

Form PTO-1594

REC

U.S. DEPARTMENT OF COMMERCE

(Rev. 03/01)



U.S. PATENT AND TRADEMARK OFFICE

To the honorable Commissioner of Patents

102485392

Original document or copy thereof:

1. Name of Conveying Party(ies):

Colorado Aggregate Company of New Mexico, Inc.

W.T.P.

- Individual(s)
- General Partnership
- Corporation-New Mexico
- Other:
- Association
- Limited Partnership

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

2. Name and Address of Receiving Party(ies):

Name: Mountain West Products Inc.

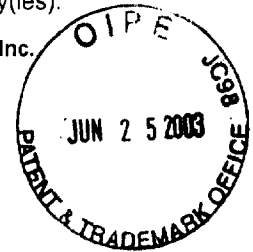
Street Address: 4212 South Highway 191

Street Address:

City: Rexburg

State/Country Idaho Postal Code: 83440

- Individual Citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Idaho
- Other



3. Nature of Conveyance:

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

Effective Date: April 1, 1997

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) and address(es) attached?  Yes  No

4. Application Number(s) or Registration Number(s):

A. Trademark Application Number(s):

B. Trademark Registration Number(s):

1,246,540

Additional numbers attached?  Yes  No

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

CUSTOMER NUMBER 00136 -or-

JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2218  
Tel. 202-638-6666

Attorney Docket Number: T-9236US0

06/27/2003 LNUELLER 00000227 1246540

01 FC:8524

40.00 DP

DO NOT USE THIS SPACE

6. Total number of applications and registrations involved: 1

7. Total Fee (37 CFR 3.41): \$40.00

- Enclosed
- Any deficiencies in enclosed fees are authorized to be charged to Deposit Account No. 06-1358.

8. 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.

Harvey B. Jacobson, Jr.

Harvey B. Jacobson, Jr. / enw

June 25, 2003

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: 4

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

Pursuant to the provisions of Sections 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, 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.

<u>Class</u>	<u>Total Shares Outstanding</u>	<u>Shares Owned by Mountain West</u>
Common	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.

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.

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

Attest: Nathaniel K. Adams  
Nathaniel K. Adams  
Secretary

MOUNTAIN WEST PRODUCTS, INC.

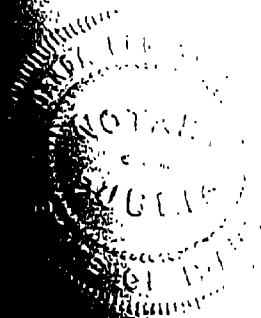
By: Michael B. White  
Michael B. White  
Vice President

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



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