

11-14-2005

DEPARTMENT OF COMMERCE

Patent and Trademark Office

10.0756

To the Honorable Commissioner of Patents and Trademarks

103118139

documents or copy thereof.

1. Name of conveying party(ies):

AKARA CORPORATION

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment ☒ Merger☐ Security Agreement ☐ Change of Name☐ Other

Execution Date: August 29, 2003

2. Name and address of receiving party(ies):

Name: CIENA HOLDINGS, INC.

Internal Address: 1201 Winterson Road
Linthicum, Maryland 21090

Street Address: SAME AS ABOVE

City: _____ State: _____ ZIP: _____

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

4. Application number(s) or patent number(s): U.S. Patent Nos. 6,765,871 and 6,816,509 and U.S. Patent Application Serial Nos. 09/725,730; 09/728,988; 09/728,970; 10/047,474; 10/034,235; 10/034,443; and 10/382,041

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: MEREK, BLACKMON & VOORHEES, LLC

Internal Address: 673 South Washington Street
Alexandria, Va 22314

Street Address: SAME AS ABOVE

City: _____ State: _____ ZIP: _____

6. Total number of applications and patents involved: 97. Total fee (37 CFR 3.41) \$ 360.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate 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.*Name of Person Signing James J. Merck

Signature

Date: November 8, 2005

Total number of pages including cover sheet, attachments, and document: 7Mail 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: 017186 FRAME: 0538

Delaware

PAGE 1

The First State

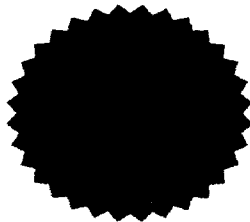
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"CIENA HOLDINGS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "AKARA CORPORATION" UNDER THE NAME OF "CIENA HOLDINGS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2003, AT 2:28 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTY-NINTH DAY OF AUGUST, A.D. 2003, AT 11:59 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

3201061 8100M

AUTHENTICATION: 2608726

030563101

DATE: 08-29-03

PATENT
REEL: 017186 FRAME: 0539

CERTIFICATE OF MERGER

OF

**CIENA HOLDINGS, INC.
a Delaware Corporation**

WITH AND INTO

**AKARA CORPORATION
a Delaware Corporation**

The undersigned corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

NAME

STATE OF INCORPORATION

CIENA Holdings, Inc.

Delaware

AKARA Corporation

Delaware

SECOND: That an agreement and plan of merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving corporation of the merger is AKARA Corporation, which shall hereinwith be changed to CIENA Holdings, Inc.

FOURTH: The certificate of incorporation of AKARA Corporation shall be amended to delete Articles 1 through 8 in their entirety and replaced with the

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State of Delaware
Secretary of State
Division of Corporations
Delivered 02:31 PM 08/29/2003
FILED 02:28 PM 08/29/2003
SRV 030563101 - 3201061 FILE

following, which shall be the certificate of incorporation of the surviving corporation:

Article 1. NAME

The name of this corporation is CIENA Holdings, Inc. (the "Corporation").

Article 2. REGISTERED OFFICE AND AGENT

The registered office of the Corporation shall be located at 1209 Orange Street, Wilmington, Delaware 19801 in the County of New Castle. The registered agent of the Corporation at such address shall be The Corporation Trust Company.

Article 3. PURPOSE AND POWERS

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware (the "Delaware General Corporation Law"). The Corporation shall have all power necessary or convenient to the conduct, promotion or attainment of such acts and activities.

Article 4. CAPITAL STOCK

The total number of shares of all classes of stock that the Corporation shall have the authority to issue is 100 shares, all of which shall be Common Stock having a par value of \$.001 per share ("Common Stock").

Article 5. BOARD OF DIRECTORS

5.1. Number; Election

The number of directors of the Corporation shall be such number as from time to time shall be fixed by, or in the manner provided in, the bylaws of the Corporation. Unless and except to the extent that the bylaws of the Corporation shall otherwise require, the election of directors of the Corporation need not be by written ballot. Except as otherwise provided in this Certificate of Incorporation, each director of

the Corporation shall be entitled to one vote per director on all matters voted or acted upon by the Board of Directors.

5.2. Management of Business and Affairs of the Corporation

The business and affairs of the Corporation shall be managed by or under the direction of the Board of Directors.

5.3. Limitation of Liability

No director of the Corporation shall be liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, provided that this provision shall not eliminate or limit the liability of a director (a) for any breach of the director's duty of loyalty to the Corporation or its stockholders; (b) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; (c) under Section 174 of the Delaware General Corporation Law; or (d) for any transaction from which the director derived an improper personal benefit. Any repeal or modification of this Article 5.3 shall be prospective only and shall not adversely affect any right or protection of, or any limitation of the liability of, a director of the Corporation existing at, or arising out of facts or incidents occurring prior to, the effective date of such repeal or modification.

Article 6. AMENDMENT OF BYLAWS

In furtherance and not in limitation of the powers conferred by the Delaware General Corporation Law, the Board of Directors of the Corporation is expressly authorized and empowered to adopt, amend and repeal the bylaws of the Corporation.

Article 7. RESERVATION OF RIGHT TO AMEND CERTIFICATE OF INCORPORATION

The Corporation reserves the right at any time, and from time to time, to amend, alter, change, or repeal any provision contained in this Certificate of Incorporation, and other provisions authorized by the laws of the State of Delaware at the time in force may be added or inserted, in the manner now or hereafter prescribed by law; and all rights, preferences, and privileges of any nature conferred upon stockholders, directors, or any other persons by and pursuant to this Certificate of Incorporation in its present form or as hereafter amended are granted subject to the rights reserved in this Article 7.

FIFTH: That the executed agreement and plan of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1201 Winterson Road, Linthicum, Maryland 21090.

SIXTH: That a copy of the agreement and plan of merger will be furnished by the surviving corporation, on request and without cost to any stockholder of each of the constituent corporations.

SEVENTH: That this Certificate of Merger shall be effective at 11:59 p.m. on August 29, 2003.

IN WITNESS WHEREOF, AKARA Corporation, a Delaware corporation,
has caused the Certificate to be signed by David Croucher, its Secretary, an
authorized officer of the corporation, this 29th day of August, 2003.

AKARA Corporation,
a Delaware corporation

By: 

David Croucher