

09-10-1999

**PATENT RECORDATION
COVER SHEET**

 orney Docket No.
S619.12-0006

101140529

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

1. Name of conveying party(ies):

- (1) DuWayne A. Marthaller
(2) Karl Lemmerman
(3) Dean Bray
(4) R. Steven Metzger

 100
9/30/99

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

Name: Dakota Coal Company

Internal Address: _____

Street Address: 1717 Interstate AvenueCity Bismarck State ND ZIP 58501

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

09/386524

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

3. Nature of Conveyance:

- [X] Assignment [] Merger
[] Security Agreement
[] Change of Name [] Other _____

Execution Date: 8/26/99; 8/26/99; 8/26/99; 8/24/99

4A. Application No.(s)

 If this document is being filed together with a new application, the execution date(s) of the application is: 8/26/99; 8/26/99; 8/26/99; 8/24/99

Additional numbers attached? [] Yes [X] No

4B. Patent No.(s)

Additional numbers attached? [] Yes [X] No

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

Name: Nickolas E. Westman
Street Address: Westman, Champlin & Kelly, P.A.
Suite 1600
International Centre
900 Second Avenue South
City: Minneapolis State: MN ZIP 55402

6. Total number of applications and patents involved: [1]

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

8. Method of Payment

- [X] Enclosed
[X] The Commissioner is authorized to charge payment of any additional recording fees or credit any overpayment to deposit account No. 23-1123.

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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.

Nickolas E. Westman

Name of Person Signing

Signature

August 30, 1999

Date

Total number of pages submitted:

09/08/1999 DNGUYEN 00000210 09386524

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ASSIGNMENT

Attorney Docket No.

S619.12-0006

WHEREAS, I, DuWayne A. Marthaller, of Mandan, North Dakota, Karl Lemmerman, of Bismarck, North Dakota, Dean Bray, of Bismarck, North Dakota, R. Steven Metzger, of Casper, Wyoming, all of the USA have invented certain new and useful improvements as described in an application entitled REAR DUMPING DRAGLINE BUCKET AND RIGGING SYSTEM for Letters Patent of the United States, the application having been executed on even date herewith, and/or being identifiable in the United States Patent and Trademark Office by Serial No. _____, filed _____; and

WHEREAS, Dakota Coal Company, a corporation organized and existing under the laws of the State of North Dakota, and having offices at 1717 Interstate Avenue, Bismarck, ND 58501, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the application, and any and all Letters Patent or similar legal protection, foreign or domestic, to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration including an Agreement between Assignee and Don F. Schmidt, one of my co-inventors, the receipt and adequacy of which is hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title and interest in and to the invention, the above-identified application, corresponding domestic and foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention arising under this application and U.S. Provisional application Serial No. 60/098,849, filed September 2, 1998; and I authorize the Commissioner of Patents and Trademarks of the United States or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

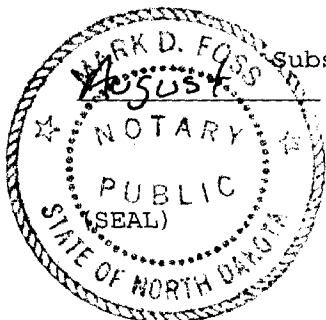
I authorize the Assignee, its successors and assigns, to insert in this instrument the filing date and serial number of the application when ascertained.

I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.


I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.


DuWayne A. Marthaller

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF Burleigh)



Subscribed and sworn to before me, a Notary Public, this 26th day of August, 1999.

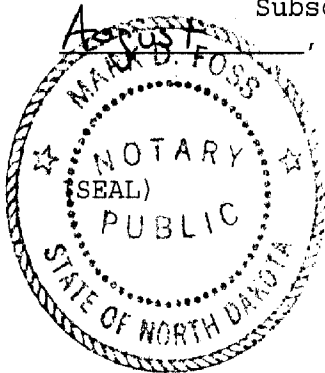

Notary Public
My commission expires
March 1, 2003

Karl Lemmerman

Karl Lemmerman

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) ss.

Subscribed and sworn to before me, a Notary Public, this 26th day of August, 1999.

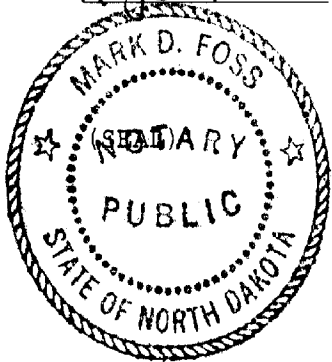


[Signature]
Notary Public
My commission expires on March 1, 2003

[Signature]
Dean Bray

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) ss.

Subscribed and sworn to before me, a Notary Public, this 26th day of August, 1999.

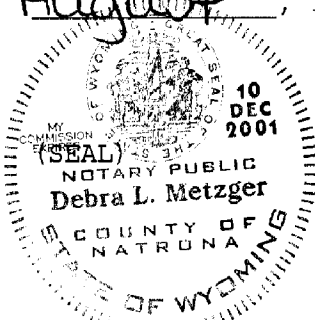


[Signature]
Notary Public
My commission expires on March 1, 2003

[Signature]
R. Steven Metzger

STATE OF WYOMING)
COUNTY OF Natrona) ss.

Subscribed and sworn to before me, a Notary Public, this 24th day of August, 1999.



[Signature]
Notary Public