

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM316324

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	Trademark Assignment / Name Clarification		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Sioux Steel Company		05/12/2014	CORPORATION: DELAWARE
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Sioux Steel Company		
<b>Street Address:</b>	196 1/2 E. 6th St.		
<b>City:</b>	Sioux Falls		
<b>State/Country:</b>	SOUTH DAKOTA		
<b>Postal Code:</b>	57101-1265		
<b>Entity Type:</b>	CORPORATION: SOUTH DAKOTA		
<b>PROPERTY NUMBERS Total: 31</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	4376399	SIOUX STEEL COMPANY	
<b>Registration Number:</b>	4376312	SIOUX	
<b>Registration Number:</b>	4329504	LEGEND	
<b>Registration Number:</b>	4135551	KOYKER	
<b>Registration Number:</b>	4343161	GPS GRAIN PUSH SYSTEM	
<b>Registration Number:</b>	4343156	GPS	
<b>Registration Number:</b>	4129508	FLEXSTOR	
<b>Registration Number:</b>	4129505	FLEXSTOR	
<b>Registration Number:</b>	3995219	FLEXSTOR	
<b>Registration Number:</b>	3991221	FLEXSTOR	
<b>Registration Number:</b>	3175032	M MAVERICK	
<b>Registration Number:</b>	3174902	MAVERICK	
<b>Registration Number:</b>	4084389	INTELLI FAN	
<b>Registration Number:</b>	3832415	FUSION PLASTICS	
<b>Registration Number:</b>	3832414	FUSION	
<b>Registration Number:</b>	2685439	PRO.TEC ENGINEERED BUILDINGS	
<b>Registration Number:</b>	2366362	SIOUX	
<b>Registration Number:</b>	2136683	SIOUX	
<b>Registration Number:</b>	1851300	BIG O	
<b>Registration Number:</b>	1891617	DURA LIFE	
<b>TRADEMARK</b>			

OP \$790.00 4376399

Property Type	Number	Word Mark
Registration Number:	1769713	KOYKER
Registration Number:	1651325	SIOUX
Registration Number:	1651527	SIOUX
Registration Number:	1652168	SIOUX
Registration Number:	1653469	SIOUX
Registration Number:	1651324	SIOUX
Registration Number:	1659806	SIOUX
Registration Number:	1526972	DURA-LIFE
Registration Number:	1379196	REDY PRO
Registration Number:	0688567	SIOUX
Registration Number:	0540297	SIOUX

**CORRESPONDENCE DATA**

**Fax Number:** 6053393357

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

**Phone:** 6053363890

**Email:** Troy.Leonard@woodsfuller.com

**Correspondent Name:** Troy Leonard

**Address Line 1:** 300 S. Phillips Ave., Suite 300

**Address Line 4:** Sioux Falls, SOUTH DAKOTA 57104

<b>ATTORNEY DOCKET NUMBER:</b>	36748
<b>NAME OF SUBMITTER:</b>	Troy Leonard
<b>SIGNATURE:</b>	/troy leonard/
<b>DATE SIGNED:</b>	09/08/2014

**Total Attachments: 11**

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## Trademark Assignment / Name Clarification

This Trademark Assignment / Name Clarification is made this 12<sup>th</sup> day of May 2014, by **Sioux Steel Company**, a corporation formerly organized under the laws of the state of Delaware, and located at 196 1/2 E. 6th St. Sioux Falls, SD 57101-1265, to **Sioux Steel Company**, a corporation now organized under the laws of the state of South Dakota, having its principal place of business at 196 1/2 E. 6th St. Sioux Falls, SD 57101-1265.

### WITNESSETH:

**WHEREAS** Sioux Steel Company was originally incorporated under the laws of the state of Delaware on September 29, 1948. Further, said company did file Articles of Domestication with the South Dakota Secretary of State's Office on February 21, 2013. On December 21, 2013 the South Dakota Secretary of State's Office issued a Certificate of Domestication. Copies of said Articles and Certificate are attached.

