion

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

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

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.


TRADEMARK  
REEL: 002093 FRAME: 0438

## ASSIGNMENT

WHEREAS, James Hardie Irrigation, Inc., a corporation of the State of Nevada, having its place of business at 5825 Jasmine Street, Riverside, California 92504 (hereinafter called "ASSIGNOR"), is sole owner by Certificate of Amendment of Articles of Incorporation of the entire right, title and interest in and to the following described trademark and United States application for registration thereof.

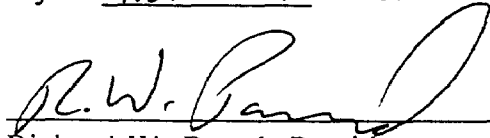
Trademark: IBOC  
Registration No.: 1,704,686  
Registration Date: August 4, 1992

and

WHEREAS, The Toro Company,  a corporation of the State of Delaware, having its place of business at 5825 Jasmine Street, Riverside, California 92504 (hereinafter called "ASSIGNEE"), is desirous of acquiring the entire right, title and interest in and to the aforesaid trademark in the United States of America, and in any and all countries foreign thereto;

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of ONE DOLLAR (\$1.00) paid to Assignor by the said Assignee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by these present does sell, assign and transfer unto said Assignee, its successors, assigns and legal representatives, the full and exclusive right, title and interest for the territory of the United States of America and all countries foreign thereto (including the right to apply for trademarks in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties or otherwise), in and to the said trademark as described in said application, and in and to all trademark registrations granted thereon, and Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all Registrations of said trademark resulting therefrom to said Assignee, as assignee of the entire right, title and interest, and Assignor covenants that it has full right so to do and agrees that it will communicate to said Assignee, or its successors, any and all facts known to it regarding said trademark whenever requested and will testify in any legal proceeding, sign all lawful papers, and generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce trademark protection for said mark in all countries.

IN TESTIMONY WHEREOF, Assignor has caused these present to be signed by the president thereunto duly authorized as of the 11<sup>th</sup> day of NOVEMBER 1998.

  
Richard W. Parod, President  
James Hardie Irrigation, Inc.

STATE OF CALIFORNIA;  
COUNTY OF RIVERSIDE)

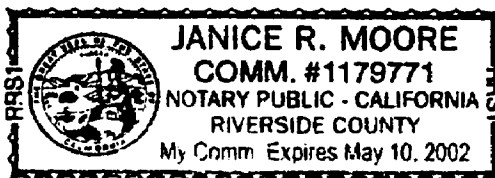
TRADEMARK  
Attorney Docket: ATM-5752-TC

On NOVEMBER 11, 1998, before me JANICE R. MOORE, <sup>NOTARY</sup> ~~PUBLIC~~ personally appeared RICHARD W. PAROD, personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) ~~is~~ <sup>are</sup> subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature Janice R. Moore

SEAL Executed this 11<sup>th</sup> day of NOVEMBER, 1998.



SEAL

Filing fee:

Receipt # **INNACE#**

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

(After Issuance of Stock)

Filed by: **11150**

James Hardie Irrigation, Inc.

Name of Corporation

We the undersigned Richard W. Parod

President or Vice President

and

J. Lawrence McIntyre

Secretary or Assistant Secretary

of James Hardie Irrigation, Inc.

Name of Corporation

do hereby certify:

That the Board of Directors of said corporation at a meeting duly convened, held on the 5th

day of May, 19 97, adopted a resolution to amend the original articles as follows:

Article I is hereby amended to read as follows:

The name of the Corporation is T-H Irrigation, Inc.

Article II is hereby amended to read as follows:

The address and location of the registered office of the Corporation in the State of Nevada is 400 West King Street, Carson City, Nevada 89703.

**FILED**  
OFFICE OF THE  
SECRETARY OF STATE OF THE  
STATE OF NEVADA

MAY 15 1997  
No. C 11917-90  
*Dean Heller*  
DEAN HELLER, SECRETARY OF STATE

The number of shares of the corporation outstanding and entitled to vote on an amendment to the Articles of Incorporation is 1,000; that the said change(s) and amendment have been consented to and approved by a majority vote of the stockholders holding at least a majority of each class of stock outstanding and entitled to vote thereon.

*Richard W. Parod*  
President  
*J. Lawrence McIntyre*  
Secretary

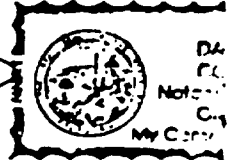
State of CALIFORNIA  
County of ORANGE } ss

On MAY 8<sup>TH</sup> 1997, personally appeared before me, a Notary Public,

Richard W. Parod and J. Lawrence McIntyre, who acknowledged that they executed the above instrument.

