

Form PTO-1594  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
Tab settings

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):  
Milton Can Company, Inc.

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

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

2. Name and address of receiving party(ies)  
Name: Bway Manufacturing, Inc.  
Internal Address: \_\_\_\_\_  
Street Address: 8607 Roberts Drive, Suite 250  
City: Atlanta State: GA Zip: 30350

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                       Merger  
 Security Agreement               Change of Name  
 Other \_\_\_\_\_

Execution Date: June 30, 2001

4. Application number(s) or registration number(s):  
 A. Trademark Application No.(s) \_\_\_\_\_  
 \_\_\_\_\_

B. Trademark Registration No.(s) \_\_\_\_\_  
 1674779  
 \_\_\_\_\_

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
 Name: Donita Hayes, Kirkland & Ellis  
 Internal Address: Suite 5300  
 \_\_\_\_\_  
 Street Address: 200 E. Randolph Drive  
 \_\_\_\_\_  
 City: Chicago State: IL Zip: 60601

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

7. Total fee (37 CFR 3.41).....\$ 40.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
 22-0440

DO NOT USE THIS SPACE

9. Signature.  
 Donita Hayes \_\_\_\_\_ January 17, 2003  
 Name of Person Signing Signature Date  
 Total number of pages, including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patent & Trademarks, Box Assignments  
 Washington, D.C. 20231

# 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 MERGER OF "BWAY MANUFACTURING, INC.", FILED IN THIS OFFICE ON THE SECOND DAY OF JULY, A.D. 2001, AT 9 O'CLOCK A.M.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

2602383 8100

020652194

AUTHENTICATION: 2047764

DATE: 10-22-02

TRADEMARK

REEL: 002597 FRAME: 0354

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 07/02/2001  
010319159 - 2602383

**CERTIFICATE OF MERGER**  
**OF**  
**MILTON CAN COMPANY, INC.**  
**AND**  
**BWAY MANUFACTURING, INC.**

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Adopted in accordance with  
the provisions of Section 251  
of the General Corporation Law  
of the State of Delaware

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It is hereby certified that:

1. The constituent business corporations participating in the merger herein certified are:

- (i) Milton Can Company, Inc., which is incorporated under the laws of the State of Delaware; and
- (ii) Bway Manufacturing, Inc., which is incorporated under the laws of the State of Delaware.

2. An Agreement and Plan of Merger (the "Merger Agreement") has been approved, adopted, certified, executed, and acknowledged by each of the aforesaid constituent corporations in accordance with the provisions of Section 251 of the General Corporation Law of the State of Delaware and shall be effective as of filing date of this document with the State of Delaware (the "Effective Date").

3. The surviving corporation in the merger herein certified is Bway Manufacturing, Inc., which will continue its existence as said surviving corporation upon the Effective Date of said merger pursuant to the provisions of the General Corporation Law of the State of Delaware.

4. The Certificate of Incorporation of Bway Manufacturing, Inc., shall be the Certificate of Incorporation of said surviving corporation until amended and changed pursuant to the provisions of the General Corporation Law of the State of Delaware.

5. The executed Merger Agreement between the aforesaid constituent corporations is on file at the principal place of business of the aforesaid surviving corporation, the address of which is as follows:

8607 Roberts Drive, Suite 250  
Atlanta, Georgia 30350

6. A copy of the aforesaid Merger Agreement will be furnished by the aforesaid surviving corporation on request, and without cost, to any stockholder of each of the aforesaid constituent corporations.

7. The authorized capital stock of Bway Manufacturing, Inc. consists of 1000 shares of Common Stock, par value \$.01 per share.

Dated: June 30, 2001

MILTON CAN COMPANY, INC.

By: Kevin C. Kern  
Name: Kevin Kern  
Its: Vice President

Dated: June 30, 2001

BWAY MANUFACTURING, INC.

By: Kevin C. Kern  
Name: Kevin Kern  
Its: Vice President