



03-22-1999

Docket No.:

42161-01028 & 42161-00150

Tab settings → →

03-08-1999



100989523

To the Honor:

U.S. Patent & TMOs/TM Mail Rcpt Dt. #34

10 Trademarks. Please review the attached original documents or copy thereof.

1. Name of conveying party(ies):
Mountain West Products, Inc.

- Individual(s)
- General Partnership
- Corporation-State
- Other _____
- Association
- Limited Partnership

Additional names(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

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

Execution Date: **March 31, 1997 and June 5, 1997**

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

Name: **MWCA, Inc.**

Internal Address: _____

Street Address: **4212 South Highway 191**

City: **Rexburg** State: **ID** ZIP: **83440**

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State **Idaho**
- Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from Assignment)
Additional name(s) & address(es) attached? Yes No

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

A. Trademark Application No.(s)

75/513,280
Filed: 7/6/98

B. Trademark Registration No.(s)

2,029,526
Issued:
1/14/97

Additional numbers attached? Yes No

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

Name: **Thomas R. Marsh, Esq.**

Internal Address: **Suite 4100**

Street Address: **1700 Lincoln Street**

City: **Denver** State: **CO** ZIP: **80203**

6. Total number of applications and registrations involved:.....

2

7. Total fee (37 CFR 3.41):.....\$ **\$80.00**

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

08-2665

03/19/1999 DNGUYEN 00000157 75513280

DO NOT USE THIS SPACE

01 FC:481	40.00 OP
02 FC:482	25.00 OP
03 FC:998	15.00 OP

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.

Thomas R. Marsh, Esq.

Name of Person Signing

Thomas R. Marsh

Signature

3/5/99

Date

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

8

State of Idaho

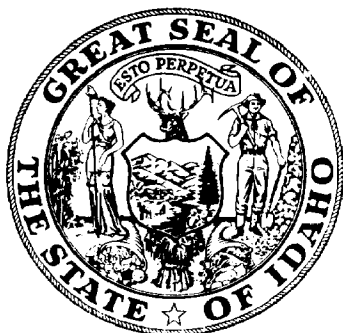
Department of State

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of the certificate of merger, merging COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC. a New Mexico corporation, into MOUNTAIN WEST PRODUCTS, INC., an Idaho corporation, C 65951 filed March 31, 1997.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of the certificate of amendment of MOUNTAIN WEST PRODUCTS INC., changing the corporate name to MWCA, INC. filed June 5, 1997.

Dated: February 26, 1999



Pete T. Cenarrusa
SECRETARY OF STATE

By *Valerie L. Wenzel*

216515

State of Idaho

Department of State

CERTIFICATE OF MERGER OR CONSOLIDATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Merger of COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC., a New Mexico corporation, into MOUNTAIN WEST PRODUCTS, INC., an Idaho corporation, file number C 65951, duly executed pursuant to the provisions of the Idaho 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 issue this certificate of merger, and attach hereto a duplicate original of the Articles of Merger.

Dated: March 31, 1997



Pete T. Cenarrusa
SECRETARY OF STATE

BY *Olivia Hodder*

ARTICLES OF MERGER
OF

Mar 31 10 37 AM '97

COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC.
INTO
MOUNTAIN WEST PRODUCTS, INC.

IDAHO SECRETARY OF STATE
DATE 03/31/1997
0200 77911 2
OF #: 68007 DIST# 20168
MEMBER IF 30.00= 30.00
EDUCITE C 10 20.00= 20.00

SECRETARY OF STATE
STATE OF IDAHO

Pursuant to the provisions of Sections 30-1-75 and of the Idaho Code, and Sections 53-14-5 and 53-14-7 of the New Mexico Statutes, Mountain West Products, Inc., an Idaho corporation (hereinafter referred to as "Mountain West"), hereby evidences the merger of its wholly-owned subsidiary, Colorado Aggregate Company of New Mexico, Inc., a New Mexico corporation (hereinafter referred to as "CAC"), into Mountain West as follows:

ARTICLE I

The following plan of merger was duly adopted and approved by unanimous written consent of the Board of Directors of CAC as of March 11, 1997, and by Mountain West's Board of Directors as of March 11, 1997:

PLAN OF MERGER

(A) The name of the subsidiary corporation is COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC., a New Mexico corporation, and the name of the owner of all its outstanding capital stock is MOUNTAIN WEST PRODUCTS, INC., an Idaho corporation, which shall be the surviving corporation.

(B) There shall be no conversion of the shares of CAC into any other stock, since the sole shareholder, Mountain West, is the surviving corporation.

ARTICLE II

The capital stock of CAC consists of one class of common stock, and the number of outstanding shares owned by the surviving corporation, Mountain West, is as follows:

Page 1: ARTICLES OF MERGER of COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC. into MOUNTAIN WEST PRODUCTS, INC.

