

12-03-2002



102299018

CERTIFICATE OF MAILING

I hereby certify that this **ASSIGNMENT & TRANSMITTAL LETTER** is being deposited with the United States Postal Service as EXPRESS MAIL in an envelope addressed to the Commissioner For Patents, Washington, D.C. 20231 on November 21, 2002.

Jonathan A. Withrow
Jonathan A. Withrow

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : James A. Kost et al.

FOR : **SPREADER**

SERIAL NO. : Unknown

MKD 11/21/02

FILED : Herewith

ATTORNEY DOCKET NO. : MPEE 2 00023

Cleveland, Ohio 44114-2518
November 21, 2002

11002 U.S. PTO
10/30/02
11/21/02

ASSIGNMENT TRANSMITTAL LETTER

Commissioner of Patents
Washington, DC 20231

Dear Sir:

Please record the attached original document(s) or copy thereof.

1. Name of conveying Party(ies):

James A. Kost
5660 Deer Creek
Willoughby, OH 44094
Citizenship: USA

Josh Vyrostek
27500 Bishop Park Dr.
Willoughby Hills, OH 44092
Citizenship: USA

12/02/2002 LNUELLER 00000127 10301447

01 FC:8021

40.00 DP

6. Number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41): \$ 40.00

x Enclosed

 Authorized to be charged to deposit account 06-0308.

8. The Commissioner is hereby authorized to charge any additional filing fees which may be required for this application without specific authorization, or credit any overpayment to Deposit Account No. 06-0308.

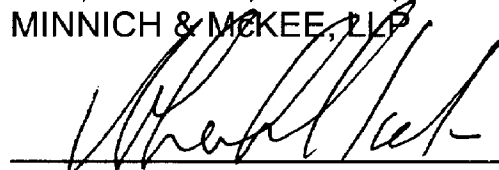
(attach duplicate copy of this form if paying by Deposit Account)

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.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP



Robert V. Vickers, Esq.
Reg. No. 19,504
1100 Superior Avenue
7th Floor
Cleveland, OH 44114-2518
(216) 861-5582

Total number of pages including cover sheet: 6

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FAY, SHARPE, FAGAN, MINNICH & McKEE
1100 SUPERIOR AVENUE
CLEVELAND, OHIO 44114-2579

ASSIGNMENT

WHEREAS, ASSIGNORS: James A. Kost and Josh Vyrostek

of the Cities, Counties and States, respectively of: Willoughby, Lake, Ohio
Willoughby Hills, Lake, Ohio

have made an invention in SPREADER

and have executed on November 13, 2002, respectively, an application for Letters Patent of the United States on said invention, hereinafter referred to as "said application";

AND, WHEREAS, The Louis Berkman Company, a corporation of the State of Ohio

having its principal place of business at 330 North Seventh Street
P.O. Box 820
Steubenville, Ohio 43952

hereinafter called ASSIGNEE, is desirous of acquiring the entire worldwide rights, title and interest in, to and under said invention and said application;

NOW THEREFORE

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, ASSIGNORS hereby sell, transfer and assign to the ASSIGNEE, its successors, assigns, nominees, or other legal representatives the full, exclusive, entire, worldwide rights, title and interest in, to and under said invention as described and claimed in said application, the same to be held and enjoyed by ASSIGNEE for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, nominees, or other legal representatives, to the end of the term or terms for which said Letters Patent are or may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by ASSIGNORS if this assignment and sale had not been made; all of the entire rights, title and interest in and to said invention and said application, and all original and reissued patents granted for said invention, and all divisions, continuations-in-part and continuations

of said application, including the subject matter of any and all claims which may be obtained in every patent, and the right, where such right can be legally exercised, in ASSIGNEE'S own name to apply for and obtain patents in countries foreign to the United States, including the full right to claim for any such application the benefits of the International Convention and the Patent Cooperation Treaty as fully and entirely as ASSIGNORS could have done if the foreign application had been filed in the names of the ASSIGNORS, and the entire interest in any Letters Patent which may be granted on any such application in such foreign countries, and ASSIGNORS authorize and request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent to ASSIGNEE, its successors, assigns, nominees or other legal representatives, as ASSIGNEE and owner of the said entire rights, and ASSIGNORS covenant that ASSIGNORS have full right to convey the said entire interest herein assigned and that ASSIGNORS have not executed and will not execute any agreement in conflict herewith, and ASSIGNORS will communicate to ASSIGNEE, its successors, assigns, nominees or other legal representatives all facts known to ASSIGNORS respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, execute and deliver all divisional, continuing and reissue applications, make all rightful oaths or declarations and do all lawful acts requisite for the application for such divisional, continuing or reissue applications, or the procuring thereof, and that if and when ASSIGNEE, its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, ASSIGNORS will, upon request, sign and deliver all lawful papers requisite for the filing of such disclaimer; and,

ASSIGNORS further covenant and agree that ASSIGNORS will, at any time upon request, do everything possible to aid ASSIGNEE, its successors, assigns, nominees, or other legal representatives, either in the name of ASSIGNORS or ASSIGNEE, to apply for, obtain and enforce proper patent protection for said invention in all countries, according to the International Convention and the Patent Cooperation Treaty and all the laws and treaties in force, all without further consideration but at the expense of ASSIGNEE, its successors, assigns, nominees or other legal representatives.

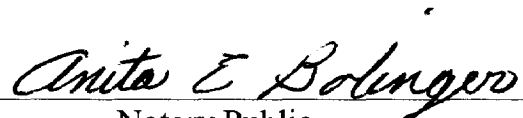
IN WITNESS WHEREOF, this assignment has been executed by the undersigned.



JAMES A. KOST

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

Subscribed and sworn to before me this 13 day of NOV 2002



Notary Public

ANITA E. BOLINGER, Notary Public
STATE OF OHIO
My Commission Expires Mar. 4, 04
Recorded in Cuyahoga County

Josh Vyrostek

JOSH VYROSTEK

STATE OF *OHIO*)
) SS
COUNTY OF *CUYAHOGA*)

Subscribed and sworn to before me this 13 day of November 2002

Anita E Bolinger
Notary Public

ANITA E. BOLINGER, Notary Public
STATE OF OHIO
My Commission Expires Mar. 4, 04
Recorded in Cuyahoga County

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