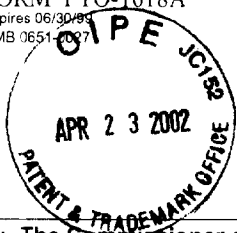


FORM PTO-1618A  
Expires 06/30/03  
OMB 0651-0027



04-26-2002



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U.S. Department of Commerce  
Patent and Trademark Office  
**TRADEMARK**

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

#### Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

#### Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger Effective Date  
Month Day Year  
\_\_\_\_\_
- Change of Name
- Other \_\_\_\_\_

#### Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name

Formerly

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other

Citizenship/State of Incorporation/Organization

#### Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)     
City State/Country Zip Code

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

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#### FOR OFFICE USE ONLY

4/25/02 09:00:00 0651-0027 76179358  
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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
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**TRADEMARK**  
**REEL: 002492 FRAME: 0678**

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages** Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trademark Application Number(s)**

**Registration Number(s)**

<input type="text" value="76/199358"/>	<input type="text" value="76/299113"/>	<input type="text"/>	<input type="text" value="2464961"/>	<input type="text"/>	<input type="text"/>
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<input type="text" value="76/260888"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Number of Properties** Enter the total number of properties involved.

#

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment: Enclosed  Deposit Account

Deposit Account  
(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: #

Authorization to charge additional fees: Yes  No

**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. Charges to deposit account are authorized, as indicated herein.

Karen McGee

4-22-02

Name of Person Signing

Signature

Date Signed

04/19/2002 02:40 9786704915  
04/09/2002 17:11 FAX 781 522 8887  
FROM CORPORATION TRUST WILMINGTON DE.

CONTINUUM PHOTONICS  
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(TUE) 04.09'02 14:47/ST. 14:48/NO 3561004977 P 2  
PAGE 02  
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# Delaware

PAGE 1

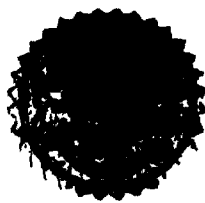
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"CONTINUUM CONTROL CORPORATION", A MASSACHUSETTS CORPORATION,

WITH AND INTO "CONTINUUM PHOTONICS, INC." UNDER THE NAME OF "CONTINUUM PHOTONICS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIFTH DAY OF APRIL, A.D. 2002, AT 2:30 O'CLOCK P.M.

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



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3502995 8100M  
020220579

AUTHENTICATION: 1711092  
DATE: 04-09-02

04/19/2002 02:40 9786704915  
04/09/2002 17:12 FAX 781 522 8887  
FROM CORPORATION TRUST WILMINGTON DE.

CONTINUUM PHOTONICS  
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STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 02:30 PM 04/05/2002  
02020579 - 350398

04/05/2002 10:30 FAX 781 522 8887

GUNDERSON DETTNER

002

### CERTIFICATE OF OWNERSHIP AND MERGER

Pursuant to Section 253 of the General Corporation Law of the State of Delaware, Continuum Control Corporation, a Massachusetts corporation (the "Parent Corporation"), for the purpose of effecting the merger (the "Merger") of the Parent Corporation with and into Continuum Photonics, Inc., a Delaware corporation and wholly owned subsidiary of the Parent Corporation (the "Surviving Corporation"), does hereby certify:

**FIRST:** That the Surviving Corporation is incorporated and duly organized under the laws of the State of Delaware.

**SECOND:** That the Parent Corporation owns all of the outstanding shares of the capital stock of the Surviving Corporation.

**THIRD:** That attached as Exhibit A hereto are resolutions (the "Resolutions") of the Board of Directors of the Parent Corporation, duly adopted by the members thereof and dated as of March 26, 2002, approving the Merger and this Certificate of Ownership and Merger.

**FOURTH:** That all stockholders of the Parent Corporation entitled to vote have unanimously approved the Merger by written consent under the provisions of the Business Corporation Law of the Commonwealth of Massachusetts.

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FROM CORPORATION TRUST WILMINGTON DE.

04/09/2002 13:50 FAX 781 312 6687 GUNDERSON DETTMER 0000

IN WITNESS WHEREOF, Parent Corporation has caused this certificate to be signed by Kanyar Ghandi, its Vice President of Research and Development, and Jay K. Hechigian, its Clerk, this 5<sup>th</sup> day of April, 2002.

CONTINUUM CONTROL CORPORATION,  
a Massachusetts corporation

/s/ Kanyar Ghandi  
Name: Kanyar Ghandi  
Title: Vice President of Research and Development

/s/ Jay K. Hechigian  
Name: Jay K. Hechigian  
Title: Clerk

0206V8200430001.3