

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT
EFFECTIVE DATE:	02/29/2004

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Dietrich Industries, Inc.		02/20/2006	CORPORATION: PENNSYLVANIA

**RECEIVING PARTY DATA**

Name:	New Construction Systems, Inc.
Street Address:	365 South Garfield
City:	Cambridge
State/Country:	MINNESOTA
Postal Code:	55008
Entity Type:	CORPORATION: MINNESOTA

**PROPERTY NUMBERS Total: 1**

Property Type	Number	Word Mark
Registration Number:	1547960	ELIMINATOR TRACK

**CORRESPONDENCE DATA**

Fax Number: (763)571-7734  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 763-502-7124  
 Email: atbehrendt@zlhlaw.com  
 Correspondent Name: Anne Behrendt  
 Address Line 1: 941 Hillwind Rd. NE  
 Address Line 2: Suite 301  
 Address Line 4: Fridley, MINNESOTA 55432

NAME OF SUBMITTER:	Anne Behrendt
Signature:	/annetbehrendt/
Date:	04/23/2007

OP \$40.00 1547960

Total Attachments: 1  
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EXHIBIT A

ASSIGNMENT NUNC PRO TUNC OF TRADEMARK

WHEREAS, Dietrich Industries, Inc. ("Assignor") is the owner of the United States of America trademark registration for the mark Eliminator Track, registration number 1547960 ("Trademark");

WHEREAS, said trademark registration was assigned without a separate written assignment to New Construction Systems, Inc. ("Assignee") effective February 29, 2004;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and intending to be legally bound, Assignor does hereby assign and transfer unto Assignee, effective *nunc pro tunc* on February 29, 2004, all right, title, and interest in and to the Trademark, together with the goodwill of the business symbolized thereby as well as the right to sue for past infringement and the right to collect damages therefor.

This Assignment is binding on Assignor, its successors and assigns, and will inure to the benefit of the Assignee, its successors and assigns. Nothing in this instrument, express or implied, is intended or shall be construed to confer upon, or give to, any person, corporation or entity other than Assignee, its successors and assigns, any remedy or claim under or by reason of this instrument, or any terms, covenants or conditions hereof, and all the terms, covenants and conditions in this instrument shall be for the sole and exclusive benefit of Assignee and its successors and assigns.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed this 20<sup>th</sup> day of February, 2006.

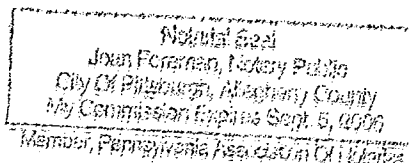
DIETRICH INDUSTRIES, INC.

By John Diaddio  
Title V. Pres - Strategic Planning

STATE OF Pennsylvania )  
 ) ss.  
COUNTY OF Allegheny )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2006, by John Diaddio, the VP-Strategic Planning of Assignor and he or she acknowledged the same to be his or her free act and deed, that the act was duly authorized by the Assignor and the free act and deed of said Assignor.

Joan Foreman  
Notary Public



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