

TO: MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY: POST OFFICE BOX 828

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

11/17/2010  
 900175711

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	MERGER
<b>EFFECTIVE DATE:</b>	08/02/2010

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Aperture Technologies, Inc.		07/31/2010	CORPORATION: DELAWARE

**RECEIVING PARTY DATA**

<b>Name:</b>	Avocant Huntsville Corp.
<b>Street Address:</b>	4891 Corporate Drive
<b>City:</b>	Huntsville
<b>State/Country:</b>	ALABAMA
<b>Postal Code:</b>	35805
<b>Entity Type:</b>	CORPORATION: ALABAMA

**PROPERTY NUMBERS Total: 11**

Property Type	Number	Word Mark
Serial Number:	74321640	APERTURE
Serial Number:	76448258	APERTURE
Serial Number:	76448259	APERTURE
Serial Number:	77377476	APERTURE
Serial Number:	77377496	APERTURE
Serial Number:	77377513	APERTURE
Serial Number:	77377528	APERTURE
Serial Number:	77287020	APERTURE RESEARCH INSTITUTE
Serial Number:	78428592	APERTURE VIEW
Serial Number:	78428571	APERTURE VISTA
Serial Number:	77363552	CHANGING THE WAY COMPANIES RUN THEIR DATA CENTERS

**CORRESPONDENCE DATA**

CH \$290.00 74321640

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12/18/2010 6:56:02 AM PAGE 5/018 Fax Server

TO:MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY:POST OFFICE BOX 828

Fax Number: (248)641-0270  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 248-641-1600  
 Email: dacketingtm@hdp.com  
 Correspondent Name: Michael P. Brennan and Lisa M. DuRoss  
 Address Line 1: Post Office Box 828  
 Address Line 4: Bloomfield Hills, MICHIGAN 48303

ATTORNEY DOCKET NUMBER:	15467-500011
NAME OF SUBMITTER:	Lisa M. DuRoss
Signature:	/lisaandurosa/
Date:	11/17/2010

Total Attachments: 13  
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# Delaware

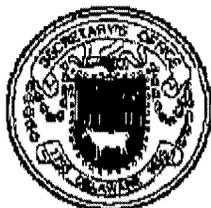
PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, 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:

"APERTURE TECHNOLOGIES, INC.", A DELAWARE CORPORATION, WITH AND INTO "AVOCENT HUNTSVILLE CORP." UNDER THE NAME OF "AVOCENT HUNTSVILLE CORP.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ALABAMA, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY OF AUGUST, A.D. 2010, AT 11:29 O'CLOCK A.M.

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



4834979 8100M

100791904

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 8148918

DATE: 08-03-10

TO: MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY: POST OFFICE BOX 828

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:29 AM 08/02/2010  
FILED 11:29 AM 08/02/2010  
SRV 100791904 - 2161210 FILE

**STATE OF DELAWARE  
CERTIFICATE OF MERGER  
DOMESTIC CORPORATION INTO  
FOREIGN CORPORATION**

Pursuant to Title 8, Section 252 of the Delaware General Corporation Law, the undersigned corporation executed the following Certificate of Merger:

**FIRST:** The name of each constituent corporation is Avocent Huntsville Corp., an Alabama corporation, and Aperture Technologies, Inc., a Delaware corporation.

**SECOND:** The Agreement and Plan of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations pursuant to Title 8, Section 252.

**THIRD:** The name of the surviving corporation is Avocent Huntsville Corp., an Alabama corporation.

**FOURTH:** The Certificate of Incorporation of the surviving corporation shall be its Certificate of Incorporation.

**FIFTH:** The merger is to become effective on August 2, 2010.

**SIXTH:** The Agreement and Plan of Merger is on file at 4991 Corporate Drive, Huntsville, Alabama 35805, the place of business of the surviving corporation.

**SEVENTH:** A copy of the Agreement and Plan of Merger will be furnished by the surviving corporation on request, without cost, to any stockholder of the constituent corporations.

**EIGHT:** The surviving corporation agrees that it may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of the surviving corporation arising from this merger, including any suit or other proceeding to enforce the rights of any stockholders as determined in appraisal proceedings pursuant to the provisions of Section 262 of the Delaware General Corporation laws, and irrevocably, appoints the Secretary of State of Delaware as its agent to accept services of process in any such suit or proceeding. The Secretary of State shall mail any such process to the surviving corporation at 8000 W. Florissant, St. Louis, Missouri 63136.

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PAGE 8/018

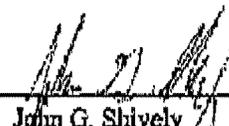
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IN WITNESS WHEREOF, said surviving corporation has caused this certificate to be signed by an authorized officer, the 31<sup>st</sup> day of July, 2010.

AVOCENT HUNTSVILLE CORP.

