

RE

03-01-2005



To the Director of the U.S. Patent and

Documents or the new address(es) below.

102950509

1. Name of conveying party(ies)/Execution Date(s):

Kenneth Havis, Trustee for the Bankruptcy Estate of
Downhole Energy Services, LP

Execution Date(s) December 5, 2003

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

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☒ Other Correction of Previously Recorded Assignment

2. Name and address of receiving party(ies)

Name: IMPACT SELECTOR, INC.

Internal Address: _____

Street Address: P.O. BOX 2499

City: ROCKWALL

State: TEXAS

Country: USA Zip: 75087

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

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/401,937

10/401,444

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: DAVE R. HOFMAN

Internal Address: HAYNES AND BOONE, LLP

Street Address: 901 Main Street, Suite 3100

City: Dallas,

State: TX Zip: 75202-3789

Phone Number: 972-739-8630

Fax Number: 214-200-0853

Email Address: ipdocketing@haynesboone.com

6. Total number of applications and patents involved:

2

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 80.00

- ☐ Authorized to be charged by credit card
☐ Authorized to be charged to deposit account
☒ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number 08-1394

Authorized User Name _____

9. Signature:

DAVE R. HOFMAN
Signature

2/9/05
Date

DAVE R. HOFMAN, Reg. No. 52,272

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

10

03/01/2005 DBYRNE 00000009 10401937 Name of Person Signing

01 FC:8021

Documents not recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

r.98402.1

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

1. Name of conveying party(ies):

Downhole Energy Services, LP

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

3. Nature of conveyance:



Assignment



Merger



Security Agreement



Change of Name



Other _____

Execution Date: December 5, 2003

2. Name and address of receiving party(ies)

Name: Impact Selector, Inc.

Internal Address: _____

Street Address: P. O. Box 2499

City: Rockwall State: TX Zip: 75087

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

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) 10/401,937

10/401,444

B. Patent No.(s) _____

Additional numbers attached? ☐ Yes ☒ No

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

Name: Timothy F. Bliss

Internal Address: Haynes and Boone, LLP

Street Address: 901 Main Street, Suite 3100

City: Dallas State: TX Zip: 75202

6. Total number of applications and patents involved: 2

7. Total fee (37 CFR 3.41).....\$ 80.00



Enclosed



Authorized to be charged to deposit account

8. Deposit account number:

08-1394

DO NOT USE THIS SPACE

9. Signature.

12/16/2003 LMUELLER 00000178 081394 10401937

80.00 DA

Timothy F. Bliss

Name of Person Signing

T. F. Bliss
Signature

December 9, 2003

Date

Total number of pages including cover sheet, attachments, and documents: 1

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment, Commissioner of Patent, P.O. Box 1450
Alexandria, VA 22313-1450

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

DOWNHOLE ENERGY SERVICES, LP, §
Debtor. §
Case No. 03-44580-H5-7 §
§

AMENDED ORDER

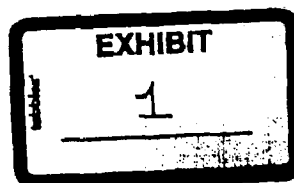
The Court has previously entered an order approving the Trustee's Motion to Approve Sale of Property Free and Clear of Liens, Claims, Interests and Encumbrances Under 11 U.S.C. § 363(f). The Court has now considered the motions for rehearing filed by Impact Selector, Inc. and Wilbur J. Babin, Jr., chapter 7 trustee for Ray O. Tillett, Jr., in case no. 03-14680, pending in the Eastern District of Louisiana, New Orleans Division (the "Tillett Trustee"). The Court finds that the proposed sale as set forth below is in the best interest of the Downhole Energy Estate and its creditors. The Court further finds that adequate notice of the proposed sale has been given to all creditors and other parties-in-interest. Accordingly, it is

ORDERED THAT:

1. The Trustee's Motion to Approve Sale of Property Free and Clear of Liens, Claims, Interests and Encumbrances Under 11 U.S.C. § 363(f) filed by Kenneth Havis, chapter 7 trustee, is **GRANTED**, as modified in this Order.

2.

3. The Trustee shall transfer, sell and assign to Impact Selector, Inc. ("Impact"), or its designee, all of the Debtor's right, title and interest in and to (i) all of the Debtor's intellectual property rights including (but not limited to) patent applications nos. 10/401,444 filed March 27, 2003 for an E-line downhole jarring tool and no. 10/401,937 filed March 27, 2003 for a downhole jarring tool adjuster, as such rights are more fully described in the Assignment that is attached as Exhibit "1"; and (ii) ~~_____~~ (items listed in (i) and (ii) are collectively defined as the "Impact Property") in exchange for a cash payment of \$42,500. The Impact Property shall not include the interest owned by the bankruptcy estate of Ray O. Tillett, Jr., in the intellectual property referenced above (if any). A separate agreement for the sale of any such interest has been reached between the Tillett Trustee and Impact, and that agreement will be the subject of a separate motion in the Tillett bankruptcy case.



4. The sale, transfer and assignment of the [REDACTED] Impact Property shall be made free and clear of all liens, claims, interests and encumbrances, with such liens, claims, interests and encumbrances to attach to the proceeds of the sale in the order of their existing priority and with the same validity, force and effect which they now have, subject to any claims and defenses the Trustee may possess with respect thereto. Except for the foregoing, the sale, transfer and assignment of the [REDACTED] Impact Property shall be on an "as is, where is" basis without any warranties or representations of any kind or nature whatsoever, whether express or implied.

