

08-03-2000



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☒ **New**

☐ **Resubmission (Non-Recordation)**  
Document ID#

☐ **Correction of PTO Error**  
Reel #  Frame #

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**Conveyance Type**

☐ **Assignment** ☐ **Security Agreement**

☐ **License** ☐ **Change of Name**

☐ **Merger** ☒ **Other**

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☐ **Departmental File** ☐ **Secret File**

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Execution Date  
Month Day Year

Name (line 1)

Name (line 2)

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Name (line 1)

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

**Correspondent Name and Address**

Area Code and Telephone Number **312-861-2241**

Name **Seth Traxler**

Address (line 1) **Kirkland & Ellis**

Address (line 2) **200 East Randolph Drive**

Address (line 3) **Suite 5400**

Address (line 4) **Chicago, Illinois 60601**

**Pages**

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

# **9**

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

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

**Patent Application Number(s)**

**Patent Number(s)**


**D306,223**


If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year  
**7/11/00**

**Patent Cooperation Treaty (PCT)**

Enter PCT application number

only if a U.S. Application Number has not been assigned.

PCT  PCT  PCT   
PCT  PCT  PCT

**Number of Properties**

Enter the total number of properties involved.

# **1**

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ **40.00**

Method of Payment:  
Deposit Account

Enclosed ☒ Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# **22-0440**

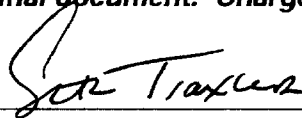
Authorization to charge additional fees:

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.*

**Seth Traxler**



**7/11/00**

**Name of Person Signing**

**Signature**

**Date**



Consumer and  
Corporate Affairs Canada

Consommation  
et Corporations Canada

Certificate of Amalgamation

Canada Business  
Corporations Act

Certificat de fusion

Loi régissant les sociétés  
par actions de régime fédéral

Linde Canada Inc.

278497-1

Name of Corporation - Dénomination de la société

Number - Numéro

I hereby certify that the above-mentioned Corporation resulted from the amalgamation of the following Corporations under Section 185 of the Canada Business Corporations Act, as set out in the attached articles of Amalgamation.

Je certifie par les présentes que la société mentionnée ci-haut résulte de la fusion des sociétés ci-dessous, en vertu de l'article 185 de la Loi régissant les sociétés par actions de régime fédéral, tel qu'indiqué dans les statuts de fusion ci-joints.

Le directeur

Director

January 1, 1992/le 1 janvier 1992

Date of Amalgamation - Date de fusion

Canada

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CANADA BUSINESS CORPORATIONS ACT  
FORM 9  
ARTICLES OF AMALGAMATION  
(SECTION 185)

1. Name of Amalgamated Corporation

Linde Canada Inc.

2. The Place within Canada where the registered office is to be situated

The place within Canada where the registered office is to be situated is the Municipality of Metropolitan Toronto, in the Province of Ontario.

3. The Corporation is authorized to issue an unlimited number of preferred shares and an unlimited number of common shares.

3.1 The preferred shares shall have attached thereto, as a class, the following rights, restrictions and conditions:

3.2 The holders of the preferred shares shall be entitled to receive as and when declared by the directors out of the monies of the Corporation properly applicable to the payment of dividends fixed cumulative preferred cash dividends at the rate of \$10.00 per share per year, payable annually on dates to be fixed from time to time by the directors; such dividends shall accrue and be cumulative from the respective dates of issue of the preferred shares; if on any dividend payment date the Corporation shall not have paid the said dividend in full on all preferred shares then issued and outstanding, such dividends or the unpaid part thereof shall be paid on a subsequent date or dates in priority to dividends on common shares and any other class ranking junior to the preferred shares, no dividend shall be declared or paid or set apart for any common shares and any other class ranking junior to the preferred shares then issued and outstanding until such dividends or the unpaid part thereof on all preferred shares then issued and outstanding shall have been declared or paid or provided for on the date of such declaration or payment or setting apart.

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- 3.3 The holders of the preferred shares shall not, as such, be entitled to receive notice of or to attend or vote at shareholders meetings, unless and until the Corporation shall fail to pay on the preferred shares the dividends at the prescribed rate for a period of two years, whether consecutive or not and for so long as dividends shall remain in arrears the holders of the preferred shares shall be entitled to receive notice of and to attend all shareholders meetings and shall have one vote for each preferred share held.
- 3.4 In the event of the liquidation, dissolution or winding-up of the Corporation or other distribution of assets of the Corporation among its shareholders for the purpose of winding-up its affairs the holders of the preferred shares shall be entitled to receive the amount paid up on such shares together with all unpaid cumulative dividends (which for such purpose shall be calculated as if such dividends were accruing for the period from the expiration of the last period for which dividends have been paid up to the date of distribution) before any amount shall be paid or any property or assets of the Corporation distributed to the holders of any common shares or shares of any other class ranking junior to the preferred shares. After payment to the holders of the preferred shares of the amounts so payable to them as above provided they shall not be entitled to share in any further distribution of the property or assets of the Corporation.
- 3.5 Subject to the provisions of the Canada Business Corporations Act, the Corporation may at any time or times purchase for cancellation the whole or any part of the preferred shares pursuant to tenders or, with the unanimous consent of the holders of all the preferred shares, by private contract at the lowest price at which, in the opinion of the directors such shares are obtainable but not exceeding the redemption price of the preferred shares hereinafter specified. If upon any invitation for tenders under the provisions of this paragraph the Corporation shall receive tenders of preferred shares at the same lowest price which the Corporation may be willing to pay in an aggregate number greater than the number for which the Corporation is prepared to accept tenders, the preferred shares so tendered shall be purchased as nearly as may be pro rata (disregarding fractions) according to the number of preferred shares offered in each such tender. Upon such purchase for cancellation, the Corporation shall adjust the stated capital account maintained for the preferred shares as provided in the Canada Business Corporations Act.

