


Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (. 6/30/2005)	<b>RECORDATION FORM COVER SHEET</b>  <b>PATENTS ONLY</b>	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office		
Tab settings    ⇌   ⇌   ⇌   ▼   ▼   ▼   ▼   ▼   ▼   ▼   ▼				
To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.				
1. Name of conveying party(ies): Surgidev Corporation  Additional name of conveying party(ies) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Name and address of receiving party(ies)  Name: Advanced Vision Science, Inc.  Street Address: 5743 Thornwood Drive  City: Goleta                      State: CA    Zip: 93117  Additional Name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance:  <input type="checkbox"/> Assignment <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____  Execution Date: March 17, 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: _____ <table style="width: 100%;"> <tr> <td style="width: 50%;">           A. Patent Application No.(s)                09/917,971         </td> <td style="width: 50%;">           B. Patent No.(s)                6,635,732                6,635,731                6,281,319         </td> </tr> </table> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			A. Patent Application No.(s) 09/917,971	B. Patent No.(s) 6,635,732 6,635,731 6,281,319
A. Patent Application No.(s) 09/917,971	B. Patent No.(s) 6,635,732 6,635,731 6,281,319			
5. Name and address of party to whom correspondence concerning this document should be mailed:  Name: Cameron K. Kerrigan  Street Address: One Maritime Plaza, Suite 300  City: San Francisco      State: CA    Zip: 94111	6. Total number of applications and patents involved: 4  7. Total fee (37 CFR 3.41) .....\$ 160.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account  8. Deposit account number: 07-1850  (Attach duplicate copy of this page if paying by deposit account)			
<b>DO NOT USE THIS SPACE</b>				
9. Statement and signature.  <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p><i>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.</i></p> <p><u>Charles E. Runyan</u> Name of Person Signing</p> </div> <div style="width: 30%; text-align: center;">             Signature         </div> <div style="width: 25%; text-align: right;"> <p><u>June 1, 2005</u> Date</p> </div> </div> <p style="text-align: center;">Total number of pages including cover sheet, attachments, and documents: 6</p> <p style="text-align: center;">Mail documents to be recorded with required cover sheet information to:</p>				

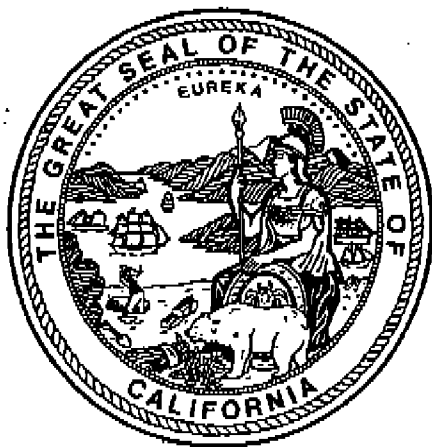
CH \$160.00 071850 09917971

**State of California**  
**Secretary of State**



I, **BRUCE McPHERSON**, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

**MAY 23 2005**

A handwritten signature in cursive script, appearing to read "Bruce McPherson".

**BRUCE McPHERSON**  
Secretary of State

A0541061

1094648

**CERTIFICATE OF AMENDMENT  
OF  
AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
SURGIDEV CORPORATION**

FILED *NSP*  
in the office of the Secretary of State  
of the State of California  
MAR 20 2000  
*Bill Jones*  
BILL JONES, Secretary of State

It is hereby certified that the undersigned Khalid Mentak and Virginia Petri are the duly elected and acting President and Secretary, respectively, of Surgidev Corporation. The Amended and Restated Articles of Incorporation of said corporation shall be amended and restated to read in full as follows:

1. The name of the Corporation is Surgidev Corporation.

2. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting Article I thereof and by substituting in lieu of said Article the following new Article I:

"The name of the corporation is Advanced Vision Science, Inc."

3. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting Section A of Article III thereof and by substituting in lieu of said Section A the following new Section A:

"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 which the corporation is authorized to issue is Fifty Million (40,000,000) shares. Forty Million (40,000,000) shares shall be Common Stock and Ten Million (10,000,000) shares shall be Preferred Stock."

4. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting the second sentence of Section B of Article III thereof and by substituting in lieu of said sentence the following new sentence:

"The rights, preferences, privileges, and restrictions granted to and imposed on the Series A Preferred Stock, which Series shall consist of Seventy-Five Thousand (75,000) shares, are as set forth below in this Article III(B)."

5. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting the last sentence of Section B(4)(a) of Article III thereof and by substituting in lieu of said last sentence, the following new sentence:

"The initial Conversion Price per share for shares of Series A Preferred Stock shall be \$1.00; provided, however, that the Conversion Price for the Series A Preferred Stock shall be subject to adjustment as set forth in subsection 4(d)."

6. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting clause (i) of Section (B)(4)(t) of Article III thereof and by substituting in lieu of said clause (i) the following new clause (i):

"(i) except as provided below in subsection 4(c), the corporation's sale of its Common Stock in a firm commitment underwritten public offering pursuant to a registration statement under the Securities Act of 1933, as amended, the public offering price of which was not less than \$4.00 per share (adjusted to reflect subsequent stock dividends, stock splits or recapitalizations) and \$15,000,000 in the aggregate or"

7. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by adding the following sentence as the concluding sentence of Section B of Article III:

"Effective upon the filing of this Certificate of Amendment of the Amended and Restated Articles of Incorporation of Surgidev Corporation by the Secretary of State of the State of California, every one share of Common Stock of the Corporation issued and outstanding immediately prior thereto shall, without any action on the part of the holder thereof, be changed into 20 shares of Common Stock."

