

PATI

Patent and Trademark Office

To the Honorable Commissioner of Patents and Tradem:

ents or copy thereof.



103423257

1. Name of Conveying party(ies): 7.2.07

2. NAME AND ADDRESS OF RECIPIENT:

Treibacher Aktivsauerstoff GmbH

Name: Treibacher Industrie GmbH

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

Internal Address:

3. Nature of conveyance:

Street Address:

Assignment  Merger

City: Treibach Country: Austria

Security Agreement  Change of Name

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

Other \_\_\_\_\_

Execution Date: July 21, 1994

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)

5,147,831 issued: Sept. 15, 1992

Additional numbers attached?  Yes  No

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

6. Total number of applications and patents involved: 1

Name: Collard & Roe, P.C.

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

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

Street Address: 1077 Northern Boulevard

Enclosed

Authorized to be charged to deposit account

City: Roslyn State: NY ZIP: 11576

8. Deposit account number: 03-2468

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

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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.

Frederick J. Dorchak

Name of Person Signing

Signature

June 28, 2007

Date

Total number of pages including cover sheet, attachments, and document \_\_\_\_\_

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Emblem: Register of Companies

Emblem: Database of the Register of Companies  
 REPUBLIC OF AUSTRIA  
 Coat of Arms

Date: 22 January 2007

Extract with Historic Data

FN 93200 i

This extract is based on the main ledger, supplemented by data from the document collection.  
 Historic data as per 22 January 2007 are ~~crossed-out~~. Deleted legal entities and branch offices are  
 marked at the side using the symbol '#'.

Last entry on 24 October 2006, entry number 27

Court of competent jurisdiction: Commercial Court Vienna

## COMPANY

- 1 ~~TREIBACHER AKTIVSAUERSTOFF GmbH~~
- 3 ~~TREIBACHER INDUSTRIE GmbH~~
- 4 ~~TREIBACHER INDUSTRIE  
AKTIENGESELLSCHAFT~~
- 13 ~~Wienerberger Vermögensverwaltung GmbH~~
- 20 ~~VVT Vermögensverwaltung GmbH~~

## LEGAL FORM

- 1 ~~Company with limited liability~~
- 4 ~~Stock corporation~~
- 13 ~~Company with limited liability~~

## SEAT in

- 1 ~~Treibach, political municipality of Althofen~~
- 20 ~~political municipality of Vienna~~

## BUSINESS ADDRESS

- 1 ~~Auer-Welsbach Straße 1  
9330 Treibach~~
- 20 ~~Wienerberg City, Wienerberg Straße 11  
1100 Vienna~~

## LINE OF BUSINESS

- 1 ~~Production of chemicals and chemical products~~
- 6 ~~Prod. of chemicals and chem. products~~
- 20

## CAPITAL

- 1 ~~ATS 500,000~~
- 3 ~~ATS 100.000.000~~
- 21 ~~EUR 14,389,424.18~~
- 24 ~~EUR 36,000~~

## TYPE of STOCK

- 10 ~~Nominal shares~~
- 13

## ANNUAL BALANCE SHEET DATE

- 1 ~~31 December~~

## FINANCIAL STATEMENT

- 6 ~~as of 31 December 1994, submitted on 18 July 1995~~
- 7 ~~as of 31 December 1995, submitted on 31 May 1996~~
- 8 ~~as of 31 December 1996, submitted on 10 July 1997~~
- 9 ~~as of 31 December 1997, submitted on 13 June 1998~~

- 10 ~~as of 31 December 1998, submitted on 21 July 1999~~  
 11 ~~as of 31 December 1999, submitted on 9 August 2000~~  
 16 ~~as of 31 December 2000, submitted on 10 October 2001~~  
 17 ~~as of 31 December 2001, submitted on 19 September 2002~~  
 19 ~~as of 31 December 2002, submitted on 24 September 2003~~  
 23 ~~as of 31 December 2003, submitted on 30 September 2004~~  
 26 ~~as of 31 December 2004, submitted on 28 September 2005~~  
 27 as of 31 December 2005, submitted on 12 October 2006

## REPRESENTATION

- 1 ~~If more than one director is appointed, the company shall be represented jointly by two directors or by any one director together with an authorised signatory ("Prokurist").~~  
 4 ~~If more than one executive is appointed, the company shall be represented jointly by two executives or by any one executive together with an authorised signatory ("Prokurist").~~  
 13 The company has one, two or three directors.  
 If more than one director is appointed, the company shall be represented jointly by two directors or by any one director together with an authorised signatory ("Prokurist").  
 The Shareholders' Meeting shall be authorised to vest independent power of representation on individual directors, even if more than one director is appointed.

