

11-10-1998



SHEET

U.S. DEPARTMENT OF COMMERCE

Y

Patent and Trademark Office

To the Honorable Commissioner of

100874947

attached original documents or copy thereof.

11/3/98

1. Name of conveying party(ies):

Robert P. Rude  
James D. Stuart  
Zigmunt Weglarz

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

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

Name: ERS Industries, Inc.

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

Street Address: 1005 Indian Church Road

City: West Seneca State: NY ZIP: 14224

Additional name(s) and address(es) attached?  Yes  No

1551 U.S. PTO  
09/185215  
11/03/98

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other \_\_\_\_\_

Execution Date: October 30, 1998 and November 2, 1998, respectively

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: October 28, 1998 and November 2, 1998, respectively

09/185,215

A. Patent Application No.(s)

B. Patent No.(s)

Additional Numbers attached?  Yes  No

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

Name: Kevin D. McCarthy, Esq.

Hodgson, Russ, Andrews, Woods & Goodyear

Internal Address: Intellectual Property Law Section

6. Total number of applications and patents involved:

1

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

08-2442

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

11/10/1998 JSHWDAZZ 00000156 09185215  
01 FC:581 40.00 DP

Street Address: 1800 One M&T Plaza

City: Buffalo State: NY ZIP: 14203

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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.*

Kevin D. McCarthy, Reg. No. 35,278

Name of Person Signing

Signature

11/3/98  
Date

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

2

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

PATENT  
REEL: 9565 FRAME: 0442

# ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, ROBERT P. RUDE, JAMES D. STUART, and ZIGMUNT WEGLARZ, the undersigned

Hereby sell, assign and transfer to ERS INDUSTRIES, INC.,

a corporation of The State of New York having a place of business at 1005 Indian Church Road, West Seneca, NY 14224, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith and is entitled RAILROAD MATERIAL CART, and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

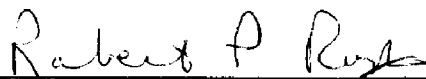

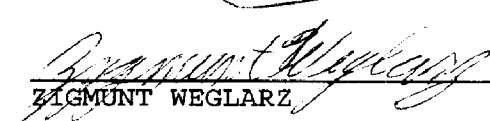
Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date 10/30/98

Date 10/30/98

Date 11/2/98

  
ROBERT P. RUDE  
  
JAMES D. STUART  
  
ZIGMUNT WEGLARZ

CORPORATE:210199\_1 (416V\_1)