

FORM PTO-159b  
(Rev. 6 93)  
OMB No. 0651-0011 (exp. 4/94)

# RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Attorney Docket No. 73609

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

1. Name of conveying party(ies):  
Performax Products Corporation

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

2. Name and address of receiving party(ies)  
Name: JET Equipment & Tools, Inc.  
Internal Address: \_\_\_\_\_  
\_\_\_\_\_  
Street Address: 2415 West Valley Highway North  
\_\_\_\_\_  
City: Auburn State: WA ZIP: 98001

Additional name(s) and address(es) attached?  Yes  No

3. Nature of conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: May 8, 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)  
\_\_\_\_\_

B. Patent No.(s)  
5,181,347, issued January 26, 1993  
5,720,648, issued February 24, 1998  
6,106,388, issued August 22, 2000

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: Edward E. Clair  
FITCH, EVEN, TABIN & FLANNERY

Internal Address: \_\_\_\_\_

Street Address: Suite 1600  
120 South LaSalle Street

City: Chicago State: IL ZIP: 60603-3406

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 120.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit Account Number:  
06-1135

(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.*

Edward E. Clair  
Name of Person Signing

51,565  
Registration No.

  
Signature

January 9, 2003  
Date

Total number of pages including cover sheet, attachments, and document: 16

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

*State of New York* }  
*Department of State* } ss:

*I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.*

*Witness my hand and seal of the Department of State on* **DECEMBER 31, 2002**



A handwritten signature in black ink, appearing to read "R. A. D.", is written over the printed name of the Secretary of State.

*Secretary of State*

00 (Rev. 03/02)

## CERTIFICATE OF MERGER

of

PERFORMAX PRODUCTS CORPORATION

and

JET EQUIPMENT &amp; TOOLS, INC.

into

JET EQUIPMENT &amp; TOOLS, INC.

(Pursuant to Section 907 of the Business Corporation Law)

To the Secretary of State  
State of New York

It is hereby certified on behalf of each of the constituent corporations named herein that:

**FIRST:** The name of the foreign constituent corporation which is to be the surviving corporation and which is hereinafter sometimes referred to as the "surviving constituent corporation" is Jet Equipment & Tools, Inc. The jurisdiction of its incorporation is the State of Washington, and the date of its incorporation therein is June 14, 1960. No Application for Authority in the State of New York of the surviving constituent corporation to transact business as a foreign corporation therein was filed by the Department of State of the State of New York, and such foreign corporation is not to do business in the State of New York until an Application for Authority shall have been filed by the Department of State of the State of New York.

**SECOND:** The name of the domestic constituent corporation which is being merged into the surviving constituent corporation and which is hereinafter sometimes referred to as the "merged constituent corporation" is Performax Products Corporation, a New York corporation. The name under which it was formed is Lilco Burner Corp., and the date on which its certificate of incorporation was filed by the Department of State is May 30, 1979.

THIRD. As to each constituent corporation, the designation and number of outstanding shares of each class and series, the specification of the classes and series entitled to vote on the merger described herein, and the specification of each class and series entitled to vote as a class on said merger described herein as follows:

Jet Equipment & Tools, Inc.

Designation of each outstanding class and series of shares	Number of outstanding shares of each class	Designation of class and series entitled to vote	Classes and series entitled to vote as a class
Class A common stock (\$10 par value per share)	3,000	All 3,000	
Class B common stock (\$10 par value per share)	15,000	All 15,000	

Performax Products Corporation

Designation of each outstanding class and series of shares	Number of outstanding shares of each class	Designation of class and series entitled to vote	Classes and series entitled to vote as a class
Common stock (no par value)	21	All 21	

FOURTH: The merger herein certified was authorized in respect of the merged constituent corporation, Performax Products Corporation, and in respect of the surviving constituent corporation, Jet Equipment & Tools, Inc., by the affirmative vote of the holders of all of the outstanding shares of each of Performax Products Corporation and Jet Equipment & Tools, Inc. entitled to vote on the merger described herein.

