

Form PTO-1595 (Rev. 01-09)  
OMB No. 0651-0027 (exp. 02/28/2009)

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)**

Zimmer Spine Austin, Inc.

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

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

Execution Date(s) 08/28/2009

- ☐ Assignment ☒ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

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

Name: Zimmer Spine, Inc.

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

Street Address: 7375 Bush Lake Road

City: Minneapolis

State: MN

Country: US Zip: 55439

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)

5,653,763  
(Attorney Docket No. ZIMM1970)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Sprinkle IP Law Group (Cust. No. 44654)

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

Street Address: 1301 W. 25th Street, Suite 408

City: Austin

State: Texas Zip: 78705

Phone Number: 512-637-9220

Fax Number: 512-371-9088

Email Address: \_\_\_\_\_

**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 to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

**8. Payment Information**

Deposit Account Number: 503183

Authorized User Name: Katharina W. Schuster

**9. Signature:**

*Katharina W. Schuster*  
Signature

Sept. 29, 2009  
Date

Katharina W. Schuster (Reg. No. 50,000)

Name of Person Signing

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

4

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

CH \$40.00 503183 5653763

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 05:27 PM 08/31/2009  
FILED 05:27 PM 08/31/2009  
SRV 090822955 - 2870689 FILE

**CERTIFICATE OF MERGER  
OF  
ZIMMER SPINE AUSTIN, INC. (a Delaware Corporation)  
WITH AND INTO  
ZIMMER SPINE, INC. (a Delaware Corporation)  
(UNDER SECTION 251 OF THE GENERAL  
CORPORATION LAW OF DELAWARE)**

The undersigned corporation, organized and existing under and by virtue of the General Corporation Law of Delaware, does hereby certify:

- FIRST: That the name and state of incorporation of each of the constituent corporations of the merger are as follows:
- (a) Zimmer Spine Austin, Inc., a Delaware corporation, formerly known as Abbott Spine Inc. (the "Non-Surviving Corporation"); and
  - (b) Zimmer Spine, Inc., a Delaware corporation (the "Surviving Corporation").
- SECOND: That an Agreement of Merger, by and between the Surviving Corporation and the Non-Surviving Corporation (the "Agreement of 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 Delaware.
- THIRD: That the name of the Surviving Corporation is "Zimmer Spine, Inc."
- FOURTH: That the Certificate of Incorporation of the Surviving Corporation, as in effect immediately prior to the effective time of the merger, shall be the Certificate of Incorporation of the surviving corporation.
- FIFTH: That the executed Agreement of Merger is on file at an office of the Surviving Corporation at 7375 Bush Lake Road, Minneapolis, MN 55439-2027.
- SIXTH: That a copy of the Agreement of Merger will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either of the constituent corporations.
- SEVENTH: That this Certificate of Merger shall be effective on September 1, 2009, at 12:01 a.m. CDT.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;  
SIGNATURE APPEARS ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Surviving Corporation has caused this Certificate of Merger to be duly executed in its corporate name as of August 28, 2009.

ZIMMER SPINE, INC.,  
a Delaware corporation

By: 

Name: Damien McDonald

Title: President

# Delaware

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## *The First State*

I, JEFFREY W. BULLOCK, 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:

"ZIMMER SPINE AUSTIN, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "ZIMMER SPINE, INC." UNDER THE NAME OF "ZIMMER SPINE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF AUGUST, A.D. 2009, AT 5:27 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE FIRST DAY OF SEPTEMBER, A.D. 2009.

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

2870689 8100M

090822955

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 7505349

DATE: 09-01-09

RECORDED: 10/01/2009

PATENT  
REEL: 023312 FRAME: 0339