

05-21-2003

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Form PTO-1594  
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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): 5-15-03

Bertek Pharmaceuticals, Inc.

- Individual(s)
- General Partnership
- Corporation-State
- Other (DE Corp)
- 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: 03/26/2001

2. Name and address of receiving party(ies)

Name: Bertek Pharmaceuticals, Inc.

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

Street Address: 781 Chestnut Ridge Road

City: Morgantown State: wv Zip: 26505

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Texas
- 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 registration number(s):

A. Trademark Application No.(s) \_\_\_\_\_

B. Trademark Registration No.(s) 1975112; 2221364;  
2099935; 2118244; 1693938;

Additional number(s) attached  Yes  No

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

Name: Patricia L. Cotton

Internal Address: Pillsbury Winthrop LLP

Street Address: 2550 Hanover Street

City: Palo Alto State: CA Zip: 94304

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

5

7. Total fee (37 CFR 3.41).....\$ 140

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

03-3975

DO NOT USE THIS SPACE

9. Signature.

05/20/2003 DBTRNE 00000075 1975112

01 FC:0521 40.00 OP  
02 FC:0522 Patricia L. Cotton 100.00 OP

Name of Person Signing

Patricia L. Cotton

Signature

5/2/03

Date

3

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

TRADEMARK  
REEL: 002737 FRAME: 0213

CERTIFICATE OF MERGER  
OF  
BERTEK PHARMACEUTICALS, INC.  
INTO  
BERTEK PHARMACEUTICALS, INC.

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The undersigned corporation DOES HEREBY CERTIFY:

FIRST: That the names and states of incorporation of each of the constituent corporations of the merger are as follows:

NAME	STATE OF INCORPORATION
Bertek Pharmaceuticals, Inc.	Delaware
Bertek Pharmaceuticals, Inc.	Texas

SECOND: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 252 of the General Corporation Law of Delaware.

THIRD: That the name of the surviving corporation of the merger is Bertek Pharmaceuticals, Inc., a Texas corporation.

FOURTH: That the Articles of Incorporation of Bertek Pharmaceuticals, Inc., a Texas corporation, which is the surviving corporation, shall continue in full force and effect as the Articles of Incorporation of the surviving corporation.

FIFTH: That the executed Agreement of Merger is on file at an office of the surviving corporation, the address of which is 781 Chestnut Ridge Road, Morgantown, West Virginia 26505.

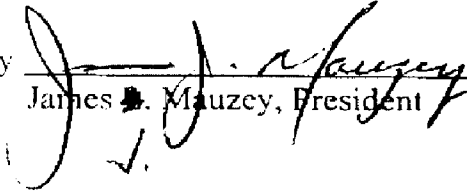
SIXTH: That a copy of the Agreement of Merger will be furnished, on request and without cost, to any stockholder of either constituent corporation.

SEVENTH: That Bertek Pharmaceuticals, Inc. a Texas corporation survives the merger and may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of any constituent Delaware corporation as well as for enforcement of any obligation of the surviving corporation arising from the merger, including any suit or other proceeding to enforce the right of any stockholder as determined in appraisal proceedings pursuant to the provisions of Section 262 of the General Corporation Law of Delaware, and it does hereby irrevocably appoint the Secretary of State of Delaware as its agent to accept service of process in any such suit or other proceeding. The address to which a copy of such process shall be mailed by the Secretary of State of Delaware is 781 Chestnut Ridge Road, Morgantown, West Virginia 26505 until the surviving corporation shall have hereafter designated in writing to the said Secretary of State a different address for such purpose.

EIGHTH: That this Certificate of Merger shall be effective at 5:00 p.m., Eastern Standard Time, on March 31, 2001.

Dated: March 26, 2001

BERTEK PHARMACEUTICALS, INC.

By  \_\_\_\_\_  
James J. Mauzey, President