

09-26-2000



101472336

# RECORDATION TRADEMARK

To the Honorable Commissioner of Patents and Trademarks, please record the attached original documents or copy thereof.

1. Name of conveying party(ies)

Songbird Medical, Inc.

9-15-00

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

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

3. Nature of conveyance:

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

Execution Date: May 30, 2000

2. Name and address of receiving party(ies)

Name: Songbird Hearing Inc.

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

Street Address: 5 Cedar Brook Drive

City: Cranbury State: N.J. ZIP: 08512

- Association
- 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

4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

- 75/641,554
- 75/666,260
- 75/665,132

B. Trademark Registration No.(s)

Additional numbers attached?  Yes  No

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

Name: Timothy J. Meagher

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

Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: Two Militia Drive

City: Lexington State: MA ZIP: 02421-4799

6. Total number of applications and registrations involved: [ 3 ]

7. Total Fee (37 C.F.R. 3.41)..... \$ 90.00

- Enclosed
- Authorized to charge any deficiencies or credit any overpayment to deposit account
- Authorized to be charged to deposit account

8. Deposit account number:

08-0380

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

09/25/2000 DNGUYEN 00000706 75641554

DO NOT USE THIS SPACE

01 Fee:481 40.00 OP  
 02 Fee:482 50.00 OP

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.

Timothy J. Meagher

Name of Person Signing

Signature

9/12/00

Date

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

Office of the Secretary of State

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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 AMENDMENT OF "SONGBIRD MEDICAL, INC.", CHANGING ITS NAME FROM "SONGBIRD MEDICAL, INC." TO "SONGBIRD HEARING INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF MAY, A.D. 2000, AT 1 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



A handwritten signature in cursive script, reading "Edward J. Freel".

Edward J. Freel, Secretary of State

2764870 8100

001272451

AUTHENTICATION: 0467543

DATE: 05-31-00

**CERTIFICATE OF AMENDMENT**  
**OF**  
**SECOND AMENDED AND RESTATED CERTIFICATE OF INCORPORATION**  
**OF**  
**SONGBIRD MEDICAL, INC.**

**Pursuant to Sections 141 and 242**  
**of the General Corporation**  
**Law of the State of Delaware**

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Songbird Medical, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), DOES HEREBY CERTIFY:

**FIRST:** That Article 1 of the Second Amended and Restated Certificate of Incorporation of the Corporation be replaced in its entirety with the following.

"1. Name. The name of this Corporation is Songbird Hearing Inc. (the "Corporation")."

**SECOND:** That the foregoing amendment was approved by the Board of Directors of the Corporation in accordance with Section 141 of the General Corporation Law of the State of Delaware.

**THIRD:** That the Corporation has received payment for shares of its stock and that the amendment to the Second Amended and Restated Certificate of Incorporation set forth above has been duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said Corporation has caused this certificate to be signed by Frederick J. Fritz, its President, this 30<sup>th</sup> day of May, 2000.

By:   
Frederick J. Fritz  
President