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U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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

1. Name of conveying party(ies): Cardiac Mariners, Inc. 120-B Albright Way Los Gatos, CA 95030 Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies) Name: NexRay, Inc. Internal Address: Street Address: 120-B Albright Way City: Los Gatos State: CA Zip: 95030 Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance: Assignment Merger Security Agreement Change of Name Other Execution Date: 04/07/2000

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) 6,157,703 Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed: Name: Steven D. Hemminger, Esq. Internal Address: Street Address: 3000 El Camino Real, 5 Palo Alto Square, 10th Floor City: Palo Alto State: CA Zip: 94306

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: 23-1703

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9. Signature. Steven D. Hemminger Name of Person Signing Signature Date 12/4/02

Total number of pages including cover sheet, attachments, and documents: 5

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

A0543158

**RESTATED ARTICLES OF INCORPORATION
OF CARDIAC MARINERS, INC.,
a California Corporation**

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

APR 07 2000

BILL JONES, Secretary of State

The undersigned, Marc C. Whyte, hereby certifies that:

- (1) He is the duly elected and acting President and Secretary of said corporation.
- (2) The Articles of Incorporation of said corporation shall be amended and restated to

read in full as follows:

ARTICLE I

The name of this corporation is NexRay, Inc.

ARTICLE II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE III

A. Classes of Stock. This corporation is authorized to issue two classes of stock to be designated, respectively, "Common Stock" and "Preferred Stock." The total number of shares of Common Stock that this corporation is authorized to issue is Five Hundred Million (500,000,000), no par value, and the total number of shares of Preferred Stock that this corporation is authorized to issue is Three Hundred Million (300,000,000), no par value.

B. Rights, Preferences and Privileges of Preferred Stock. The Preferred Stock may be issued from time to time in series. There shall initially be one series of Preferred Stock designated and known as Series A Preferred Stock (hereinafter referred to as the "Series A Stock") The Series A Stock shall consist of Three Hundred Million (300,000,000) shares.

The Board of Directors is hereby authorized to fix or alter the rights, preferences, privileges and restrictions granted to or imposed upon additional series of Preferred Stock, and the number of shares constituting any such series and the designation thereof, or any of them. Subject to compliance with applicable protective voting rights which have been or may be granted to Preferred Stock or series thereof in Certificates of Determination or the corporation's Articles of Incorporation ("Protective Provisions"), but notwithstanding any other rights of any series of Preferred Stock, the rights, privileges, preferences and restrictions of any such additional series may be subordinate to, pari passu with (including, without limitation, inclusion