

05-28-1998

Commissioner of Pa

TS Washington, D.C. 20231

FORM PTO-1595



EET

U.S. DEPARTMENT OF COMMERCE

(Rev. 6-93)

100721764  
PATENTS ONLY

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or certified copy thereof.

## 1. Name of conveying Party(ies):

SMS Schloemann GmbH

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

## 3. Nature of conveyance:

☐

Assignment

☒

Merger

☐

Security Agreement

☐

Change of Name

☐

Other

Execution Date: March 25, 1997

## 2. Name and Address of receiving Party(ies):

Name: SMS ELEMIKO GmbH

Internal Address:

Street Address:

City: Leverkusen

State/Country: Germany Zip: 51377

Additional name(s) & address(es) attached? ☐ Yes ☐ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)/Application Date

08/525,541/August 17, 1995

## B. Patent No.(s)/Patent Date

5,028,798/July 2, 1991; 5,062,285/November 5, 1991;  
5,421,181/June 6, 1995; and 5,619,884/April 15, 1997

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

Jacobson, Price, Holman & Stern  
400 7th Street, N.W.  
Washington, DC 20004  
Tel. 202-638-6666

Attorney Docket No. 235/P58954NA

## 6. Number of applications and patents involved:

5

## 7. Total fee (37 CFR 3.41)..... \$

200.00

☒

Enclosed

☒

Any deficiencies in enclosed fees are authorized to be charged to deposit account

## 8. Deposit Account No.: 06-1358

(Attach duplicate copy of this page if paying by deposit account):

DO NOT USE THIS SPACE

## 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.

John C. Holman

Name of Person Signing / Reg.#

Signature

May 19, 1998

Date

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

8

IN THE MATTER OF  
Trade Register Extract  
HRB 3738

I, Fiona Jane Shaikh BA, Dip. TST, of 51 Warwick Crescent, London, W2 6NE,  
translator to Marks & Clerk, 57-60 Lincoln's Inn Fields, London WC2A 3LS, fully  
conversant with the English and German languages, hereby certify that to the best of  
my knowledge and belief the following is a true translation into the English language,  
which has been made by me, of the accompanying document:

Signed, this 29th day of January 1998

A handwritten signature in cursive script, appearing to read 'Fiona Shaikh', written in dark ink.

[stamp] District Court Leverkusen

HRB 3738 Page

District Court Leverkusen

| No. of the entry | a) Company name<br>b) Seat<br>c) Subject of the enterprise                                                                                                                                                                                                                                                                                                                                                                                                                                            | Basic or share capital DM | Board of managers<br>General Partners<br>Managing Directors<br>Liquidators                                | Proxies                                                                                                                                                                                                       | Legal Circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | a) Date of entry and signature<br>b) Remarks                                                           |
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| 1                | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3                         | 4                                                                                                         | 5                                                                                                                                                                                                             | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 7                                                                                                      |
| 1                | a) <u>SMS Schloemann GmbH</u><br>b) Leverkusen<br>c) The subject of the enterprise is the construction, manufacture and installation of extrusion presses and the trade of these objects.<br>The company is entitled to carry out dealings and measures within these limits which appear to be necessary and useful in order to achieve the purpose of the enterprise, also especially to participate in other companies of a similar or related nature and to set up branches in Germany and abroad. | 5 100 000 German Marks    | Prof. Dr. <u>eng. Klaus Teipel</u> ,<br><u>Rattingen</u> ,<br>Dipl.-Kfm. *<br>Dieter Brücher,<br>Siegburg |                                                                                                                                                                                                               | Private limited liability company.<br>The articles of association were established on 10 April 1995.<br>The company has a maximum of three managing directors. Each of the member companies has the right to appoint one of the managing directors and to remove any of the managing directors it has appointed.<br>If there is only one managing director, then he is authorized to be the sole representative. If there are several managing directors, then each company is represented by two managing directors or by one managing director and one proxy. Even if there are several managing directors, one or several of them can be granted the right to sole representation.<br>The shareholders' meeting can generally free managing directors from the restrictions of § 181 BGB.<br>The managing director Prof. Dr. <u>eng. Klaus Teipel</u> and Brücher are freed from the restrictions of § 181 BGB.<br>They jointly represent the company. | a) 26 June 1995<br>[signature]<br>(Wächter)<br>Certifying Inspector<br>b) Pg. 9ff.<br>spec. vol.       |
| 2                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                                                                           | Joint power of attorney:<br>Karl-Heinz Schütte,<br>Karst,<br>Alfred Steinmetz,<br>Willich,<br>Uwe Muschalik,<br>Duisburg.<br>They represent the company together with a managing director or one other proxy. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | a) 31 August 1995<br>[signature]<br>(Fürle)<br>Principal Clerk of Court<br>b) Pg. 27 ff.<br>Spec. Vol. |

