

07-20-1999



101095563

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)
Document ID #
- Correction of PTO Error
Reel # Frame #
- Corrective Document
Reel # Frame #

Conveyance Type

- Assignment License
- Security Agreement Nunc Pro Tunc Assignment
Effective Date
Month Day Year
- Merger
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties attached

Name

Execution Date
Month Day Year

Formerly

- Individual General Partnership Limited Partnership Corporation Association

Other

Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

- Individual General Partnership Limited Partnership Corporation

Association

Other

Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

FOR OFFICE USE ONLY

07/19/1999 MTHAI1 00000340 1795604

01 FC:481

40.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Pages Enter the total number of pages of the attached conveyance document including any attachments. #

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1795604"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Properties Enter the total number of properties involved. #

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment: Enclosed Deposit Account

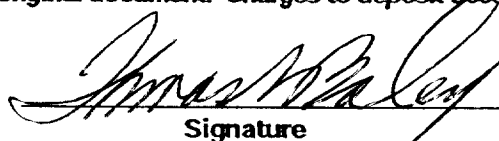
Deposit Account (Enter for payment by deposit account or if additional fees can be charged to the account.)
Deposit Account Number: #

Authorization to charge additional fees: Yes No

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. Charges to deposit account are authorized, as indicated herein.

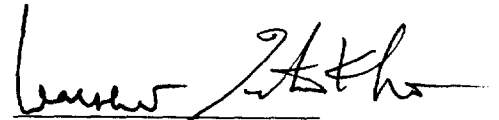
Thomas S. Baker, Jr.
Name of Person Signing


Signature

14 July 1999
Date Signed

DESIGNATION OF DOMESTIC REPRESENTATIVE

Thomas S. Baker, Jr., Attorney at Law, Registration Number 25,662, whose postal address is 1371 West 3rd Avenue, Columbus, Ohio 43212 U.S.A., Phone: 614/488-2202 Fax 614/488-2232 is hereby designated Applicant's domestic representative upon whom notice or process in proceedings affecting the trademarks, registrations and/or applications included on the attached Schedule A may be served and to receive Certificates of Registration, Proof of Use, Incontestability, and Renewal.



Applicant's Signature

DEMAG KOMATSU GMBH

Notarial Authentication



**ASSIGNMENT OF UNITED STATES TRADEMARKS
AND REGISTRATIONS AND APPLICATIONS**

WHEREAS, Mannesmann Demag AG a
corporation/individual, organized and existing under the laws
of Germany (hereinafter called "Assignor") and having a principal
place of business at
Wolfgang-Reuter-Platz 64, D-47053 Duisburg, Germany,
has adopted, used, is using and is the owner of the United States Trademarks,
Trademark Registrations and Trademark Applications set forth in Schedule A
attached hereto and made a part hereof: and

WHEREAS, Demag Komatsu GmbH, a
corporation/individual organized and existing under the laws of
Germany (hereinafter called "Assignee") having a principal place
of business at
Buscherhofstrasse 10, D-40599 Düsseldorf, Germany is
desirous of acquiring all rights Assignor has or may have in said Trademarks
and the Applications or Registrations thereof;

NOW THEREFORE, in consideration of and in exchange for the sum
of \$ 1,- and other good and valuable consideration, receipt of which is hereby
acknowledged, Assignor does hereby sell, assign and transfer and set over
unto Assignee all rights, titles and interest in and to the Trademarks and
registrations and/or applications listed in Schedule A together with the goodwill
of the business symbolized by the marks and the listed registrations and/or
applications, including without limiting the generality of the foregoing, the right
of priority to file corresponding applications in any and all countries; the
trademarks to be held by Assignee for its own use and enjoyment and for the
use and enjoyment of its successors and Assignees as fully and entirely as they
would have been held and enjoyed by Assignor had such Assignment not been
made.