(NOTARY STAMP OR SEAL)

*SEE ATTACHED*



TRADEMARK

**ALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

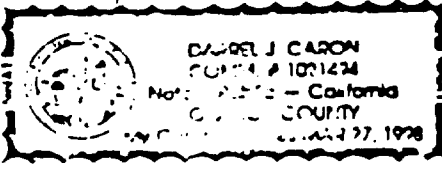
No. 9708

State of CALIFORNIA  
County of ORANGE

On 5-8-97 before me, DARREL J. CARON  
DATE NAME, TITLE OF OFFICER - S.A., JANE DOE, NOTARY PUBLIC

personally appeared RICHARD W. FARLO  
NAME(S) OF SIGNER(S)

personally known to me - OR  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) were subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
[Signature]  
SIGNATURE OF NOTARY

**OPTIONAL SECTION**  
**CAPACITY CLAIMED BY SIGNER**

Though states does not require the Notary to fill in the data below, doing so may prove valuable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
- PARTNER(S)  LIMITED  GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(ES)  
\_\_\_\_\_  
\_\_\_\_\_

**OPTIONAL SECTION**

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

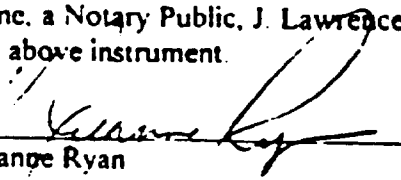
TITLE OR TYPE OF DOCUMENT \_\_\_\_\_

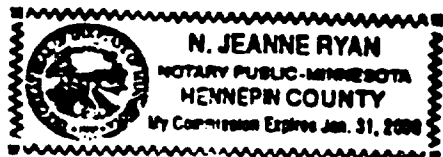
NUMBER OF PAGES 5 DATE OF DOCUMENT 5-8-97

SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_

State of Minnesota )  
  ) ss  
County of Hennepin)

On May 12th, personally appeared before me, a Notary Public, J. Lawrence McIntyre, who acknowledged that he executed the above instrument.

  
N. Jeanne Ryan  
Notary Public



**Receipt No.** FY9700003338  
UNISEARCH, INC  
05/14/1997 120.00  
REC'D BY Phyllis Furlong (75.00)  
TRADEMARK  
REEL: 002093 FRAME: 0443

**STATE OF NEVADA  
Secretary of State**

I hereby certify that this is a true and complete copy of the document as filed in this office.

OCT 15 '97

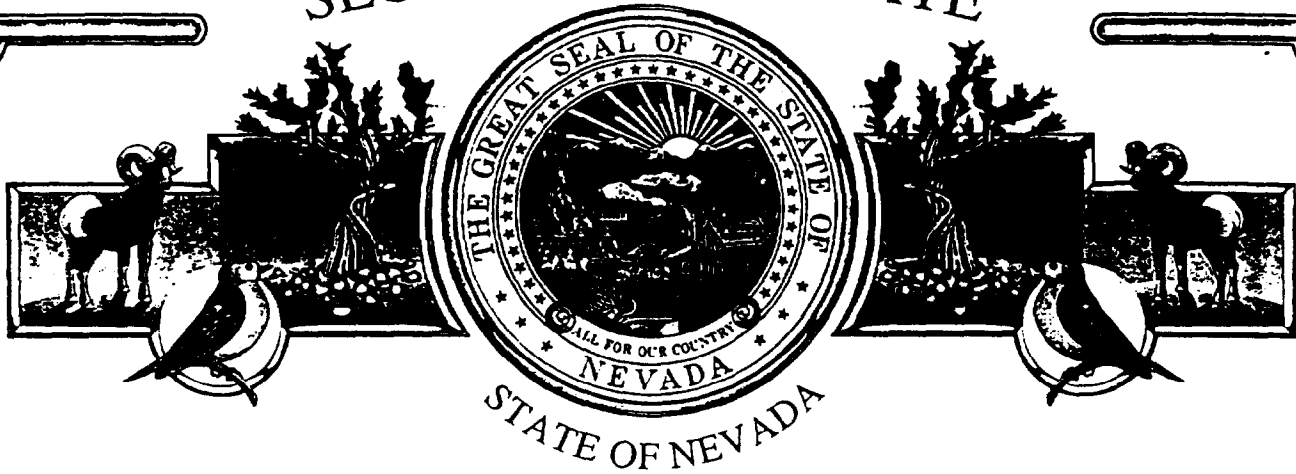
*Dean Heller*  
**DEAN HELLER  
Secretary of State**

By *[Signature]*

**TRADEMARK**

**REEL: 002093 FRAME: 0444**

# SECRETARY OF STATE



## CERTIFICATE OF DISSOLUTION

I, DEAN HELLER, the duly qualified and elected Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and that I am the proper officer to execute this certificate.