## OTHER PROVISIONS

- 4 ~~The Executive Board consists of one, two or three members, including deputising executive board members (§ 95 AktG). (Act regulating stock corporations).~~  
 13

## FORM of ANNOUNCEMENT

- 4 ~~Announcements by the company are made in the Wiener Zeitung.~~  
 13

- 1 ~~Articles of Association dated 21 September 1992~~ 004  
 4 ~~deleted~~  
 3 ~~Resolution by the General Meeting dated 8 July 1994~~ 002  
~~Capital increase by ATS 99,500,000.00~~  
~~Amendment to Articles One and Four of the Articles of Association~~  
 4 ~~deleted~~  
 3 ~~Contribution contract dated 6 July 1994~~ 003  
~~Contribution of the business parts "Aktivsauerstoff", "Alloymet",~~  
~~"Powdermet" and "Auermet" in accordance with Art. III Reorganisation Act~~  
 13 ~~deleted~~  
 4 ~~Statute dated 8 July 1994~~ 004  
 13 ~~deleted~~  
 4 ~~Resolution by the General Meeting dated 8 July 1994~~ 005  
~~Reorganisation of the company~~  
~~TREIBACHER INDUSTRIE GmbH~~  
~~(FN 93200 i)~~  
~~as a stock corporation in accordance with §§ 245 ff AktG.~~  
 13 ~~deleted~~  
 12 ~~Resolution by the Shareholders' Meeting dated 26 September 2000~~ 006  
~~De-merger~~  
 12 ~~for incorporation into~~ 007  
~~Metallurgie AG~~  
~~(FN 198543 a)~~  
~~through transfer~~  
~~of business parts "Alloymet/TAM, Powdermet/TPM, Recycling/TRC and~~  
~~Aktivsauerstoff/TAS" in accordance with the de-merger and takeover~~

→ CONTRIBUTION

→ DE-MERGER

## Extract from the Register of Companies

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- agreement dated 26 September 2000
- 13 Articles of Association dated 26 September 2000 008
- 13 Resolution by the Shareholders' Meeting dated 26 September 2000 009  
 Reorganisation of the company  
 TREIBACHER INDUSTRIE  
 AKTIENGESELLSCHAFT  
 (FN 93200 i)  
 as a company with limited liability in accordance with §§ 239 ff AktG.
- 20 Resolution by the General Meeting dated 3 December 2003 010  
 Amendment to Articles One, Two and Three of the  
 Articles of Association.
- 21 Articles of Association adapted by resolution by the General Meeting 011  
 dated 24 May 2004  
 in accordance with 1. Euro-JuBeG (Act regulation transition to euro  
 currency)
- 21 Resolution by the General Meeting dated 24 May 2004 012  
 Capital increase out of corporate funds  
 by EUR 7,122,140.77  
 Amendment to Article Four of the Articles of Association
- 22 Resolution by the General Meeting dated 24 May 2004 013  
 Reduction in capital by EUR 14,353,424.18 to EUR 36,000.00  
 planned.
- 24 Resolution by the General Meeting dated 24 May 2004 014  
 Reduction in capital by EUR 14,353,424.18 implemented.  
 Amendment to Article Four of the Articles of Association.

