

Form PTO-1595 (Rev. 07/05)  
OMB No. 0651-0027 (exp. 6/30/2008)

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)**

Danisco Cultor America, Inc.

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

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

Name: Cultor U.S., Inc.

Internal Address: \_\_\_\_\_

Street Address: 430 Saw Mill Road

City: Ardsley

State: New York

Country: USA

Zip: 10502

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

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

Execution Date(s) as of April 30, 2002

- 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)

5939565

Additional numbers attached?  Yes  No

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

Name: K. Bradford Adolphson

~~Wfva~~ Address: Ware, Fressola, Van der Sluys  
& Adolphson LLP

Street Address: 755 Main Street, P.O. Box 224

City: Monroe

State: CT Zip: 06468

Phone Number: 203-261-1234

Fax Number: 203-261-5676

Email Address: kba@wfva.net

**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 230442

Authorized User Name K. Bradford Adolphson

**9. Signature:**

  
Signature

6/27/2008  
Date

K. Bradford Adolphson, Reg. No. 30,927

611.001

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

**5**

Name of Person Signing

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

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# Delaware

PAGE 1

*The First State*

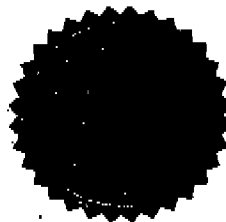
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"DANISCO CULTOR AMERICA, INC.", A DELAWARE CORPORATION, WITH AND INTO "CULTOR U.S., INC." UNDER THE NAME OF "CULTOR U.S., 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 APRIL, A.D. 2002, AT 4 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTIETH DAY OF APRIL, A.D. 2002, AT 11 O'CLOCK A.M.

0850511 8100M

020724351



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2108559

DATE: 11-25-02

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**CERTIFICATE OF OWNERSHIP AND MERGER  
OF  
DANISCO CULTOR AMERICA, INC.  
INTO  
CULTOR U.S., INC.**

Pursuant to the provisions of Section 253 of the Delaware General Corporation Law, the undersigned constituent corporations certify as follows:

1. The constituent business corporations participating in the merger herein certified are:

*Cultor U.S., Inc.* ("Cultor U.S., Inc."), which is organized and existing under the laws of the State of Delaware and pursuant to the Delaware General Corporation Law, the provisions of which permit the merger of a subsidiary corporation into its parent corporation. Cultor U.S., Inc. was incorporated on the 28<sup>th</sup> day of February, 1978, under the name Finn-Cal Products, Inc., pursuant to the Delaware General Corporation Law and was also named FINNSUGAR U.S. INC. prior to being named Cultor U.S., Inc.

*Danisco Cultor America, Inc.* ("Danisco Cultor America, Inc."), which is organized and existing under the laws of the State of Delaware and was incorporated on the 3<sup>rd</sup> day of March, 1978 under the name F-Z Company, Inc. pursuant to the Delaware General Corporation Law and was also named FINN-CAL SWEETENER COMPANY, AMERICAN XYROFIN, INC. and Cultor Food Science, Inc. prior to being named Danisco Cultor America, Inc.

2. Cultor U.S., Inc. owns 100% of the outstanding shares of each class of stock of Danisco Cultor America, Inc.

3. Resolutions of merger ("Resolutions of Merger") were approved and adopted effective April 20, 2002, by the Board of Directors of Cultor U.S., Inc., the parent corporation of Danisco Cultor America, Inc., its wholly owned subsidiary, by the unanimous written consent of the Board of Directors, filed with the minutes of the Board of Directors, and such Resolutions of Merger read as follows:

RESOLVED, that Danisco Cultor America, Inc. a wholly owned subsidiary of Cultor U.S., Inc., be merged with and into Cultor U.S., Inc., under the terms of the Agreement of Merger entered into pursuant to Section 253 of The General Corporation Law of the State of Delaware, effective as of 11 a.m. Eastern Daylight Time on April 30, 2002, between Danisco Cultor America, Inc. and Cultor U.S., Inc., and that the Agreement of Merger be and hereby is adopted and approved in all respects as and for a binding obligation of Cultor U.S., Inc.; and