By:

  
\_\_\_\_\_  
John G. Shively  
Assistant Secretary

TO:MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY;POST OFFICE BOX 828

ALABAMA STATE CAPITOL  
600 DEXTER AVENUE  
SUITE S-105  
MONTGOMERY, AL 36130



(334) 242-7200  
FAX (334) 242-4993

WWW.SOS.ALABAMA.GOV

**BETH CHAPMAN**  
*SECRETARY OF STATE*

August 2, 2010

Laura Payne  
CT  
2 N Jackson St Ste 605  
Montgomery AL 36104

Re: Articles of Merger merging Aperture Technologies, Inc., a  
Delaware Corporation into Avocent Huntsville Corp., an Alabama  
Corporation  
Effective: August 2, 2010 at 12:01 AM CDT

Dear Sir or Madam:

This will acknowledge receipt of your recent letter enclosing original and two copies of the above captioned merger and your payment in the amounts of \$ 150.00 made payable to the Secretary of State and \$42.25 made payable to the Madison County Probate Judge.

Please be advised that said instrument is being filed in this office on August 2, 2010 with an effective date of August 2, 2010 at 12:01 a.m. Central Daylight Time.

I am forwarding a certified copy of merger and your payment in the amount of \$42.25 to the Judge of Probate of Madison County.

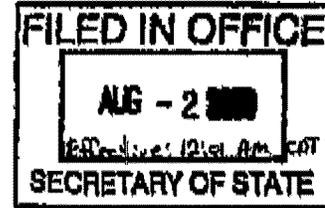
If this office may be of further assistance in this or any other matter, please contact Sharon Staton in the Corporation Division at (334)242-5324.

Sincerely,

Beth Chapman  
Secretary of State

BC:als  
cc: Judge of Probate - Madison County

TO:MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY:POST OFFICE BOX 828



ARTICLES OF MERGER

OF

APERTURE TECHNOLOGIES, INC.,

AND

AVOCENT HUNTSVILLE CORP.,

To the Secretary of State  
State of Alabama

Pursuant to Section 10-2B-11.07 of the Alabama Business Corporation law and Title 8, Section 252 of the Delaware Business Corporation Act, the foreign business corporation and the domestic business corporation herein named do hereby submit the following Articles of Merger.

1. Annexed hereto as Annex 1 and made a part hereof is the Plan of Merger for merging Aperture Technologies, Inc., a Delaware corporation ("Merging Company"), with the address of its principal place of business being 9 Riverbend Dr. S., Stamford CT 06907 with and into Avocent Huntsville Corp., an Alabama corporation ("Surviving Company"), with its principal place of business being 4991 Corporate Drive, Huntsville, AL 35805 as approved by resolution adopted by unanimous written consent of the Board of Directors of the Merging Company on July 31, 2010 and by resolution adopted by unanimous written consent of the Board of Directors of Surviving Company on July 31, 2010.

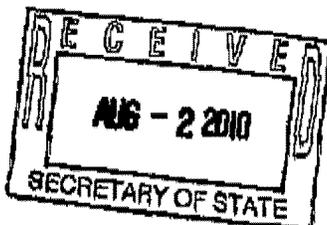
2. Avocent Corporation, a Delaware corporation, being the owner of all eight million forty-nine thousand, forty-one (8,049,041) issued and outstanding shares of the Merging Company, has approved this merger by unanimous written consent on July 31, 2010.

3. Avocent Corporation, a Delaware corporation, being the owner of all one hundred (100) issued and outstanding shares of the Surviving Company, has approved this merger by unanimous written consent on July 31, 2010.

4. The merger of the Merging Company with and into the Surviving Company is permitted by the laws of the jurisdiction of organization of the Merging Company and has been authorized in compliance with said laws.

5. The Surviving Company will continue its existence as the Surviving Corporation under its present name pursuant to the provisions of the Alabama Business Corporation Act.

6. The Amended & Restated Articles of Incorporation of the Surviving Corporation were filed in Madison County on July 11, 1995.



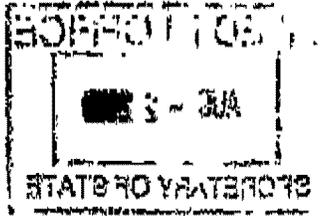
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12/18/2010 6:56:02 AM PAGE 11/018

Fax Server

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USPTO

12/18/2010 6:56:02 AM

PAGE 12/018

Fax Server

TO:MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY:POST OFFICE BOX 828

7. The effective time and date of the merger herein provided for in the State of Alabama shall be on August 2, 2010.

Executed on July 31, 2010

APERTURE TECHNOLOGIES, INC.

By: Timothy G. Westman  
Timothy G. Westman  
Assistant Secretary

AVOCENT HUNTSVILLE CORP.

By: John E. Shively  
John E. Shively  
Assistant Secretary

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12/18/2010 6:56:02 AM

PAGE 13/018

Fax Server

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ANNEX 1

TO: MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY: POST OFFICE BOX 828

### AGREEMENT AND PLAN OF MERGER

THIS AGREEMENT AND PLAN OF MERGER is made and entered into as of July 31, 2010, by and between Aperture Technologies, Inc., a Delaware corporation ("Aperture"), with the address of its principal place of business being 9 Riverbend Dr. S., Stamford, CT 06907 and Avocent Huntsville Corp., an Alabama corporation ("Avocent"), with its principal place of business being 4991 Corporate Drive, Huntsville, AL 35805.

