

01-25-2001

FORM PTO-1618A  
Expires 06/30/99  
OMB 0651-0027



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U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

1.7-01

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID #
- Correction of PTO Error  
Reel #  Frame #
- Corrective Document  
Reel #  Frame #

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment  
Effective Date  
Month Day Year
- Merger
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties attached

Name THERMO VOLTEK CORP.

Execution Date  
Month Day Year  
12272000

Formerly

1917670

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization DELAWARE

Receiving Party

Mark if additional names of receiving parties attached

Name THERMO KEYTEK LLC

DBA/AKATA

Composed of

Address (line 1) ONE LOWELL RESEARCH CENTER

Address (line 2)

Address (line 3) LOWELL

City

MA

State/Country

01852

Zip Code

- Individual  General Partnership  Limited Partnership
- Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization DELAWARE

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

FOR OFFICE USE ONLY

01/24/2001 AAHMED1 00000063 200677 1917670

01 FC:481  
02 FC:482

40.00 CH  
200.00 CH

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK  
REEL: 002219 FRAME: 0524

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages** Enter the total number of pages of the attached conveyance document including any attachments. #

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1917670"/>	<input type="text" value="1801428"/>	<input type="text" value="1501140"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1501139"/>	<input type="text" value="1517059"/>	<input type="text" value="1512426"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1512425"/>	<input type="text" value="1342158"/>	<input type="text" value="1338864"/>

**Number of Properties** Enter the total number of properties involved. #

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment: Enclosed  Deposit Account

Deposit Account (Enter for payment by deposit account or if additional fees can be charged to the account.) Deposit Account Number: #

Authorization to charge additional fees: Yes  No

**Statement 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. Charges to deposit account are authorized, as indicated herein.

HERBERT E. MESSENGER  
Name of Person Signing

  
Signature

DECEMBER 28, 2000  
Date Signed

## ASSIGNMENT OF TRADEMARKS

WHEREAS, Thermo Voltek Corp., a Delaware corporation having an office and place of business at One Lowell Research Center, Lowell, Massachusetts 01852 ("ASSIGNOR") is using in its business and owns the following trademarks (the "Trademarks"), which are registered, or for which registrations have been applied for and are pending, in the United States Patent and Trademark Office, and also owns the goodwill of the business associated with the use of and symbolized by the Trademarks:

<u>Trademark</u>	<u>Serial No.</u>	<u>Registration No.</u>
ECAT	74411679	1917670
TRUE-EFT	74194478	1801428
SurgeWare	73702836	1501140
SURGEWARE	73702835	1501139
(Design)	73679095	1517059
587-PLUS	73679094	1512426
MINIZAP	73679093	1512425
KEYTEK	73464719	1342158
KeyTek	73464718	1338864

WHEREAS, the records of the United States Patent and Trademark Office as of the date of this assignment reflect that title to the Trademarks is held by Keytek Instrument Corp., a Massachusetts corporation, and ASSIGNOR acquired all right, title, and interest to the Trademarks and the goodwill of the business associated with the use of and symbolized by the Trademarks through a merger of Keytek Instrument Corp. into ASSIGNOR on July 31, 1994, as shown in the attached copy of Articles of Merger filed with the Secretary of State of the Commonwealth of Massachusetts;

WHEREAS, THERMO KEYTEK LLC, a Delaware limited liability company having an office and place of business at One Lowell Research Center, Lowell, Massachusetts 01852 ("ASSIGNEE"), is desirous of acquiring ASSIGNOR's rights in the Trademarks together with the goodwill of the business associated with the use of and symbolized by the Trademarks;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR sells, assigns, transfers to ASSIGNEE its entire right, title and interest in and to the Trademarks, and any registrations therefor, together with the goodwill of the business associated with and symbolized by the Trademarks, along with the right to recover for damages and profits for past and future infringements thereof.