5. Upon the consummation of the sale contemplated hereunder, all persons holding any lien, claim, interest or encumbrance against or in the Debtor [REDACTED] or the Impact Property of any kind or nature whatsoever shall be, and hereby are, forever barred, estopped, and permanently enjoined from asserting, prosecuting or otherwise pursuing such lien, claim, interest or encumbrance against [REDACTED] Impact [REDACTED] or the Impact Property purchased pursuant to this Order.

6. The Trustee is authorized to execute such documents as are required to effectuate the sales contemplated by this Order, including (without limitation) the Assignment that is attached as Exhibit "1," and any other acceptable assignment and/or bill of sale

7. The Trustee and its representatives and attorneys are hereby authorized and empowered to carry out all of the provisions of this Order and to issue, execute, deliver, file and record as appropriate such documents as may be reasonable and necessary to consummate the sale of [REDACTED] the Impact Property and to take any action contemplated by this Order.

8. Upon the Trustee's [REDACTED] or Impact's request, any and all holders of any liens or encumbrances filed of public record on [REDACTED] the Impact Property are hereby ordered to execute a release of such liens and encumbrances as, but only to the extent that, they affect [REDACTED] the Impact Property.

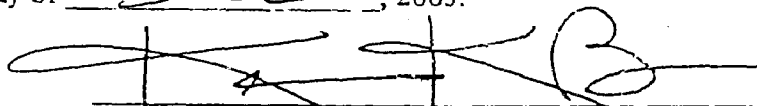
9. If any person or entity that has filed financing statements, mortgages, mechanics liens, *lis pendens* or other documents or agreements evidencing a lien, claim, interest or encumbrance in the Debtor [REDACTED] or the Impact Property fails to deliver to the Trustee [REDACTED] or Impact prior to the closing of the sale, in proper form for filing and executed by the appropriate parties, termination statements, instruments or satisfaction, releases of all such liens, claims, interests or encumbrances, then [REDACTED] Impact are hereby authorized to file, register, or otherwise record a certified copy of this Order, which, once filed, registered or otherwise recorded, shall constitute conclusive evidence of the release of all liens, claims, interests or encumbrances in the [REDACTED] Impact Property of any kind or nature whatsoever.

10. The Court retains exclusive jurisdiction to interpret and enforce the provisions of this Order in all respects.

11. The transactions contemplated by this Order are undertaken by _____ Impact in good faith, as that term is used in 11 U.S.C. § 363(m), and accordingly, the reversal or modification on appeal of the authorization provided herein to consummate the sale shall not affect the validity of the sales to _____ Impact, unless such authorization is duly stayed pending such appeal prior to the closing. _____ Impact are purchasers in good faith and is entitled to all of the protections afforded by 11 U.S.C. § 363(m).

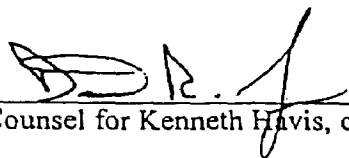
12. The Court has determined that the stay imposed by Bankruptcy Rule 6004(g) shall not apply to the transactions contemplated by this order, for good cause shown, and this Order shall be effective and enforceable immediately upon entry.

SIGNED this 5 day of Dec, 2003.



THE HONORABLE KAREN K. BROWN,
UNITED STATES BANKRUPTCY JUDGE

AGREED:




Counsel for Kenneth Havis, chapter 7 trustee

* SEE ATTACHED

Counsel for Wilbur J. Babin, Jr., chapter 7 trustee

* SEE ATTACHED

Counsel for Southland Rentals, Inc.




Counsel for Impact Selector, Inc.

TRUE COPY I CERTIFY

ATTEST: 12-5-03

MICHAEL N. MILEY, Clerk of Court

By 
Deputy Clerk

ASSIGNMENT

1) Pursuant to the Order of the United States Bankruptcy Case for the Southern District of Texas, a copy of which is attached as Exhibit "1", Kenneth Havis, chapter 7 trustee (the "Trustee") for the bankruptcy estate of Downhole Energy Services, LP ("Downhole"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Impact Selector, Inc. ("ISI"), P.O. Box 2499, Rockwall, Texas 75087, its successors, legal representatives, and assigns, all of Downhole's right, title, and interest in, to and/or under the following:

- a) U.S. Patent Application No. 10/401,444, filed March 27, 2003, for E-line downhole jarring tool, having Ray Tillett named as inventor;
- b) U.S. Patent Application No. 10/401,937, filed March 27, 2003, for downhole jarring tool adjuster, having Ray Tillett named as inventor;

c)

d)

WHEREIN all of Downhole's right, title, and interest in, to and/or under items 1-a, 1-b, 1-c and 1-d above are collectively referred to hereafter as the "Intellectual Property."

- 2) The Trustee hereby authorizes and requests the Commissioner of Patents of the United States of America, and any official of any country or countries foreign to the United States of America, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for any portion of the patent applications and intellectual property transferred hereunder to ISI, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

Kenneth R. Havis, Trustee Dated: 12-5-2003
Kenneth R. Havis, Chapter 7 Trustee in Case No. 03-44580-HS-7 in the United States
Bankruptcy Court for the Southern District of Texas (Houston Division), styled "Downhole
Energy Services, LP (Debtor)"
114 N. 10th St.
P.O. Box 750
Navasota, Texas 77868

[Signature] Dated: 12-5-03
Witness Signature
Witness Name: Dana A. Jones

VERIFICATION

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

Kenneth Havis, Trustee above-named, being duly sworn, says that s/he
has read the foregoing instrument and that its contents are true within his/her own knowledge.

Elizabeth Winter

SUBSCRIBED AND SWORN TO BEFORE ME on December 5, 2003.

Elizabeth Winter
Notary Public in and for the State of Texas