## DIRECTORS (under commercial law)

- A Dipl.-Ing. Dr. Ernst Will, born 7 January 1941  
 1 ~~represents the company jointly with another director or with an~~  
~~authorised signatory since 30 April 1994~~  
 4 function deleted
- B Dr. Alois Wachmann, born 15 May 1949  
 1 ~~represents the company jointly with another director or with an~~  
~~authorised signatory since 30 April 1994~~  
 4 function deleted
- L Dkfm. Adolf Jeßner, born 20 April 1940  
 13 ~~represents the company independently since 17 October 2000~~  
 18 function deleted
- R Dr. Andrea Herbeck, born 17 September 1955  
 18 ~~represents the company independently since 1 January 2003~~  
 25 function deleted
- S Mag. Johann Tschuden, born 16 December 1958  
 25 represents the company jointly with another director or with an  
 authorised signatory since 22 October 2004
- T Dr. Brigitta Schwarzer, born 19 May 1958  
 25 represents the company jointly with another director or with an  
 authorised signatory since 22 October 2004

## EXECUTIVES

- E Dr. Reinhard Iro, born 16 June 1949  
 4 ~~represents the company independently since 18 August 1994~~  
 13 function deleted

## AUTHORISED SIGNATORIES ("Prokurist")

- J Mag. Rainer Schmidtmayer, born 26 June 1960  
 5 ~~represents the company jointly with the authorised signatory~~  
~~Dipl.-Ing. Jörg Bauernfeind since 25 November 1994~~  
 13 function deleted
- K Dipl.-Ing. Jörg Bauernfeind, born 22 December 1941  
 5 ~~represents the company jointly with the authorised signatory~~  
~~Mag. Rainer Schmidtmayer since 25 November 1994~~  
 13 function deleted

PATENT

REEL: 019529 FRAME: 0628

## Extract from the Register of Companies

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| SHAREHOLDERS  | CAPITAL CONTRIBUTION | PAID IN           |
|---|----------------------|-------------------|
| C Treibacher Chemische Werke<br>Aktiengesellschaft<br>HRB 42/St.Veit/Glan |                      |                   |
| 1   | ATS 495,000          |                   |
| 2   | ATS 500,000          |                   |
| 3   | ATS 100,000,000      |                   |
| 4 function deleted  |                      |                   |
| 1   |                      | ATS 247,500       |
| 2   |                      | ATS 500,000       |
| 3   |                      | ATS 100,000,000   |
| 4 function deleted  |                      |                   |
| D Dr. Wolfgang Tautschnig, born 19 July 1957                              |                      |                   |
| 1   | ATS 5,000            |                   |
| 2 function deleted  |                      |                   |
| 1   |                      | ATS 2,500         |
| 2 function deleted  |                      |                   |
| O Wienerberger Immobilien GmbH  |                      |                   |
| 13  | ATS 99,999,000       |                   |
| 15 function deleted   |                      |                   |
| 13  |                      | ATS 99,999,000    |
| 15 function deleted   |                      |                   |
| P Wienerberger Ziegelindustrie GmbH                                       |                      |                   |
| 13  | ATS 1,000            |                   |
| 21  | EUR 143.89           |                   |
| 24  | EUR 70               |                   |
| 13  |                      | ATS 1,000         |
| 21  |                      | ATS 143.89        |
| 24  |                      | EUR 70            |
| Q Wienerberger AG   |                      |                   |
| 15  | ATS 99,999,000       |                   |
| 21  | EUR 14,389,280.29    |                   |
| 24  | EUR 35,930           |                   |
| 15  |                      | ATS 99,999,000    |
| 21  |                      | EUR 14,389,280.29 |
| 24  |                      | EUR 35,930        |
| Totals:   | EUR 36,000           | EUR 36,000        |

## SUPERVISORY BOARD

|   |  |
|---|--|
| F DDr. Erhard Schaschl, born 12 January 1943            |  |
| 4 <del>Chairman</del>                                   |  |
| 13 function deleted                                     |  |
| G Dr. Wolfgang Reithofer, born 30 December 1948         |  |
| 4 <del>Deputy chairman</del>                            |  |
| 13 function deleted                                     |  |
| H Dkfm. Dr. Paul Tanos, born 4 September 1944           |  |
| 4 <del>Member</del>                                     |  |
| 13 function deleted                                     |  |
| I Dipl. Ing. Michael Ehrenfried, born 27 September 1946 |  |
| 4 <del>Member</del>                                     |  |
| 7 function deleted                                      |  |
| L Dkfm. Adolf Jeßner, born 20 April 1940                |  |
| 7 <del>Member</del>                                     |  |
| 13 function deleted                                     |  |
| M Alfred Daniel, born 7 October 1939                    |  |
| 7 <del>Member</del>                                     |  |
| 14 function deleted                                     |  |
| N Heinz Törtl, born 26 December 1959                    |  |
| 7 <del>Member</del>                                     |  |
| 13 function deleted                                     |  |