FIFTH: All fees and taxes (including penalties and interest) administered by the Department of Taxation and Finance of the State of New York which are now due and payable by Performax Products Corporation, the constituent domestic corporation, have been paid and a cessation franchise tax report (estimated or final) through the anticipated date of merger has been, or is herewith being, filed by the said constituent domestic corporation. The said report, if estimated, is subject to amendment. Jet Equipment & Tools, Inc., the surviving foreign corporation, hereby expressly agrees that it will on, or within 30 days after, the filing of this certificate of merger file the cessation

tax report, if an estimated report was previously filed, and promptly pay to the Department of Taxation and Finance of the State of New York all fees and taxes (including penalties and interest) due to the Department of Taxation and Finance by the constituent domestic corporation.

SIXTH: The merger herein certified is permitted by the laws of the State of Washington, the jurisdiction of incorporation of Jet Equipment & Tools, Inc., the surviving constituent corporation, and is in compliance with said laws.

SEVENTH: Jet Equipment & Tools, Inc., the surviving constituent corporation, agrees that it may be served with process in the State of New York in any action or special proceeding for the enforcement of any liability or obligation of Performax Products Corporation, the merged constituent corporation, for the enforcement of any liability or obligation of the surviving constituent corporation for which the said surviving constituent corporation is previously amenable to suit in the State of New York, and for the enforcement, as provided in the Business Corporation Law of the State of New York, of the right of shareholders of the merged constituent corporation to receive payment for their shares against the surviving constituent corporation.

EIGHTH: Jet Equipment & Tools, Inc., the surviving constituent corporation, agrees that, subject to the provisions of section 623 of the Business Corporation Law of the State of New York, it will promptly pay to the shareholders of Performax Products Corporation, the merged constituent corporation, the amount, if any, to which they shall be entitled under the provisions of the Business Corporation Law of the State of New York relating to the rights of shareholders to receive payment for their shares.

NINTH: Jet Equipment & Tools, Inc., the surviving constituent corporation, hereby designates the Secretary of State of the State of New York as its agent upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 of the Business Corporation Law of the State of New York in any action or special proceeding. The post office address without the State of New York to which the said Secretary of State shall mail a copy of any process against the surviving constituent corporation served upon him is: 2415 West Valley Highway North, Auburn, Washington 98001. Such post office address shall supersede the prior address, if any, designated as the address to which process shall be mailed.

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TENTH: The merger described herein shall be effective on May 15, 2001.

IN WITNESS WHEREOF, I have, on behalf of each of the constituent corporations, subscribed this document as of the 8th day of May, 2001, and do hereby affirm under the penalties of perjury that the statements contained herein have been examined by me and are true and correct.

Ruedi Temperli, Treasurer and Chief Financial Officer of Performax Products Corporation, a New York corporation and the merged constituent corporation

Ruedi Temperli, Treasurer and Chief Financial Officer of Jet Equipment & Tools, Inc., a State of Washington Corporation and the surviving constituent corporation

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CT-07

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CERTIFICATE OF MERGER

of

PERFORMAX PRODUCTS CORPORATION

and

JET EQUIPMENT & TOOLS, INC.

into

JET EQUIPMENT & TOOLS, INC.

(Pursuant to Section 907 of the Business Corporation Law)

Filed by: William Bernstein  
Attorney-at-Law  
85 East End Avenue  
New York, New York 10028  
(212) 628-4200

1-cc  
STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED MAY 11 2001

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010511000577

# STATE of WASHINGTON



## SECRETARY of STATE

I, *SAM REED*, Secretary of State of the State of Washington and custodian of its seal,

hereby certify by this certificate that the attached is a true and correct copy of

ARTICLES OF MERGER

of

**JET EQUIPMENT & TOOLS, INC.**

MERGING PERFORMAX PRODUCTS CORPORATION (A NY CORP NOT QUALIFIED IN WA) INTO JET EQUIPMENT & TOOLS, INC.

as filed in this office on May 14, 2001.



