



Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

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

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Tvia, Inc.

- Individual(s), Association, General Partnership, Limited Partnership, Corporation-State CA, Other 12.31.01

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: Tvia (Delaware), Inc.

Internal

Address:

Street Address: 4001 Burton Drive

City: Santa Clara State: CA Zip: 95054

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

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) Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

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

Execution Date: August 4, 2000

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

76/008,468

B. Trademark Registration No.(s)

2,229,560

Additional number(s) attached Yes No

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

Name: Patricia L. Cotton

Internal Address: Pillsbury Winthrop LLP

Street Address: 2550 Hanover Street

City: Palo Alto State: CA Zip: 94304

6. Total number of applications and registrations involved:

2

7. Total fee (37 CFR 3.41) \$65.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number:

03-3975

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. 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.

Patricia L. Cotton

Name of Person Signing

00000002 76008468

Patricia L. Cotton

Signature

12/21/01

Date

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

01/30/2002 DBYRNE

01 FC:481 02 FC:482

40.00 DP 25.00 DP

Documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231



**SECRETARY OF STATE**

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 08 2000



*Bill Jones*

Secretary of State

*State of Delaware*  
*Office of the Secretary of State*

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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

AUG 04 2000

BILL JONES, Secretary of State

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:

"TVIA, INC.", A CALIFORNIA CORPORATION,  
WITH AND INTO "TVIA (DELAWARE), INC." UNDER THE NAME OF "TVIA, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY OF AUGUST, A.D. 2000, AT 9:01 O'CLOCK A.M.

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



*Edward J. Freel*

Edward J. Freel, Secretary of State

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AUTHENTICATION: 0600114

DATE: 08-03-00  
TRADEMARK

REEL: 2432 FRAME: 0617

**CERTIFICATE OF MERGER**

**OF**

**TVIA, INC.**  
**(a California corporation)**

**WITH AND INTO**

**TVIA (DELAWARE), INC.**  
**(a Delaware corporation)**

Tvia (Delaware), Inc., a corporation organized and existing under the laws of Delaware hereby certifies that:

1. The name and state of incorporation of each of the constituent corporations are:
  - (a) Tvia, Inc., a California corporation ("Tvia California"); and
  - (b) Tvia (Delaware), Inc., a Delaware corporation ("Tvia Delaware").
2. An Agreement and Plan of Merger, dated as of July 31, 2000 (the "Merger Agreement"), has been approved, adopted, certified, executed and acknowledged by each of Tvia California and Tvia Delaware in accordance with the provisions of subsection (c) of Section 252 of the General Corporation Law of the State of Delaware.
3. The Agreement and Plan of Merger shall be effective upon the filing of the Certificate of Merger.
4. The surviving corporation is Tvia Delaware whose name is changed to Tvia, Inc. (the "Surviving Corporation").
5. The Restated Certificate of Incorporation of Tvia Delaware shall be the Restated Certificate of Incorporation of the Surviving Corporation except that Article I of the Restated Certificate of Incorporation of the Surviving Corporation is hereby amended in its entirety to read as follows:

**"ARTICLE I**

The name of this corporation is **Tvia, Inc.**"

6. The executed Merger Agreement is on file at the principal place of business of the Surviving Corporation at 4001 Burton Drive, Santa Clara, CA 95054.
7. A copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any shareholder of Tvia California or stockholder of Tvia Delaware.

8. The authorized capital stock of Tvia California is one hundred eighty-three million eight hundred twenty-three thousand seven hundred thirty-five (183,823,735) shares, including one hundred fifty million (150,000,000) shares of Common Stock, and thirty-three million eight hundred twenty-three thousand seven hundred thirty-five (33,823,735) shares of Preferred Stock.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, Tvia (Delaware), Inc. has caused this certificate to be signed by the undersigned officer, thereunto duly authorized, on the 31st day of July, 2000.

**TVIA (DELAWARE), INC.,**  
a Delaware corporation

By: /s/ Michael Hoberg

Name: Michael Hoberg

Title: CFO