Assignor hereby authorized and requests that duly authorized
officials of the United States Patent and Trademark Office take such action as
may be required to give effect to the sale, assignment and transfer made
herein, including the issuance of any United States Trademark Registrations on

Schedule A to Assignee, its successors and Assigns; and Assignor further agrees to do all things necessary to effectuate such sale, assignment and transfer in respect to each such trademark

ASSIGNOR Mannesmann Demag AG

Eberhard Kutschmann and Hansjürgen Dittmar

By: [Signature]
Title: Attorneys

ASSIGNEE

BY: [Signature]

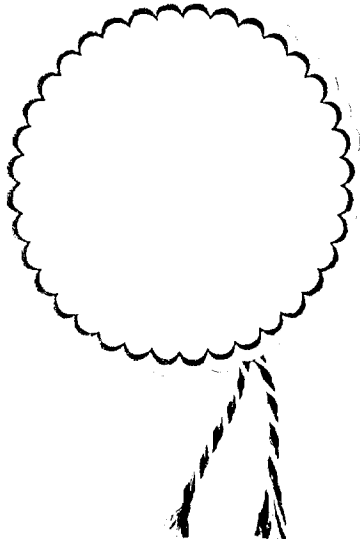
TITLE: President Executive V.P.

Urkunden-Nr. 500/1998

COUNTRY OF Germany

On this 22 day of October, 1998,
Before me appeared Eberhard Kutschmann and Hansjürgen Dittmar the person who signed this instrument, who acknowledged that he/she signed it as a free act on ~~his/her own~~ behalf (or on behalf of the identified corporation or other juristic entity with authority to do so). of Mannesmann Demag AG, Duisburg/Germany.

Duisburg, den 22. Oktober 1998



[Signature]
Notar
P. Reiche



SCHEDULE A

Trademark	Registration No.	Registration Date	Class
AQUADIGGER	1795604	September 28, 1993	07

Certificate

(Art. 22 a Federal Notary Act ("Bundesnotarordnung"))

URNr. 379/1999

I, the undersigned Dr. Norbert Zimmermann, German Notary duly admitted and sworn in with official residence at Düsseldorf, Germany, herewith authenticate the signature

- given before me by
Dr. Norbert Helmut Heinrich Walther,
with business address in D-40599 Düsseldorf, Buscherhofstraße 10
personally known to me,
- given before me by
Mr. Tetsuo Kaneko,
with business address in D-40599 Düsseldorf, Buscherhofstraße 10,
personally known to me.

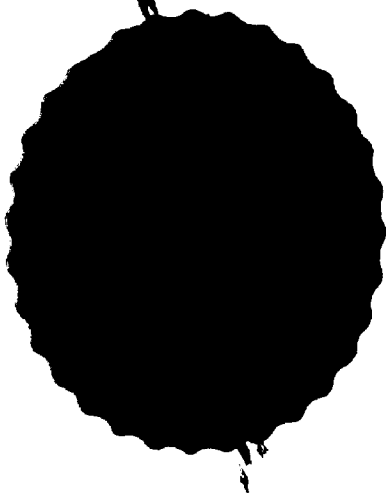
I certify and confirm that:


- the Demag Komatsu GmbH is a "Gesellschaft mit beschränkter Haftung" being entered with the Commercial Register at Düsseldorf under No. HR B 30196.
- Dr. Walther as "Geschäftsführer" (managing director) of the GmbH and Mr. Kaneko as "Geschäftsführer" (managing director) of the GmbH are duly authorized to represent and act legally with joint authority for and on behalf of the GmbH.

I certify this upon today's inspection of the Commercial Register at the Local Court at Düsseldorf No. HRB 30196.

In testimony whereof I have hereunto set my hand and affixed my seal of office.