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## --- INDIVIDUALS -----

- 1 A Dipl.-Ing. Dr. Ernst Will, born 7 January 1941  
 1 B Dr. Alois Wachmann, born 15 May 1949  
 1 C Treibacher Chemische Werke  
 Aktiengesellschaft  
 HRB 42/St.Veit/Glan  
 1 D Dr. Wolfgang Tautschnig, born 19 July 1957  
 4 E Dr. Reinhard Iro, born 16 June 1949  
 4 F DDr. Erhard Schaschl, born 12 January 1943  
 4 G Dr. Wolfgang Reithofer, born 30 December 1948  
 4 H ~~Dkfm. Paul Tanos, born 3 September 1944~~  
 6 Dkfm. Dr. Paul Tanos, born 4 September 1944  
 4 I Dipl. Ing. Michael Ehrenfried, born 27 September 1946  
 5 J Mag. Rainer Schmidtmayer, born 26 June 1960  
 5 K Dipl.-Ing. Jörg Bauernfeind, born 22 December 1941  
 7 L Dkfm. Adolf Jeßner, born 20 April 1940  
 13 ~~Wienerbergstraße 7~~  
 4100 Vienna  
 15 Wienerberg City, Wienerbergstraße 11  
 1100 Vienna  
 7 M Alfred Daniel, born 7 October 1939  
 7 N Heinz Töttl, born 26 December 1959  
 13 O Wienerberger Immobilien GmbH  
 13 (FN 93183 i)  
 13 Wienerbergstr. 7  
 1100 Vienna  
 13 P ~~Wienerberger Ziegelindustrie~~  
 Aktiengesellschaft  
 18 Wienerberger Ziegelindustrie GmbH  
 13 (FN 94684 t)  
 13 ~~Triesterstr. 70~~  
 4102 Vienna  
 18 Hauptstraße 2  
 2332 Hennersdorf  
 15 Q Wienerberger AG  
 15 (FN 77676 f)  
 15 Wienerberg City, Wienerbergstr. 11  
 1100 Vienna  
 18 R Dr. Andrea Herbeck, born 17 September 1955  
 18 Wienerberg City, Wienerbergstraße 11  
 1100 Vienna  
 25 S Mag. Johann Tschuden, born 16 December 1958  
 25 Wienerberg City, Wienerbergstraße 11  
 1100 Vienna  
 25 T Dr. Brigitta Schwarzer, born 19 May 1958  
 25 Wienerberg City, Wienerbergstraße 11  
 1100 Vienna

## --- REPORT OF COMPLIANCE -----

## Provincial Court Klagenfurt

- |   |   |             |      |           |
|---|---|-------------|------|-----------|
| 1 | entry on 30 April 1994<br>application for initial registration of a company received on 19 April 1994 | Transaction | 5 Fr | 475/94 i  |
| 2 | entry on 14 June 1994<br>application for amendment received on 1 June 1994                            | Transaction | 5 Fr | 797/94 h  |
| 3 | entry on 21 July 1994<br>application for amendment received on 14 July 1994                           | Transaction | 5 Fr | 1210/94 s |
| 4 | entry on 18 August 1994<br>application for amendment received on 9 August 1994                        | Transaction | 5 Fr | 1602/94 t |
| 5 | entry on 28 December 1994   | Transaction | 5 Fr | 3285/94 t |

