

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James Hardie International Finance B.V.

Application No.: 76/667609

Mark: HARDIEBACKER

Trademark Attorney: Seth A. Rappaport  
Trademark Examining Attorney  
Law Office 103  
571.270.2508

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

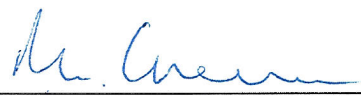
DECLARATION IN SUPPORT OF SUBSTITUTE SPECIMEN

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application, document or any registration resulting therefrom, declares that the substitute specimen was in use in commerce prior to the expiration of the time allowed applicant for filing the Statement of Use; and all statements made by each of the undersigned's own knowledge are true; and all statements made on information and belief are believed to be true.

  
\_\_\_\_\_  
Diederik J. Ex  
Global IP Manager  
James Hardie International Finance B.V.

Date: 19 August 2009

Executed in Amsterdam  
City/Country

  
\_\_\_\_\_  
Russell Chenu  
Managing Director  
James Hardie International Finance B.V.

Date: 26 August 2009

Executed in Amsterdam  
City/Country

  
\_\_\_\_\_  
Robert E. Cox  
Managing Director

James Hardie International Finance B.V.  
Date: 19 AUGUST 2009

Executed in AMSTERDAM  
City/Country