Düsseldorf, this 16th day of February, 1999




Dr. Zimmermann, Notar

SCHEDULE A

Trademark	Registration No.	Registration Date	Class
AQUADIGGER	1795604	September 28, 1993	07

I, the undersigning German Notary Dr. Norbert Zimmermann, duly admitted and sworn in with official residence at Düsseldorf, herewith authenticate the signature

- given before me by
Dr. Norbert Helmut Heinrich Walther,
born on 02.01.1953,
with residence at 55357 Gensingen, Kiefernweg 8
personally known to me,

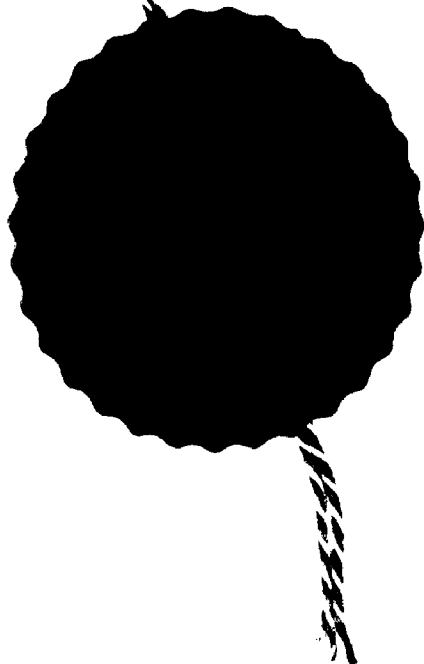
- given before me by
Mr. Tetsuo Kaneko,
born on 06.02.1953,
with residence at Setagayaku, Tokyo, 157 Japan, 8-31-29-209, Seijyo,
personally known to me.

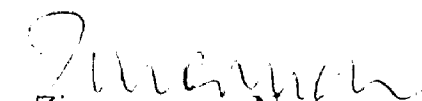
Having today inspected the Commercial Register at the Local Court of Düsseldorf, HRB 3/196, I herewith certify and confirm that

- Dr. Walther and Mr. Kaneko as "Geschäftsführer" (managing directors) are authorized to represent Demag Komatsu GmbH with registered domicile in Düsseldorf jointly.

In testimony whereof I have hereunto set my hand and affixed my seal of office.

Düsseldorf, this 16th day of November, 1998




Dr. Zimmermann, Notary

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Land: Bundesrepublik Deutschland

Diese öffentliche Urkunde

2. ist unterschrieben von **Notar Dr. Zimmermann**

3. in seiner Eigenschaft als **Notar in Düsseldorf**

4. sie ist versehen mit dem Siegel des **Notars**

Bestätigt

5. in **Düsseldorf**

6. am 20. November 1998

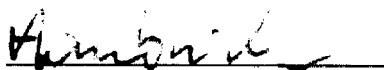
7. durch **den Präsidenten des Landgerichts**

8. unter **9101 Ea - 1663/1998**

9. Siegel:

10. Unterschrift:

In Vertretung



(Haubrich)

**Vizepräsidentin des
Landgerichts**

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

Attorney Docket No. DEN221US01

TRADEMARK: AQUADIGGER

REGISTRATION NO.: 1795604

REGISTRATION DATE: 28 SEPTEMBER 1993

OWNER: DEMAG KOMATSU GMBH

Thomas S. Baker, Jr.

(Name of Party Filing Paper)

A TRANSMITTAL LETTER IN DUPLICATE, A RECORDATION FORM COVER SHEET
(Identify the type of paper)

TRADEMARKS ONLY. IN DUPLICATE, AN ASSIGNMENT DOCUMENT, AN APPOINTMENT OF
DOMESTIC REPRESENTATIVE DOCUMENT, A CHECK IN THE AMOUNT OF
\$40.00, A CERTIFICATE OF MAILING AND A RETURN RECEIPT
POSTCARD.

I hereby certify that the above-identified correspondence, which is attached is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS

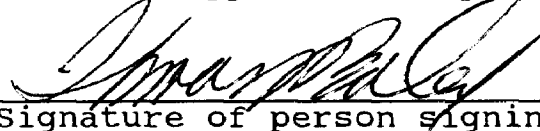
WASHINGTON, D.C. 20231

on 14 JULY 1999

BOX ASSIGNMENTS

Thomas S. Baker, Jr.

(Print or type name of person signing Certificate)



(Signature of person signing Certificate)

14 JULY 1999

(Date of Signature)