

2/9/04

FORM PTO-1595 U.S. DEPARTMENT OF COMMERCE  
1/31/92 Patent and Trademark Office

02-11-2004

RECORDATION FORM COVER  
PATENTS ONLY



102666448

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

1. Name of conveying party(ies):  
Kent I. Smedley  
Ronald Gulino  
Donald J. Novkov  
Ethan T. Alger  
Jesse Rosen  
Stuart I. Smedley

2. Name and address of receiving party(ies):  
Metallic Power, Inc.  
2320 Camino Vida Roble  
Carlsbad, California 92009-1504

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

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

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Other: \_\_\_\_\_

Execution Date(s): January 26, 2004, January 22, 2004, January 26, 2004, January 26, 2004, January 22, 2004 and January 26, 2004

4. Application number(s) or patent number(s):

If this document is being filed together with a new non-provisional application, the execution date of the application is:

A. Patent Application No(s).  
10/661,087

B. Patent No(s).

Additional numbers attached? ☐ Yes ☒ No

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

Customer No. 24113  
Peter S. Dardi, Ph.D.  
Patterson, Thunte, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100

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: 16-0631  
(Attach duplicate copy of this page if  
paying by deposit account)

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02/10/2004 MGETACHE 00000010 10661087

01 FC:0021

40.00 DP

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.*

Brian L. Jarrells  
Name of Person Signing

Brian L. Jarrells  
Signature

2/6/04  
Date

Total number of pages comprising cover sheet: 1

ASSIGNMENT

WHEREAS, we, Kent I. Smedley of San Marcos, California, Ronald Gulino of San Diego, California, Donald J. Novkov of Encinitas, California, Ethan T. Alger of Oceanside, California, Jesse Rosen of San Diego, California and Stuart I. Smedley of Escondido, California have invented certain new and useful improvements in METHODS AND DEVICES FOR CONTROLLING FLOW AND PARTICLE FLUIDIZATION IN A FUEL CELL, for which an application for Letters Patent of the United States is being made, and which may be identified in the United States Patent Office by Application No. 10/661,087, filed September 12, 2003.

WHEREAS, Metallic Power, Inc. ("Assignee"), a corporation organized and existing under the laws of the State of Delaware, and having its principal offices at 2320 Camino Vida Roble, Carlsbad, California 92009-1504 USA, is desirous of acquiring the entire right, title and interest in and to said invention, said application and in, to and under any and all Letters Patent to be obtained therefor;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid by said Assignee, the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto the said Assignee, its successors and assigns, our entire right, title and interest in and to said invention, said provisional/utility application, all applications claiming priority to said provisional/utility application including all divisions, continuations or renewals thereof, and the Letters Patent, both foreign and domestic, that may or shall issue, therefrom including all reissues or extensions of such patents including all of our rights under the International Convention, and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above mentioned Assignee in accordance herewith.

We hereby authorize the above mentioned Assignee, its successors and assigns, or anyone it may properly designate, to insert in this instrument the date of execution and/or filing date and application number of said application when ascertained.

We further authorize said Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent, in its own name if desired, in any and all foreign countries, and additionally to claim the filing date of said United States application and/or otherwise take advantage of the provisions of the International Convention.

Upon said consideration we do hereby covenant and agree with the said Assignee, its successors and assigns, that we will not execute in writing or do any act whatsoever conflicting with these presents, and that we or our executors or administrators will at any time upon request, without further or additional consideration, but at the expense of the said Assignee, its successors and assigns, execute such additional writings and do such additional acts as said Assignee, its successors and assigns, 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, reissued or extended Letters Patent of the United States, or of any

and all foreign countries on said invention, and in enforcing any rights occurring as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seal as dated below.

Date: 1/26/04

Kent I Smedley  
Kent I. Smedley

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

see attached  
Notary Public

[Notary Seal]

Date: \_\_\_\_\_

\_\_\_\_\_  
Ronald Gulino

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

[Notary Seal]

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego } ss.

On Jan 26, 2004, before me, Crystal Bucher, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Kent I. Smedley  
Name(s) of Signer(s)

☒ personally known to me  
☐ ~~proved to me on the basis of satisfactory evidence~~

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Crystal Bucher  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Assignment

Document Date: NONE Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: NONE

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- ☒ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

<b>RIGHT THUMBPRINT OF SIGNER</b>
Top of thumb here

and all foreign countries on said invention, and in enforcing any rights occurring as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seal as dated below.

