TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1 Stylesheet Version v1.2

ETAS ID: TM350256

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER AND CHANGE OF NAME
EFFECTIVE DATE:	01/22/2015

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Mattingly Low Vision, Inc.		01/15/2015	CORPORATION: CALIFORNIA

NEWLY MERGED ENTITY DATA

Name	Execution Date	Entity Type
Mattingly Enterprises, Inc.	01/15/2015	CORPORATION: TEXAS

MERGED ENTITY'S NEW NAME (RECEIVING PARTY)

Name:	Mattingly Low Vision, Inc.
Street Address:	135 Rio West, Building B
City:	El Paso
State/Country:	TEXAS
Postal Code:	79932
Entity Type:	CORPORATION: TEXAS

PROPERTY NUMBERS Total: 2

Property Type	Number	Word Mark
Registration Number:	3743240	SMARTMAG
Registration Number:	3752741	SMARTMAGS

CORRESPONDENCE DATA

Fax Number: 6194590690

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent

using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 8584590581108 Email: GCochran@cmkr.com Correspondent Name: Richard K. Circuit

Address Line 1: 7979 Ivanhoe Street, Suite 400 Address Line 4: La Jolla, CALIFORNIA 92037

NAME OF SUBMITTER:	Richard K. Circuit
SIGNATURE:	/Richard K. Circuit/
DATE SIGNED:	08/04/2015

Total Attachments: 13 source=mattinglyassignment#page1.tif source=mattinglyassignment#page2.tif source=mattinglyassignment#page3.tif source=mattinglyassignment#page4.tif source=mattinglyassignment#page5.tif source=mattinglyassignment#page6.tif source=mattinglyassignment#page7.tif source=mattinglyassignment#page8.tif source=mattinglyassignment#page9.tif source=mattinglyassignment#page10.tif source=mattinglyassignment#page11.tif source=mattinglyassignment#page12.tif source=mattinglyassignment#page12.tif source=mattinglyassignment#page13.tif

Corporations Section P.O.Box 13697 Austin, Texas 78711-3697



Office of the Secretary of State

01278899

Coby Shorter, III Deputy Secretary of State

> FILED KH-Secretary of State 1/2/17/2 State of California

FEB 0 3'2015 .

The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

MATTINGLY ENTERPRISES, INC. Filing Number: 802132155

Certificate of Merger

January 22, 2015

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on February 03, 2015.

Phone: (512) 463-5535

Coby Shorter, III Deputy Secretary of State

Come visit us on the internet at http://www.sos.state.tx.us/ Fax: (512) 463-5709

Propered by: SOS-WEB TED: 19266

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Form 622
(Revised 85/11)
Return in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-3555

Filing Fee: see instructions

FAX: 512 463-5709

Certificate of Merger Combination Merger Basiness Organizations Code secretary of 22 2015

This space recoved for office see.

Corporations Sections

Parties to the Margar

Prominent to obspine 10 of the Tenne Brokens Coperimines Code, and the title applicable to each demonic filing orthy Manufiled below, the contensigned parties subsait this contificate of congre-

The rease, organizational force, made of incorporation or organization, and file accepts, if any, issued by the acceptary of state for each organization that is a party to the merger are as follows:

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Alterna	tive Statements
in lieu of providing the plan of merger, each do	mestic filing estity cartifies that:
l. A signed plan of marger is on file at the prin new domestic entity or non-code organization t organization created by the merger.	cipal place of business of each surviving, acquiring, so had is manced in this form as a party to the manger or so
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### Execution

The undersigned signs this document subject to the penalties imposed by law for the substitution of a meterially false or franculess instrument. The undersigned contifies that the statements contained berein are true and correct, and that the person signing is authorized under the provisions of the Business Organizations Code, or other law applicable to sad governing the merging entity, to execute the filing instrument.

Dante:	January 15, 2015	
	10000000000000000000000000000000000000	MATTINGLY ENTERPRISES, INC.
		A Tesses For-profit Corporation
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		- Superior States of the Committee of th
		Signature of actions and passeds (see transactions)
		SEAN MICHAEL MATTINGLY, President
		Principal on Ogyand masses of authorities province
		MATTINGLY LOW VISION, INC.
		A California Fox-profit Corporation
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PLAN OF MERGER

MATTINGLY LOW VISION, INC.
A Calibratia Far-Profit Corporation

and

MATTINGLY ENTERWRISES, INC.
A Texas: For-Profit Corporation

This Plan of Merger is made and entered into this 15° day of January, 2015, by and between MATTINGLY LOW VISION, INC., a California for-profit corporation ("MATTINGLY California") and MATTINGLY ENTERPRISES, INC., a for-profit Texas corporation ("MATTINGLY ENTERPRISES, INC., a for-profit Texas corporation ("MATTINGLY Texas" on for Serviving Corporation") with reference to the following:

- A. Mattingly California is a fix-profit corporation organized and coloring under the laws of the Sacte of California and has authorized capital stock covariating of one million (1,000,000) shares of common, fully paid, normanisable shock with a par value of the Com (\$.01), of which one hundred fifty thousand (150,000) aboves are issued and outstanding, and held by SEAN MICHAEL MATTINGLY, as Successor Treate of the William B. Mattingly Separate Property Tracs dated March 20, 2014, as as one bundred firty-four thousand: (144,000) aboves; ROSERTA S. MATTINGLY, a matried woman as her adds and expenses property, as to one thousand five bundred (1,500) aboves; MELISSA LAUREN MATTINGLY, as to one thousand five bundred (1,500) shares; SEAN MICHAEL MATTINGLY, as to one thousand five hundred (1,500) aboves; and RULIET WRIGHT MATTINGLY as to one thousand five hundred (1,500) aboves; and
- B. MATTINGLY Texas is a for-profit composition expensed and existing under the lowe of the State of Texas and has authorized expital attack consisting of one million (1,000,000) shares of common, fiely prid, nonementable stock with a per value of \$.01 of which one handred fifty thousand 150,000 shares are issued and constanting, and baid by SFAN MECHAEL MATTINGLY, as Successor Trustee of the William B. Mattingly Separate Property Texas dated Moreb 20, 2014, as to one housand forty-faur thousand (144,000) shares, ROBERTA S. MATTINGLY, an assessment woman as her sole and separate property, as to one thousand five builded (1,500) shares; MELISSA LAUREN MATTINGLY, as to one thousand five hundred (1,500) shares; SEAN MICHAEL MATTINGLY, as to one thousand five hundred (1,500) shares.
- C. The Boards of Directors of MATTINGLY Californic and MATTINGLY Texas, respectively, deem it advisable for MATTINGLY Californie to thespe with and into MATTINGLY Texas.
- D. It is the intention of the parties that this marger be an exempt reorganization purposed to IRC Section 368(s)(1)(F).

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NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, MATTINGLY California and MATTINGLY Texas hereby agree to the following Plan of Merger:

- I. Name of Constituent Corporations. MATTINGLY California will mergar with and into MATTINGLY Texas.
- Impress Confision of Meson. The effective date of marger shall be the date upon which the Articles of Marger are filed with the Texas Scoretary of State. Upon the effective date of the merger: the expanse corporate existence of MATTINGLY California shall occase; title to all real estate and other property owned by MATTINGLY California shall be vested in the Surviving Corporation without reversion or impriment; and the Surviving Corporation shall have all liabilities of MATTINGLY California. Any proceeding pending by or against MATTINGLY California or Surviving Corporation may be continued as if such merger did not occur, or the Surviving Corporation may be substituted in the proceeding for MATTINGLY California.
- Germany Law. The laws of the State of Texas shall govern the Surviving Corporation.
- 4. Name. The name of the Surviving Corporation shall be MATTINGLY EVIERFRISES, INC., a Texas for-profit corporation.
- <u>Registered Office</u>. The address of the registered office of the Surviving Corporation shall be 135 Rio West, Building B. El Pano, Team 79932.
- 6. Accessing. The resets and liabilities of MATTINGLY California and MATTINGLY Texas (collectively the "Constituent Corporations") as of the effective date of the merger shall be taken up on the books of the Surviving Corporation at the amount at which they are carried at the time on the respective books of the Constituent Corporations.
- 7. Catificate of Founting. The Certificate of Fountion of MATTINGLY Texas shall constitute the Certificate of Founting of the Surviving Corporation.
- 8. <u>Bylers.</u> The Bylers of MATTINGLY Texas as of the effective date of the magger shall be the Bylers of the Surviving Corporation until the same shall be altered or amended in accordance with the provisions thereof.
- 9. Directors. The directors of MATTINGLY Texas as of the effective date of the merger shall be the directors of the Surviving Corporation until their respective automates are duly elected and qualified.

