

08-13-1998

Docket No.

FORM PTO-1595

(Rev 10-96)

OMB No. 0651-0011 (exp. 4/94)



R SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

100791458

To the Honorable Commissioner of Patents and Trademarks, attached original documents or copy thereof.

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

DBT Deutsche Bergbau-Technik GmbH

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

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

Name: TAMROCK VOEST-ALPINE Bergtechnik GmbH

Internal Address: \_\_\_\_\_

Street Address: Alpinestraße 1

A-8740 Zeltweg, AUSTRIA

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Additional name(s) &amp; address(es) attached? [ ] Yes [X] No

## 3. Nature of conveyance:

[X] Assignment [ ] Merger

[ ] Security Agreement [ ] Change of Name

[ ] Other \_\_\_\_\_

Execution Date: July 9, 1998

## 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) 649,607  
filed 10-24-96

B. Patent No.(s)

Additional numbers attached? [ ] Yes [X] No

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

Name: ROBERT V. VICKERS

Internal Address: \_\_\_\_\_

Street Address: VICKERS, DANIELS & YOUNG  
2000 TERMINAL TOWER  
CLEVELAND, OHIO 44113-2235

## 6. Total number of applications and patents involved: 1

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

☒ Enclosed☒ You are authorized to charge our deposit account  
for any additional fee required.

## 8. Deposit account number: 22-0347

\_\_\_\_\_ A duplicate copy of this form is attached

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 copies a true copy of the original document.*

ROBERT V. VICKERS

Name of Person Signing

Signature

JUL 27, 1998

Date

Total number of pages including cover sheet, attachments, and document: [ 4 ]

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

PATENT

REEL: 9372 FRAME: 0749

08/12/1998 J.WATKINS 00000098 06549607 40.00 OP

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### ASSIGNMENT

WHEREAS, DBT Deutsche Bergbau-Technik GmbH, a corporation of Germany, having a principal place of business at Industrie-straße 1, D-44534 Lünen, Germany (hereinafter referred to as "Assignor") is the owner of all right, title and interest in and to United States Letters Patent Application No. 08/649,607 filed on October 24, 1996, entitled "A Method of and an Apparatus for Reconstructing Railway Track Systems" and the invention describes or claimed therein (hereinafter "said Pending Patent");

WHEREAS, Assignor is now the exclusive owner of said Pending Patent, the invention described and claimed therein, and all rights in, to and under the same; and

WHEREAS, TAMROCK VOEST-ALPINE Bergtechnik GmbH, a corporation of Austria having a principal place of business at Alpinestraße 1, A-8740 Zeltweg, Austria (hereinafter referred to as "Assignee"), is desirous of acquiring the entire right, title and interest in and to said Pending Patent;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, transfer, assign, convey and grant to Assignee, its successors and assigns the entire right, title and interest in and to said Pending Patent and any continuation, division, reexamination, renewal, revival, reinstatement, substitute or reissue thereof, and any and all Letters Patent of the United States, its territorial possessions, and any and all foreign countries which may be granted therefore for the full term or terms which the claims which may be granted, including the subject matter of any and all claims which may be obtained in every such patent, and the right to make claim for and obtain all damages by reason of infringement of any patent issuing thereon, including past infringement prior to Assignee's acquisition of these rights, together with the right to sue for, in Assignee's own name, and collect damages for Assignee's own use and enjoyment and for the use and enjoyment of its successors, assigns or other legal representatives;

Assignor hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which

would conflict with this assignment and sale;

Assignor further covenants and agrees that, upon Assignee's request, Assignor will promptly provide Assignee, at any time, upon request, with all pertinent facts and documents relating to said invention and said Pending Patent as may be known and accessible to Assignor and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to Assignee or its legal representative any and all papers, instruments or affidavits required to apply for, revive, reinstate, obtain, maintain and enforce said invention and said Pending Patent which may be necessary or desirable to carry out the purposes hereof;

Assignor authorizes and requests the United States Commissioner of Patents and Trademarks to issue all Pending Patents of the United States which may issue on said invention included in the subject matter of said Pending Patent to Assignee, its successors and assigns, as the Assignee has the entire right, title and interest in and to the same, for the sole use and enjoyment of said Assignee, its successors and assigns.

IN WITNESS WHEREOF, Assignor has herein caused these presents to be executed.

DBT Deutsche Bergbau-Technik GmbH  
 By: [Signature] [Signature]  
 Name: D. Gattineau A. Mittasch  
 Title Prokurist Prokurist

STATE OF : )  
 Federal Republic of Germany SS  
 COUNTY OF : )  
 Nordrhein-Westfalen

Subscribed and sworn to before me this 9 day of July, 1998.



[Signature]  
 Notary Public

Nummer 1359 der Urkundenrolle für 1998

Hiermit beglaubige ich die vorstehenden, vor mir anerkannten  
Unterschriften von

1. Frau Diplom-Volkswirtin Dorothea Gattineau, Leiterin  
Finanzwesen,
2. Herrn Andreas Mittasch, Assessor jur.,

beide berufsansässig zu 42109 Wuppertal, Bornberg 97,  
beide von Person bekannt.

Gleichzeitig bescheinige ich aufgrund eines mir vorliegenden  
beglaubigten Handelsregistrauszuges des Amtsgerichts Lünen  
vom 16. Dezember 1997 zu HR B 144, daß Herr Andreas Mittasch  
und Frau Dorothea Gattineau als Gesamtprokuristen gemeinsam  
zur Vertretung der "DBT Deutsche Bergbau-Technik GmbH" mit  
dem Sitz in Lünen berechtigt sind.

Wuppertal, den 01. Juli 1998

  
Notar