

8-4-99

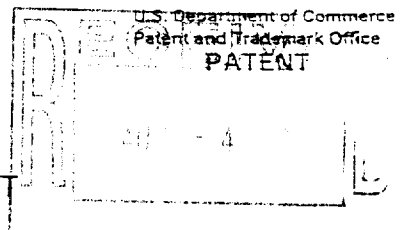
FORM PTO-1619A
Expires 10/01/99
OMB 0651-0027

08-05-1999



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RECORDATION FORM COVER SHEET
PATENTS 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 Security Agreement

License Change of Name

Merger Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)

Departmental File Secret File

Conveying Party(ies)

Mark if additional names of conveying parties attached

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Second Party

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Receiving Party

Mark if additional names of receiving parties attached

Name (line 1)

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 is attached (Designation must be a separate document from Assignment)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

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)

08/05/1999 MTH:11 00000050 08726774

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

PATENT
REEL: 010133 FRAME: 0386

Correspondent Name and Address Area Code and Telephone Number **248.689.3500**

Name **Robert C. Collins**

Address (line 1) **Reising, Ethington, Barnes, Kisselle, Learman & McCulloch, P.C.**

Address (line 2) **P.O. Box 4390**

Address (line 3) **Troy, MI 48099-4390**

Address (line 4)

Pages Enter the total number of pages of the attached conveyance document including any attachments. # **13**

Application Number(s) or Patent Number(s) Mark if additional numbers attached

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

Patent Application Number(s)

Patent Number(s)

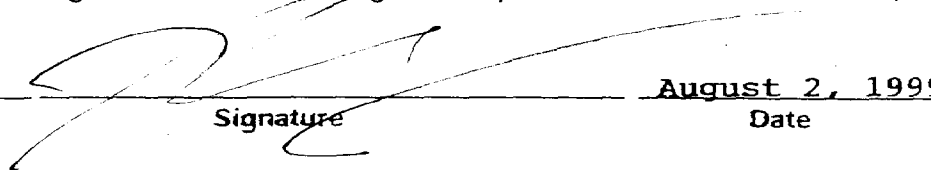
08726774	60032007		4255859	4499640	4499767
08772722				4499641	4549245
-60027666			4392032	4499766	4555941

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)
Enter PCT application number **PCT US9716537** PCT PCT
only if a U.S. Application Number **PCT** **PCT** **PCT**
has not been assigned.

Number of Properties Enter the total number of properties involved. # **28**

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): \$ **1,120.00**
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: # **50-0852**
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.
Robert C. Collins  **August 2, 1999**
Name of Person Signing Signature Date

RECORDATION FORM COVER SHEET
CONTINUATION
PATENTS ONLY

Conveying Party(ies)

Mark if additional names of conveying parties attached

Enter additional Conveying Parties

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Execution Date
Month Day Year

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Execution Date
Month Day Year

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Receiving Party(ies)

Mark if additional names of receiving parties attached

Enter additional Receiving Party(ies)

Name (line 1)

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 is attached. (Designation must be a separate document from Assignment.)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3) City State/Country Zip Code

Name (line 1)

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 is attached. (Designation must be a separate document from Assignment.)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3) City State/Country Zip Code

Application Number(s) or Patent Number(s)

Mark if additional numbers attached

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

Patent Application Number(s)

Patent Number(s)

4624139

4800755

5150334

5245873

4811160

5161411

4676100

5644241

5164555

5644299

5105662

5164606

5048335

5088325

5223819

Exhibit A

U.S. Patents:

Patent No.:

Inventor(s):

4,255,859

Klieman

4,354,180

Harding

4,392,032

Roach, II

4,499,640

Brenton and Runck

4,499,641

Fleckenstein

4,499,766

Fathauer and Hood

4,499,767

Fathauer, Hood and Runck

4,549,245

Fleckenstein

4,555,941

Fathauer et al

4,624,139

Collins

4,676,099

McGookin

4,676,100

Eichberger

4,695,685

Fleckenstein

4,800,755

Fathauer et al

4,811,160

Fleckenstein

4,875,295

Fleckenstein

U.S. Patents: (Continued)