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\*Diplomkaufmann is a business qualification used as a title.

District Court Leverkusen

| No. of the entry | a) Company name<br>b) Seat<br>c) Subject of the enterprise | Basic or share capital DM | Board of managers<br>General Partners<br>Managing Directors<br>Liquidators | Proxies                                                                                                                                                  | Legal Circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | a) Date of entry and signature<br>b) Remarks                                                                      |
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| 1                | 2                                                          | 3                         | 4                                                                          | 5                                                                                                                                                        | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 7                                                                                                                 |
| 3                |                                                            |                           |                                                                            | <p>Joint power of attorney:<br/>Bernd Kreibe,<br/>Leverkusen.</p> <p>He represents the company together with a managing director or one other proxy.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>a) 06 August 1996<br/>[signature] (Fürle)<br/>Principal Clerk of the Court</p> <p>b) Pg. 30 special Volume</p> |
| 4                | a) SMS EUMUCO GmbH                                         |                           | Diploma-Engineer<br>Joachim Pollack,<br>Leverkusen                         |                                                                                                                                                          | <p>Eumuco Hasenclever GmbH, entered on the trade register of the District Court of Leverkusen under the number HR B 3739, is merged with SMS Schloemann GmbH as a result of the merger agreement of 22 November 1996 and of the resolutions of the shareholders' meetings of SMS Schloemann GmbH and of Eumuco Hasenclever GmbH each of 7 January 1997.</p> <p>SMS Hasenclever GmbH, entered on the trade register of the District Court of Düsseldorf under the number HR B 22624, is merged with SMS Schloemann GmbH as a result of the merger agreement of 26 November 1996 and of the resolutions of the shareholders' meetings of SMS Schloemann GmbH and of SMS Hasenclever GmbH each of 7 January 1997.</p> <p>SMS Eumuco Dienstleistungs-GmbH, entered on the trade register of the District Court of Leverkusen under the number HR B 3732, is merged with SMS Schloemann GmbH as a result of the merger agreement of 22 November 1996 and of the resolutions of the shareholders' meetings of SMS Schloemann GmbH and of SMS Eumuco Dienstleistungs-GmbH each of 7 January 1997.</p> <p>The company name was changed to SMS EUMUCO GmbH by a resolution of 7 January 1997. The additional managing director Pollack is entitled to represent the company together with one other managing director or jointly with one proxy.</p> <p>He is freed from the restrictions of § 181 BGB.</p> | <p>a) 25 March 1997<br/>[signature] (Fürle)<br/>Principal Clerk of the Court.</p>                                 |

