

11-16-1999



MND 11/9/99

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

1. Name of Conveying Part(ies)

Micron Communications, Inc.

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

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

Name: Micron Technology, Inc.

Internal Address:

Street Address: 8000 South Federal Way

City: Boise State: ID Zip: 83706-9632

Additional names(s) & address(es) attached: ☐ Yes ☒ No

3. Nature of conveyance:

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

Execution Date: September 1, 1999

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):

09/122,474

Additional numbers attached: ☐ Yes ☒ No

B. Patent No.(s)

Additional numbers attached: ☐ Yes ☒ No

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

Name: Mark S. Matkin, Esq

Internal Address  
Wells, St. John, Roberts,

Gregory & Matkin P.S

Street Address: 601 W. First Avenue, Ste 1300

City: Spokane State: WA Zip: 99201-3828

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. Deposit account number

23-0925

(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.*

Mark S. Matkin

Name of Person Signing

Signature

Date 11-5-99

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET, ATTACHMENTS AND DOCUMENT: 13

OMB No. 0651-0011 (exp. 9/94)

Do not detach this portion

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

ASSISTANT COMMISSIONER FOR PATENTS

BOX ASSIGNMENTS

WASHINGTON, D.C. 20231

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Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

**CERTIFICATE OF OWNERSHIP AND MERGER  
MERGING  
MICRON COMMUNICATIONS, INC.,  
an Idaho corporation,  
WITH AND INTO  
MICRON TECHNOLOGY, INC.  
a Delaware corporation**

*In accordance with Section 253 of the  
General Corporation Law of Delaware*

Micron Technology, Inc., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"),

**DOES HEREBY CERTIFY:**

**FIRST:** That the Corporation was incorporated on the 6th day of April, 1984, pursuant to the Laws of the State of Delaware,

**SECOND:** That the Corporation owns of record more than ninety percent of the outstanding shares of the capital stock of Micron Communications, Inc., a corporation incorporated on the 19th day of February, 1993, pursuant to the Laws of the State of Idaho ("MCC"),

**THIRD:** That the Corporation, by the following resolutions of the MCC Committee of its Board of Directors, duly adopted as of July 28, 1999, determined to and did merger into itself said MCC:

**NOW, THEREFORE, BE IT RESOLVED,** that the Plan of Merger, in the form attached hereto (the "Merger Plan"), each of the transactions contemplated thereby and each of the other matters provided for therein, be and hereby are authorized and approved;

**RESOLVED FURTHER,** that the Corporation as of the sole shareholder of MCC hereby waives the mailing requirement called for by Section 30-1-1104 of the Idaho Business Corporation Act (the "IBCA");

**FURTHER RESOLVED,** that the officers of the Corporation be, and each hereby is, authorized, in the name and on behalf of the Corporation, to (i) execute and deliver the Certificate of Ownership and Merger, in the form attached hereto, to the Secretary of State of the State of Delaware for filing thereby in accordance with Section 253 of the Delaware General Corporation Law (the "DGCL"), and (ii) execute and deliver the Articles of Merger, in the form attached hereto, to the Secretary of State of the State of Idaho for filing thereby in accordance with Section 30-1-1105 of the IBCA;

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FURTHER RESOLVED, that any and all actions heretofore or hereafter taken by the officers of the Corporation be, and each hereby is, within the terms of the foregoing resolutions, ratified, confirmed and approved as the act and deed of the Corporation;

FURTHER RESOLVED, that the officers of the Corporation be, and each hereby is, authorized, in the name and on behalf of the Corporation, to take all such actions and to execute and deliver all such instruments and documents, as such officer may, in such officer's sole discretion, deem necessary, appropriate or advisable to effectuate the foregoing resolutions, with the execution and delivery of such instruments and documents to be conclusive evidence of such officer's authority with respect thereto.

FOURTH: Anything herein or elsewhere to the contrary notwithstanding, this merger may be amended or terminated and abandoned by the Board of Directors of the Corporation at any time prior to the Effective Time (as defined in the Merger Plan).

IN WITNESS WHEREOF, the undersigned has affirmed the statements herein as true and as the act and deed of Micron Technology, Inc., under penalties of perjury, as of the 28th day of July, 1999.

MICRON TECHNOLOGY, INC.