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|    |  |             |      |           |
|----|--|-------------|------|-----------|
|    | application for amendment received 14 December 1994          |             |      |           |
| 6  | entry on 15 August 1995                                      | Transaction | 5 Fr | 2865/95 h |
|    | application for amendment received on 18 July 1995           |             |      |           |
| 7  | entry on 14 June 1996  | Transaction | 5 Fr | 2338/96 t |
|    | application for amendment received 31 May 1996               |             |      |           |
| 8  | entry on 8 August 1997                                       | Transaction | 5 Fr | 3246/97 k |
|    | application for amendment received 10 July 1997              |             |      |           |
| 9  | entry on 28 July 1998  | Transaction | 5 Fr | 2650/98 v |
|    | application for amendment received 18 June 1998              |             |      |           |
| 10 | entry on 3 June 2000   | Transaction | 5 Fr | 4641/99 f |
|    | application for amendment received 21 July 1999              |             |      |           |
| 11 | entry on 6 October 2000                                      | Transaction | 5 Fr | 4878/00 f |
|    | submission of financial statement received 9 August 2000     |             |      |           |
| 12 | <u>entry on 14 October 2000</u>                              | Transaction | 5 Fr | 6498/00 m |
|    | application for amendment received 29 September 2000         |             |      |           |
| 13 | entry on 17 October 2000                                     | Transaction | 5 Fr | 6499/00 p |
|    | application for amendment received 29 September 2000         |             |      |           |
| 14 | entry on 20 October 2000                                     | Transaction | 5 Fr | 7198/00 t |
|    | action ex officio  |             |      |           |
| 15 | entry on 29 January 2002                                     | Transaction | 5 Fr | 444/02 b  |
|    | application for amendment received 15 January 2002           |             |      |           |
| 16 | entry on 16 April 2002                                       | Transaction | 5 Fr | 8068/01 f |
|    | submission of financial statement received 10 October 2001   |             |      |           |
| 17 | entry on 31 October 2002                                     | Transaction | 5 Fr | 6478/02 a |
|    | submission of financial statement received 19 September 2002 |             |      |           |
| 18 | entry on 14 February 2003                                    | Transaction | 5 Fr | 45/03 z   |
|    | application for amendment received 31 December 2002          |             |      |           |
| 19 | entry on 31 October 2003                                     | Transaction | 5 Fr | 7258/03 g |
|    | submission of financial statement received 24 September 2003 |             |      |           |

## Commercial Court Vienna

|    |  |             |       |            |
|----|--|-------------|-------|------------|
| 20 | entry on 24 December 2003                                    | Transaction | 75 Fr | 15415/03 v |
|    | application for change of seat received 18 December 2003     |             |       |            |
| 21 | entry on 16 June 2004  | Transaction | 75 Fr | 6639/04 x  |
|    | application for amendment received 25 May 2004               |             |       |            |
| 22 | entry on 24 June 2004  | Transaction | 75 Fr | 7710/04 x  |
|    | application for amendment received 18 June 2004              |             |       |            |
| 23 | entry on 5 October 2004                                      | Transaction | 75 Fr | 12011/04 x |
|    | submission of financial statement received 30 September 2004 |             |       |            |
| 24 | entry on 21 October 2004                                     | Transaction | 75 Fr | 12880/04 z |
|    | application for amendment received 15 October 2004           |             |       |            |
| 25 | entry on 5 November 2004                                     | Transaction | 75 Fr | 13540/04 w |
|    | application for amendment received 2 November 2004           |             |       |            |
| 26 | entry on 4 October 2005                                      | Transaction | 75 Fr | 10760/05 s |
|    | submission of financial statement received 28 September 2005 |             |       |            |
| 27 | entry on 24 October 2006                                     | Transaction | 75 Fr | 11910/06 s |
|    | submission of financial statement received 12 October 2006   |             |       |            |

Prepared by the Provincial Court Klagenfurt \*\*\*\*\* HA022  
 Court fee: EUR 9.00 \*\*\*\*\* 22 January 2007 09:09:50.352 51659146 \*\* LINES: 326

Round seal: Provincial Court Klagenfurt  
 Signature: illegible

PATENT

RECORDED: 07/02/2007

REEL: 019529 FRAME: 0631