

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): Cable Express Operating, Inc.

- Individual(s), Association, General Partnership, Limited Partnership, Corporation-State Delaware, Other

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

3. Nature of conveyance:

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

Execution Date: 10/31/2003

2. Name and address of receiving party(ies)

Name: Broadband Express, Inc. Internal Address: 33 Collegeview Road Street Address: City: Westerville State: OH Zip: 43081

- 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

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

A. Trademark Application No.(s) 78/236201, 78/236228

B. Trademark Registration No.(s) 2354950

Additional number(s) attached Yes No

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

Name: Renee Prescan Internal Address: Kirkland & Ellis LLP Street Address: 200 E. Randolph Drive City: Chicago State: IL Zip: 60601

6. Total number of applications and registrations involved: 3

7. Total fee (37 CFR 3.41) \$ 90.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number: 22-0440 (and for any add'l fees)

DO NOT USE THIS SPACE

9. Signature.

Peter M. Spingola, Esq. Name of Person Signing

[Signature] Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

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

CIH \$90.00 220440 78236201

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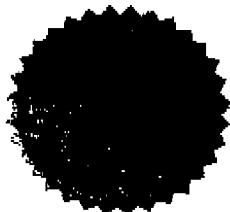
# Delaware

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 AMENDMENT OF "CABLE EXPRESS OPERATING, INC.", CHANGING ITS NAME FROM "CABLE EXPRESS OPERATING, INC." TO "BROADBAND EXPRESS, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF NOVEMBER, A.D. 2003, AT 2:14 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

3707589 8100

030736638

AUTHENTICATION: 2753531

DATE: 11-17-03

TRADEMARK

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FROM CT WILMINGTON - 302\_655\_4236 GROUP 6 (TUE) 11. 18' 03 12:34/ST. 12:32/NO. 4260103508 P 12

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:25 PM 11/17/2003  
FILED 02:14 PM 11/17/2003  
SRV 030736638 - 3707589 FILE

**CERTIFICATE OF AMENDMENT  
TO  
CERTIFICATE OF INCORPORATION  
OF  
CABLE EXPRESS OPERATING, INC.**

\*\*\*\*\*

Adopted in accordance with the provisions  
of §242 of the General Corporation Law  
of the State of Delaware

\*\*\*\*\*

Randall J. Zimmerman, being the Vice President and Secretary of Cable Express Operating, Inc., a corporation duly organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify as follows:

**FIRST:** That the Certificate of Incorporation of the Corporation be, and hereby is, amended by deleting Article One in its entirety and substituting in lieu thereof a new Article One to read as follows:

**ARTICLE ONE**

The name of the Corporation is Broadband Express, Inc.

**SECOND:** That the Board of Directors of the Corporation approved the foregoing amendment by unanimous written consent pursuant to the provisions of Section 141(f) and 242 of the General Corporation Law of the State of Delaware and directed that such amendment be submitted to the stockholders of the Corporation entitled to vote thereon for their consideration, approval and adoption thereof.

**THIRD:** That the stockholders entitled to vote thereon approved the foregoing amendment by written consent in accordance with Section 228 and 242 of the General Corporation Law of the State of Delaware.

CEO1Amend-apic1

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KIRKLAND & ELLIS LLP

11/17/03 MON 12:22 FAX 312 861 2200

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IN WITNESS WHEREOF, the undersigned does hereby certify under penalties of perjury that this Certificate of Amendment to the Certificate of Incorporation of the Corporation is the act and deed of the undersigned and the facts stated herein are true and accordingly has hereunto set his hand this 31 day of October, 2003.

CABLE EXPRESS OPERATING, INC.

By:   
Randall J. Zimmerman

Its: Vice President and Secretary

CEO/Azms-apcl

011

KIRKLAND & ELLIS LLP

11/17/03 MON 12:31 FAX 312 861 2200

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REEL: 002769 FRAME: 0248

**KIRKLAND & ELLIS*****Fax Transmittal***

200 East Randolph Drive  
Chicago, Illinois 60601  
Phone: (312) 861-2000  
Fax: (312) 861-2200

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**Please notify us immediately if any pages are not received**

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(312) 861-2356.**

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<b>To:</b>	<b>Company:</b>	<b>Fax #:</b>	<b>Direct #:</b>
Assignment Division	U.S. Patent and Trademark Office	703-306-5995	

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<b>From:</b>	<b>Date:</b>	<b>Pages w/cover:</b>	<b>Fax #:</b>	<b>Direct #:</b>
Rene M. Prescan	December 23, 2003	5	(312) 660-0471	(312) 861-6371

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**Message:**