**WHEREAS** Sioux Steel Company, while a corporation organized under the laws of the state of Delaware, did adopt/receive/acquire and use the following marks which have been registered by the United States Patent & Trademark Office:

- FLEXSTOR & design  
Registration No. 4129508  
Date of Registration: April 17, 2012
- FLEXSTOR & design  
Registration No. 4129505  
Date of Registration: April 17, 2012
- FLEXSTOR  
Registration No. 3995219  
Date of Registration: July 12, 2011
- FLEXSTOR  
Registration No. 3991221  
Date of Registration: July 5, 2011
- SIOUX STEEL COMPANY & design  
Registration No. 4376399  
Date of Registration: July 30, 2013

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- SIOUX & design  
Registration No. 4376312  
Date of Registration: July 30, 2013
- GPS GRAIN PUSH SYSTEM & design  
Registration No. 4343161  
Date of Registration: May 28, 2013
- GPS  
Registration No. 4343156  
Date of Registration: May 28, 2013
- LEGEND  
Registration No. 4329504  
Date of Registration: April 30, 2013
- KOYKER  
Registration No. 4135551  
Date of Registration: May 1, 2012
- M MAVERICK & design  
Registration No. 3175032  
Date of Registration: November 21, 2006
- MAVERICK  
Registration No. 3174902  
Date of Registration: November 21, 2006
- INTELLI FAN  
Registration No. 4084389  
Date of Registration: January 10, 2012
- FUSION PLASTICS & design  
Registration No. 3832415  
Date of Registration: August 10, 2010
- FUSION  
Registration No. 3832414  
Date of Registration: August 10, 2010
- PRO.TEC ENGINEERED BUILDINGS & design  
Registration No. 2685439  
Date of Registration: February 11, 2003

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- SIOUX  
Registration No. 2366362  
Date of Registration: July 11, 2000
- SIOUX  
Registration No. 2136683  
Date of Registration: February 17, 1998
- BIG O  
Registration No. 1851300  
Date of Registration: August 30, 1994
- KOYKER  
Registration No. 1769713  
Date of Registration: May 11, 1993
- DURA LIFE  
Registration No. 1891617  
Date of Registration: April 25, 1995
- SIOUX & design  
Registration No. 1651325  
Date of Registration: July 23, 1991
- SIOUX & design  
Registration No. 1651527  
Date of Registration: July 23, 1991
- SIOUX & design  
Registration No. 1652168  
Date of Registration: July 30, 1991
- SIOUX  
Registration No. 1653469  
Date of Registration: August 13, 1991
- SIOUX  
Registration No. 1651324  
Date of Registration: July 23, 1991
- SIOUX  
Registration No. 1659806  
Date of Registration: October 8, 1991

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- DURA-LIFE  
Registration No. 1526972  
Date of Registration: February 28, 1989
- REDY PRO  
Registration No. 1379196  
Date of Registration: January 21, 1986
- SIOUX  
Registration No. 0688567  
Date of Registration: November 24, 1959
- SIOUX  
Registration No. 0540297  
Date of Registration: April 3, 1951

The above marks are hereinafter referred to collectively as the "Subject Marks"; and

**NOW, THEREFORE**, for purposes of clarification of the chain of title and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Sioux Steel Company, a corporation formerly organized under the laws of the state of Delaware hereby transfers and assigns to Sioux Steel Company, a corporation now organized under the laws of the state of South Dakota, the latter of which hereby accepts the transfer and assignment of, all of the former's right, title and interest in and to the Subject Marks together with all goodwill of the business symbolized thereby or connected therewith. This transfer and assignment includes the right to recover for any third party infringement thereof, regardless of whether such infringement occurred before or occurs after the execution date of this document. This transfer includes, without limitation, all common law rights, interests and goodwill as may have been acquired from the use of said Subject Marks.

