

09-06-2002

FORM PTO-1555  
1-31-92

IEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commission.

102214298

Please record the attached original documents or copy thereof.

## 1. Name and Address of Conveying Party(ies):

CELESTE OPTICS, INC.  
500 W. Bethany Drive  
Allen, Texas 75013

19-04-02

Additional name(s) of conveying party(ies) attached?

\_\_\_ Yes \_\_\_ X \_\_\_ No

## 2. Name and Address of receiving Party(ies):

Name: CHEETAH OPTICS, INC.  
Internal Address:  
Street Address: 500 W. Bethany Drive  
City: Allen  
State: Texas Zip: 75013

## 3. Nature of conveyance:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Assignment

Security Agreement

Other

<input type="checkbox"/>
<input checked="" type="checkbox"/>

Merger

Change of Name

Additional name(s) & address(es)  
attached?OFFICE OF THE  
2002 SEP -4 PM 1:30  
FINANCE SECTION

Yes \_\_\_ X \_\_\_ No

Effective Date/Execution Date: December 27, 2001

## 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) 09/746,822

B. Patent No.(s)

Additional Numbers attached?

\_\_\_ Yes \_\_\_ X \_\_\_ No

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

Name: Douglas M. Kubehl, Esq..  
Internal Address: Baker Botts L.L.P.  
Street Address: 2001 Ross Avenue, Suite 600  
City: Dallas  
State: Texas Zip: 75201-2980

## 6. Total number of applications and patents involved: One

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

<input checked="" type="checkbox"/>	Enclosed
<input type="checkbox"/>	Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach Duplicate Copy of this page if paying by deposit account)

09/05/2002 TDI A21 00000271 09746822

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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.*Douglas M. Kubehl  
Name of Person Signing

Signature

8-29-02  
Date

Total number of pages including cover sheet

2

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

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Mail documents to be recorded with required cover sheet information:

Commissioner of Patent and Trademarks  
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Washington, D.C. 20231Public 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 AMENDMENT OF THE  
THIRD AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION OF CELESTE OPTICS, INC.**

Celeste Optics, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation")

DOES HEREBY CERTIFY:

FIRST: The name of the Corporation is Celeste Optics, Inc.

SECOND: The date on which the Certificate of Incorporation of the Corporation was originally filed with the Secretary of State of the State of Delaware is April 11, 2000, under the name of Celeste Optics, Inc.


THIRD: That by unanimous written consent, the Board of Directors of the Corporation adopted a resolution setting forth a proposed amendment to the Third Amended and Restated Certificate of Incorporation, declaring said amendment to be advisable and in the best interests of the Corporation:

"RESOLVED, that Article I of the Third Amended and Restated Certificate of Incorporation of the Corporation be amended to read in its entirety as follows:

The name of this corporation is Cheetah Optics, Inc."

FOURTH: That thereafter said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law by written consent of the stockholders holding the requisite number of shares required by statute given in accordance with and pursuant to Section 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, this Corporation has caused this Certificate of Amendment of the Third Amended and Restated Certificate of Incorporation to be signed by its President this 27<sup>th</sup> day of December, 2001.

  
\_\_\_\_\_  
Jon Bayless  
President

GDSVF&H#407200v1