Date: November 21, 2002

*Given under my hand and the Seal of the State of Washington at Olympia, the State Capital*

*Sam Reed, Secretary of State*

200-001



# STATE of WASHINGTON



## SECRETARY of STATE

I, **SAM REED**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

### CERTIFICATE OF MERGER

to

### **JET EQUIPMENT & TOOLS, INC.**

a Washington Profit Corporation. Articles of Merger were filed for record in this office on the date indicated below.

**Merging PERFORMAX PRODUCTS CORPORATION (A New York corp. not qualified in Washington) into JET EQUIPMENT & TOOLS, INC.**

UBI Number: 278 039 045

Date: May 14, 2001



*Given under my hand and the Seal of the State of Washington at Olympia, the State Capital*

*Sam Reed, Secretary of State*

2-149984-3

**PATENT**

169-1658.0  
2001

**ARTICLES OF MERGER**  
of  
**PERFORMAX PRODUCTS CORPORATION**  
and  
**JET EQUIPMENT & TOOLS, INC.**

FILED  
STATE OF WASHINGTON  
MAY 14 2001  
SECRETARY OF STATE  
*[Signature]*

To the Secretary of State  
State of Washington

Pursuant to the provisions of the Washington Business Corporation Act governing the merger of a foreign business corporation with and into a domestic business corporation, the corporations hereinafter named do hereby adopt the following articles of merger.

**FIRST:** The names of the merging corporations are Performax Products Corporation which is a business corporation organized under the laws of the State of New York, and Jet Equipment & Tools, Inc. which is a business corporation organized under the laws of the State of Washington.

**SECOND:** Annexed hereto and made a part hereof is the Plan of Merger for merging Performax Products Corporation with and into Jet Equipment & Tools, Inc. as set forth in resolutions adopted by the Board of Directors of each of said merging corporations and directing that said Plan of Merger be submitted to the shareholders of each of said merging corporations for their approval. Neither the Board of Directors of Performax Products Corporation nor the Board of Directors of Jet Equipment & Tools, Inc. imposed any conditions on shareholder approval of said Plan of Merger.

**THIRD:** The number of shares of Jet Equipment & Tools, Inc. which were voted for the Plan of Merger was sufficient for approval pursuant to RCW 23B.11.030.

**FOURTH:** The laws of the State of New York, the jurisdiction of organization of Performax Products Corporation, permit the merger of a business corporation of that jurisdiction with and into a business corporation of another jurisdiction, and the merger of Performax Products Corporation with and into Jet Equipment & Tools, Inc. is in compliance with the laws of the said jurisdiction of organization of Performax Products Corporation.

*Also on 5-11-01  
CK 5-11-01 14957*

169-1658.1  
2001

**FIFTH:** Jet Equipment & Tools, Inc. will continue its existence as the surviving corporation under that identical name pursuant to the provisions of the State of Washington Business Corporation Act.

**SIXTH:** The merger described herein shall be effective on May 15, 2001.

**IN WITNESS WHEREOF,** on behalf of each of the merged corporations I have subscribed this document as of the 8th day of May, 2001, and I certify under penalties of perjury that the information provided above is true, current and correct to the best of my knowledge or belief. I further certify that I am authorized to execute this document on behalf of each corporation.

**PERFORMAX PRODUCTS CORPORATION**

By: \_\_\_\_\_

  
Ruedi Temperli  
Its Treasurer and Chief Financial Officer

**JET EQUIPMENT & TOOLS, INC.**

By: \_\_\_\_\_

  
Ruedi Temperli  
Its Treasurer and Chief Financial Officer

169-1658. 2  
2001

**PLAN OF MERGER** approved on April 20, 2001 by Performax Products Corporation, a business corporation organized under the laws of the State of New York, and by Jet Equipment & Tools, Inc., a business corporation organized under the laws of the State of Washington.

