


Form PTO-1595 Modified Attorney Docket No.: 320310-00005		<b>RECORDATION FORM COVER SHEET</b> <b>PATENTS ONLY</b>		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
Tab settings <span style="font-family: monospace;">⇐ ⇨ ⇨</span>					
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): 1) Stolle Machinery, Inc. 2) APE Acquisition, LLC  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party(ies) Name: <u>Stolle Machinery Company, LLC</u>  Internal Address: _____  _____  Street Address: <u>6949 South Potomac Street</u>  _____  City: <u>Centennial</u> State: <u>CO</u> Zip: <u>80112</u>  Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____  Execution Date: <u>1) and 2) January 9, 2004</u>			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) <u>4,800,743</u>  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Allen S. Rose</u>  Internal Address: <u>Kattent Muchin Zavis Rosenman</u>  _____  Street Address: <u>1025 Thomas Jefferson St., N.W</u> <u>East Lobby, Suite 700</u>  City: <u>Washington</u> State: <u>DC</u> Zip: <u>20007</u>			6. Total number of applications and patents involved: <u>1</u>  7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account  8. Deposit account number:  <u>50-1710</u>		
<b>DO NOT USE THIS SPACE</b>					
9. Signature. <span style="float: right;">Submitted Via Facsimile to (703) 306-5995 Return Receipt to Fax Number (202) 298-7570</span>					
<u>Richard P. Bauer</u> Reg. No. <u>31,588</u> Name of Person Signing		 Signature		<u>2/10/04</u> Date	
Total number of pages including cover sheet, attachments, and documents: <u>8</u>					

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

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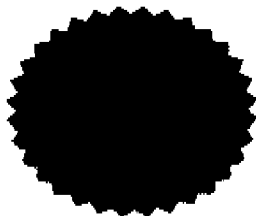
 PATENT  
 REEL: 014321 FRAME: 0755

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "APE ACQUISITION, LLC", CHANGING ITS NAME FROM "APE ACQUISITION, LLC" TO "STOLLE MACHINERY COMPANY, LLC", FILED IN THIS OFFICE ON THE NINTH DAY OF JANUARY, A.D. 2004, AT 2:28 O'CLOCK P.M.



Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State

3735328 8100

AUTHENTICATION: 2861659

040016093

DATE: 01-09-04

PATENT  
REEL: 014321 FRAME: 0756

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:27 PM 01/09/2004  
FILED 02:28 PM 01/09/2004  
SRV 040016093 - 3735328 FILE

**Certificate of Amendment to Certificate of Formation**  
**of**

**APE ACQUISITION, LLC,**  
**a Delaware limited liability company**

It is hereby certified that:

1. The name of the limited liability company (hereinafter called the "limited liability company") is APE ACQUISITION, LLC.

2. The certificate of formation of the limited liability company is hereby amended by striking out Article First thereof and by substituting in lieu of said Article the following new Article:

"FIRST. The name of the limited liability company formed hereby is STOLLE MACHINERY COMPANY, LLC."

3. The effective time of the amendment herein certified shall be immediately upon filing of this Certificate of Amendment.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment to Certificate of Formation as of January 9, 2004.

APE ACQUISITION, LLC, a Delaware limited liability company

By: AIP/SMC HOLDINGS, INC., a Delaware corporation, its managing member

  
Name: Dino Cusumano  
Title: Vice President

# Delaware

PAGE 1

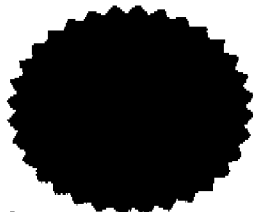
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"STOLLE MACHINERY, INC.", A DELAWARE CORPORATION,

WITH AND INTO "APE ACQUISITION, LLC" UNDER THE NAME OF "APE ACQUISITION, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE NINTH DAY OF JANUARY, A.D. 2004, AT 2:27 O'CLOCK P.M.

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



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3735328 8100M

040016090

AUTHENTICATION: 2861646

DATE: 01-09-04

PATENT  
REEL: 014321 FRAME: 0759

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:27 PM 01/09/2004  
FILED 02:27 PM 01/09/2004  
SRV 040016090 - 3735328 FILE

**CERTIFICATE OF MERGER**

**OF**

**STOLLE MACHINERY, INC.,**  
a Delaware corporation

**WITH AND INTO**

**APE ACQUISITION, LLC,**  
a Delaware limited liability company

**(Pursuant to Section 264 of the General Corporation Law of the State of Delaware and  
Section 18-209 of the Delaware Limited Liability Company Act)**

APE Acquisition, LLC, which desires to merge with Stolle Machinery, Inc.,  
pursuant to the provisions of Section 18-209 of the Delaware Limited Liability Company Act  
(the "Merger"), hereby certifies as follows:

**FIRST:** The name and state of domicile, formation or organization of Stolle  
Machinery, Inc. and APE Acquisition, LLC (the "Constituent Entities") are as follows:

<u>Name of Entity</u>	<u>State of Domicile, Formation or Organization</u>
Stolle Machinery, Inc.	Delaware
APE Acquisition, LLC	Delaware

**SECOND:** An agreement and plan of merger by and among the Constituent  
Entities (the "Agreement and Plan of Merger") has been approved, adopted, certified, executed  
and acknowledged by each of the Constituent Entities in accordance with the requirements of  
Section 18-209(b) of the Delaware Limited Liability Company Act.

**THIRD:** The name of the surviving entity in the Merger shall be APE  
Acquisition, LLC (the "Surviving Entity").

**FOURTH:** The Certificate of Formation of APE Acquisition, LLC, as in effect  
immediately prior to the filing of this Certificate of Merger, shall be the Certificate of Formation  
of the Surviving Entity.

**FIFTH:** The executed Agreement and Plan of Merger is on file at the principal place of business of the Surviving Entity, the address of which is as follows:

APE Acquisition, LLC  
(c/o American Industrial Partners)  
551 Fifth Avenue  
Suite 3800  
New York, NY 10176

**SIXTH:** A copy of the Agreement and Plan of Merger will be furnished by the Surviving Entity, on request and without cost, to any member of APE Acquisition, LLC or any stockholder of Stolle Machinery, Inc.

**SEVENTH:** That this Certificate of Merger shall be effective upon the date of filing with the Secretary of State of Delaware.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, APE Acquisition, LLC has caused this Certificate of Merger to be executed by its duly authorized representative as of this 9<sup>th</sup> day of January, 2004.

APE ACQUISITION, LLC, a Delaware limited liability company

By: AIP/SMC HOLDINGS, INC., a Delaware corporation, its managing member

  
Name: Dino Cusumano  
Title: Vice President