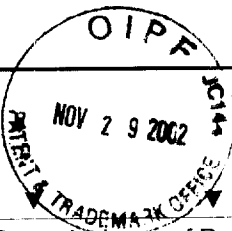


Tab settings → → →



12-05-2002



102302327

To the Honorable Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Washington, DC 20503-1400  
attached original documents or copy thereof.1. Name of conveying party(ies):  
Newmont Mining Corporation

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

Name: Newmont Gold Company

Internal Address: \_\_\_\_\_

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☒ Change of Name  
☐ Other \_\_\_\_\_

Street Address: 1700 Lincoln Street, Suite 2800

City: Denver State: CO ZIP: 80203

Execution Date: February 15, 2002

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

4. Application number(s) or registration numbers(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)

5,246,486

Additional numbers attached? ☐ Yes ☒ No

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

6. Total number of applications and patents involved: 1

Name: Ross E. Breyfogle

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

Internal Address: \_\_\_\_\_

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

Street Address: Marsh Fischmann &amp; Breyfogle LLP

8. Deposit account number:

3151 S. Vaughn Way, Suite 411

50-1419

City: Aurora

State: CO ZIP: 80014

12/04/2002 DBYRNE 00000139 5246486

DO NOT USE THIS SPACE

FC:8021

40.00 UP

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.

Ross E. Breyfogle

Name of Person Signing

Signature

5

Date

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

FROM

(FRI) 2:15'02 9:14/ST.

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:31 AM 02/15/2002  
020101124 - 0623413

**CERTIFICATE OF OWNERSHIP AND MERGER**

**MERGING**

**NEWMONT GOLD COMPANY**

**WITH AND INTO**

**NEWMONT MINING CORPORATION**

Pursuant to Section 253 of the General  
Corporation Law of the State of Delaware

Newmont Mining Corporation, a corporation organized and existing under the laws of Delaware (the "Corporation"), does hereby certify:

**FIRST:** That the Corporation owns all of the outstanding shares of each class of stock of Newmont Gold Company, a Delaware corporation incorporated on the 23rd day of February, 1988, pursuant to the Delaware General Corporation Law.

**SECOND:** That the Corporation, by the following resolutions of its Board of Directors, duly adopted at a meeting held on November 13, 2001, determined to merge into itself said Newmont Gold Company, by the adoption thereof:

**RESOLVED,** that the Corporation will merge, and upon the effectiveness of such merger, does merge, into itself, its wholly owned subsidiary, Newmont Gold Company, and assumes all of the obligations of Newmont Gold Company; and further

**RESOLVED,** that said merger shall become effective upon the filing of a Certificate of Ownership and Merger with the Secretary of State of the State of Delaware or at such other time as such Certificate of Ownership and Merger shall specify pursuant to Section 103(d) of the General Corporation Law of the State of Delaware; and further

**RESOLVED,** that upon effectiveness of said merger, the name of the Corporation shall be changed to "Newmont Gold Company" and Article First of the Restated Certificate of Incorporation of the Corporation shall be amended to read as follows:

W/832967v2

"First: The name of this Corporation is Newmont Gold Company."

RESOLVED, that except for the foregoing amendment to Article First, said Restated Certificate of Incorporation shall remain unchanged by the merger and in full force and effect until further amended in accordance with the Delaware General Corporation Law; and further

RESOLVED, that the proper officers of the Corporation be, and they hereby are, directed to make and execute a Certificate of Ownership and Merger setting forth a copy of the resolutions to so merge Newmont Gold Company and to assume its obligations and the date of adoption thereof, and to cause the same to be filed with the Secretary of State of the State of Delaware and to do all acts and things whatsoever, whether within or without the State of Delaware, which may be necessary or proper to effect said merger and change of name.

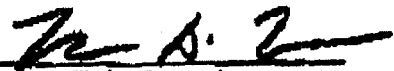
THIRD: That this Certificate of Ownership and Merger shall be effective on its filing with the Secretary of State of the State of Delaware.

FROM

(FRI) 2:15' 02 9:15/ST. 9:06/NO. 4861863941 P 22

IN WITNESS WHEREOF, the Corporation has caused this certificate to be signed by a duly authorized officer this 15<sup>th</sup> day of February, 2002.