FURTHER RESOLVED, that the President or any Vice-President of Cultor U.S., Inc. s authorized, empowered and directed in the name and on behalf of Cultor U.S., Inc. attested by its Secretary or Assistant Secretary to execute, certify and deliver the Agreement of Merger substantially as set forth herein, to acknowledge and deliver the Agreement of Merger substantially as set forth herein,

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
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with such changes therefrom, if any, as the President or such Vice-President may approve, such approval to be conclusively evidenced by the signature of the President or such Vice-President; and

FURTHER RESOLVED, that, the President of Cultor U.S., Inc. or any Vice-President be and hereby is authorized, empowered and directed in the name and on behalf of the Cultor U.S., Inc. to cause a document entitled "Certificate of Ownership and Merger" to be prepared, executed, certified, acknowledged, and filed with the Delaware Secretary of State in accordance with the provisions of The General Corporation Law of the State of Delaware, and to take such other action as may be necessary or appropriate to cause the merger to be effective in Delaware; and

FURTHER RESOLVED, that, the officers of Cultor U.S., Inc. be and hereby are authorized, empowered and directed, in the name and on behalf of Cultor U.S., Inc., to execute and deliver all such further agreements, certificates and other instruments and to take all such further action as any such officer may consider necessary or appropriate in order to effect the merger of Danisco Cultor America, Inc. into Cultor U.S., Inc. in accordance with the terms, conditions and provisions of the Agreement of Merger and to carry out the purpose and intent of these resolutions.

4. The surviving parent corporation in the merger herein certified is Cultor U.S., Inc., which will continue its existence as said surviving corporation under the laws of the State of Delaware, as "Cultor U.S., Inc.", upon the effective date of said merger pursuant to the provisions of the laws of the State of Delaware.

5. The Certificate of Incorporation of Cultor U.S., Inc. shall be the certificate of incorporation of the surviving corporation and no amendments or changes in the certificate of incorporation are to be effected by the merger.

6. The executed Agreement of Merger is on file at Cultor U.S., Inc.'s document repository office located at the following address:

Cultor U.S., Inc.  
(c/o Latrop & Gage L.C.)  
Attn: Stephen G. Mitchell  
2345 Grand Boulevard, Suite 2400  
Kansas City, Missouri 64108-2684

7. A copy of the Agreement of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of either constituent corporation named above.

8. The effective date of the merger herein certified, insofar as the provisions of the Delaware General Corporation Law govern such effective date, shall be as of 11:00 a.m. Eastern Daylight Time on the 30<sup>th</sup> day of April, 2002.

9. The authorized capital of Cultor U.S., Inc. consists of 1000 shares of 1.00 par value per share common stock.

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This Certificate of Ownership and Merger may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, we have subscribed this document on the date set opposite each of our names below and do hereby affirm, under the penalties of perjury, that the statements contained therein have been examined by us and are true and correct.

Dated: April 26, 2002

CULTOR U.S., INC.,

By:

Tjerk de Ruiter, Executive Vice President

ATTEST:

Richard Risseth  
Richard Risseth, Secretary

**WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP**

PATENT, TRADEMARK, COPYRIGHT AND COMPUTER LAW COUNSEL

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 PATENT AGENT

CATHY A. STURMER  
 PATENT AGENT

**VIA FAX (571) 273-0140**

June 27, 2008

U.S. PATENT AND TRADEMARK OFFICE  
 ASSIGNMENT DIVISION

Sirs:

Submitted herewith is a Certificate of Merger and Recordation Form Cover Sheet (PTO-1595) for recordation. After recording, kindly transmit the Notice of Recordation to our fax number:

**203-261-5676**

Respectfully submitted,



K. Bradford Adolphson, Reg. No. 30,927

Customer Number 004955

TEL: 203-261-1234

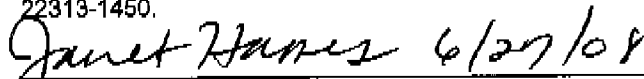
FAX 203-261-5676

Patent No. 5,939,565

Attorney Docket: 611.001

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office, Assignment Division, Alexandria, VA 22313-1450.

  
 Janet Hames Date

**PATENT****RECORDED: 06/27/2008****REEL: 021165 FRAME: 0795**