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11-10-2003



102699632

Our Ref.: 1072-8

**Mail Stop Assignment Recordation Set**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Commissioner for Trademarks: Please record the attached original documents or copy the

1. Name of conveying party(ies):

PROMATEC TECHNOLOGIES, INC.

U.S.-03

- ☐ Individual(s) ☐ Association  
☐ General partnership ☐ Limited Partnership  
☒ Corporation-State: Delaware  
☐ Other: \_\_\_\_\_

3. Nature of conveyance:

- ☐ Assignment ☒ Merger  
☐ Security Assignment ☐ Change of Name  
☐ Other: \_\_\_\_\_

Execution Date: September 20, 2001

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

Name: PERFORMANCE CONTRACTING, INC.

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

Street Address: 16047 West 110th Street

City: Lenexa

State/Country: Kansas

Zip: 66219

- ☐ Individual(s) citizenship  
☐ Association  
☐ General Partnership  
☐ Limited Partnership  
☒ Corporation-State: Kansas  
☐ 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):

If this document is being filed together with a new application, the execution date of the application is:

A. Trademark Application No.(s)

- (1)  
(2)  
(3)

B. Trademark Registration No.(s)

- (1) 1,810,775  
(2)  
(3)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Duane M. Byers

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

Street Address: Nixon & Vanderhye P.C.

1100 North Glebe Road

8th Floor

City Arlington State: VA Zip: 22201

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account #14-1140

8. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.

DO NOT USE THIS SPACE

9. Statements 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.

Duane M. Byers

Name of Person Signing

Signature

November 5, 2003

Date

11/07/2003 ECDOPER 00000217 1810775

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40.00 DP

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

3

**CERTIFICATE OF MERGER  
OF  
PROMATEC TECHNOLOGIES, INC.,  
INTO  
PERFORMANCE CONTRACTING, INC.**

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:

PROMATEC TECHNOLOGIES, INC.	DELAWARE
PERFORMANCE CONTRACTING, INC.	KANSAS

SECOND: That an Agreement and Plan of Merger between the parties to merger has been adopted, approved, 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 Performance Contracting, Inc., a Kansas corporation.

FOURTH: That the Certificate of Incorporation of Performance Contracting, Inc., a Kansas corporation, which is the surviving corporation, shall continue in full force and effect as the Certificate of Incorporation of the surviving corporation.

FIFTH: That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation located at: 16047 W. 110<sup>th</sup> Street, Lenexa, KS 66219.

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


SEVENTH: That Performance Contracting, Inc. 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 16047 W. 110<sup>th</sup> Street, Lenexa, KS 66219, until the surviving corporation shall have hereafter designated in writing to the said Secretary of State a different address for such purposes.

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 12:00 PM 09/25/2001  
010475014 - 2312283

EIGHTH: That this Certificate of Merger shall be effective on the close of business on September 28, 2001.

IN WITNESS WHEREOF, said surviving corporation has caused this certificate to be signed by an authorized officer, the 20<sup>th</sup> day of September, 2001.

PERFORMANCE CONTRACTING, INC.


By   
Name: Craig D. Davis  
Title: President

STATE OF KANSAS           )  
                                      )ss.  
COUNTY OF Johnson    )

BE IT REMEMBERED, that before me Rene S. Shortidge, a Notary Public in and for the county and state aforesaid, came Craig D. Davis, President of said Performance Contracting, Inc., a corporation organized under the laws of the State of Kansas, personally known to me to be the same person who executed the foregoing certificate, and duly acknowledged the execution of the same as his act and deed and as the act and deed of the corporation this 20<sup>th</sup> day of September, 2001.

(SEAL)

My Commission expires:

  
Notary Public

