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02-26-2003

Form PTO-1594

RECORD/T



U.S. Department of Commerce
Patent and Trademark Office

102373067

To the Honorable Commissioner of Patents and Trademarks.

Documents or copy(ies) thereof

1. Name of conveying party(ies):

LINDE GAS AKTIENGESELLSCHAFT

1-29-03

- Individual(s)
- General Partnership
- Corporation-State (Germany)
- Other
- Association
- Limited Partnership
- Lim-Liab. Company

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

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

LINDE AKTIENGESELLSCHAFT
Abraham-Lincoln-Strasse 21
65189 Wiesbaden
Germany

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State (Germany)
- Limited Liability Company
- Other

If assignee is not domiciled in the United States, a domestic representative designation is attached? Yes
Additional name(s) & address(es) attached No

3. Nature of conveyance:

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

Execution Date: 15 October 2001

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

A. Trademark Application(s).

76/294,018 -- TOSCA filed 2 August 2001

B: Trademark Registration No(s).

Additional numbers attached? No

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

The Firm of Karl F. Ross P.C.
Customer Number 535
5676 Riverdale Avenue Box 900
Riverdale (Bronx), NY 10471-0900

Tel: (718) 884-6600

6. Total number of applications and trademarks involved: ___

7. Total fee (37CFR3.41) **\$40.00**

- Enclosed
- Charge to deposit account
- Charge to credit card (PTO-2038 attached)

8. Charge any deficiency to Deposit account:
18-2025

Do not use this space

02/26/2003 LMUELLER 00000061 76294018

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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.

Herbert Dubno, reg. 19,752

29 January 2003

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



8388TM

IN THE U.S. PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

Applicant	LINDE AKTIENGESELLSCHAFT	
Trademark App.	76/294,018	
Filed	2 August 2001	
Mark	TOSCA	
Classes	10, 42	
Trademark att.	McMorrow, R	Law Office 105

Asst. Commissioner for Trademarks
Box 5
2900 Crystal Drive
Arlington, VA 22202-3513

POWER OF ATTORNEY AND APPOINTMENT OF DOMESTIC REPRESENTATIVE

LINDE AKTIENGESELLSCHAFT hereby appoints **Herbert Dubno**, Reg. 19,752; **Jonathan Myers**, Reg. 26,963; and **Andrew Wilford**, Reg. 26,597 and each of them individually to prosecute the matter identified in the caption and to transact all business in the Patent and Trademark Office connected therewith.

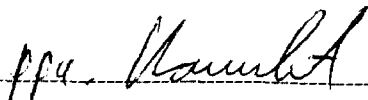
Please direct all correspondence to:

The Firm of Karl F. Ross, P.C.
Customer Number 535
5676 Riverdale Avenue, Box 900
Bronx, New York 10471-0900
Telephone: (718) 884-6600
Fax: (718) 601-1099.


Please designate the above-identified firm as the mark owner's representative upon whom notices or process in proceedings affecting the mark may be served.

26 November 2001
Date

LINDE AKTIENGESELLSCHAFT



Signature
ppa. Kasseckert



Signature
i.V. Dr. Bernd Gellner

Print Name
General Patent Counsel

Print Name
Senior Patent and Trademark Counsel

Print Title

Print Title

State of New York)
)
 County of the Bronx) ss:

TRANSLATOR'S AFFIDAVIT

I, Ruth Goldstein, a citizen of the United States of America, residing in Ft. Lee, New Jersey, depose and state that:

I am familiar with the English and German languages;

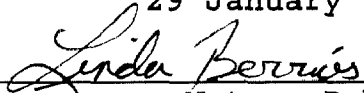
I have read a copy of the German-language document attached hereto, namely Commercial Register Excerpt 10000 issued by District Court Wiesbaden; and

The hereto-attached English-language text is an accurate translation of the pertinent passage of the above-identified German-language document.



 Ruth Goldstein

Sworn to and subscribed before me
29 January 2003



 Notary Public

LINDA BERRIOS
 Notary Public State of New York
 No. 01BE5016825
 Qualified in Bronx County
 Commission expires August 23, 2005

8388

76/294,018

Translation of pertinent passage of Commercial Register Excerpt
No. 10000 issued by the District Court Wiesbaden, Germany

POINT 30, COLUMN 6:

Based on the Merger Agreement of 24 August 2001 and on the decision of the shareholders meeting of the same date of Linde Gas Aktiengesellschaft located in Pullach, Ortsteil Höllriegelskreuth, District München, Linde Gas Aktiengesellschaft has merged by transfer of all its assets with Linde Aktiengesellschaft according to § 2.No.1 i.V.m. §§00IT Umw.

008

NUM033

LINDE PATENT + 718 601 1099

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HRB 10000

a) Tages-Eintragung
und Urrechtlich
b) Stammbuch

a) 10. Mai 2001
b) Blatt 60 - 65 S. 04.

Als Vorstandsmitglied antrag-
stellerin: Julia Seifrig
(Id.Nr. 19)

Unter Beschränkung
auf die Haupt-
niederlassung
Prokura Inwalts
zusammen mit einem
anderen Prok.
kuristlem oder mit
einem Vorstands-
mitglied:
13) Dr.-Ing. Peter
Wolff Inskl.
- 13.01.1960,
6976
Kronberg.

Unter Beschränkung auf
die Hauptniederlassung
Prokura zusammen mit
einem Prokuristen oder mit
einem Vorstandsmitglied:
44) Ursprung Clausea
- 11.05.1907,
65120 Ingelheim
45) Hermann Josef König,
- 11.07.1957,
69250 Puhlin-
Stammeln.

Durch den Versammlungstermin vom
24. August 2001 wird dem Beschluss der
Versammlung der Linde Gas
Aktiengesellschaft mit Sitz in Pöflach, Oststeier-
mark, Österreich, Landkreises Leoben, vom selben
Tag in die Linde Gas Aktiengesellschaft durch
Übertragung des Vermögens als Ganzes auf die
Linde Aktiengesellschaft mit dieser nach § 2 Nr. 1
V.m. §§ 60 ff. UmwG verschrieben.

a) 07. August 2001
b) Blatt 60

a) 15. Oktober 2001
b) Versammlungstermin und
Beschlüsse Bl. 40, 15 & Bl. VI
Linde Gas Aktiengesellschaft bayer.
Amtsgericht München HRB 132016