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- 10. Manney and Buds of Conventing Sharry. As of the effective date of the marger:
- (a) Each share of MATTINGLY California 5.01 per value common stock issued and custometing shell be converted to one share of 5.01 per value common stock of the Surviving Corporation.
- (b) The Surviving Corporation shall convert or exchange each share of MATTINGLY California common stock for one state of the common stock of the Surviving Corporation; PROVIDED, however, that no fluctional shares of the Surviving Corporation stock shall be issued, and in lies of the issuence of fluctional shares, the Surviving Corporation shall make a payment in each equal to the value of such fraction, based upon the market value of such common stock on the effective date of the market.
- (c) On the effective of the merger, holders of certificates of common stock in MATTINGLY California shall surrender then to the Surviving Corporation, or its appointed agent, in such manner as the Surviving Corporation legally shall require. Upon receipt of such certificates, the Surviving Corporation shall issue in enabange therefore, shares of common stock in the Surviving Corporation representing the manner of shares of stock to which such holder shall be entitled as set forth above.
- (d) In addition, such shareholders shall be entitled to receive any dividends on such shares of common stock of the Surviving Corporation which may have been declared and paid between the effective date of the marger and the incurred to such shareholder a certificant of such common stock.
- 11. <u>Shareholder Approval</u>. This Plan of Merger shall be submitted to the shareholders of MATTINGLY California and MATTINGLY Texas for their approval in the manner provided under Texas BOC Sec. 10.001 on or before January 31, 2015. After approval by a vote of the holders of a majority of the shares entitled to vote thereon, if any, of each voting group, the Certificate of Merger shall be filed as required under the laws of the State of Texas.
- 12. <u>Rights of Dissecting Sympholders</u>. Any Shandholder of MATTINGLY California or MATTINGLY Texas who has the right to dissect from this marger as provided in California Corporations Code Section 1300 and Texas BOC Sec. 10351, at seq., and who so dissects in accordance with the exquirements of California Corporations Code Section 1301 at seq and Texas BO Sec. 10351, at seq., shall be entitled, upon amonder of the certificate or certificates representing certificated shares or upon impositions of restrictions of transfer of uncertificated shares, to receive payment of the fair market value of such shareholder's shares at provided under the applicable statute.
- 13. <u>Isombation of Manger</u>. This marger may be abandoned at any time prior to the filing of a Certificate of Manger with the Secretary of State, upon a vote of a majority of the Board of Directors of both MATTINGLY California and MATTINGLY Texas. If the marger is

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terminated, there shall be no liability on the part of Constituent Corporation, their respective Board of Directors, or shareholders.

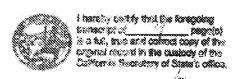
14. <u>Commensets</u>. This Plan of Merger may be executed in any number of counterparts, and all such counterparts and copies shall be and constitute an original instrument.

IN WITNESS WHEREOF, this Plan of Merger has been adopted by the undersigned corporations as of this 15° day of January, 2015.

MATTINGLY LOW VISION, INC. A California for-profit corporation MATTINGLY ENTERPRISES, INC. A Term for-pools composition

Promite Market Production

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FEU 0 \$ 2015

Date:

Cha Zill

ALEX FROLLA, Successor of State

# Form 424 (Revised 05/11)

Submit in duplicate to: Secretary of State P.O. Box 13697 Austin, TX 78711-3697 512 463-5555

FAX: 512/463-5709

Filing Fee: See instructions



# Certificate of Amendment

This space reserved for office use.

The name of the filing entity is:	•
MATTINGLY ENTERPRISES, INC.	
State the name of the entity as currently shown i of the entity, state the old name and not the new	in the records of the secretary of state. If the amendment changes the name name.
The filing entity is a: (Select the appropriate of	ntity type below.)
For-profit Corporation	Professional Corporation
☐ Nonprofit Corporation	Professional Limited Liability Company
Cooperative Association	Professional Association
Limited Liability Company	Limited Partnership
The file number issued to the filing entity	y by the secretary of state is: 802132155
The date of formation of the entity is:	January 8, 2015

### Amendments

### 1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

# MATTINGLY LOW VISION, INC.

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

# 2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

# Registered Agent (Complete either A or B, but not both. Also complete C.) A. The registered agent is an organization (cannot be entity named above) by the name of: OR B. The registered agent is an individual resident of the state whose name is: First Name Last Name The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent. C. The business address of the registered agent and the registered office address is: Street Address (No P.O. Box) City State Zip Code 3. Other Added, Altered, or Deleted Provisions Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format. Text Area (The attached addendum, if any, is incorporated herein by reference.) Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows: Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows: Delete each of the provisions identified below from the certificate of formation.

# Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

# Effectiveness of Filing (Select either A, B, or C.)

A. This document becomes effective when the document is filed by the secretary of state.  B. This document becomes effective at a later date, which is not more than ninety (90) days from
the date of signing. The delayed effective date is:
C. This document takes effect upon the occurrence of a future event or fact, other than the
passage of time. The 90th day after the date of signing is:
The following event or fact will cause the document to take effect in the manner described below:
Execution  The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.
Date: February 17, 2015
By: MATTINGLY ENTREPRISES, INC.
2 par d'artir d'i
Seen Michael Mattingly, President

Form 424

**RECORDED: 08/04/2015**