NEWMONT MINING CORPORATION

By:   
Name: Britt D. Banks  
Title: Vice President, General Counsel  
and Secretary

# Delaware

PAGE 1

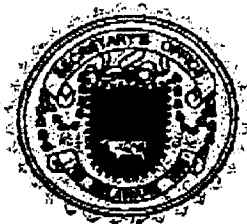
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"NEWMONT GOLD COMPANY", A DELAWARE CORPORATION,

WITH AND INTO "NEWMONT MINING CORPORATION" UNDER THE NAME OF "NEWMONT GOLD COMPANY", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIFTEENTH DAY OF FEBRUARY, A.D. 2002, AT 9:31 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

0623413 8100M

AUTHENTICATION: 1615242

020101124

DATE: 02-15-02

PATENT  
REEL: 013532 FRAME: 0706

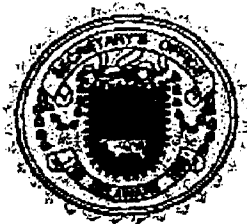
## *The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"NEWMONT GOLD COMPANY", A DELAWARE CORPORATION,

WITH AND INTO "NEWMONT MINING CORPORATION" UNDER THE NAME OF "NEWMONT GOLD COMPANY", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIFTEENTH DAY OF FEBRUARY, A.D. 2002, AT 9:31 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

0623413 8100M

AUTHENTICATION: 1615242

020101124

DATE: 02-15-02

I, the undersigned, am empowered to act on behalf of the assignee. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Newmont USA Limited

Date: 4 October 2002

By:   
D. Scott Barr  
Vice President

FROM

(FRI) 2:15'02 9:14/ST.

STATE OF DELAWARE  
RECORDED & INDEXED  
DIVISION OF CORPORATIONS  
FILED 09:31 AM 02/15/2002  
020101124 - 0623413

**CERTIFICATE OF OWNERSHIP AND MERGER**

**MERGING**

**NEWMONT GOLD COMPANY**

**WITH AND INTO**

**NEWMONT MINING CORPORATION**

Pursuant to Section 253 of the General  
Corporation Law of the State of Delaware

Newmont Mining Corporation, a corporation organized and existing under the laws of Delaware (the "Corporation"), does hereby certify:

**FIRST:** That the Corporation owns all of the outstanding shares of each class of stock of Newmont Gold Company, a Delaware corporation incorporated on the 23rd day of February, 1988, pursuant to the Delaware General Corporation Law.

**SECOND:** That the Corporation, by the following resolutions of its Board of Directors, duly adopted at a meeting held on November 13, 2001, determined to merge into itself said Newmont Gold Company, by the adoption thereof:

**RESOLVED,** that the Corporation will merge, and upon the effectiveness of such merger, does merge, into itself, its wholly owned subsidiary, Newmont Gold Company, and assumes all of the obligations of Newmont Gold Company; and further

**RESOLVED,** that said merger shall become effective upon the filing of a Certificate of Ownership and Merger with the Secretary of State of the State of Delaware or at such other time as such Certificate of Ownership and Merger shall specify pursuant to Section 103(d) of the General Corporation Law of the State of Delaware; and further

**RESOLVED,** that upon effectiveness of said merger, the name of the Corporation shall be changed to "Newmont Gold Company" and Article First of the Restated Certificate of Incorporation of the Corporation shall be amended to read as follows:

W/832967v2

"First: The name of this Corporation is Newmont Gold Company."

RESOLVED, that except for the foregoing amendment to Article First, said Restated Certificate of Incorporation shall remain unchanged by the merger and in full force and effect until further amended in accordance with the Delaware General Corporation Law; and further

RESOLVED, that the proper officers of the Corporation be, and they hereby are, directed to make and execute a Certificate of Ownership and Merger setting forth a copy of the resolutions to so merge Newmont Gold Company and to assume its obligations and the date of adoption thereof, and to cause the same to be filed with the Secretary of State of the State of Delaware and to do all acts and things whatsoever, whether within or without the State of Delaware, which may be necessary or proper to effect said merger and change of name.

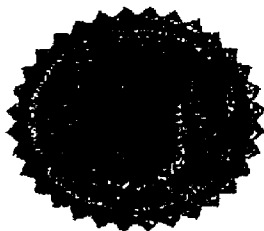
THIRD: That this Certificate of Ownership and Merger shall be effective on its filing with the Secretary of State of the State of Delaware.