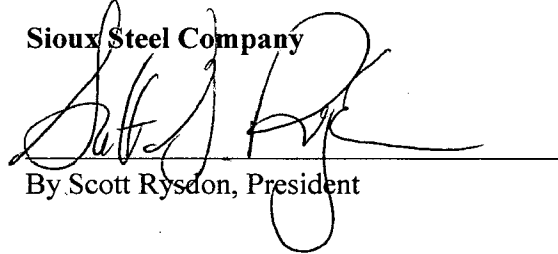
It is requested that any official whose duty it is to transfer ownership to do so in accordance with the aforesaid registrations consistent with this document.

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IN WITNESS WHEREOF, I have hereunto signed my name on the day and year set forth below.

Sioux Steel Company



By Scott Rysdon, President

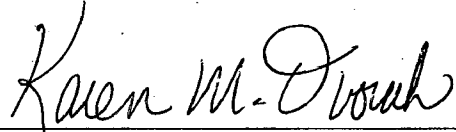
STATE OF SOUTH DAKOTA )

:SS

COUNTY OF MINNEHAHA

On this 12<sup>th</sup> day of May 2014, before me, the undersigned officer, personally appeared Scott Rysdon who acknowledged himself to be the President of Sioux Steel Company, and that he, as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the organization as such officer.

(SEAL)



Notary Public-South Dakota

My Commission Expires: 09/10/2014

{01623145.1}

395 1319 02/27/2013

Receipt Number: 97610

File Number **DB057585**



**ARTICLES\_OF\_DOMESTICATION**

For

**SIOUX STEEL COMPANY**

Filed at the request of:

**WOODS FULLER SHULTZ & SMITH  
RYAN W SNELL  
PO Box 5027  
SIOUX FALLS SD 57117**

*State of South Dakota  
Office of the Secretary of State*

Filed in the office of the Secretary of State on: **Thursday, February 21, 2013**

  
Secretary of State

Fee Received: \$150.00



395 1320 02/27/2013

# State of South Dakota



## OFFICE OF THE SECRETARY OF STATE

### Certificate of Domestication Business Corporation

ORGANIZATIONAL ID #: DB057585

I, **Jason M. Gant**, Secretary of State of the State of South Dakota, hereby certify that the Articles of Domestication of **SIOUX STEEL COMPANY** duly signed and verified, pursuant to the provisions of the South Dakota Business Corporation Act, have been received in this office and are found to conform to law.

**ACCORDINGLY**, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Domestication and attach hereto a duplicate of the Articles of Domestication

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this December 21, 2013.



**Jason M. Gant**  
Secretary of State

IncorpCertBusiness Merge

Litho in USA

TRADEMARK

REEL: 005358 FRAME: 0696

395 1321 02/27/2013

Filed this 21st day of Feb. 2013  
*Jason Sand*  
SECRETARY OF STATE

RECEIVED  
FEB 21 2013  
S.D. SEC. OF STATE

Articles of Domestication  
of  
Sioux Steel Company

The undersigned, on behalf of the foreign corporation set forth below, under SDCL §47-1A-921.1, states as follows:

Article 1

The name of the corporation immediately prior to the filing of these Articles of Domestication is Sioux Steel Company. Upon the filing of these Articles, the name of the corporation will be Sioux Steel Company, as a South Dakota corporation.

Article 2

The corporation was originally incorporated under the laws of the State of Delaware, on September 29, 1948.

Article 3

The domestication is permitted by the laws of the jurisdiction in which the corporation is incorporated immediately prior to the filing of these Articles, and the corporation has complied with those laws in effecting the domestication, including the adoption of these Articles in accordance with Delaware General Corporation Law, Subchapter XVI, Domestication and Transfer, § 390.

