

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT
NATURE OF CONVEYANCE:	Corrective Assignment to correct the typographical error of registration number 1321628 previously recorded on Reel 002413 Frame 0491. Assignor(s) hereby confirms the correct registration number should have been 1321638.

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Westfalia-Surge LLC		10/01/1999	Limited Liability Company: DELAWARE

RECEIVING PARTY DATA

Name:	Westfalia-Surge, Inc.
Street Address:	1880 Country Farm Drive
City:	Naperville
State/Country:	ILLINOIS
Postal Code:	60563
Entity Type:	CORPORATION: DELAWARE

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	1321638	THERATEC

CORRESPONDENCE DATA

Fax Number: (608)257-1507
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: (608) 257-7766
 Email: safer@lathropclark.com
 Correspondent Name: Shelley J. Safer
 Address Line 1: 740 Regent Street
 Address Line 2: Suite 400
 Address Line 4: Madison, WISCONSIN 53715

NAME OF SUBMITTER:	Shelley J. Safer
Signature:	/shelley j safer/

CH \$40.00 1321638

Date:

04/27/2005

Total Attachments: 6

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"WESTFALIA-SURGE LLC", A DELAWARE LIMITED LIABILITY COMPANY, WITH AND INTO "WESTFALIA DAIRY SYSTEMS, INC." UNDER THE NAME OF "WESTFALIA-SURGE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIRST DAY OF OCTOBER, A.D. 1999, AT 9 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel

Edward J. Freel, Secretary of State

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991416322

AUTHENTICATION: 0015160

DATE: 10-07-99
TRADEMARK

REEL: 003074 FRAME: 0023

CERTIFICATE OF MERGER

OF

**WESTFALIA-SURGE LLC
(a Delaware Limited Liability Company)**

INTO

**WESTFALIA DAIRY SYSTEMS, INC.
(a Delaware Corporation)**

Pursuant to Section 264 of the Delaware General Corporation Law (the "Act"), Westfalia Dairy Systems, Inc., a corporation formed and existing under the laws of the State of Delaware, certifies the following:

FIRST: That the name and state of incorporation or formation of each of the merging business entities are as follows:

<u>Name</u>	<u>State of Incorporation or Formation</u>
Westfalia-Surge LLC	Delaware
Westfalia Dairy Systems, Inc.	Delaware

SECOND: That an Agreement of Merger dated as of October 1, 1999 (the "Agreement of Merger") has been approved, adopted, certified, executed and acknowledged by each of the merging entities in accordance with Section 264(c)(2) of the Act.

THIRD: That the name of the surviving business entity is Westfalia Dairy Systems, Inc. (the "Surviving Corporation").

FOURTH: The amendments to the Certificate of Incorporation of the Surviving Corporation that are effected by this merger are as follows:

" **FIRST:** The name of the corporation is Westfalia-Surge, Inc."

FIFTH: That this Certificate of Merger shall be effective upon filing with the Secretary of State of the State of Delaware.

SIXTH: That the executed Agreement of Merger is on file at the principal place of business of the Surviving Company, the address of which is 1880 Country Farm Drive, Naperville, IL 60563.

SEVENTH: That a copy of the executed Agreement of Merger will be furnished by the Surviving Company, on request and without cost, to any person or entity holding an interest in Westfalia-Surge LLC or to any person or entity holding an interest in Westfalia Dairy Systems, Inc.

IN WITNESS WHEREOF, the Surviving Corporation has caused this Certificate of Merger to be executed by its officers thereto duly authorized as of the 1st day of October, 1999.

WESTFALIA DAIRY SYSTEMS, INC.

By: /s/ Dirk Hejnal

Name: Dirk Hejnal

Title: President

AGREEMENT OF MERGER

THIS AGREEMENT OF MERGER, (this "Agreement") dated as of the 1st day of October, 1999, pursuant to Section 264 of the Delaware General Corporation Law, as amended (hereinafter referred to as the "DGCL") is entered into by and between the entities named in Article SECOND below, which are hereinafter collectively referred to as the Constituent Entities.

FIRST: Each of the Constituent Entities has agreed to effect a merger, and the terms and conditions of the merger, the manner of carrying the same into effect, and the manner and basis of converting or exchanging the shares of issued stock or ownership interests of each of the Constituent Entities into different stock or other consideration pursuant to Section 264 of the DGCL, are and shall be as set forth herein.

SECOND: The parties to this Agreement are Westfalia Dairy Systems, Inc., a corporation organized under the DGCL on September 10, 1991, (the "Corporation") and Westfalia-Surge LLC, a limited liability company organized under the Delaware Limited Liability Company Act on February 26, 1999 ("Merged Entity").

THIRD: (a) The Merged Entity is a single member limited liability company.

(b) The Corporation has an authorized capitalization of one thousand five hundred (1,500) shares of common stock, no par value, of which twenty (20) shares are issued and outstanding.

FOURTH: (a) The date upon which the Merger shall become effective shall be the date on which the Certificate of Merger reflecting the Merger is filed with the Secretary of State of the State of Delaware (the "Effective Date").

(b) On the Effective Date, the Merged Entity shall be merged with and into the Corporation, whereupon the separate existence of the Merged Entity shall cease, and the Corporation shall be the surviving business entity of the Merger (the "Surviving Corporation") in accordance with Section 264 of the DGCL.

(c) The Merger shall have the effects set forth in the DGCL.

(d) The members of the Board of Directors and the officers of the Corporation immediately prior to the Effective Date shall be the members of the Board of Directors and the officers, respectively, of the Surviving Corporation until their respective successors are duly elected and qualified.

(e) The name of the Surviving Corporation shall be "Westfalia-Surge, Inc."

FIFTH: On the Effective Date, all of the membership interests in the Merged Entity issued and outstanding immediately prior to the Effective Date shall, by virtue of the Merger, and without any action on the part of the holder thereof, cease to be outstanding, shall be canceled and retired without any payment of any consideration therefor and shall cease to exist. The issued shares of the Surviving Corporation shall not be converted or exchanged in any manner, but each said share which is issued at the Effective Date shall continue to represent one issued share of the Surviving Corporation.

SIXTH: The Certificate of Incorporation of the Surviving Corporation (the "Certificate"), separate and apart from this Agreement, shall be, and may be separately certified as, the Certificate of Incorporation of the Surviving Corporation.

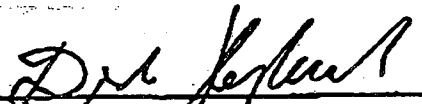
SEVENTH: This Agreement may be terminated and the Merger may be abandoned at any time prior to the Effective Date by mutual written consent of the Constituent Entities.

EIGHTH: This Agreement shall be construed in accordance with and governed by the laws of the State of Delaware, without giving effect to principles of conflicts of law.


09/30/89 THU 10:03 FAX 900 431 3200 MADISON CONCOURSE, RULED 42003

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their respective authorized representatives as of the day and year first-above written.

WESTFALIA DAIRY SYSTEMS, INC.

By: 
Name: Dirk Hejnal
Title: President

WESTFALIA-SURGE LLC

By: 
Name: Dirk Hejnal
Title: Vice-President