

MRD

7-31-98

08-06-1998

FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

M&G- 6683.22USD2



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COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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

1. Name of conveying party(ies):

Spine-Tech, Inc.

2. Name and address of receiving party(ies):

Sulzer Spine-Tech Inc
7375 Bush Lake Road
Minneapolis, MN 55439-2029

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

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

3. Nature of conveyance:

- ☐ Assignment ☒ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: April 1, 1998

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

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

08/902,407

Additional numbers attached? ☐ Yes ☒ No

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

Name: James R. Chiapetta
Address: Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

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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.

James R. Chiapetta

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

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Mail documents to be recorded with required cover sheet information to:

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PATENT
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**CERTIFICATE OF MERGER
OF
SPINE-TECH, INC.,
a Minnesota corporation,
WITH AND INTO
SULZER SPINE-TECH INC.,
a Delaware Corporation**

The undersigned corporation, Sulzer Spine-Tech Inc., a corporation duly organized and existing under the laws of the State of Delaware, hereby certifies as follows:

1. The name and state of incorporation of each of the constituent corporations are:

- a. Spine-Tech, Inc. ("Spine-Tech"), a Minnesota corporation; and
- b. Sulzer Spine-Tech Inc. ("Sulzer Spine-Tech"), a Delaware corporation.

2. An Agreement and Plan of Merger dated as of April 1, 1998, between Spine-Tech and Sulzer Spine-Tech has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the provisions of subsection (c) of Section 252 of the General Corporation Law of the State of Delaware.

3. The name of the surviving corporation is Sulzer Spine-Tech Inc.

4. The Certificate of Incorporation of Sulzer Spine-Tech shall be the certificate of incorporation of the surviving corporation.

5. The surviving corporation is a corporation of the State of Delaware.

6. The executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, 4000 Technology Drive, Angleton, Texas 77515-4000; Attention: General Counsel.

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

8. The authorized capital stock of Sulzer Spine-Tech is 1,000 shares of common stock, \$1.00 par value.

9. The authorized capital stock of Spine-Tech is one share of common stock, \$.01 par value.

IN WITNESS WHEREOF, this Certificate of Merger has been executed by a duly authorized officer of Sulzer Spine-Tech as of the 1st day of April, 1998.

SULZER SPINE-TECH INC.

By: *Wm. J. Smith*

Its: *Vice President & Secretary*

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-2-

RECORDED: 07/31/1998

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