

Form PTO-1594 (Rev. 06/04)  
OMB Collection 0651-0027 (exp. 6/30/2005)

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

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

Presby Corp.

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

Citizenship (see guidelines)

Execution Date(s) April 22, 2003

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

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

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

Additional names, addresses, or citizenship attached?  Yes  No

Name: ReFocus Ocular, Inc.

Internal Address:

Street Address: 10300 North Central Expressway, Suite 104

City: Dallas

State: Texas

Country: U.S.A. Zip: 75231

- Association Citizenship
- General Partnership Citizenship
- Limited Partnership Citizenship
- Corporation Citizenship U.S.A.
- Other Citizenship

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)

**4. Application number(s) or registration number(s) and Identification or description of the Trademark.**

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,439,814      2,450,420      2,742,215

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

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

Name: Docket Clerk

Internal Address:

Street Address: P.O. Drawer 800889

City: Dallas

State: Texas Zip: 75380

Phone Number: 972-628-3600

Fax Number: 972-628-3616

Email Address:

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

3

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 90.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 50-0208

Authorized User Name William A. Munck

9. Signature:   
Signature

1/24/05  
Date

William A. Munck, Reg. No. 39,308

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

# Delaware

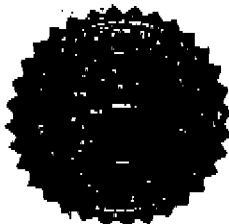
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I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "PRESBY CORP.", CHANGING ITS NAME FROM "PRESBY CORP." TO "REFOCUS OCULAR, INC." FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF APRIL, A.D. 2003, AT 4:24 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

2425459 8100

030261533

AUTHENTICATION: 2378337 TRADEMARK

REF: 008017 FRAME: 0580

JENKENS & GILCHRIST

May 12 2003 13:08 P.03

JENKENS & GILCHRIST

Apr 22 2003 14:29 P.02

**CERTIFICATE OF AMENDMENT  
OF  
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION OF  
PRESBY CORP.**

Presby Corp, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

**FIRST:** That the Board of Directors of the Corporation duly adopted resolutions proposing and declaring advisable the following amendment to the Certificate of Incorporation of the Corporation:

The Article numbered "FIRST" shall be amended to read in its entirety as follows:

"FIRST: The name of the corporation is Refocus Ocular, Inc."

**SECOND:** That the Certificate of Amendment has been approved by the Corporation pursuant to a resolution of its Board of Directors and duly adopted by the majority of the shares outstanding entitled to vote thereon.

**THIRD:** That the Certificate of Amendment was duly adopted in accordance with the provisions of Sections 242 and 228 of the Delaware General Corporation Law.

**FOURTH:** That the Certificate of Amendment shall become effective on the date this Certificate of Amendment is duly filed with the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, this Certificate of Amendment has been duly executed as of the 22nd day of April 2003.

By: W. Cox  
Name: Mark A. Cox  
Title: Vice President, Secretary & Chief Financial Officer

FILED AND 247495 (v. 609) 5-00001

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 04:30 PM 04/22/2003  
FILED 04:24 PM 04/22/2003  
SERV. 030261533 \* 2425459 F121  
**TRADEMARK**