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| No. of the entry | a) Company name<br>b) Seat<br>c) Subject of the enterprise                                                                                                                                                | Basic or share capital DM | Board of managers<br>General Partners<br>Managing Directors<br>Liquidators | Proxies                                                                                                                                                                                                                                                                                                                                 | Legal Circumstances                                                                                                                                                                                                                                                                            | a) Date of entry and signature<br>b) Remarks                                                           |
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| 1                | 2                                                                                                                                                                                                         | 3                         | 4                                                                          | 5                                                                                                                                                                                                                                                                                                                                       | 6                                                                                                                                                                                                                                                                                              | 7                                                                                                      |
| 5                |                                                                                                                                                                                                           |                           |                                                                            | The power of attorney of Alfred Steinmetz has lapsed. Joint power of attorney: Peter Gerstmann, Lohmar, Franz Hermes, Kaarst, Christian Meybohm, Duisburg, Gerhard Nürnberger, Kaarst, Lorenz Wenzel, Willich, Hansjörg Conrady, Leverkusen. They each represent the company together with a managing director or with one other proxy. |                                                                                                                                                                                                                                                                                                | a) 7 April 1997 [signature] (Fürle) Principal Clerk of Court.<br>b) pg. 131-123 [sic. 133?] Spec. Vol. |
| 6                |                                                                                                                                                                                                           |                           |                                                                            |                                                                                                                                                                                                                                                                                                                                         | The merger took effect with the entry in the register of the transferor legal entities on 25 March 1997.                                                                                                                                                                                       | a) 15 April 1997 [signature] (Wächter-Morgenstern) Certifying Inspector                                |
| 7                | [stamp]<br>District Court of Leverkusen. Certified copy from the Trade Register Dept. 12 HRB No. 3738.<br>Made on [illegible] [signature]<br>Court employee<br>The certification official of the Registry |                           |                                                                            | [stamp]<br>District Court Leverkusen                                                                                                                                                                                                                                                                                                    | Prof. Dr.-eng. Klaus Teipel is no longer a managing director.                                                                                                                                                                                                                                  | a) 18 June 1997 [signature] (Fürle) Principal Clerk of Court<br>b) pg. 134 ff. Spec. Vol.              |
| 8                |                                                                                                                                                                                                           |                           |                                                                            |                                                                                                                                                                                                                                                                                                                                         | SMS EUMUCO GmbH (formerly SMS Schloemann GmbH) – controlled company – concluded on 21 November 1996, a controlling agreement and a surrender of profits agreement with SMS Aktiengesellschaft of 40237 Düsseldorf, Eduard Schloemannstraße 4, (AG Düsseldorf HR B 4082) – controlling company. | a) 3 July 1997 [signature] (Fürle) Principal Clerk of Court                                            |

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| Nr.<br>des<br>Ein-<br>tra-<br>gung | a) Firma<br>b) Sitz<br>c) Gegenstand des Unternehmens | Grund-<br>oder<br>Stammkapital<br>DM | Vorstand<br>Persönlich haftende<br>Gesellschafter<br>Geschäftsführer<br>Abwickler                  | Prokura                                                                                                                                                                                                                                             | Rechtsverhältnisse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | a) Tag der Eintragung<br>und Unterschrift<br>b) Bemerkungen                                     |
|------------------------------------|-------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 1                                  | SMS Schloemann GmbH<br>Leverkusen                     | 5.100.000<br>Deutsche<br>Mark        | Prof. Dr.-<br>Ing. Klaus-<br>Teipel,<br>Balingen,<br>Dipl.-<br>Kfm. Dieter<br>Brücher,<br>Siegburg |                                                                                                                                                                                                                                                     | Gesellschaft mit beschränkter Haftung.<br>Der Gesellschaftsvertrag ist am 10. April<br>1995 abgeschlossen.<br>Die Gesellschaft hat maximal drei Ge-<br>sellschafter. Jeder der beiden Gesell-<br>schafterfirmen hat das Recht einen der<br>Geschäftsführer zu bestellen und den<br>jeweils von ihr bestellten Geschäftsführer<br>abzuberufen.<br>Ist nur ein Geschäftsführer vorhanden, so<br>ist er stets alleinvertragsberechtigt.<br>Sind mehrere Geschäftsführer vorhanden,<br>so wird die Gesellschaft jeweils<br>von zwei Geschäftsführern gemeinsam<br>oder von einem Geschäftsführer und einem<br>Prokuristen vertreten. Auch wenn mehrere<br>Geschäftsführer vorhanden sind, kann<br>einem oder mehreren Geschäftsführern das<br>Recht zur Alleinvertretung verliehen werden.<br>Die Geschäftsleiterversammlung kann<br>Geschäftsführer von den Beschränkungen<br>des § 181 BGB generell befreien.<br>Die Geschäftsführer Prof. Dr.-Ing. Klaus Teipel<br>und Brücher sind von den Beschränkungen des<br>§ 181 BGB befreit.<br>Sie vertreten die Gesellschaft gemeinsam. | a) 26. Juni 1995<br><i>Teipel</i><br>(Wächter)<br>Justizamtsinspektorin<br>b) Bl. 9 ff. Sd. Bd. |
| 2                                  |                                                       |                                      |                                                                                                    | Gesamtprokuristen:<br>Karl-Heinz Schütte,<br>Kaarst,<br>Alfred Steinmetz,<br>Willingh,<br>Uwe Muschalik,<br>Duisburg.<br>Sie vertreten die<br>Gesellschaft in<br>Gemeinschaft mit<br>einem Geschäfts-<br>führer oder einem<br>weiteren Prokuristen. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | a) 31. August 1995<br><i>Teipel</i><br>(Fürle)<br>Justizhauptsekretär<br>b) Bl. 27 ff. Sd. Bd.  |