I further certify that T-H IRRIGATION, INC., duly organized and existing under and by virtue of the laws of the State of Nevada, did, on the 27th day of October, 1997, file in the office of Secretary of State a **CERTIFICATE OF DISSOLUTION**, that said action has been endorsed on all records of the same, and that it is hereby dissolved.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office, in Carson City, Nevada, on October 28, 1997.



*Dean Heller*

Secretary of State

By

*J. Garner*

Certification Clerk



**CERTIFICATE OF DISSOLUTION  
FOR T-H IRRIGATION, INC.**

OCT 27 1997

No. C 11917-90

*Dean Heller*  
The undersigned, respectively the Secretary and President of T-H Irrigation, Inc., a Nevada Corporation, hereby certify as follows:

1. The dissolution of T-H Irrigation, Inc. has been duly authorized and approved by its board of directors and sole stockholder in accordance with the Nevada General Corporation Law.
2. The following is a list of the names and addresses of the directors of said corporation:

<u>NAME</u>	<u>ADDRESS</u>
J. D. McIntosh	The Toro Company 8111 Lyndale Avenue South Bloomington, MN 5420-1196
C B. Lounsbury	The Toro Company 8111 Lyndale Avenue South Bloomington, MN 5420-1196
K. B. Melrose	The Toro Company 8111 Lyndale Avenue South Bloomington, MN 5420-1196

3. The following is a list of the names and addresses of the officers of said corporation:

<u>NAME</u>	<u>OFFICE</u>	<u>ADDRESS</u>
R. W. Parod	President	5825 Jasmine Street Riverside, CA 92504
J. L. McIntyre	Secretary	The Toro Company 8111 Lyndale Avenue South Bloomington, MN 5420-1196
S. P. Wolfe	Treasurer	The Toro Company 8111 Lyndale Avenue South Bloomington, MN 5420-1196

IN WITNESS WHEREOF, this Certificate of Dissolution has been signed on the dates below written:

T-H IRRIGATION, INC.

By J. Lawrence McIntyre  
J. Lawrence McIntyre, Secretary

By Richard W. Parod  
Richard W. Parod, President

Date: October 23<sup>rd</sup>, 1997

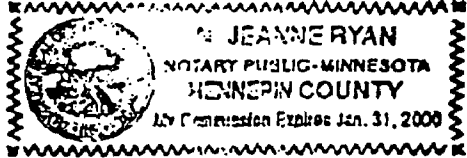
Date: October 24, 1997

STATE OF MINNESOTA )  
                                  ) ss. | |  
COUNTY OF HENNEPIN)

On this 23<sup>rd</sup> day of October, 1997, before me personally appeared J. Lawrence McIntyre to me personally known, who by me being first duly sworn, did depose and say that he is the Secretary of T-H Irrigation, Inc., a Nevada Corporation and the Corporation named in the foregoing instrument; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and he acknowledges said instrument to be the free act and deed of said Corporation.

[Signature]  
Notary Public

STATE OF CALIFORNIA )  
                                  ) ss.  
COUNTY OF RIVERSIDE )



On this 24<sup>th</sup> day of October, 1997, before me personally appeared Richard W. Parod to me personally known, who by me being first duly sworn, did depose and say that he is the President of T-H Irrigation, Inc., a Nevada Corporation and the Corporation named in the foregoing instrument; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and he acknowledges said instrument to be the free act and deed of said Corporation.



