

116/16

01-12-2006

RE



103157067

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)

ENI Technology, Inc.
100 Highpower Road
Rochester, NY 14623-3498

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

2. Name and address of receiving party(ies)

Name: _____

Internal Address: MKS Instruments, Inc.

Street Address: 90 Industrial Way

City: Wilmington

State: Massachusetts

Country: US Zip: 01887-4610

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

3. Nature of conveyance/Execution Date(s):

Execution Date(s) December 31, 2005

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

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)

See Schedule A

Additional numbers attached? Yes No

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

Name: Lawrence G. Kurland

Internal Address: BRYAN CAVE LLP

Street Address: 1290 Avenue of the Americas

City: New York

State: NY Zip: 10104

Phone Number: 212-541-2000

Fax Number: 212-541-4630

Email Address: _____

6. Total number of applications and patents involved: 24

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 960.00

- 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 02-4467

Authorized User Name Lawrence G. Kurland

9. Signature:

Lawrence G. Kurland
Signature

January 4, 2006
Date

Lawrence G. Kurland, Reg. No. 24,785

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 16

01/10/2006 DBYRNE 00000139 5207757

01 FC:801

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

SCHEDULE A

<u>No.</u>	<u>Patent No.</u>	<u>Issue Date</u>
1.	5,187,457	2/16/93
2.	5,189,601	2/23/93
3.	5,195,045	3/16/93
4.	5,249,141	9/28/93
5.	5,323,329	6/21/94
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8.	5,584,974	12/17/96
9.	5,627,738	5/6/97
10.	5,651,865	7/29/97
11.	5,717,293	2/10/98
12.	5,726,603	3/10/98
13.	5,737,169	4/7/98
14.	5,770,023	6/23/98
15.	5,770,922	6/23/98
16.	5,810,982	9/22/98
17.	5,971,591	10/26/99
18.	6,020,636	2/1/00
19.	6,020,794	2/1/00
20.	6,046,641	4/4/00
21.	6,449,568	9/10/02
22.	6,708,123	3/16/04
23.	6,718,272	4/6/04
24.	6,970,700	11/29/05

DF
PC

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Articles of Merger

FORM MUST BE TYPED

Involving Domestic Corporations,
Foreign Corporations or Foreign Other Entities
(General Laws Chapter 156D, Section 11.06; 950 CMR 113.37)

Exact name, jurisdiction and date of organization of each party to the merger:

(1) EXACT NAME	(2) JURISDICTION	DATE OF ORGANIZATION
MKS Instruments, Inc. 042277512	Massachusetts	June 14, 1961 6-14-61
ENI Technology, Inc. 000809570	Delaware	October 10, 1996 1-29-02 (MA)
Applied Science and Technology, Inc. 042962110	Delaware	January 12, 1987 5-4-87 (MA)

(3) The foreign corporation or other entity ~~is~~ ^{is not} authorized to conduct business in the Commonwealth.
ENI Technology, Inc.
Applied Science and Technology, Inc.

(4) Exact name of the surviving entity: MKS Instruments, Inc.

(5) Jurisdiction under the laws of which the surviving entity will be organized: Massachusetts

(6) The merger shall be effective at the time and on the date approved by the Division, unless a later effective date not more than 90 days from the date and time of filing is specified: at 11:59 p.m. on December 31, 2005

(7-8) For each domestic corporation that is a party to the merger:**

(check appropriate box)

The plan of merger was duly approved by the shareholders, and where required, by each separate voting group as provided by G.L. Chapter 156D and the articles of organization.

OR

The plan of merger did not require the approval of the shareholders.

(9) Participation of each other domestic entity, foreign corporation, or foreign other entity was duly authorized by the law under which the other entity or foreign corporation is organized and by its organizational documents.

* Check appropriate box
** Provide this information for each domestic corporation separately

RECEIVED
SECRETARY OF THE COMMONWEALTH
DEC 19 10 01 AM '05

(10) Attach any amendment to articles of organization of the surviving entity, where the survivor is a domestic business corporation.

(11) Attach the articles of organization of the surviving entity, where the survivor is a NEW domestic business corporation, including all the supplemental information required by 950 CMR 113.16.