Date: \_\_\_\_\_

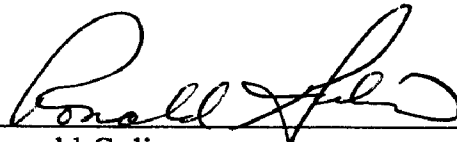
\_\_\_\_\_  
Kent I. Smedley

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

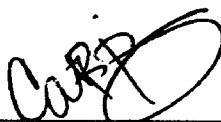
\_\_\_\_\_  
Notary Public

[Notary Seal]

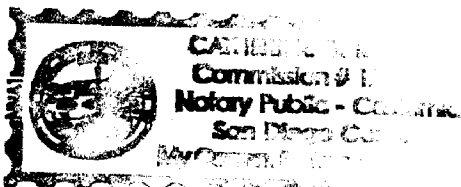
Date: JAN 22, 2004

  
Ronald Gulino

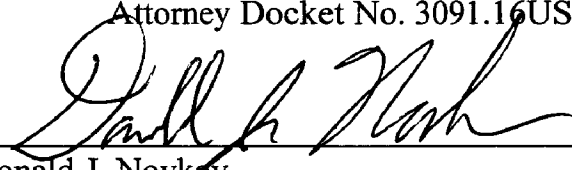
Subscribed and sworn to before me  
this 20<sup>th</sup> day of January, 2003.

  
Notary Public

[Notary Seal]



Date: 1/26/2004

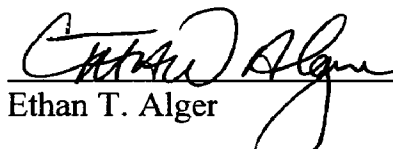
  
Donald J. Novkov

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

See attached  
Notary Public

[Notary Seal]

Date: 1/26/04

  
Ethan T. Alger

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

See attached  
Notary Public

[Notary Seal]

Date: \_\_\_\_\_

\_\_\_\_\_  
Jesse Rosen

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

[Notary Seal]

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

SS.

On Jan 28, 2004 before me, Crystal Bucher, Notary Public

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

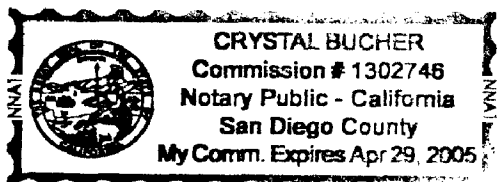
personally appeared

Donald J. Novkov

Name(s) of Signer(s)

☒ personally known to me

☐ ~~proved to me on the basis of satisfactory evidence~~



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Crystal Bucher

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document:

Assignment

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

### Capacity(ies) Claimed by Signer

Signer's Name:

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

SS.

On Jan 26, 2004 before me, Crystal Bucher Notary Public

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Ethan T. Alger

Name(s) of Signer(s)

☒ personally known to me

☐ ~~proved to me on the basis of satisfactory evidence~~

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Crystal Bucher

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Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here



Date: \_\_\_\_\_

\_\_\_\_\_  
Donald J. Novkov

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

[Notary Seal]

Date: \_\_\_\_\_

\_\_\_\_\_  
Ethan T. Alger

Subscribed and sworn to before me  
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\_\_\_\_\_  
Notary Public

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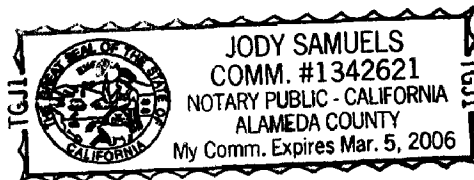
Date: 22 January 2004

\_\_\_\_\_  
Jesse Rosen

Subscribed and sworn to before me  
this 22 day of JAN, 2003.  
DA

\_\_\_\_\_  
Notary Public

[Notary Seal]



Date: 1/26/04

Stuart I. Smedley  
Stuart I. Smedley

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2003.

see attached  
Notary Public

[Notary Seal]

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

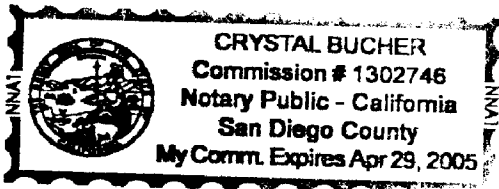
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personally appeared Stuart I Smedley  
Name(s) of Signer(s)

☒ personally known to me  
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☐ Attorney in Fact  
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Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

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