Patent No.:

Inventor(s):

4,910,878

Fleckenstein

5,048,335

Marsh et al

5,088,325

Eichberger et al

5,105,662

Marsh et al

5,150,334

Crosby

5,161,411

Cruickshank

5,164,555

Brenton

5,164,606

Secord

5,223,819

Marsh et al

5,245,873

Fathauer et al

5,644,241

Hewelt

5,644,299

Cruickshank

U.S. Patent Applications:

Thomas C. Cournane

Title: Material Interface Level Sensing

Serial No. 08/726,774

Filed: October 7, 1996

William T. Cruickshank

Title: Material Level Sensing System Calibration

Serial No. 08/772,722

Filed: December 23, 1996

Norman F. Marsh and William T. Cruickshank

Title: Material Interface Level Sensing

Serial No. 08/999,741

Filed: October 7, 1997

Scott M. Hewelt, Michael C. Torzewski and Norman F. Marsh

Title: Point-Level Material Level Sensing

Serial No. 08/974,207

Filed: November 19, 1997

Norman F. Marsh and William T. Cruickshank

Title: Material Interface Level Sensing

Serial No. 60/027,666

Filed: October 7, 1996

Scott M. Hewelt

Title: Point-Level Material Level Sensing

Serial No. 60/032,007

Filed: November 22, 1996

Exhibit B

Foreign Patents:

<u>Country</u>	<u>Pat. No.</u>	<u>Dated</u>	<u>Corresponding U.S.</u>
Canada	637,899	03/06/62	Pat. No. 3,042,767
Canada	668,113	08/06/63	Pat. No. 3,018,343
Canada	763,307	07/18/67	Pat. No. 3,175,831
Canada	770,250	10/24/67	Pat. No. 3,283,092
Canada	1,008,658	04/19/77	Pat. No. 3,838,518
France	74.01193	01/14/74	Pat. No. 3,838,518
Gt. Britain	1,541,748	03/7/79	Pat. No. 4,015,319
Canada	1,071,322	02/05/80	Pat. No. 4,015,319
Canada	1,093,180	01/06/81	Pat. No. 4,095,064
Canada	1,099,998	04/28/81	Pat. No. 4,147,906
Canada	1,191,716	08/13/85	Pat. No. 4,499,766
Canada	1,191,717	08/13/85	Pat. Nos. 4,499,640 and 4,499,641
Europe	0,101,580	12/20/86	Pat Nos. 4,499,640, 4,499,767, 4,499,766 and 4,499,641
India	171,090	07/21/88	Pat. No. 5,048,335
Australia	571,446	07/13/83	Pat. Nos. 4,499,640, 4,499,641; 4,499,766; 4,499,767
Australia	581,340	08/28/86	Pat. No. 4,676,099

Foreign Patents: (Continued)

<u>Country</u>	<u>Pat. No.</u>	<u>Dated</u>	<u>Corresponding U.S.</u>
Canada	1,256,301	06/27/89	Corres. U.S. Serial No. 946,932 Filed: 12/19/86
Australia	593,995	07/2488	Corres. U.S. Serial No.: 666,757 Filed: 10/31/84
Europe	0310761B1	05/08/91	Pat. No. 5,048,335
Canada	1,297,156	03/10/92	Pat. No. 5,048,335
Japan	1,665,269	05/19/92	Pat. Nos. 4,499,640, 4,499,641, 4,499,766, 4,499,767, 4,549,245 & 4,555,941
Australia	638882	12/16/91	Corres. U.S. Serial No. 07/639,815 Filed: 12/16/91
Europe	0494398B1	06/14/95	Pat. No. 5,223,819
Canada	2,057,556	12-12-95	Pat. No. 5,223,819
Canada	2,076,712	07/02/96	Pat. No. 5,164,555
S. Korea	100633	06/13/96	Pat. No. 5,048,335
Canada	2,057,317	05/14/96	Pat No. 5,105,662

