



■ John M. Skerlotis

388 S. Main St., Suite 500  
Akron, Ohio 44311-4407  
Telephone: 330.535.5711  
Facsimile: 330.253.8601  
jms@brouse.com

Internet: www.brouse.com

August 8, 2006

John P. Passarelli, Esq.  
Kutak Rock, LLP  
The Omaha Building  
1650 Farnham Street  
Omaha, NE 68102

VIA E-MAIL  
ORIGINAL BY MAIL  
john.passarelli@kutakrock.com

Re: Issuance of U.S. Patent Nos. 7,074,266 B2 and 7,081,270 B2  
Our Ref. No.: 21786.27486

Dear Mr. Passarelli,

I am in receipt of your letter dated July 18, 2006. I note, as a matter of first response, that your letter has not offered any substantive response to the concerns raised by me about the potential impact of my client's now issued patents (copies of which have been enclosed for your review) on Soilwork's product line. In my letter of June 8, I indicated that our investigation of Durasoil<sup>®</sup> was based on, amongst other things, the Durasoil<sup>®</sup> MSDS information.

Despite assurances from your colleague that I would receive a substantive response to my letter, which I hoped would resolve this matter, I received nothing for over a month, and, when I did receive a response, it was entirely non-substantive. By our review, the claims of the two enclosed patents are not complicated and, if your client has conducted any sort of investigation of its own product and determined them not to come within the scope of the claims, then, I simply ask that you let me know the grounds for that position so that we can set this matter aside. Your silence in responding provides us assurances of our review, that your client infringes. If Durasoil does not infringe the claims of Midwest's newly issued patents, and, parenthetically, based on the trade secret and proprietary knowledge that Soilworks holds, Soilworks is in the best position currently to make that determination, then I ask again that you contact me in that regard.

Mr. John P. Passarelli  
August 8, 2006  
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I look forward to your response.

Very truly yours,

**BROUSE MCDOWELL**

*John M. Skeriotis*

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JMS/cjn  
Enclosure  
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