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- 3.6 Subject to the provisions of the Canada Business Corporations Act, the Corporation may redeem the whole or any part of the preferred shares on payment for each share to be redeemed of the sum of \$100.00 plus an amount equal to all unpaid cumulative dividends, whether or not declared, which shall have accrued thereon and which, for such purpose, shall be treated as accruing up to the date of such redemption, in case a part only of the then outstanding preferred shares is at any time to be redeemed the shares so to be redeemed shall be selected by lot in such manner as the directors in their discretion shall decide or, if the directors so determine, may be redeemed pro rata, disregarding fractions, and the directors may make such adjustments as may be necessary to avoid the redemption of fractional parts of shares. Upon such redemption, the Corporation shall adjust the stated capital account maintained for the preferred shares as provided in the Canada Business Corporations Act.
- 3.7 The foregoing provisions, the provisions of this paragraph and the provisions of paragraph 3.8 hereof may be repealed, altered, modified or amended by articles of amendment but only with the approval of the holders of the preferred shares given as hereinafter specified in addition to any other approval required by the Canada Business Corporations Act.
- 3.8 The approval of the holders of the preferred shares as to any and all matters referred to herein may be given by special resolution sanctioned at a meeting of holders of preferred shares duly called and held upon at least ten (10) days' notice at which the holders of at least a majority of the outstanding preferred shares are present or represented by proxy and carried by the affirmative votes of the holders of not less than two-thirds of the preferred shares represented and voted at such meeting cast on a poll. On every poll taken at every such meeting every holder of preferred shares shall be entitled to one (1) vote in respect of each preferred share held.
- 3.9 The holders of the common shares are entitled to one (1) vote per share at all meetings of shareholders except meetings at which only holders of a specified class of shares are entitled to vote and are entitled to receive the remaining property of the Corporation upon a dissolution.
4. There shall be no restrictions on the issue, transfer or ownership of any shares of the Corporation.

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5. The board of directors of the Corporation shall consist of such number, not less than three and not more than nine, as may be determined from time to time by the directors.
6. There are no restrictions on the business which the Corporation may carry on.
7. The board of directors of the Corporation may, from time to time, in such amounts and on such terms as it deems expedient charge, mortgage, hypothecate or pledge all or any of the currently owned or subsequently acquired real or personal, movable or immovable, property of the Corporation, including book debts, rights, powers, franchises and undertaking, to secure any debt obligations or any money borrowed, or other debt or liability of the Corporation. The board of directors may from time to time delegate to such one or more of the directors and officers of the Corporation as may be designated by the board all or any of the powers conferred on the board above to such extent and in such manner as the board shall determine at the time of each such delegation.
8. The amalgamation has been approved by resolutions of the directors of each amalgamating corporation listed in item 10 below in accordance with Section 184(2) of the Canada Business Corporations Act.

These Articles of Amalgamation are the same as the Articles of Incorporation of Electric Furnace Products Company Limited.

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9. Name of the amalgamating Corporation the by-laws of which are to be the by-laws of the amalgamated corporation

Electric Furnace Products Company Limited.

10. Name of Amalgamating Corporation Description  
Corporations No. Signature Date of Office

Electric Furnace Products Company Limited	278496-3		December 23 1991	Secretary
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Union Carbide Canada Limited- Union Carbide du Canada Limitée	264849-1		December 23 1991	Secretary
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RECORD  
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PATENT


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CANADA )  
PROVINCE OF ONTARIO )  
JUDICIAL DISTRICT OF YORK)

I, Bruce M. Perrault, a Notary Public in and for the Province of Ontario, by Royal Authority duly appointed, residing at the City of Toronto, in the said province, DO HEREBY CERTIFY that the paper writing hereunto annexed, each page of which bears an impression of my seal, is a true copy of a document produced and shown to me and purporting to be a Certificate of Amalgamation dated January 1, 1992 issued to LINDE CANADA INC., an act whereof being requested, I have granted under my hand and notarial seal of office to serve and avail as occasion shall or may require.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and affixed my official notarial seal at the aforementioned City of Toronto this 23rd day of July, 1992.

  
\_\_\_\_\_  
Notary Public in and for  
the Province of Ontario

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