Pending Foreign Applications:

<u>Country</u>	<u>Serial No.</u>	<u>Filed</u>	<u>Title</u>
Canada	2,057,150	12/05/91	SYSTEM FOR INDICATING A CONDITION OF MATERIAL
Canada	2,057,151	12/05/91	MATERIAL LEVEL SENSOR WITH REMOVABLE OPTICS
Canada	2,149,352	05/15/95	ULTRASONIC MATERIAL LEVEL MEASUREMENT
Canada	2,177,504		MEASUREMENT OF SOLID PARTICULATE CONCENTRATION IN A FLUID STREAM
Germany	195205162	06/03/95	ULTRASONIC MATERIAL LEVEL MEASUREMENT
U.K.	9509655.8	05/12/95	ULTRASONIC MATERIAL LEVEL MEASUREMENT
Japan	4-1629	01/08/92	MATERIAL LEVEL INDICATING APPARATUS WITH STATUS LIGHT AND EXTERNAL TEST FEATURES
S. Korea	92-205	01/09/92	MATERIAL LEVEL INDICATING APPARATUS WITH STATUS LIGHT AND EXTERNAL TEST FEATURES
PCT	PCT/US97/ 16537	9/17/97	Priority U.S. Serial No. 08/726,774
PCT	PCT/US97/ 21476	11/19/97	Priority U.S. Serial No. 60/032,007
PCT	PCT/US97/ 18227	10/6/97	Priority U.S. Serial No. 60/027,666

Exhibit C

U.S. Trademark Registrations:

<u>Registration No.:</u>	<u>Mark</u>
337,669	BIN-DICATOR
536,878	BANTAM
564,845	BIN-FLO
625,300	ROTO-BIN-DICATOR
690,537	AUTO-BIN-DICATOR
755,935	BHO
755,936	BIN-DICATOR
854,383	PROBE LEVEL
902,569	LEVELDATA
913,204	GAP-PROBE
1,011,907	CAP-LEVEL
1,016,289	LEVELITE
1,016,535	PRIM-CO
1,019,876	Genelco Logo
1,031,085	BINDICATOR YO-YO
1,075,850	Circle-Arrow Logo (light-dark)
1,091,273	Circle-Arrow Logo (shaded circle)

U.S. Trademark Registrations: (Continued)

<u>Registration No.:</u>	<u>Mark</u>
1,107,105	BIG NOISE
1,130,265	Design "Circle Arrow Logo"
1,356,359	EZ-CAL
1,369,876	PRO-GUARD
1,418,242	SILOMASTER and Design
1,429,970	BREAK DATA
1,518,784	B.O.S.S.
1,846,627	TRACKER
1,871,864	SEPRA-LITE
1,913,043	EAGLE

Pending U.S. Trademark Applications:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Mark</u>
74/696,972	7/3/95	MICRO-SONIC
75/154,549	8/22/96	WAVE
75/154,550	8/22/96	GUIDED WAVE RADAR
75/269,845	4/7/97	D-LEVEL
75/269,798	4/7/97	I-LEVEL
75/445,562	3/5/98	FLO-COMMANDER

Exhibit D

Foreign Trademark Registrations:

BIN-DICATOR

<u>Country</u>	<u>Reg. No.</u>	<u>Date</u>
Canada	29/8076	03/01/37
France	75,773	12/12/61
Japan	610,710	05/07/63
Italy	443,328	
France	1,410,798	
Argentina	1,424,563	
Chile	367,782	04/25/91
Colombia	73,720	03/24/71
Peru	23,677	09/30/71
Venezuela	72,810	04/23/73
New Zealand	B 95900	01/15/71
Brazil	006687067	11/28/89 (Ren. #006687067)