**HRB 3738**

| Nr. der Eintragung | a) Firma<br>b) Sitz<br>c) Gegenstand des Unternehmens | Grund- oder Stammkapital DM | Vorstand<br>Persönlich haftende Gesellschafter<br>Geschäftsführer<br>Abwickler | Prokura                                                                                                                                      | Rechtsverhältnisse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | a) Tag der Eintragung und Unterschrift<br>b) Bemerkungen                 |
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| 1                  | 2                                                     | 3                           | 4                                                                              | 5                                                                                                                                            | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 7                                                                        |
| 3                  |                                                       |                             |                                                                                | Gesamtprokura:<br>Bernd Kreibitz,<br>Levenshausen.<br>Er vertritt die Gesellschaft in einem Geschäftsführer oder einem weiteren Prokuristen. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | a) 06. August 1996<br>(Fülle)<br>J.H. Sekretär<br>b) Blatt 30 Sonderband |
| 4                  | a) SMS EUMUCO GmbH                                    |                             | Dipl.-Ing. Joachim Pollack, Levenshausen                                       |                                                                                                                                              | Die im Handelsregister des Amtsgerichts Levenshausen unter Nummer HR B 3739 eingetragene Eumuco Hasenclever GmbH ist aufgrund des Verschmelzungsvertrages vom 22. November 1996 und der Beschlüsse der Gesellschafterversammlungen der SMS Schloemann GmbH und der Eumuco Hasenclever GmbH jeweils vom 07. Januar 1997 mit der SMS Schloemann GmbH verschmolzen.<br>Die im Handelsregister des Amtsgerichts Düsseldorf unter Nummer HR B 22624 eingetragene SMS Hasenclever GmbH ist aufgrund des Verschmelzungsvertrages vom 26. November 1996 und der Beschlüsse der Gesellschafterversammlungen der SMS Schloemann GmbH und der SMS Hasenclever GmbH jeweils vom 07. Januar 1997 mit der SMS Schloemann GmbH verschmolzen.<br>Die im Handelsregister des Amtsgerichts Levenshausen unter Nummer HR B 3732 eingetragene SMS Eumuco Dienstleistungs-GmbH ist aufgrund des Verschmelzungsvertrages vom 22. November 1996 und der Beschlüsse der Gesellschafterversammlungen der SMS Schloemann GmbH und der SMS Eumuco Dienstleistungs-GmbH jeweils vom 07. Januar 1997 mit der SMS Schloemann GmbH verschmolzen.<br>Die Firma der Gesellschaft wurde durch Beschluß vom 7. Januar 1997 geändert in SMS EUMUCO GmbH. Der weitere Geschäftsführer Pollack ist berechtigt, die Gesellschaft gemeinsam mit einem weiteren Geschäftsführer oder in Gemeinschaft mit einem Prokuristen zu vertreten.<br>Er ist von den Beschränkungen des § 181 BGB befreit. | a) 25. März 1997<br>(Fülle)<br>Justizhauptsekretär                       |

**PATENT**

**REEL: 9178 FRAME: 0779**