# The Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY

Secretary of State

ONE ASHBURTON PLACE  
BOSTON, MASS. 02108

FEDERAL IDENTIFICATION

NO. 13-1946800 ✓

BS  
Examiner

## ARTICLES OF MERGER OF PARENT AND SUBSIDIARY CORPORATIONS PURSUANT TO GENERAL LAWS, CHAPTER 156B, SECTION 82

The fee for filing this certificate is prescribed by General Laws, Chapter 156B, Section 114.  
Make check payable to the Commonwealth of Massachusetts.

\* \* \* \*

We, John W. Wood, Jr. and Sandra L. Lambert ..... President\* / ~~Vice President~~  
~~Secretary~~  
and ~~Secretary~~ Clerk of Thermo Volttek Corp. <sup>5</sup> .....  
name of corporation

organized under the laws of Delaware ..... and herein  
called the parent corporation, do hereby certify as follows:

1. That the subsidiary corporation(s) to be merged into the parent corporations are/is as follows:

Name	State of Organization	Date of Organization
<u>KeyTek Instrument Corp.</u>	<u>Massachusetts</u>	<u>January 6, 1975</u>

*042554686*

2. That the parent corporation owns at least ninety per cent of the outstanding shares of each class of the stock of each subsidiary corporation to be merged into the parent corporation.

3. That in the case of each of the above-named corporations the laws of the state of its organization, if other than Massachusetts, permit the merger herein provided for and that all action required under the laws of each such state in connection with this merger has been duly taken. (if all the corporations are organized under the laws of Massachusetts and if General Laws, Chapter 156B is applicable to them, then Paragraph 3 may be deleted.)

LD  
p.c.

\*Delete the inapplicable words. In case the parent corporation is organized under the laws of a state other than Massachusetts these articles are to be signed by officers having corresponding powers and duties.

(MASS. - 1644 - 4/14/87)

4. That at a meeting of the directors of the parent corporation the following vote, pursuant to subsection (a) of General Laws, Chapter 156B, Section 82, was duly adopted:

**RESOLVED,** that the Corporation merge into itself its wholly owned subsidiary, KeyTek Instrument Corp., and assume all of its obligations effective as of the 31st day of July, 1994; and that the Corporation hereby adopts the Plan of Merger as set forth in Exhibit A attached hereto.

**NOTE:** Votes for which the space provided above is not sufficient should be set out on continuation sheets to be numbered 2A, 2B, etc. Continuation sheets must have a left-hand margin 1 inch wide for binding. Only one side should be used.

**Exhibit A**

**PLAN OF MERGER** adopted on July 28, 1994, by KeyTek Instrument Corp., a corporation incorporated under the laws of the Commonwealth of Massachusetts (the "Subsidiary Corporation"), and Thermo Voltek Corp., a corporation incorporated under the laws of the State of Delaware (the "Parent Corporation").

1. The Subsidiary Corporation shall, pursuant to the provisions of the Massachusetts General Laws of the Commonwealth of Massachusetts and the Delaware General Corporation Law of the State of Delaware, be merged into the Parent Corporation, which shall be the surviving corporation, upon the effective date of the merger, as defined below. The Parent Corporation shall continue to exist as the surviving corporation under its present name pursuant to the provisions of the Delaware General Corporation Law. The separate existence of the Subsidiary Corporation shall cease upon the effective date of the merger in accordance with the provisions of the Massachusetts General Laws of the Commonwealth of Massachusetts.

2. The Restated Certificate of Incorporation of the Parent Corporation on the effective date of the merger will be the Certificate of Incorporation of the surviving corporation and will continue in full force and effect until amended and changed in the manner prescribed by the provisions of the Delaware General Corporation Law of the State of Delaware.

3. The by-laws of the Parent Corporation upon the effective date of the merger will be the by-laws of the surviving corporation and will continue in full force and effect until changed, altered or amended as therein provided and in the manner prescribed by the provisions of the Delaware General Corporation Law of the State of Delaware.

4. The directors and officers in office of the Parent Corporation upon the effective date of the merger shall be the members of the Board of Directors and the officers of the surviving corporation, all of whom shall hold their directorships and offices until the election and qualification of their respective successors or until their tenure is otherwise terminated in accordance with the by-laws of the Parent Corporation.