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "NEWMONT GOLD COMPANY", CHANGING ITS NAME FROM "NEWMONT GOLD COMPANY" TO "NEWMONT USA LIMITED", FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF FEBRUARY, A.D. 2002, AT 12 O'CLOCK P.M.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

0623413 8100

AUTHENTICATION: 1630437

020123245

DATE: 02-25-02

PATENT  
REEL: 013532 FRAME: 0711

**CERTIFICATE OF AMENDMENT  
TO THE  
RESTATED CERTIFICATE OF INCORPORATION**

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
NO 12:00 PM 02/22/2002  
020122404 - 0623413

of  
**NEWMONT GOLD COMPANY  
A DELAWARE CORPORATION**

Newmont Gold Company, a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), does hereby certify as follows:

**FIRST:** That, in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware (the "DGCL"), the Board of Directors of the Corporation duly adopted resolutions setting forth a proposed amendment to the Restated Certificate of Incorporation of the Corporation (this "Amendment") and declaring this Amendment advisable.

**SECOND:** That this Amendment was duly approved and adopted by the sole stockholder of the issued and outstanding stock of the Corporation entitled to vote thereon in accordance with the provisions of Section 228 and Section 242 of the DGCL.

**THIRD:** The Restated Certificate of Incorporation of the Corporation is hereby amended by deleting Article I in its entirety and inserting in lieu thereof the following new language:

The name of the corporation (which is hereinafter referred to as the "Corporation") is:

"Newmont USA Limited"

**FOURTH:** That this Certificate of Amendment shall be effective on its filing with the Secretary of State of the State of Delaware.

**IN WITNESS WHEREOF,** the Corporation has caused this certificate to be signed by a duly authorized officer this 22<sup>nd</sup> day of February, 2002.

NEWMONT GOLD COMPANY

By: 

Name: Britt D. Banks

Title: Vice President and Secretary

FROM

(FRI) 2:15'02 9:15/ST. 9:06/NO. 4861863941 P 22

IN WITNESS WHEREOF, the Corporation has caused this certificate to be signed by a duly authorized officer this 15<sup>th</sup> day of February, 2002.

NEWMONT MINING CORPORATION

By: 

Name: Britt D. Banks

Title: Vice President, General Counsel  
and Secretary



## POWER OF ATTORNEY

On behalf of Newmont USA Limited, a Delaware corporation having a place of business at 1700 Lincoln Street, Suite 2800, Denver, Colorado, 80203, being the assignee of and owning all right, title and interest in the invention entitled "BIOOXIDATION PROCESS FOR RECOVERY OF GOLD FROM HEAPS OF LOW-GRADE SULFIDIC AND CARBONACEOUS SULFIDIC ORE MATERIALS" for which the application for Letters Patent of the United States has been made by James A. Brierley and David L. Hill, said application having been filed on October 18, 1991, receiving Serial No. 07/778,521, now U.S. Patent No. 5,246,486, and further identified as Attorney File No. 12854-20109 (formerly 362100-2025), I, D. Scott Barr, Vice President of Newmont USA Limited, hereby revoke any previous Power of Attorney regarding the above-identified application and hereby appoint Thomas R. Marsh, Registration No. 31,039; James L. Johnson, Registration No. 34,193; David F. Dockery, Registration No. 34,323; Robert G. Crouch, Registration No. 34,806; Kent A. Fischmann, Registration No. 35,511; Ross E. Breyfogle, Registration No. 36,759; Kenneth J. Johnson, Registration No. 36,834; Robert B. Berube, Registration No. 39,608; John W. Bain, Registration No. 42,283; Travis C. Stephenson, Registration No. 45,132; Jerad G. Seurer, Registration No. 45,467; Rene A. Pereyra, Registration No. 45,800; and Russell T. Manning, Registration No. 51,260, of MARSH FISCHMANN & BREYFOGLE LLP, 3151 South Vaughn Way, Suite 411, Aurora, Colorado 80014, telephone number (303) 338-0997, as its attorneys and agents with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

Newmont USA Limited, is the assignee of the entire right, title and interest in the patent application through a chain of title as set forth below:

1. Assignment from the inventor(s) to Newmont Mining Corporation and Newmont Gold Company, recorded at Reel 5883, Frame 0353;
2. Merger and Change of Name from Newmont Gold Company to Newmont Mining Corporation, recorded at Reel 012598, Frame 0844;
3. Corrected Merger and Change of Name from Newmont Gold Company to Newmont Mining Corporation, recorded at Reel 012598, Frame 0781;
4. Certificate of Ownership and Merger, which merges Newmont Gold Company with and into Newmont Mining Corporation and changes the name of the surviving entity to Newmont Gold Company, copy attached; and
5. Certificate of Amendment to the Restated Certificate of Incorporation of Newmont Gold Company, which changes the name of Newmont Gold Company to Newmont USA Limited, copy attached.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: November 21, 2002

By: \_\_\_\_\_

Ross E. Breyfogle

Registration No. 36759

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

303-338-0997