

02-01-2002



101967377

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

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

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

1. Name of conveying party(ies): 1-18-02 Tvia (Delaware), Inc. [] Individual(s) [] Association [] General Partnership [] Limited Partnership [x] Corporation-State DE [] Other Additional name(s) of conveying party(ies) attached? [] Yes [x] No

2. Name and address of receiving party(ies) Name: Tvia, Inc. Internal Address: Street Address: 4001 Burton Drive City: Santa Clara State: CA Zip: 95054 [] Individual(s) citizenship [] Association [] General Partnership [] Limited Partnership [x] Corporation-State Delaware [] Other If assignee is not domiciled in the United States, a domestic representative designation is attached: [] Yes [x] No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? [] Yes [x] No

3. Nature of conveyance: [] Assignment [] Merger [] Security Agreement [x] 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 [x] No

6. Total number of applications and registrations involved: 2

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

7. Total fee (37 CFR 3.41) \$65.00 [x] Enclosed [x] 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 Signature Date 12/21/01

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

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

01/31/2002 6TOM11 00000278 76008468 01 FC:481 02 FC:482 40.00 25.00



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

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

3220363 8100M

001390558

AUTHENTICATION: 0600114

DATE: 08-03-00
TRADEMARK

REEL: 002434 FRAME: 0581

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

