



08-21-2001

U.S. DEPARTMENT OF COMMERCE Patent and Trademark



101817418

Original documents or copy thereof.

1. Name of conveying party(ies): RAYTHEON COMPANY

08/13/01

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

1. Name: TEREX CORPORATION Internal Address: 500 Post Road East Westport, Connecticut 06880 U.S.A.

2. Name:

Internal Address:

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

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

3. Nature of conveyance:

- Assignment, Merger, Security Agreement, Change of Name, Other

Execution Date: July 31, 2001

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):

B. Patent No.(s):

4,933,853 FILED June 12, 1990

Additional numbers attached?  Yes  No

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

Internal Address and Phone Number:

ABELMAN, FRAYNE & SCHWAB Attorneys at Law 150 East 42nd Street New York, New York 10017 (212) 949-9022

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:

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

08/20/2001 TDI A21 00000146 4933853 01 FC:581 40.00 DP

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.

Thomas E. Spath Reg. No. 25,837 Name of Person Signing

Signature

August 13, 2001 Date

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to: Commissioner of Patents & Trademarks, Box Assignments

# NUNC PRO TUNC PATENT ASSIGNMENT

WHEREAS, RAYTHEON COMPANY (hereinafter "Assignor"), a Delaware corporation, having an address at 141 Spring Street, Lexington, Massachusetts 02421, was the owner of rights in United States Patent Number 4,933,853 entitled Ultrasonic Grade and Auger Control issued on June 12, 1990 and in the inventions described and claimed therein (hereinafter the "Patent Property"); and

WHEREAS, TEREX CORPORATION, (hereinafter "Assignee"), a Delaware corporation, having an address at 500 Post Road East, Westport, Connecticut 06880, did acquire Assignor's right, title and interest in and to the Patent Property in connection with a Stock Purchase Agreement dated July 19, 1999, (the "Assignment Date").

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign, transfer and set over *Nunc Pro Tunc* to Assignee, all of its right, title and interest in and to the Patent Property, to be held and enjoyed by Assignee for its own use and benefit, and for the use and benefit of its successors, assigns, or legal representatives, to the end of the term for which such Patent Property has been granted or reissued, as fully and entirely as the same would have been held and enjoyed by Assignor if this assignment had not been made.

In connection with the assignment of rights in the Patent Property, Assignor, at the expense of Assignee, will sign all lawful papers, make lawful oaths and declarations, and generally do all things reasonably necessary to vest title to the Patent Property in Assignee.

IN WITNESS WHEREOF, this Patent Assignment has been duly executed on the date shown below by Assignor's duly authorized representative.

RAYTHEON COMPANY

By: Glenn H. Lenzen, Jr.  
Glenn H. Lenzen, Jr.  
Vice President, Intellectual Property & Licensing

Date: July 31, 2001

COMMONWEALTH OF MASSACHUSETTS)

) ss.

MIDDLESEX COUNTY )

On this 31st day of July, 2001, before me, a Notary Public within this Commonwealth, personally appeared the above-named Glenn H. Lenzen, Jr., the identified person named in and who executed the foregoing instrument, who acknowledged that he is Vice President-Intellectual Property & Licensing of Raytheon Company and subscribed the same in my presence, and acknowledged that he executed such instrument as a free act and deed on behalf of Raytheon Company.

Peter Dulchinos  
Peter Dulchinos - Notary Public

My Commission Expires November 9, 2001