Mar 31 10 37 AM '97
Class

Total <u>Shares Outstanding</u>	Shares Owned <u>by Mountain West</u>
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SECRET Common STATE
SECRET FOR 40

1000

1000

ARTICLE III

Mountain West, as sole shareholder of CAC, waived mailing of the Plan of Merger.

ARTICLE IV

The manner of the adoption of the plan of merger and the vote by which it was adopted constitute full legal compliance with the provisions of Section 30-1-75 and 30-1-77 of the Idaho Code, and Sections 53-14-5 and 53-14-7 of the New Mexico Statutes, and with the Articles of Incorporation and the Bylaws of the subsidiary corporation, CAC, and with the Articles of Incorporation and the Bylaws of the surviving corporation, Mountain West.

ARTICLE V

Mountain West, the surviving corporation, is a duly organized and existing corporation pursuant to the laws of the state of Idaho, and shall be duly qualified as a foreign corporation to do business in the state of New Mexico, and agrees that it may be served through its statutory agent or through the New Mexico Secretary of State with process in the State of New Mexico in any proceeding for the enforcement of any obligation of CAC.

ARTICLE VI

The effective date and time of the merger shall be deemed to be 12:01 a.m., April 1, 1997.

Page 2: ARTICLES OF MERGER of COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC. into MOUNTAIN WEST PRODUCTS, INC.

TRADEMARK
REEL: 1870 FRAME: 0306

MAR 31

IN WITNESS WHEREOF, the duly authorized officers of CAC and Mountain West have executed these Articles of Merger as of the 28th day of March, 1997.

COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC.

SECRET COLORADO AGGREGATE COMPANY OF NEW MEXICO, INC.

By: Michael B. White
Michael B. White
Vice President

Attest: Nathaniel K. Adams
Nathaniel K. Adams
Secretary

MOUNTAIN WEST PRODUCTS, INC.

By: Michael B. White
Michael B. White
Vice President

Attest: Nathaniel K. Adams
Nathaniel K. Adams
Secretary

STATE OF IDAHO)
) ss:
COUNTY OF KOOTENAI)

I, Narda Lee Anthony, a notary public for the State of Idaho, do hereby certify that on the 28th day of March, 1997, personally appeared before me MICHAEL B. WHITE and NATHANIEL K. ADAMS, who, being by me first duly sworn, declared that they are the Vice President and the Secretary, respectively, of Mountain West Products, Inc. and the Vice President and the Secretary, respectively, of Colorado Aggregate Company of New Mexico, Inc., and that they signed the foregoing document in their capacities as officers of the said corporations, as the act of the said corporations, and that the statements contained therein are true.

Narda Lee Anthony
Narda Lee Anthony
Notary Public for the State of Idaho
Residing at: Athol
Commission expires: 8-5-2000

State of Idaho

Department of State

CERTIFICATE OF AMENDMENT
OF

MOUNTAIN WEST PRODUCTS INC.
File Number C 65951

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of MOUNTAIN WEST PRODUCTS INC., changing the corporate name to MWCA, INC., duly executed pursuant to the provisions of the Idaho 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 issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

Dated: June 5, 1997



Pete T. Cenarrusa
SECRETARY OF STATE

By *Cara Seibel*

97 JUN -5 AM 10:47
SECRETARY OF STATE
STATE OF IDAHO

**ARTICLES OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF
MOUNTAIN WEST PRODUCTS, INC.**

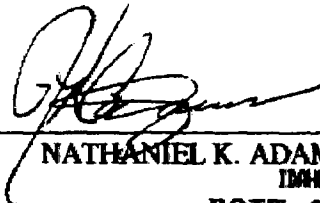
Pursuant to Idaho Code sections 30-1-58 and 30-1-61, the Board of Directors and the sole shareholder of Mountain West Products, Inc., an Idaho corporation having 74,506 shares of common stock issued, outstanding and entitled to vote, did unanimously adopt the following resolutions at a meeting of the Board of Directors held on March 11, 1997 and by Unanimous Consent of Shareholder dated March 11, 1997:

RESOLVED, that Article I of the Articles of Incorporation of the corporation be amended to change the name of the corporation to MWCA, INC.

RESOLVED, that Article V of the Articles of Incorporation of the corporation be amended to state that the authorized capital stock of the corporation shall be \$1,000.00, divided into 1,000 shares of the par value of \$1.00 each, which shall not be assessable. Stock certificate 20 issued by Mountain West Products, Inc. to Hecla Mining Company for 74,506 shares shall be cancelled and MWCA, Inc. shall issue a replacement stock certificate numbered 1 for 1,000 shares.

IN WITNESS WHEREOF, the corporation has caused duplicate originals of these Articles of Amendment to be executed by its Secretary pursuant to Idaho Code § 30-1-62 as of this 23rd day of May, 1997.

MWCA, INC.

By: 
NATHANIEL K. ADAMS, Secretary

IDAHO SECRETARY OF STATE
DATE 06/05/1997
0900 99168 2
CK #: 44871 CUST# 8879
AMEND PROF 1@ 30.00= 30.00

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