(12) State the executive office address of the surviving foreign other entity if such information is not on the public record in the foreign jurisdiction: _____

(number, street, city or town, state, zip code)

Signed by: Kathleen J. Bism
(signature of authorized individual)

Chairman of the board of directors,

President,

Other officer, *Applied Science and Technology, Inc.*

Court-appointed fiduciary,

on this _____ day of _____, 2005.

Signed by: André Wey
(signature of authorized individual)

Chairman of the board of directors,

President,

Other officer, *ENI Technology, Inc.*

Court-appointed fiduciary,

on this _____ day of _____, 2005.

Signed by: Les Berghman
(signature of authorized individual)

- Chairman of the board of directors,
- President,
- Other officer,
- Court-appointed fiduciary,

on this _____ day of _____, 2005.

Signed by: _____
(signature of authorized individual)

- Chairman of the board of directors,
- President,
- Other officer,
- Court-appointed fiduciary,

on this _____ day of _____, 2005.

COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

**Articles of Merger Involving Domestic Corporations,
Foreign Corporations or Foreign Other Entities
(General Laws Chapter 156D, Section 11.06; 950 CMR 113.37)**

I hereby certify that upon examination of these articles of merger, duly submitted to me, it appears that the provisions of the General Laws relative thereto have been complied with, and I hereby approve said articles; and the filing fee in the amount of \$_____ having been paid, said articles are deemed to have been filed with me this day of 2005 20 _____ at _____ a.m./p.m.
time

Effective date: _____
(must be within 90 days of date submitted)

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

Examiner

Filing fee: Minimum \$250

Name approval

TO BE FILLED IN BY CORPORATION
Contact Information:

C

Sheila M. Morabito, Paralegal

#A.R.

Wilmer Cutler Pickering Hale and Dorr LLP

60 State Street, Boston, Massachusetts 02109

Telephone: (617) 526-5134

Email: sheila.morabito@wilmerhale.com

Upon filing, a copy of this filing will be available at www.sec.state.ma.us/cor. If the document is rejected, a copy of the rejection sheet and rejected document will be available in the rejected queue.

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 OWNERSHIP, WHICH MERGES:

"APPLIED SCIENCE AND TECHNOLOGY, INC.", A DELAWARE CORPORATION,

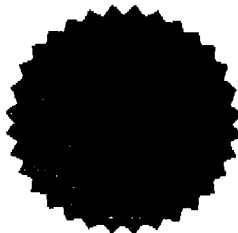
WITH AND INTO "MKS INSTRUMENTS, INC." UNDER THE NAME OF "MKS INSTRUMENTS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MASSACHUSETTS, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTEENTH DAY OF DECEMBER, A.D. 2005, AT 2:28 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2005, AT 11:59 O'CLOCK A.M.

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

4076181 8100M

051014791



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4371182

DATE: 12-14-05

PATENT
REEL: 017435 FRAME: 0295

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:11 PM 12/13/2005
FILED 02:28 PM 12/13/2005
SRV 051014791 - 2114631 FILE

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

Applied Science and Technology, Inc.
(a Delaware corporation)

INTO

MKS Instruments, Inc.
(a Massachusetts corporation)

MKS Instruments, Inc., a Massachusetts corporation (the "Corporation"), does hereby certify:

FIRST: That the Corporation owns all of the outstanding shares of each class of the stock of Applied Science and Technology, Inc., a corporation incorporated on the 12th day of January, 1987 pursuant to the General Corporation Law of the State of Delaware.

SECOND: That the merger is to become effective at fifty nine minutes after eleven on December 31, 2005.

THIRD: That on October 24, 2005, the Board of Directors of the Corporation, duly adopted the following votes:

VOTED: That, the Board of Directors of the Corporation deems it advisable and in the best interests of the Corporation that:

(1) Applied Science and Technology, Inc., a Delaware corporation and wholly-owned subsidiary of the Corporation ("ASTeX"), merge with and into the Corporation, whereby (i) the separate existence of ASTeX shall cease and the Corporation shall continue as the surviving entity in the merger (the "ASTeX Merger"), and (ii) all outstanding shares of capital stock of ASTeX shall be canceled without consideration; and

(2) ENI Technology, Inc., a Delaware corporation and wholly-owned subsidiary of the Corporation ("ENI"), merge with and into the Corporation, whereby (i) the separate existence of ENI shall cease and the Corporation shall continue as the surviving entity in the merger (collectively with the ASTeX Merger, the "Mergers"), and (ii) all outstanding shares of capital stock of ENI shall be canceled without consideration.