By: 

Print Name: Steven R. Appleton

Title: President and Chief Executive Officer

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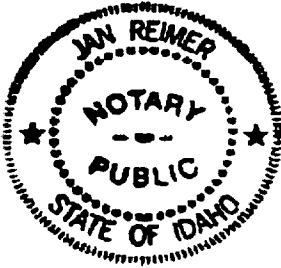
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STATE OF IDAHO                    )  
                                          ) ss.  
County of Ada                    )

On this 28th day of July, 1999, before me, a Notary Public in and for said State, personally appeared Steven R. Appleton, known or identified to me to be the President and Chief Executive Officer of Micron Technology, Inc., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



A handwritten signature in cursive script, appearing to read "Jan Reimer", written over a horizontal line.

Notary Public for Idaho

Residing at

Bone, Idaho

My commission expires

9/1/2001

**FILED**

99 SEP -2 AM 7:51  
 SECRETARY OF STATE  
 STATE OF IDAHO  
 11 14 AM '99

**ARTICLES OF MERGER  
 MERGING  
 MICRON COMMUNICATIONS, INC.,  
 an Idaho corporation,  
 WITH AND INTO  
 MICRON TECHNOLOGY, INC.,  
 a Delaware corporation**

*In accordance with Section 30-1-1104 of the  
 Idaho Business Corporation Act*

Micron Technology, Inc., a Delaware corporation, DOES HEREBY CERTIFY as follows:

1. The constituent corporations (the "Constituent Corporations") in the merger (the "Merger") are Micron Communications, Inc., an Idaho corporation ("MCC"), and Micron Technology, Inc., a Delaware corporation ("MTI").
2. MTI owns of record more than ninety percent (90%) of the issued and outstanding shares of capital stock of MCC.
3. A Plan of Merger (the "Merger Plan") has been duly authorized and approved by the MCC Committee of the Board of Directors of MTI in accordance with Section 30-1-1104 of the Idaho Business Corporation Act (the "IBCA"). The Merger Plan is attached hereto as Exhibit A and is incorporated herein by this reference.
4. Pursuant to the Merger Plan, MCC is being merged with and into MTI, with MTI being the surviving corporation in the Merger.
5. Neither the shareholders of MTI, the surviving corporation in the Merger, nor MCC, the disappearing corporation in the Merger, were required to approve the Merger pursuant to the provisions of the Delaware Business Corporation Law and the IBCA.
6. The Merger shall become effective at 12:01 a.m. on the date on which these Articles of Merger are filed with the Secretary of State of the State of Idaho.

\* \* \*

IDAHO SECRETARY OF STATE


09/01/1999 09:00  
 CK: 54336 CT: 28522 BM: 246795

1 @ 38.00 = 38.00 MERGER # 2  
 1 @ 28.00 = 28.00 EXPEDITE C # 3

C101147

IN WITNESS WHEREOF, Micron Technology, Inc. has caused these Articles of Merger to be executed by its duly authorized officers this 28th day of July, 1999.

**MICRON TECHNOLOGY, INC.**

By:   
Print Name: Steven R. Appleton  
Title: President and Chief Executive Officer

**ATTEST:**


By:   
Print Name: Roderic W. Lewis  
Title: Vice President of Legal Affairs, General  
Counsel and Corporate Secretary

EXHIBIT APLAN OF MERGER

THIS PLAN OF MERGER (this "Merger Plan") has been adopted by MICRON TECHNOLOGY, INC., a Delaware corporation ("MTI"), as of the 28th day of July, 1999.

## R E C I T A L S:

WHEREAS, MTI owns of record more than ninety percent of the issued and outstanding shares of capital stock of Micron Communications, Inc., an Idaho corporation ("MCC"); and

WHEREAS, the MCC Committee of the Board of Directors of MTI has deemed it advisable for the benefit of MTI and its shareholders that MCC be merged with and into MTI, pursuant to the provisions relating to parent/subsidiary mergers set forth in the Idaho Business Corporation Act and the Delaware General Corporation Law (the "Merger") and this Merger Plan.

NOW, THEREFORE, pursuant to resolutions duly adopted by the Board of Directors of MTI, the Merger shall be effectuated in accordance with the following terms and provisions:

ARTICLE 1  
THE MERGER

## 1.1 The Merger.

Subject to the terms and conditions of this Merger Plan, in accordance with Part 11 of the Idaho Business Corporation Act (the "IBCA") and Title 8 of the Delaware General Corporation Law (the "DGCL"), at the Effective Time (as defined in Section 1.2 hereof), MCC shall be merged with and into MTI. At the Effective Time, (i) the separate corporate existence of MCC shall cease and (ii) MTI shall continue as the surviving corporation in the Merger (the "Surviving Corporation") and shall continue its existence under the laws of the State of Delaware. As a result of the Merger, the outstanding shares of capital stock of MCC shall be converted or cancelled in the manner provided in Article 2 hereof.