Janice R. Moore  
Notary Public

**RESOLUTION OF THE SOLE STOCKHOLDER  
OF T-H IRRIGATION, INC.**

The Toro Company, a Delaware corporation, being the sole stockholder of T-H Irrigation, Inc. ("T-H"), a Nevada corporation, hereby consents to written action in lieu of a meeting, as permitted by the Delaware General Corporation Law, the Bylaws of Toro, Nevada Revised Statutes, section 78.320, and the Restated Bylaws of T-H, and hereby adopts the following resolution effective the date hereof:

**WHEREAS**, the Board of Directors of T-H deems it desirable that T-H be dissolved and liquidated into The Toro Company, pursuant to section 332 of the Internal Revenue Code and section 78.580 of the Nevada Revised Statutes,

**RESOLVED**, that the Plan of Complete Liquidation and Dissolution of T-H Irrigation, Inc. set forth below is hereby adopted and approved:

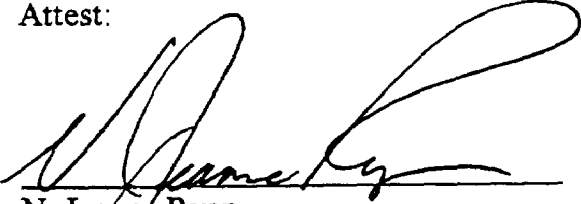
**Plan of Complete Liquidation and Dissolution of  
T-H Irrigation, Inc.**

1. This Corporation shall be voluntarily dissolved and liquidated out of court pursuant to section 332 of the Internal Revenue Code and section 78.580 of the Nevada Revised Statutes.
2. Effective October 31, 1997, the appropriate officers of this Corporation are hereby authorized and directed to transfer all of the assets of the Corporation, including without limitation, all trademarks, tradenames and service marks owned by the Corporation, subject to the payment of all of the Corporation's liabilities and the expenses of winding up its affairs, which liabilities and expenses The Toro Company shall assume, to The Toro Company, a Delaware corporation, in complete cancellation of all the capital shares of T-H Irrigation, Inc..
3. The appropriate officers of the Corporation are hereby authorized and directed to take all necessary action and to execute, file and record on behalf of the Corporation, all certificates and other documents necessary or appropriate to carry out the foregoing. Specifically, Lawrence Buckley and Donald Trevarthen are hereby authorized, empowered and directed to

execute, file and record on behalf of the Corporation, all such documents and certificates as are necessary or appropriate to transfer all trademarks, tradenames, service marks and other intellectual property of the Corporation to The Toro Company.

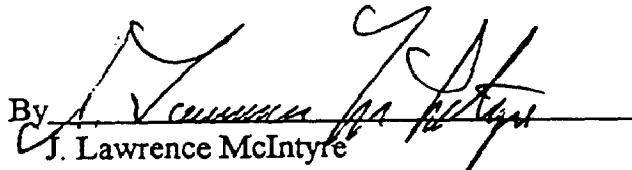
Dated: October 23<sup>rd</sup>, 1997

Attest:



N. Jeanne Ryan  
Assistant Secretary

**THE TORO COMPANY**

By   
J. Lawrence McIntyre  
Vice-President, Secretary &  
General Counsel

12-1-98

04-26-2000

cket No.: ATM-5752-TC



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

12-07-1998

101309333

U.S. Patent & Trademark Office Mail Report #10 Division of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
**James Hardie Irrigation, Inc.**

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

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

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

Name: The Toro Company, Inc.

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

Street Address: 5825 Jasmine Street

City: Riverside State: CA ZIP: 92504

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Delaware  
 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: \_\_\_\_\_

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)  
**1,704,686**

Additional numbers attached?  Yes  No

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

Name: Richard L. Myers

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

Street Address: 100 Pacifica, Suite 210

City: Irvine State: CA ZIP: 92618

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: \_\_\_\_\_

12/18/1998 DMSJYEN 00000234 1704686  
FC:481 40.00 DP

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.*

Richard L. Myers  
Name of Person Signing

Signature

12/2/98  
Date

TRADEMARK  
REEL: 002093 FRAME: 0450



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 26, 2000

PTAS

RICHARD L. MYERS  
100 PACIFICA, SUITE 210  
IRVINE, CA 92618



\*101309333A\*

**CORRECTED  
NOTICE**

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/07/1998

REEL/FRAME: 001828/0012  
NUMBER OF PAGES: 11

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:

JAMES HARDIE IRRIGATION, INC.

DOC DATE: 11/11/1998  
CITIZENSHIP: NEVADA  
ENTITY: CORPORATION

ASSIGNEE:

TORO COMPANY, INC., THE  
5825 JASMINE STREET  
RIVERSIDE, CALIFORNIA 92504

CITIZENSHIP: DELAWARE  
ENTITY: CORPORATION

APPLICATION NUMBER: 74198848  
REGISTRATION NUMBER: 1704686

FILING DATE: 08/29/1991  
ISSUE DATE: 08/04/1992

MARK: IBOC

DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

**TRADEMARK  
REEL: 002093 FRAME: 0451**

LENELL MACKALL, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS