

2-14-2002



TO THE ASSISTANT COMMISSIONER OF PATENT

101982708

and original documents or copy thereof.

1. Name of conveying party(ies): (If multiple assignors, list numerically)

EKOS CORPORATION

- Individual
- Association
- General Partnership
- Limited Partnership
- Corporation - State: Washington
- Other:

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

2. Name and address of receiving party(ies):

Name: EKOS CORPORATION  
 Street Address: 22030 20th Avenue SE, #101  
 City: Bothell State: WA ZIP: 98021

- Individual
- 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) and address(es) attached?  
 Yes  No

3. Nature of conveyance:

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

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above) November 8, 2001

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

a. Trademark Application No(s):

~~75/783,876~~  
 75/784,092  
 76/088,260

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: Jonathan A. Hyman  
 KNOBBE, MARTENS, OLSON & BEAR, LLP  
 Customer No. 20,995  
 Internal Address: Sixteenth Floor  
 Street Address: 620 Newport Center Drive  
 City: Newport Beach State: CA ZIP: 92660  
 Attorney's Docket No.: EKOS.036T/037T/038T

7. Total fee (37 CFR 1.21(h)): \$90

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and registrations involved:  
3

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.

Jonathan A. Hyman  
Name of Person Signing

Jonathan A. Hyman  
Signature

2.11.02  
Date

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

02/15/2002 6TON11 00000009 75783876

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

LADOCVJHHVJHH-2365.DOC 013102

U.S. Patent and Trademark Office  
 Attn: Assignment Division  
 Crystal Gateway-4  
 1213 Jefferson Davis Highway, Suite 320  
 Arlington, VA 22202

TRADEMARK  
REEL: 002443 FRAME: 0006

**CERTIFICATE OF MERGER**

of

**EKOS CORPORATION**  
a Washington corporation  
(disappearing corporation)

with and into

**EKOS CORPORATION**  
a Delaware corporation  
(surviving corporation)

Pursuant to Section 252 of the Delaware General Corporation Law (the "DGCL"), EKOS Corporation, a Delaware Corporation ("EKOS-Delaware") DOES HEREBY CERTIFY:

FIRST, that the name and state of incorporation of each of the constituent corporations of the merger are as follows:

<u>Name</u>	<u>State of Incorporation</u>
1. EKOS Corporation	Washington
2. EKOS Corporation	Delaware

SECOND, that an agreement of merger by and between EKOS-Delaware and EKOS Corporation, a Washington corporation ("EKOS-Washington") has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 252(c) of the DGCL.

THIRD, that the name of the surviving corporation of the merger is EKOS Corporation.

FOURTH, that the Certificate of Incorporation of EKOS-Delaware, as it exists immediately prior to the filing of this Certificate with the Secretary of State of Delaware, shall continue in full force and effect as the Certificate of Incorporation of the surviving corporation and may thereafter be amended in accordance with its terms and as provided by law.

FIFTH, that the executed agreement of merger is on file at an office of the surviving corporation at the following address: 22030-20th Avenue SE, Suite 101, Bothell, WA 98021.

SIXTH, that a copy of the agreement of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of EKOS-Delaware or EKOS-Washington.

SEVENTH, the authorized capital stock of EKOS-Washington immediately prior to the time this Certificate is duly filed with the Secretary of State of the State of Delaware is: 100,000,000 shares of Common Stock, par value \$0.01 per share and 75,000,000 shares of Preferred Stock, par value \$0.01 per share; 5,026,308 shares of which are designated as "Series A Preferred Stock," 5,407,593 shares of which are designated as "Series B Preferred Stock," and 64,300,000 shares of which are designated as "Series C Preferred Stock."

DATED as of this 8th day of November, 2001.

**EKOS CORPORATION**  
a Delaware corporation

By:   
\_\_\_\_\_  
Douglas R. Hansmann  
Vice President and General Manager