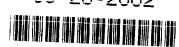
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TO THE ASSISTANT COMMISSIONER OF PATENTS

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original documents or copy thereof.

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

ISTA PHARMACEUTICALS, INC.

- () Individual
- () Association
- () General Partnership
- () Limited Partnership
- (X) Corporation State California
- () Other:

Additional name(s) of conveying party(ies) attached?

(X)

No

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

Name: ISTA PHARMACEUTICALS, INC.

Internal Address:

Street Address: 15279 Alton Parkway, Suite 100

City: Irvine State: CA ZIP: 92618

- () Individual
- () Association
- () General Partnership
- () Limited Partnership
- (X) Corporation State Delaware

If assignee is not domiciled in the United States, a domestic representative designation is attached: () Yes (X) No

(Designations must be a separate document from Assignment)

Additional name(s) and address(es) attached? Ves (X)

()

Nο

- Nature of conveyance: 3.
 - () Assignment
 - (X) 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) August 3rd, 2000

- Application number(s) or registration number(s):
- Trademark Application No(s): 75/861825; 75/896997; 75/902614; 75/933860; 75/943976; 76/049475; 78/148090
 - Trademark Registration No(s): 2420402; 2380344; 2261326

Additional numbers attached? ()

Yes

(X)

No

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

Name:

James J. Mullen III, Ph.D.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995 Internal Address: Fourteenth Floor Street Address: 2040 Main Street City: Irvine State: CA ZIP: 92614

Attorney's Docket No.:

ISTA.009T/011T/019T/039T/045T/046T/049T/050T/058T/ 073T/

Total number of applications and registrations involved:10 6.

Total fee (37 CFR 1.21(h)):

\$265

Authorized to be charged to deposit account (X)

8. Deposit account number: 11-1410

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

Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached cox is a true copy of the

original document.

James J. Mullen III, Ph.D.

Name of Person Signing

Signature

Total number of pages including cover sheet, attachments and document: 5

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

09/24/2002 TDIAZ1

01 FC:481

02 FC:482

00000001 75861825

40.00 DP 150.00 OP

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

> **TRADEMARK REEL: 2586 FRAME: 0746**

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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:

"ISTA PHARMACEUTICALS, INC.", A CALIFORNIA CORPORATION,
WITH AND INTO "ISTA PHARMACEUTICALS, INC." UNDER THE NAME OF
"ISTA PHARMACEUTICALS, INC.", A CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE THE FOURTH DAY OF AUGUST, A.D. 2000, AT
8:30 O'CLOCK A.M.

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

Edward J. Freel, Secretary of Stat

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AUTHENTICATION:

DATE:

08-04-00

TRADEMARK REEL: 2586 FRAME: 0747

CERTIFICATE OF MERGER

OF

ISTA PHARMACEUTICALS, INC., A CALIFORNIA CORPORATION

with and into

ISTA PHARMACEUTICALS, INC., A DELAWARE CORPORATION

Under Section 252 of the General Corporation Law of the State of Delaware

Pursuant to Section 252(c) of the General Corporation Law of the State of Delaware, as amended, ISTA Pharmaceuticals, Inc., a Delaware corporation ("ISTA-Delaware"), hereby certifies to the following information relating to the merger of Ista Pharmaceuticals, Inc., a California corporation ("ISTA-California"), with and into ISTA-Delaware (the "Merger").

- 1. The name and the state of incorporation of each of the constituent corporations in the Merger are:
 - a) Ista Pharmaceuticals, Inc., a California corporation; and
 - b) ISTA Pharmaceuticals, Inc., a Delaware corporation.
- 2. An agreement and plan of reorganization, dated as of August 3, 2000 by and between ISTA-California and ISTA-Delaware ("Merger Agreement"), setting forth the terms and conditions of such Merger has been approved, adopted, certified, executed and acknowledged by the constituent corporations pursuant to subsection (c) of Section 252 of the General Corporation Law of the State of Delaware.
- 3. The name of the surviving corporation is: ISTA Pharmaceuticals, Inc. ("Surviving Corporation")
- 4. The Certificate of Incorporation of ISTA-Delaware, as it exists immediately prior to the time this Certificate is duly filed with the Secretary of State of the State of Delaware, shall be the Certificate of Incorporation of the Surviving Corporation and thereafter may be amended in accordance with its terms and as provided by law.
- 5. An executed Merger Agreement is on file at the principal place of business of the Surviving Corporation, which is located at 15279 Alton Parkway, Building 100, Irvine, California 92618.
- 6. A copy of the Merger Agreement shall be furnished by the Surviving Corporation, on request and without cost, to any stockholder of ISTA-California or ISTA-Delaware.

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7. The authorized capital stock of ISTA-California immediately prior to the time this Certificate is duly filed with the Secretary of State of the State of Delaware is: 40,000,000 shares of Common Stock, no par value per share and 26,933,878 shares of Preferred Stock no par value per share; 1,951,753 shares of Preferred Stock are designated as Series A Preferred Stock, 1,951,753 shares of Preferred Stock are designated as Series A-1 Preferred Stock, 1,955,555 shares of Preferred Stock are designated as Series B Preferred Stock, 1,955,555 shares of Preferred Stock are designated as Series C Preferred Stock, 6,600,000 shares of Preferred Stock are designated as Series C-1 Preferred Stock, 2,959,631 shares of Preferred Stock are designated as Series D Preferred Stock and 2,959,631 shares of Preferred Stock are designated as Series D-1 Preferred Stock

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TRADEMARK REEL: 2586 FRAME: 0749 IN WITNESS WHEREOF, ISTA Pharmaceuticals, Inc., a Delaware corporation, has caused this Certificate to be signed by Edward H. Danse, its authorized officer, on the 3rd day of August, 2000

ISTA PHARMACEUTICALS, INC.

By: /s/ Edward H. Danse Edward H. Danse

Title: Chief Executive Officer

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RECORDED: 09/23/2002

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