

08-08-2000

FORM PTO-1594

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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trade

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marks or copy thereof.

<p>1. Name of conveying party(ies):</p> <p>Kabushiki Kaisha Kobe Seiko Sho, t/a Kobe Steel, Ltd.</p> <p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation-Japan <input type="checkbox"/> Other _____</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: Kobelco Construction Machinery Co., Ltd.</p> <p>Address: 12-4, Gion 3-chome, Asaminami-Ku Hiroshima-shi, Hiroshima 731-0138 JAPAN</p> <p><input type="checkbox"/> Individual(s) citizenship <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation-Japan <input type="checkbox"/> Other _____</p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Designations must be a separate document from Assignment)</p> <p>Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of Conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: <u>December 27, 1999</u></p>	
<p>4. Application number(s) or registration number(s):</p> <p>A. Trademark Application No.(s)</p> <p>75/544,645 Mark: DYNAMIC ACERA</p>	<p>B. Trademark registration No.(s)</p>

Additional numbers attached? Yes No

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Jeffrey H. Kaufman OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. Attorneys at Law Fourth Floor 1755 Jefferson Davis Highway Arlington, Virginia 22202</p> <p>OSMMN Ref: 0023-1631-33</p>	<p>6. Total number of applications and registrations involved: <u>1</u></p> <p>7. Total fee (37 CFR 3.41): . . . \$ <u>40.00</u></p> <p><input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: <u>15-0030</u> (Attach duplicate copy of this page if paying by deposit account)</p>
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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 Jeffrey H. Kaufman March 9, 2000
Name of Person Signing Signature Date

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

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

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TRADEMARK
REEL: 002116 FRAME: 0415

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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.

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.

**KOBELCO CONSTRUCTION MACHINERY
CO., LTD.**

Signature: J. Fujioka

Name: Jun Fujioka
(printed or typewritten)

Title: Vice President

Date: January 12, 2000

JHK/KCP/elv {f:\atty\JHK\00231631-poa.wpd}

TRADEMARK ASSIGNMENT

WHEREAS, Kabushiki Kaisha Kobe Seiko Sho, t/a Kobe Steel, Ltd., a corporation organized under the laws of Japan, located and doing business at 3-18, 1-Chome, Wakinohamacho, Chou-ku, Kobe, Japan (hereafter referred to as the "Assignor"), is the owner of record of U.S. Application Serial No. 75/544,645, filed on August 28, 1998, for the mark DYNAMIC ACERA;

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 731-0138, Japan (hereafter referred to as "Assignee") is desirous of acquiring any and all right, title and interest Assignor may have in said trademark and the U.S. Application therefor;

AND WHEREAS, said Assignor desires to assign and convey said United States Trademark Application, the trademark to which it pertains, the goodwill connected with and symbolized by the mark, and the business in which the mark was used to Assignee:

NOW, THEREFORE, for good and valuable consideration, said Assignor does hereby transfer, assign and convey all rights, title, and interest in and to the said trademark and the Application thereof to the Assignee, together with the goodwill connected with and symbolized by the marks, and all rights of actions at law and suits in equity to recover for infringement prior to the date of this assignment.

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

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

Signature: Hiroshi Satoh

Name: Hiroshi Satoh

Title: Senior Officer

Date: December 27, 1999

JHK/KCP/dlb {I:\atty\JHK\00231631-ASG.wpd}

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATIONS

In re the Application of:

Kobelco Construction Machinery Co., Ltd. (By assignment from
Kabushiki Kaisha Kobe Seiko Sho, t/a Kobe Steel, Ltd.)

Examining Attorney

Serial No.: 75/544,645

Asmat A. Khan

Filed: August 28, 1998

Law Office 104

Mark: DYNAMIC ACERA

BOX RESPONSES

NO FEE

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

Sir:

POWER OF ATTORNEY

The undersigned hereby revokes all previous powers of attorney herein and 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 and to transact all business in the Patent and Trademark Office in connection with the captioned application:

Norman F. Oblon
Marvin J. Spivak
C. Irvin McClelland
Gregory J. Maier
Arthur I. Neustadt
Richard D. Kelly
David J. Kera
Jeffrey H. Kaufman
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Richard L. Chinn
Steven P. Weihrouch

Members of the Bar of Virginia (except as indicated)

* Member of the Bar of the District of Columbia