WHEREAS, the parties deem it desirable that, upon the terms and subject to the conditions hereof, that Aperture merge with and into the Avocent, with Avocent as the surviving corporation of such merger.

NOW, THEREFORE, in consideration of the mutual promises made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Aperture and Avocent agree as follows:

1. Merger. Upon the filing of the necessary certificates with the Secretary of State of Delaware and articles of merger with the Secretary of State of Alabama, Aperture shall be merged with and into Avocent, with Avocent as the surviving corporation of the merger (the "Merger"). The Merger shall become effective at 12:01 a.m. (central daylight time) on August 2, 2010 (the "Effective Time").
2. Cancellation of Aperture's Capital Stock. At the Effective Time, all issued and outstanding shares of capital stock, and all shares of capital stock that remain unissued, of Aperture shall be canceled without consideration.
3. Submission to Stockholders: Filing. This Agreement and Plan of Merger shall be submitted to the stockholders of Aperture and Avocent required to vote hereon pursuant to the applicable laws of the state of Delaware and Alabama. If this Agreement and Plan of Merger is duly adopted and is not terminated as permitted by Section 7, the parties shall execute and cause to be filed such documents as are required by law to cause the Merger to become effective in the manner prescribed by the laws of Delaware and Alabama.
4. Plan of Reorganization under IRC Section 368(a)(1)(F). This Agreement and Plan of Merger constitutes a Plan of Reorganization under Internal Revenue Code Section 368(a)(1)(F) and the regulations thereunder. If this Agreement and Plan of Merger is duly approved by the board of directors and is adopted by the stockholders of each of Aperture and Avocent, the Plan of Reorganization is deemed adopted by Aperture and Avocent.
5. Certificate of Incorporation and Bylaws. The certificate of incorporation and bylaws of Avocent, the surviving corporation of the Merger, shall not be changed, in connection with the Merger.
6. Assets, Liabilities, and Rights. At the Effective Time, and in accordance with applicable law, all of the assets, liabilities, rights, privileges, immunities, and franchises of Aperture and Avocent, and all property (real, personal, and mixed) of, and debts due to Aperture and Avocent, shall, for all purposes and in all respects, be and constitute the assets, liabilities, rights, privileges, immunities, franchises, property of, and debts due to, Avocent, as the surviving

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12/18/2010 6:56:02 AM PAGE 15/018 Fax Server

TO: MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY: POST OFFICE BOX 828

corporation of the Merger.

7. Amendment and Termination. To the extent permitted by applicable law at any time prior to the Effective Time, this Agreement and Plan of Merger may be (a) amended by an agreement approved by the boards of directors of Aperture and Avocent, or (b) terminated by action of the boards of directors of both of Aperture or Avocent.

*[Remainder of this page left intentionally blank; signature page follows.]*

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12/18/2010 6:56:02 AM

PAGE 16/018

Fax Server

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement and Plan of Merger to be duly executed as of the date first written above.

APERTURE TECHNOLOGIES, INC.

By: Timothy J. Westman  
Name: Timothy J. Westman  
Title: Assistant Secretary

AVOCENT HUNTSVILLE CORP.

By: John G. Shively  
Name: John G. Shively  
Title: Assistant Secretary

USPTO

12/18/2010 6:56:02 AM

PAGE 17/018

Fax Server

TO:MICHAEL P. BRENNAN AND LISA M. DUROSS COMPANY;POST OFFICE BOX 828

The undersigned, being the Assistant Secretary of Aperture Technologies, Inc., a corporation organized and existing under the laws of the state of Delaware ("Aperture"), hereby certifies that the Agreement and Plan of Merger to which this certificate is attached has been duly approved and adopted by a written consent of the board of directors and sole stockholder of Aperture.

WITNESS my hand on behalf of Aperture as of the date first written above.

By: Timothy G. Westman  
Timothy G. Westman  
Assistant Secretary

The undersigned, being the Assistant Secretary of Avocent Huntsville Corp., a corporation organized and existing under the laws of the state of Alabama ("Avocent"), hereby certifies that the Agreement and Plan of Merger to which this certificate is attached has been duly approved and adopted by a written consent of the board of directors and sole shareholder of Avocent.

WITNESS my hand on behalf of Avocent as of the date first written above.

By: John G. Shively  
John G. Shively  
Assistant Secretary

NOT TO BE REPRODUCED  
OR FOR ANY OTHER PURPOSE  
WITHOUT THE WRITTEN CONSENT OF  
THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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12/18/2010 6:56:02 AM

PAGE 18/018

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Secretary of State  
State of Alabama

I hereby certify that this is a  
true and complete copy of the  
document filed in this office  
on August 2, 2010

DATE August 2, 2010

*Beth Chapman*