FURTHER

VOTED: That the Agreement and Plan of Merger with ASTeX, in the form attached hereto as Exhibit A, and the Agreement and Plan of Merger with ENI, in the form attached hereto as Exhibit B (collectively, the Merger Agreements"), be,

and they hereby are, authorized and approved in all respects, and that the proper officers of the Corporation be, and each of them hereby is, authorized and directed to execute and deliver the Merger Agreements on behalf of and in the name of the Corporation, with such changes as such proper officers shall deem necessary or advisable (such determination to be conclusively evidenced by their execution and delivery thereof), and to perform the Merger Agreements in accordance with their respective terms.

**FURTHER
VOTED:**

That the proper officers of the Corporation be and are, and each of them acting singly hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to execute and file, or cause to be filed, Articles of Merger of Parent and Subsidiary Corporation (the "Massachusetts Articles of Merger"), pursuant to which each of ASTeX and ENI will merge with and into the Corporation pursuant to Section 11.05(a) of Chapter 156D of the Massachusetts General Laws, and any and all additional documents or instruments necessary to effect the Mergers with the Secretary of the Commonwealth of the Commonwealth of Massachusetts, each of which Massachusetts Articles of Merger shall become effective at such time and on such date as may be designated by the officer or officers executing the same; and that such officers be and are, and each of them acting singly hereby is, further authorized, empowered and directed to take any and all additional actions necessary to implement the Massachusetts Articles of Merger, the taking of such actions by such officer or officers to be conclusive evidence of his or their determination and approval thereof and of his or their due authorization hereunder.

**FURTHER
VOTED:**

That the proper officers of the Corporation be and are, and each of them acting singly hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to execute and file, or cause to be filed, Certificates of Ownership and Merger Pursuant to Section 103 and 253 of the Delaware General Corporation Law (the "Delaware Certificate of Merger"), pursuant to which each of ASTeX and ENI shall merge with and into the Corporation, and any and all additional documents or instruments necessary to effect the Mergers with the Secretary of State of the State of Delaware, which Delaware Certificates of Merger shall become effective at such time and on such date as may be designated by the officer or officers executing the same; and that such officers be and are, and each of them acting singly hereby is, further authorized, empowered and directed to take any and all additional actions necessary to implement such Certificates of Merger, the taking of such actions by such officer or officers to be conclusive evidence of his or their determination and approval thereof and of his or their due authorization hereunder.

FURTHER

VOTED: That the appropriate officers of the Corporation be, and each of them acting singly hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to execute and deliver any and all agreements, instruments, documents and certificates, and to take any and all actions, which they or any of them may deem necessary or appropriate in connection with the Merger and the other actions contemplated by the foregoing votes, the execution and delivery of such agreements, instruments, documents and certificates and the taking of such actions by such officer or officers to be conclusive evidence of his or their determination and approval thereof and of his or their due authorization hereunder.

FOURTH: That the surviving corporation agrees that it may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of the surviving corporation arising from this merger, including any suit or other proceeding to enforce the rights of any stockholders as determined in appraisal proceedings pursuant to the provisions of Section 262 of the Delaware General Corporation laws, and irrevocably appoints the Secretary of State of Delaware as its agent to accept services of process in any such suit or proceeding. The Secretary of State shall mail any such process to the surviving corporation at 90 Industrial Way, Wilmington, MA 01887.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by its authorized officer this 13th day of December, 2005.

MKS Instruments, Inc.

