

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
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<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	RELEASE BY SECURED PARTY		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Credit Suisse, as Second Lien Collateral Agent		10/26/2007	the Cayman Islands branch of a bank organized and existing under the laws of Switzerland:
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Excel Mining Systems LLC		
<b>Street Address:</b>	600 Boyce Dr., PO Box 263		
<b>City:</b>	Bowerston		
<b>State/Country:</b>	OHIO		
<b>Postal Code:</b>	44695		
<b>Entity Type:</b>	LIMITED LIABILITY COMPANY: DELAWARE		
<b>PROPERTY NUMBERS Total: 2</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Registration Number:	1436199	DOUBLE LOCK	
Registration Number:	1475626	HY TEC	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	(202)756-8087		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
<b>Email:</b>	nward@mwe.com		
<b>Correspondent Name:</b>	Richard Y. Kim		
<b>Address Line 1:</b>	600 13th Street, N.W.		
<b>Address Line 4:</b>	Washington, DISTRICT OF COLUMBIA 20005		
<b>ATTORNEY DOCKET NUMBER:</b>	57000-030		
<b>NAME OF SUBMITTER:</b>	Richard Y. Kim		
<b>Signature:</b>	/Richard Y. Kim/		

CH \$65.00 1436199

Date:

11/02/2007

Total Attachments: 3

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**RELEASE OF SECURITY INTEREST IN  
TRADEMARK COLLATERAL**

This RELEASE, dated as of October ~~26~~, 2007, is made by CREDIT SUISSE, as Collateral Agent (the "Collateral Agent"), pursuant to the termination of the Second Lien Pledge and Security Agreement, dated as of July 30, 2007 (the "Security Agreement"), by and among Excel Mining Systems LLC, a Delaware limited liability company (the "Grantor"), Mining Systems Holding LLC, a Delaware limited liability company, and the Collateral Agent. Capitalized terms not otherwise defined herein have the meanings set forth in the Security Agreement.

**WITNESSETH**

WHEREAS, pursuant to the Second Lien Trademark Security Agreement by and between the Grantor and the Collateral Agent, dated July 30, 2007 ("Trademark Security Agreement"), and recorded with the U.S. Patent and Trademark Office on July 30, 2007 at Reel/Frame No. 3589/0314, the Grantor granted the Collateral Agent a Lien on and security interest in and to all of its right, title and interest in, to and under all of its Intellectual Property, including the Trademarks, including all goodwill associated with such trademarks, and proceeds of any and all of the foregoing;

WHEREAS, the Grantor has requested that the Collateral Agent release its security interest in the Intellectual Property in connection with the termination of the Security Agreement;

NOW, THEREFORE, in consideration of the foregoing, the Collateral Agent hereby RELEASES, without recourse, all of its Lien on and security interest in and to all of the Grantor's right, title and interest in, to and under the Intellectual Property listed on Schedule I attached hereto and incorporated herein by reference (the "Released Collateral") to the Grantor.

The Collateral Agent agrees to provide the Grantor with any additional authorization necessary to effect the release of its security interest in the Released Collateral.

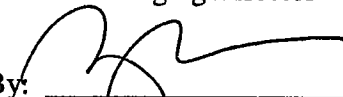
IN WITNESS WHEREOF, the Collateral Agent has executed this Release as of the date first set forth above.

**CREDIT SUISSE, CAYMAN ISLANDS BRANCH**  
as Collateral Agent

By:  \_\_\_\_\_

Name: James Moran

Title: Managing Director

By:  \_\_\_\_\_

Name: Nupur Kumar

Title: Associate

Trademark Release (Second Lien)

**TRADEMARK**  
**REEL: 003653 FRAME: 0486**

SCHEDULE I

U.S. REGISTERED TRADEMARKS AND TRADEMARK APPLICATIONS

Mark	App. Number App. Date	Reg. Number Reg. Date	Grantor
DOUBLE LOCK	73614476 August 13, 1986	1436199 April 14, 1987	Excel Mining Systems LLC
HY TEC	73665940 June 11, 1987	1475626 February 9, 1988	Excel Mining Systems LLC