8. The foregoing amendment and restatement has been duly approved and adopted by the Board of Directors of this Corporation.

9. The foregoing amendment and restatement has been duly approved by the required vote of the shareholders in accordance with Sections 902 and 903 of the California Corporations Code. The Corporation has outstanding 150,000 shares of Common Stock and 50,000 shares of Series A Preferred Stock. The number of shares voting in favor of the foregoing amendment and restatement equaled or exceeded the vote required for approval, such required vote being a majority of the outstanding shares of Common Stock and Series A Preferred Stock voting together as a class.

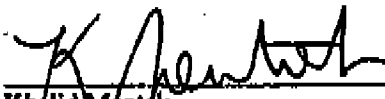
IN WITNESS WHEREOF, the undersigned has executed this Certificate of  
Amendment on March 17, 2000.

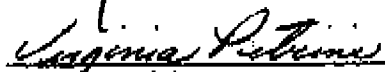
By: Khalid Mentak  
Khalid Mentak, President

By: Virginia Petrini  
Virginia Petrini, Secretary

The undersigned certify under penalty of perjury that they have read the foregoing Certificate of Amendment of Amended and Restated Articles of Incorporation and know the contents thereof, and that the statements therein are true.

Executed at Goleta, California, on March 17, 2000.

  
Khalid Mentak

  
Virginia Petrusi



**State of California**  
**Secretary of State**



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 23 2005

BRUCE McPHERSON  
Secretary of State

PATENT  
REEL: 016290 FRAME: 0673

1094648  
A0341061

**CERTIFICATE OF AMENDMENT**

**OF  
AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
SURGIDEV CORPORATION**

**FILED**  
in the office of the Secretary of State  
of the State of California  
**MAR 20 2000**  
*Bill Jones*  
BILL JONES, Secretary of State

It is hereby certified that the undersigned Khalid Mentak and Virginia Petrini are the duly elected and acting President and Secretary, respectively, of Surgidev Corporation. The Amended and Restated Articles of Incorporation of said corporation shall be amended and restated to read in full as follows:

1. The name of the Corporation is Surgidev Corporation.

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3. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting Section A of Article III thereof and by substituting in lieu of said Section A the following new Section A:

"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 which the corporation is authorized to issue is Fifty Million (40,000,000) shares. Forty Million (40,000,000) shares shall be Common Stock and Ten Million (10,000,000) shares shall be Preferred Stock."

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"The initial Conversion Price per share for shares of Series A Preferred Stock shall be \$1.00; provided, however, that the Conversion Price for the Series A Preferred Stock shall be subject to adjustment as set forth in subsection 4(d)."

6. The Amended and Restated Articles of Incorporation of the Corporation are hereby amended by deleting clause (i) of Section (B)(4)(b) of Article III thereof and by substituting in lieu of said clause (i) the following new clause (i):



"(i) except as provided below in subsection 4(c), the corporation's sale of its Common Stock in a firm commitment underwritten public offering pursuant to a registration statement under the Securities Act of 1933, as amended, the public offering price of which was not less than \$4.00 per share (adjusted to reflect subsequent stock dividends, stock splits or recapitalizations) and \$15,000,000 in the aggregate or"

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IN WITNESS WHEREOF, the undersigned has executed this Certificate of  
Amendment on March 17, 2000.

By: Khalid Mentak  
Khalid Mentak, President

By: Virginia Petrini  
Virginia Petrini, Secretary

The undersigned certify under penalty of perjury that they have read the foregoing Certificate of Amendment of Amended and Restated Articles of Incorporation and know the contents thereof, and that the statements therein are true.

Executed at Goleta, California, on March 17, 2000.

  
Khalid Mentak

  
Virginia Petrioli



PTO/GB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2005**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 160.00**Complete if Known**

Application Number 09/917,971

Filing Date July 30, 2001

First Named Inventor Khalid Mentak

Examiner Name Tatyana Zalukaeva

Art Unit 1713

Attorney Docket No. 42445.40022

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order☒ Deposit AccountDeposit  
Account  
Number 07-1850Deposit  
Account  
Name Squire, Sanders & Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Release filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$)

**2. EXTRA CLAIM FEES**

Total Claims		Extra Claims	Fee from below	Fee Paid
	-20 **		50	
Independent Claims	-3 **		200	
Multiple Dependent	0		0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1612	2,520	1612	2,520	For filing a request for reexamination	
1804	820*	1604	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1605	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	205	Extension for reply within second month	
1253	590	2253	465	Extension for reply within third month	
1254	1,460	2254	725	Extension for reply within fourth month	
1255	2,010	2255	985	Extension for reply within fifth month	
1401	330	2401	160	Notice of Appeal	
1402	330	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	650	Utility issue fee (or release)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1805	180	1805	180	Submission of Information Disclosure Stmt	
6021	40	6021	40	Recording each patent assignment per property (times number of properties)	160.00
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

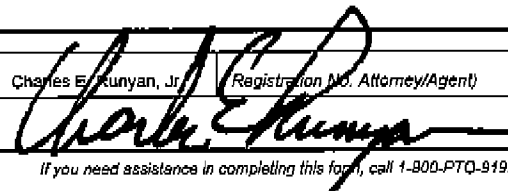
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$160.00)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Charles E. Runyan, Jr.	Registration No. Attorney/Agent)	43,066	Telephone	(415) 954-0200
Signature				Date	June 2, 2005

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**PATENT****RECORDED: 06/02/2005****REEL: 016290 FRAME: 0678**