## 1.2 Effective Time of the Merger.

As the sole shareholder of MCC, MTI has waived the mailing requirement pertaining to the Merger Plan set forth in Section 30-1-1104 of the IBCA. Upon adoption of this Merger Plan, (a) a Certificate of Ownership and Merger shall be executed by MTI and filed with the Secretary of State of the State of Delaware pursuant to Section 253 of the DGCL, and (b) Articles of Merger shall be executed by MTI and filed with the Secretary of State of the State of Idaho, pursuant to Section 30-1-1105 of the IBCA. The "Effective Time" of the Merger shall be, and such term as used herein shall mean, 12:01 a.m., Mountain Time, on the later of the date of filing with and approval of the Certificate and Ownership of Merger or Articles of Merger by the Delaware or Idaho Secretary of State, respectively.

### **1.3 Certificate of Incorporation and Bylaws of the Surviving Corporation.**

At the Effective Time, (i) the Certificate of Incorporation of MTI as in effect immediately prior to the Effective Time shall be the Certificate of Incorporation of the Surviving Corporation until thereafter amended as provided by law and such Certificate of Incorporation, and (ii) the By-laws of MTI as in effect immediately prior to the Effective Time shall be the By-laws of the Surviving Corporation until thereafter amended as provided by law, the Certificate of Incorporation of the Surviving Corporation and such Bylaws.

### **1.4 Directors and Officers of the Surviving Corporation.**

The directors and officers of MTI immediately prior to the Effective Time shall, from and after the Effective Time, be the directors and officers, respectively, of the Surviving Corporation until their successors shall have been duly elected or appointed and qualified or until their earlier death, resignation or removal in accordance with the Surviving Corporation's Certificate of Incorporation and By-laws and any written agreements between MTI and such officers and directors.

### **1.5 Effects of the Merger.**

At and after the Effective Time, the Merger shall have the effects set forth in the DGCL and the IBCA.

## **ARTICLE 2 CONVERSION OF SHARES**

### **2.1 Conversion of Shares.**

At the Effective Time, by virtue of the Merger and without any action on the part of the holder thereof, each share of common stock, par value \$0.10 per share, of MCC ("MCC Common Stock") then issued and outstanding shall be cancelled and cease to exist.

### **2.2 Closing Stock Transfer Books.**

As of the Effective Time, it shall be deemed that the stock transfer books of MCC applicable to MCC Common Stock are closed and no transfer of shares of MCC Common Stock on such books shall thereafter be made.

## **ARTICLE 3 MISCELLANEOUS**

### **3.1 Abandonment.**

At any time before the Effective Time, this Merger Plan may be terminated and the Merger may be abandoned by the Board of Directors of MTI.



**3.2 Amendment.**

At any time prior to the Effective Time, this Merger Plan may be amended by the Board of Directors of MTI to the fullest extent permitted by applicable law.

**3.3 Applicable Law.**


This Merger Plan shall be construed and interpreted in accordance with the laws of the State of Idaho.

\* \* \*

### CERTIFICATION

The undersigned hereby certifies that the foregoing Plan of Merger was duly adopted by the MCC Committee of the Board of Directors of Micron Technology, Inc., as of July 28, 1999.

Dated: July 28, 1999

  
\_\_\_\_\_  
Roderic W. Lewis  
Vice President of Legal Affairs,  
General Counsel and Corporate Secretary

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

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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 OWNERSHIP, WHICH MERGES:

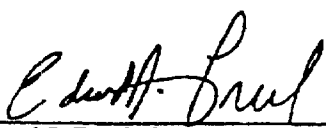
"MICRON COMMUNICATIONS, INC.", A IDAHO CORPORATION,  
WITH AND INTO "MICRON TECHNOLOGY, INC." UNDER THE NAME OF  
"MICRON TECHNOLOGY, INC.", A CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED  
IN THIS OFFICE THE SECOND DAY OF SEPTEMBER, A.D. 1999, AT 9  
O'CLOCK A.M.

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



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Edward J. Freel, Secretary of State

AUTHENTICATION: 9951840

DATE: 09-02-99

RECORDED: 11/09/1999

PATENT  
REEL: 010374 FRAME: 0525