BIN-FLO

Canada	121/31053	12/30/48
Argentina	1,488,869	
Peru	23,903	11/21/70
New Zealand	B-95902	01/15/71
Colombia	73,721	03/24/71
Venezuela	66525-5	09/06/71
Chile	381,423	09/16/71 (Ren. #249.303)
Brazil	610,339	06/25/75 (dropped 1994)

<u>Country</u>	<u>Reg. No.</u>	<u>Date</u>
<u>ROTO-BIN-DICATOR</u>		
New Zealand	B-95901	01-15-71
Canada	109,311	02/07/58
Argentina	1,690,864	
Chile	496,644	
Peru	10947	11/07/77
Colombia	92378	06/26/78
Venezuela	92.674-F	10/31/79

BHO

France	739,708	09/20/67
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AUTO-BIN-DICATOR

Canada	120,133	12/18/60
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BANTAM

Canada	121/31179	01/17/64
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ROTO-GUARD

Canada	113,764	
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Patent and Trademark Assignment

Whereas, Berwind Industries, Inc., a corporation organized and existing under the laws of the State of Delaware having a principal place of business at West Tower, Centre Square, 1500 Market Street, Philadelphia, Pennsylvania 19102 (hereinafter Berwind), is the owner of all right, title and interest in and to the patents, patent applications, inventions disclosed and/or claimed in such patents and applications, trademarks, trademark registrations, and goodwill associated with such trademarks and registrations listed in attached Exhibits A (U.S. patents and patent applications), B (foreign patents and patent applications), C (U.S. trademark registrations and applications) and D (foreign trademark registrations); and

Whereas, Berwind is desirous of assigning all right, title and interest in and to said patents, patent applications, inventions, trademarks, trademark registrations and goodwill to its wholly-owned subsidiary, Bindicator Company LLC, a limited liability company organized and existing under the State of Delaware having a principal place of business at 150 Venture Boulevard, Spartanburg, SC 29305 (hereinafter Bindicator);

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Assignment of patents, patent applications and inventions — Berwind does hereby sell, assign and transfer to Bindicator, and its assigns, nunc pro tunc effective January 1, 1998, for the territory of the United States of America and throughout the world, the entire right, title and interest, including all priority rights under the International Convention associated with each country of the Union, in and to said U.S. patents and patent applications listed in attached Exhibit A, in and to said foreign patents and patent applications listed in Exhibit B, in and to all inventions disclosed and/or claimed therein, in and to any patents that may be granted on said applications, and any divisional, continuation or continuation-in-part applications thereof, and any reissue of any such patents, and in and to any patent applications that may be filed on said U.S. applications in countries foreign to the United States and any letters patent that may be granted thereon.

2. Assignment of Trademarks, Trademark Registrations and Goodwill –

Berwind does hereby further sell, assign and transfer to Bindicator its entire right, title and interest in and to the trademarks listed in Exhibits C and D, in and to the U.S. trademark registrations and applications listed in Exhibit C, in and to the foreign trademark registrations and applications listed in Exhibit D, and in and to any and all goodwill of Berwind's business embodied in and/or associated with any and all of such marks and registrations.

BERWIND CORPORATION

By: *James C. Cook*
James C. Cook, Vice President

STATE OF *Penna.*
COUNTY OF *Phila.* :SS

On this *14th* day of *July*, 1999, before me a Notary Public in and for said County, personally appeared James C. Cook, to me known to be the Vice President of Berwind Corporation, who executed the above instrument and acknowledged the same to be his free act and deed.

Mary A. LaRue
Notary Public
State of *Pennsylvania*
County of *Philadelphia*

[NOTARY SEAL]

My Comm. Exp. *July 25, 1999*

Reising, Ethington, Barnes, Kisselle,
Learman & McCulloch, P.C.
201 West Beaver, Suite 4900
P.O. Boc 4390
Troy, Michigan 48099-4390

NOTARIAL SEAL
MARY A. LaRUE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires July 25, 1999