Article 4

The corporation is authorized to issue four separate classes of stock, as follows:

Class A Common Stock

- Number of Shares Authorized - 150,000 shares
- Par - \$1.00
- Voting - Full shareholder voting rights
- Dividend - No guaranteed dividend
- Liquidation - No preference upon liquidation
- Preemptive Rights - There are preemptive rights, but only as to newly issued shares of Class A Common Stock

- Put Rights** - Class A Common Stock may be put to the corporation for purchase as detailed in the corporation's bylaws
- Transfer Restrictions** - Class A Common Stock are subject to restriction on transfer as detailed in the corporation's bylaws
- Redemption Rights** - Class A Common Stock are subject to a continuing right of redemption in favor of the corporation

Class B Common Stock

- Number of Shares Authorized** - 1,350,000 shares
- Par** - \$1.00
- Voting** - No voting rights, except as required by the South Dakota Business Corporation Act or by the corporation's bylaws
- Dividend** - No guaranteed dividend
- Liquidation** - No preference upon liquidation
- Preemptive Rights** - There are no preemptive rights
- Put Rights** - Class B Common Stock may be put to the corporation for purchase as detailed in the corporation's bylaws
- Transfer Restrictions** - Class B Common Stock are subject to restriction on transfer as detailed in the corporation's bylaws
- Redemption Rights** - Class B Common Stock are subject to a continuing right of redemption in favor of the Company

First Preferred Stock

- Number of Shares Authorized** - 10,000 shares
- Par** - \$100.00
- Voting** - No voting rights, except as required by the South Dakota Business Corporation Act or by the corporation's bylaws
- Dividend** - Cumulative 5% dividend, payable four times per year, in the discretion of the board of directors of the corporation

- Liquidation** - There is a liquidation preference over all classes of stock (in the event of liquidation, dissolution, and winding up) in the amount of par value plus all accumulated and unpaid dividends
- Preemptive Rights** - There are no preemptive rights
- Redemption Rights** - The corporation has the right to redeem First Preferred Stock as detailed in the corporation's bylaws
- Put Rights** - First Preferred Stock may be put to the corporation for purchase as detailed in the corporation's bylaws
- Transfer Restrictions** - First Preferred Stock are subject to restriction on transfer as detailed in the corporation's bylaws.

Second Preferred Stock

- Number of Shares Authorized** - 10,000 shares
- Par** - \$100.00
- Voting** - No voting rights, except as required by the South Dakota Business Corporation Act or by the corporation's bylaws
- Dividend** - Subject and junior to the First Preferred Stock rights, a cumulative 7% dividend, to be paid four times per year in the discretion of the board of directors of the corporation
- Liquidation** - Subject and junior to the First Preferred Stock liquidation preference, there is a liquidation preference (in the event of liquidation, dissolution, and winding up) in the amount of par value plus all accumulated and unpaid dividends
- Preemptive Rights** - There are no preemptive rights
- Redemption Rights** - The corporation has the right to redeem Second Preferred Stock as detailed in the corporation's bylaws
- Put Rights** - Second Preferred Stock may be put to the corporation for purchase as detailed in the corporation's bylaws
- Transfer Restrictions** - Second Preferred Stock are subject to restriction on transfer as detailed in the corporation's bylaws.

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**Article 5**

The corporation's principal office is 196 East 6th Street, Sioux Falls, SD 57106.

**Article 6**

The street address of the corporation's initial registered office is 196 East 6th Street, Sioux Falls, SD 57106, and the initial registered agent at that office is Phillip M. Rysdon.

**Article 7**

Directors of the corporation will not be liable to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for the amount of a financial benefit received by a director to which the director is not entitled, an intentional infliction of harm on the corporation or the shareholders, a violation of SDCL § 47-1A-833, or an intentional violation of criminal law.

**Article 8**


The corporation will be obligated to indemnify a director for liability, as defined in SDCL § 47-1A-850(5), to any person for any action taken, or any failure to take any action, as a director, except liability for receipt of a financial benefit to which the director is not entitled, an intentional infliction of harm on the corporation or its shareholders, a violation of SDCL § 47-1A-833.1, or an intentional violation of criminal law.

**Article 9**

The directors do not have the power to alter, amend, add to, or repeal these Articles.

Dated: December 20, 2012.

**Sioux Steel Company**

By:   
Phillip M. Rysdon, Its President