

04-07-1999

Docket No.:

41942-10000



101004860

Tab settings

MPO  
3-24-99

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

1. Name of conveying party(ies):

Name and address of receiving party(ies):

**Datex-Engstrom, Inc.  
Ohmeda Inc.**

**Datex-Ohmeda, Inc.**

03-24-1999

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #26

Address:

- Individual(s)
- General Partnership
- Corporation-State **Delaware**
- Other

- Association
- Limited Partnership

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

Street Address: **3 Highwood Drive**

City: **Tewksbury** State: **MA** ZIP: **01876**

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State **Delaware**
- Other

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from Assignment)  
Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: **December 18, 1998**

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

75/391,821    75/641,122  
75/569,386  
75/458,936

1,819,458    1,489,205  
1,819,439    2,003,149  
1,549,029    1,458,198

Additional numbers attached?  Yes  No

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

6. Total number of applications and registrations involved:..... **10**

Name: **Thomas R. Marsh, Esq.**

7. Total fee (37 CFR 3.41):.....\$ **\$400.00**

Internal Address: **Suite 4100**

Enclosed

Refund Ref: 04/06/1999 DNGUYEN 0000079948

Authorized to be charged to deposit account

CHECK Refund Total: **\$135.00**

Street Address: **1700 Lincoln Street**

8. Deposit account number:

**08-2665**

City: **Denver** State: **CO** ZIP: **80203**

04/06/1999 DNGUYEN 00000113 1819458

DO NOT USE THIS SPACE

01 FC:481    40.00 DP  
02 FC:482    225.00 DP

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.

**Thomas R. Marsh**

Name of Person Signing

*Thomas R. Marsh*    3/22/99

Signature

Date

Total number of pages including cover sheet, attachments, and document: **4**

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"DATEX-ENGSTROM, INC.", A DELAWARE CORPORATION, WITH AND INTO "OHMEDA INC." UNDER THE NAME OF "DATEX-OHMEDA, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF DECEMBER, A.D. 1998, AT 11:35 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 1998.



2224876 8100M

991076942

*Edward J. Freel*

Edward J. Freel, Secretary of State

9602066

AUTHENTICATION:

03-01-99

DATE:

TRADEMARK  
REEL: 1879 FRAME: 0024

**CERTIFICATE OF MERGER**  
**OF**  
**DATEX-ENGSTROM, INC.**  
**INTO**  
**OHMEDA INC.**

Pursuant to the provisions of Section 251 *et seq.* of the Delaware General Corporation Law, the undersigned corporations, each of whom exists under and by virtue of the General Corporation Law of Delaware, adopt the following Certificate of Merger for the purpose of merging Dutex-Engstrom, Inc. into Ohmeda Inc.,

DO HEREBY CERTIFY:

I. Constituent Corporations: The constituent corporations, Ohmeda Inc. and Dutex-Engstrom, Inc. are each incorporated in Delaware.

II. Agreement of Merger. That an Agreement of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each constituent corporation in accordance with the requirements of Section 251 of the General Corporation Law of Delaware.

III. Surviving Corporation. The name of the surviving corporation is Ohmeda Inc., which shall hereinafter be changed to Dutex-Ohmeda, Inc.

IV. Amendment of Certificate of Incorporation. That the amendments in the Certificate of Incorporation of Ohmeda Inc., the surviving corporation, as to be effected by the merger are as follows:

Article 1 of the Certificate of Incorporation shall be amended to change the name of the surviving corporation from Ohmeda Inc. to Dutex-Ohmeda, Inc.

V. Executed Agreement of Merger. That the executed Agreement of Merger is on file at the office of the surviving corporation, located at 3 Highwood Drive, Tewksbury, Massachusetts 01876.

VI. Copy of Agreement of Merger. That a copy of the Agreement of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

VII. Effective Date. This Certificate of Merger shall be effective at the close of business on December 31, 1998.

IN WITNESS WHEREOF, Ohmeda Inc. has caused this Certificate of Merger to be signed by Richard Atkin, its President, and Joseph Bourgart, its Secretary, on the date set forth below.


OHMEDA INC.



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Richard Atkin, President

ATTEST:



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Joseph F. Bourgart, Secretary

December 18, 1998