

T4494-16166US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wirtgen GmbH
Mark: Three-dimensional DESIGN
Serial No.: 76/660,936
Filing Date: June 1, 2006

DECLARATION OF APPLICANT

Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

To the best of my knowledge Applicant, Wirtgen GmbH, is the first and only company using the color combination of yellow and red of the mark which is the subject of the above-captioned application.

The undersigned, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of this document and the applicant to which it refers, declares that he or she is properly authorized to execute this document on behalf of the applicant, that all statements made of

his or her own knowledge are true, and that all statements made on information and belief are believed to be true.

WIRTGEN GmbH



Date: 2009-06-15

By: _____

Name: Jürgen Wirtgen

Title: President

Wirtgen GmbH
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