

Form PTO-1595 (Rev. 06/04)
OMB No. 0951-0027 (exp. 6/30/2005)

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

RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Innoveta Technologies, Inc.

Execution Date(s) March 3, 2003

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

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Government Interest Assignment
- Executive Order 9424, Confirmatory License
- Other

2. Name and address of receiving party(ies)

Name: TDK Innoveta Inc.

Internal Address: _____

Street Address: 3320 Matrix Drive

Suite 100

City: Richardson

State: Texas

Country: USA

Zip: 75082

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

4. Application or patent number(s):

This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

D463,362 S

Additional numbers attached? Yes No

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

Name: David W. Carstens

Internal Address: _____

Street Address: P.O. Box 802334

City: Dallas

State: Texas

Zip: 75380

Phone Number: (972) 367-2001

Fax Number: (972) 367-2002

Email Address: carstens@cyclaw.com

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed
- None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____

Expiration Date _____

b. Deposit Account Number 50-0392

Authorized User Name Carstens, Yee & Cahoon

9. Signature:

Signature

July 9, 2004

Date

David W. Carstens

Name of Person Signing

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

7

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

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STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 05:05 PM 03/03/2003
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CERTIFICATE OF MERGER
OF
INNOVETA TECHNOLOGIES, INC.
AND
TDK ACQUISITION CORP.

It is hereby certified that:

1. The constituent business corporations participating in the merger herein certified are:
 - (i) Innoveta Technologies, Inc., which is incorporated under the laws of the State of Delaware; and
 - (ii) TDK Acquisition Corp., which is incorporated under the laws of the State of Delaware.
2. An Agreement and Plan of Merger has been approved, adopted, certified, executed, and acknowledged by each of the aforesaid constituent corporations in accordance with the provisions of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.
3. The name of the surviving corporation in the merger herein certified is Innoveta Technologies, Inc., which will continue its existence as said surviving corporation under the name TDK Innoveta Inc., upon the effective date of said merger pursuant to the provisions of the General Corporation Law of the State of Delaware.
4. The Certificate of Incorporation of Innoveta Technologies, Inc. is to be amended and changed in its entirety by reason of the merger herein certified so as to read as set forth in Exhibit A attached hereto, and said Certificate of Incorporation as so amended and changed shall continue to be the Certificate of Incorporation of said surviving corporation until further amended and changed in accordance with the provisions of the General Corporation Law of the State of Delaware.
5. The executed Agreement and Plan of Merger between the aforesaid constituent corporations is on file at an office of the aforesaid surviving corporation, the address of which is as follows:

Los Angeles 107566.1
2/26/03 10:45 AM

PATENT
REEL: 014830 FRAME: 0866

TDK Innoveta Inc.
840 Central Parkway East
Suite 150
Plano, TX 75074

6. A copy of the nforesaid Agreement and Plan of Merger will be furnished by the aforesaid surviving corporation, on request and without cost, to any stockholder of either of the nforesaid constituent corporations.

Dated: March 3, 2003

INNOVETA TECHNOLOGIES, INC.

By:


Victor K.J. Lee, President

Dated: March 3, 2003

THE ACQUISITION CORP.

By:


Kenneth Aoshima, President

LosAngeles107566.1
2/26/03 10:45 AM

Exhibit "A"

**Amended and Restated Certificate of Incorporation
of
INNOVETA TECHNOLOGIES, INC.**

MAR 3 2003 7:30 AM

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NO. 6243 P 3

AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION
OF
INNOVETA TECHNOLOGIES, INC.

INNOVETA TECHNOLOGIES, INC. (the "Corporation"), a corporation organized and existing under the General Corporation Law of Delaware (the "General Corporation Law") hereby certifies as follows:

1. The Corporation was incorporated on November 28, 2000 under the name Vivi Microsystems, Inc. pursuant to the General Corporation Law.
2. Pursuant to Sections 242 and 245 of the General Corporation Law, this Amended and Restated Certificate of Incorporation restates and integrates and amends the provisions of the Certificate of Incorporation of the Corporation.
3. The text of the Certificate of Incorporation of the Corporation is hereby amended and restated to read in its entirety as follows:

- FIRST:** The name of the Corporation is TDK INNOVETA INC.
- SECOND:** The address of its registered office in the State of Delaware is 2711 Centerville Road, Suite 400, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is Corporation Service Company.
- THIRD:** The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.
- FOURTH:** The total number of shares of stock which the Corporation shall have authority to issue is One Thousand (1,000) and the par value of each of such shares is One Cent (\$0.01) amounting in the aggregate to Ten Dollars (\$10.00).
- FIFTH:** The Corporation is to have perpetual existence.
- SIXTH:** To the fullest extent permitted by the General Corporation Law of Delaware, a director of the Corporation shall not be liable to the

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Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director.

SEVENTH: In furtherance and not in limitation of the powers conferred by statute, the board of directors is expressly authorized to make, alter or repeal the bylaws of the Corporation.

EIGHTH: Elections of directors need not be by written ballot unless the bylaws of the Corporation shall so provide.

NINTH: Meetings of stockholders may be held within or without the State of Delaware, as the bylaws may provide. The books of the Corporation may be kept (subject to any provision contained in the statutes) outside the State of Delaware at such place or places as may be designated from time to time by the board of directors or in the bylaws of the Corporation.

TENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this certificate of incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation."

4. The foregoing amendment and restatement of the Certificate of Incorporation has been duly approved by the Board of Directors of the Corporation in accordance with the provisions of Sections 242 and 245 of the General Corporation Law.

5. The foregoing amendment and restatement of the Certificate of Incorporation has been duly approved by the written consent of the stockholders in accordance with Sections 228 and Sections 242 and 245 of the General Corporation Law. The number of shares held by stockholders who consented to this amendment in writing equaled or exceeded the required percentage. Pursuant to Section 228 of the General Corporation Law, prompt written notice of this amendment and restatement has been given to all stockholders who did not consent to this amendment.

THE UNDERSIGNED, does make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly have hereunto set my hand this 3rd day of March, 2003.


 Name: Kenichi Anshima
 Title: Vice President