By: /s/ Leo Berlinghieri
Title: President

Delaware

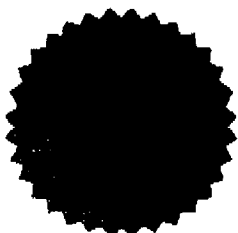
The First State

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 OWNERSHIP, WHICH MERGES:

"ENI TECHNOLOGY, INC.", A DELAWARE CORPORATION, WITH AND INTO "MKS INSTRUMENTS, INC." UNDER THE NAME OF "MKS INSTRUMENTS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MASSACHUSETTS, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTEENTH DAY OF DECEMBER, A.D. 2005, AT 3:11 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2005, 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

AUTHENTICATION: 4371197

DATE: 12-14-05

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051014807

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:11 PM 12/13/2005
FILED 03:11 PM 12/13/2005
SRV 051014807 - 2671100 FILE

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

ENI Technology, Inc.
(a Delaware corporation)

INTO

MKS Instruments, Inc.
(a Massachusetts corporation)

MKS Instruments, Inc., a Massachusetts corporation (the "Corporation"), does hereby certify:

FIRST: That the Corporation owns at least 90% of the outstanding shares of each class of the stock of ENI Technology, Inc., a corporation incorporated on the 10th day of October, 1996 pursuant to the General Corporation Law of the State of Delaware.

SECOND: That the merger is to become effective at fifty nine minutes after eleven on December 31, 2005.

THIRD: That on October 24, 2005, the Board of Directors of the Corporation, duly adopted the following votes:

VOTED: That, the Board of Directors of the Corporation deems it advisable and in the best interests of the Corporation that:

(1) Applied Science and Technology, Inc., a Delaware corporation and wholly-owned subsidiary of the Corporation ("ASTeX"), merge with and into the Corporation, whereby (i) the separate existence of ASTeX shall cease and the Corporation shall continue as the surviving entity in the merger (the "ASTeX Merger"), and (ii) all outstanding shares of capital stock of ASTeX shall be canceled without consideration; and

(2) ENI Technology, Inc., a Delaware corporation of which at least 90% of the outstanding shares of each class of the stock is owned by the Corporation ("ENI"), merge with and into the Corporation, whereby (i) the separate existence of ENI shall cease and the Corporation shall continue as the surviving entity in the merger (collectively with the ASTeX Merger, the "Mergers"), and (ii) all outstanding shares of capital stock of ENI shall be canceled without consideration.

FURTHER VOTED: That the Agreement and Plan of Merger with ASTeX, in the form attached hereto as Exhibit A, and the Agreement and Plan of Merger with ENI, in the

form attached hereto as Exhibit B (collectively, the Merger Agreements"), he, and they hereby are, authorized and approved in all respects, and that the proper officers of the Corporation be, and each of them hereby is, authorized and directed to execute and deliver the Merger Agreements on behalf of and in the name of the Corporation, with such changes as such proper officers shall deem necessary or advisable (such determination to be conclusively evidenced by their execution and delivery thereof), and to perform the Merger Agreements in accordance with their respective terms.

**FURTHER
VOTED:**

That the proper officers of the Corporation be and are, and each of them acting singly hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to execute and file, or cause to be filed, Articles of Merger of Parent and Subsidiary Corporation (the "Massachusetts Articles of Merger"), pursuant to which each of ASTeX and ENI will merge with and into the Corporation pursuant to Section 11.05(a) of Chapter 156D of the Massachusetts General Laws, and any and all additional documents or instruments necessary to effect the Mergers with the Secretary of the Commonwealth of the Commonwealth of Massachusetts, each of which Massachusetts Articles of Merger shall become effective at such time and on such date as may be designated by the officer or officers executing the same; and that such officers be and are, and each of them acting singly hereby is, further authorized, empowered and directed to take any and all additional actions necessary to implement the Massachusetts Articles of Merger, the taking of such actions by such officer or officers to be conclusive evidence of his or their determination and approval thereof and of his or their due authorization hereunder.

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FOURTH: That the surviving corporation agrees that it may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of the surviving corporation arising from this merger, including any suit or other proceeding to enforce the rights of any stockholders as determined in appraisal proceedings pursuant to the provisions of Section 262 of the Delaware General Corporation laws, and irrevocably appoints the Secretary of State of Delaware as its agent to accept services of process in any such suit or proceeding. The Secretary of State shall mail any such process to the surviving corporation at 90 Industrial Way, Wilmington, MA 01887.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by its authorized officer this 13th day of December, 2005.

MKS Instruments, Inc.

By: /s/ Leo Berlinghieri
Title: President

SCHEDULE A

<u>No.</u>	<u>Patent No.</u>	<u>Issue Date</u>
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8.	5,584,974	12/17/96
9.	5,627,738	5/6/97
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