

10-30-2000

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FORM PTO-1596  
1-31-92

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

DOCKET NO.: 120856.100

101499388  
PATENT

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereto:

1. Name of conveying party(ies):  
Paul Joseph Cook  
Karl Schulz  
  
Additional name(s) of conveying party(ies) attached? Yes  No

2. Name and address of receiving party(ies):  
Name: EXCAVATION TECHNOLOGY CORPORATION  
  
Internal Address: \_\_\_\_\_  
  
Street Address: 3595 Waterville Road  
  
City: Oconomowoc State/Country: Wisconsin  
ZIP: 53066  
  
Additional name(s) & address(es) attached? Yes  No

3. Nature of conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_  
  
Execution Date: August 22, 2000

4. Application number(s) or patent number(s):  
  
If the document is being filed together with a new application, the execution date of the application is: August 22, 2000  
A. Patent Application No(s).  
B. Patent No(s).


09 654 356

Additional numbers attached? Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: PEPPER HAMILTON LLP  
  
Internal Address: \_\_\_\_\_  
  
Street Address: 600 Fourteenth Street, N.W.  
  
City: Washington State: DC ZIP: 20005-2004

6. Total number of applications and patents involved: 1 (one)  
  
7. Total fee (37 CFR 3.41) ..... \$40.00  
 Enclosed  
 Authorized to be charged to deposit account  
  
8. Deposit account number:  
50-0436

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.*  
  
Mark L. Hogge, Registration No. 31,622  September 1, 2000  
Name and Registration No. of Person Signing Signature Date  
  
Total number of pages comprising cover sheet: 1

CMB No. 0851-0011 (exp. 4/94)

DC: #159740 v1 3F9801!.WPD 120856-1

PATENT  
REEL: 011179 FRAME: 0210

**ASSIGNMENT**

WHEREAS I/WE, Paul Joseph Cook of \_\_\_\_\_, has made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled TOWABLE EARTH DIGGING APPARATUS, executed by me on the date of execution of this document, as shown below, and for which an application for United States Letters Patent was filed on \_\_\_\_\_, and identified by United States Serial No. \_\_\_\_\_;

AND WHEREAS, EXCAVATION TECHNOLOGY CORPORATION, a corporation of the State of Illinois and having an address of 3595 Waterville Road, Oconomowoc, Wisconsin 53066, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

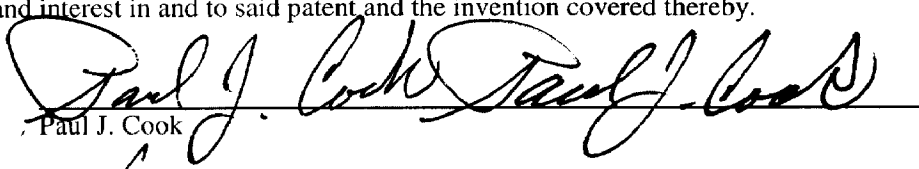
NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, we do hereby sell, assign, transfer and set over unto EXCAVATION TECHNOLOGY CORPORATION, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, and any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, we hereby agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

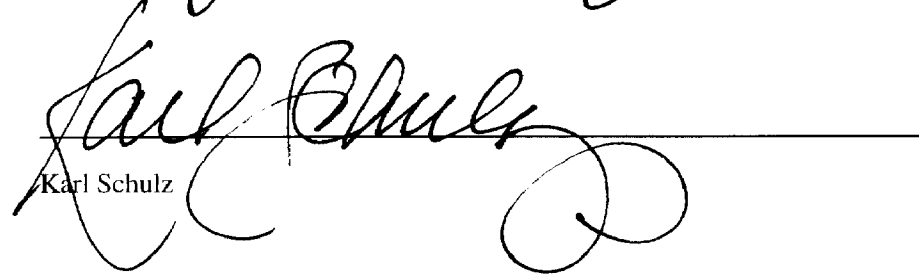
The undersigned hereby grant(s) the firm of PEPPER HAMILTON LLP the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document

AND we request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Excavation Technology Corporation of Oconomowoc, Wisconsin, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

8-22-00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul J. Cook

8.30.00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Karl Schulz

STATE OF WI )  
COUNTY OF Waukesha ) SS:

On this 30 day of August, 2000, before me personally appeared Paul J. Cook, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.

Mary L. Schulz  
Notary Public

My commission expires 3-31-2002

SEAL

STATE OF WI )  
COUNTY OF Waukesha ) SS:

On this 30 day of August, 2000 before me personally appeared Karl Schulz, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.

Mary L. Schulz  
Notary Public

My commission expires 3-31-02

SEAL