5. The issued shares of the Subsidiary Corporation shall not be converted or exchanged in any manner inasmuch as the Parent Corporation presently owns directly all the outstanding shares of the Subsidiary Corporation and will continue to own said shares prior to the adoption of this Plan of Merger and prior to the effective date hereof. Each of the issued shares of the Subsidiary Corporation shall be surrendered and extinguished upon the effective date of the merger. The issued shares of the Parent Corporation shall not be converted or exchanged in any manner, but each said share which is issued as of the effective date of the merger in the State of Delaware shall continue to represent one issued share of the Parent Corporation.

6. The Subsidiary Corporation and the Parent Corporation hereby stipulate that they will cause to be executed and filed and/or recorded any document or documents prescribed by the laws of the Commonwealth of Massachusetts and the State of Delaware, and that they will cause

to be performed all necessary acts therein and elsewhere to effectuate the merger contemplated hereby.

7. Any two officers of the Parent Corporation and any two officers of the Subsidiary Corporation are hereby authorized to execute the Certificate of Ownership and Merger and Articles of Merger upon behalf of said corporations, respectively, in conformity with the provisions of the Delaware General Corporation Law of the State of Delaware and the Massachusetts General Laws of the Commonwealth of Massachusetts. The Board of Directors and the proper officers of the Parent Corporation and the Subsidiary Corporation, respectively, are hereby authorized, empowered, and directed to do any and all acts and things and to make, execute, deliver, file and/or record any and all instruments, papers and documents which shall be or become necessary, proper or convenient to carry out or put into effect any of the provisions of this Plan of Merger of the merger herein provided (such determination to be conclusively, but not exclusively, evidenced by the execution of such documents or the taking of such actions by any such director or officer).

8. The effective date of the merger of the Subsidiary Corporation with and into the Parent Corporation shall be July 31, 1994.

AA941990003



**CERTIFICATE OF OWNERSHIP AND MERGER**

**MERGING**

**KEYTEK INSTRUMENT CORP.**

**a Massachusetts Corporation**

**INTO**

**THERMO VOLTEK CORP.**

**a Delaware Corporation**

Thermo Voltek Corp., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), DOES HEREBY CERTIFY:

**FIRST:** That this Corporation was incorporated on the 6th day of July 1960, pursuant to the Delaware General Corporation Law.

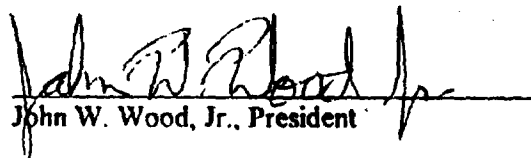
**SECOND:** That this Corporation owns all of the outstanding shares of the stock of KeyTek Instrument Corp., a corporation incorporated on the 6th day of January 1975, pursuant to Chapter 156B of the General Laws of Massachusetts.

**THIRD:** That this Corporation, by the following resolution of its Board of Directors, duly adopted by the unanimous written consent of the Board of Directors of said Corporation on the 28th day of July, 1994 determined to merge into itself said KeyTek Instrument Corp.

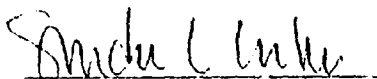
**RESOLVED,** that the Corporation merge into itself its wholly owned subsidiary, KeyTek Instrument Corp., and assume all of its obligations effective as of the 31st day of July, 1994; and that the Corporation adopts the Plan of Merger as set forth in Exhibit A attached hereto.

**FOURTH:** Anything herein or elsewhere to the contrary notwithstanding, this merger may be amended or terminated and abandoned by the Board of Directors of Thermo Voltek Corp. at any time prior to the date of filing the merger with the Secretary of State.

IN WITNESS WHEREOF, said Thermo Voltek Corp. has caused  
this Certificate to be signed by John W. Wood, Jr. its President and attested by Sandra L.  
Lambert its Secretary this 28th day of July, 1994.

  
John W. Wood, Jr., President

ATTEST:

  
Sandra L. Lambert, Secretary

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