1. Performax Products Corporation and Jet Equipment & Tools, Inc. shall, pursuant to the provisions of the Business Corporation Law of the State of New York and the provisions of the Washington Business Corporation Act, respectively, be merged with and into a single corporation, to wit, Jet Equipment & Tools, Inc., which shall be the surviving corporation on the effective date of the merger and is sometimes hereinafter referred to as the "surviving corporation", and which shall continue to exist as said surviving corporation under that identical name pursuant to the provisions of the Washington Business Corporation Act. The separate existence of Performax Products Corporation, which is sometimes hereinafter referred to as the "terminating corporation", shall cease upon the effective date of the merger in accordance with the provisions of the Business Corporation Law of the State of New York.

2. The approval of this Plan of Merger has been made by resolutions of the board of directors of each of said corporations, and by the affirmative vote of the holders of all of the outstanding shares of each of said corporations entitled to vote thereon, namely, 3,000 shares of Class A common stock (\$10 par value per share), and 15,000 shares of Class B common stock (\$10 par value per share) of Jet Equipment & Tools, Inc., the surviving corporation, and 21 shares of common stock (no par value per share) of Performax Products Corporation, the terminating corporation. Due notice of the shareholders' meetings for approval of this Plan of Merger was given to all shareholders (whether or not entitled to vote) of each of said corporations.

3. All of the assets and properties (real, personal, mixed, and tangible and intangible, of every kind, nature and description, without limitation) and all of the liabilities (actual, contingent, and otherwise, of every kind, nature and description, without limitation) of Performax Products Corporation shall, upon the effective date of the merger, be the assets, properties, and liabilities of Jet Equipment & Tools, Inc.

4. The Articles of Incorporation of the surviving corporation upon the effective date of the merger shall be the Articles of Incorporation of said surviving corporation and shall continue in full force and effect until amended and changed in the manner prescribed by the provisions of the Washington Business Corporation Act.

5. The present Bylaws of the surviving corporation will be the Bylaws of said surviving corporation and will continue in full force and effect until changed, altered, or amended as therein provided and in the manner prescribed by the provisions of the Washington Business Corporation Act.

169-1658.3  
2001

6. The directors and officers in office of the surviving corporation upon the effective date of the merger shall continue to be the members of the board of directors and the officers of the surviving corporation, all of whom shall hold their directorships and offices until the election and qualification of their respective successors or until their tenure is otherwise terminated in accordance with the Bylaws of the surviving corporation.

7. Each issued share of the terminating corporation shall, upon the effective date of the merger, be cancelled and not converted or exchanged in any manner. The issued shares of the surviving corporation shall not be converted or exchanged in any manner, but each said share which is issued and outstanding as of the effective date of the merger shall continue to represent one issued share of the surviving corporation.

8. In the event that the merger of the terminating corporation with and into the surviving corporation shall have been fully authorized in accordance with the provisions of the Business Corporation Law of the State of New York and in accordance with the provisions of the Washington Business Corporation Act, the terminating corporation and the surviving corporation hereby stipulate that they will cause to be executed and filed and/or recorded any document or documents prescribed by the laws of the State of New York and of the State of Washington, and that they will cause to be performed all necessary acts therein and elsewhere to effectuate the merger.

9. The board of directors and the proper officers of the terminating corporation and of the surviving corporation, respectively, and each of them, acting singly, are hereby authorized, empowered, and directed to do any and all acts and things, and to make, execute, deliver, file, and/or record any and all instruments, papers, and documents which shall be or become necessary, proper, or convenient to carry out or put into effect any of the provisions of this Plan of Merger or of the merger herein provided for.

10. The effective date of the merger described herein shall be on May 15, 2001.

169-1658-4  
2001

**ARTICLES OF MERGER**

**of**

**PERFORMAX PRODUCTS CORPORATION**

**and**

**JET EQUIPMENT & TOOLS, INC.**

(Pursuant to the Washington Business Corporation Act)

Filed by: William Bernstein  
Attorney-at-Law  
85 East End Avenue  
New York, New York 10028  
(212) 628-4200