

## PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1  
 Stylesheet Version v1.2

EPAS ID: PAT4108211

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT	
<b>NATURE OF CONVEYANCE:</b>	MERGER AND CHANGE OF NAME	
<b>EFFECTIVE DATE:</b>	09/14/2015	
<b>CONVEYING PARTY DATA</b>		
	<b>Name</b>	<b>Execution Date</b>
	BAM LABS, INC.	09/14/2015
<b>NEWLY MERGED ENTITY DATA</b>		
	<b>Name</b>	<b>Execution Date</b>
	SLEEPIQ LABS INC.	09/14/2015
<b>MERGED ENTITY'S NEW NAME (RECEIVING PARTY)</b>		
<b>Name:</b>	SLEEPIQ LABS INC.	
<b>Street Address:</b>	111 WEST SAINT JOHN STREET	
<b>Internal Address:</b>	SUITE 1200	
<b>City:</b>	SAN JOSE	
<b>State/Country:</b>	CALIFORNIA	
<b>Postal Code:</b>	95113	
<b>PROPERTY NUMBERS Total: 1</b>		
<b>Property Type</b>	<b>Number</b>	
<b>Application Number:</b>	15243344	
<b>CORRESPONDENCE DATA</b>		
<b>Fax Number:</b>	(877)769-7945	
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>		
<b>Phone:</b>	(612) 335-5070	
<b>Email:</b>	apsi@fr.com	
<b>Correspondent Name:</b>	CASEY J. KRETSCHMAN	
<b>Address Line 1:</b>	FISH & RICHARDSON P.C.	
<b>Address Line 2:</b>	P.O.BOX 1022	
<b>Address Line 4:</b>	MINNEAPOLIS, MINNESOTA 55440-1022	
<b>ATTORNEY DOCKET NUMBER:</b>	42495-0009002	
<b>NAME OF SUBMITTER:</b>	ABBY REMER	
<b>SIGNATURE:</b>	/Abby Remer/	
<b>DATE SIGNED:</b>	10/21/2016	

PATENT

**Total Attachments: 7**

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# Delaware

The First State

Page 1

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:

"SCC SUBSIDIARY CORP.", A DELAWARE CORPORATION,  
WITH AND INTO "BAM LABS, INC." UNDER THE NAME OF "SLEEPIQ  
LABS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS  
OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE  
ON THE FOURTEENTH DAY OF SEPTEMBER, A.D. 2015, AT 7:40 O`CLOCK  
P.M.



4147970 8100M  
SR# 20150131409

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

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 10066050  
Date: 09-15-15

**PATENT**  
**REEL: 040086 FRAME: 0865**

**CERTIFICATE OF MERGER**

**MERGING**

**SCC SUBSIDIARY CORP.  
A DELAWARE CORPORATION**

**WITH AND INTO**

**BAM LABS, INC.  
A DELAWARE CORPORATION**

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Pursuant to Section 251 of the General Corporation Law of the State of Delaware

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BAM Labs, Inc., a Delaware corporation ("**Company**"), does hereby certify as follows:

**FIRST:** Each of Company and SCC Subsidiary Corp., a Delaware corporation ("**Merger Sub**"), is a corporation duly organized and existing under the laws of the State of Delaware.

**SECOND:** An Agreement and Plan of Reorganization, dated as of September 9, 2015 (the "**Merger Agreement**"), by and among Select Comfort Corporation, a Minnesota corporation, Merger Sub, Company and certain other parties named therein, setting forth the terms and conditions of the merger of Merger Sub with and into Company (the "**Merger**"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 251 of the Delaware General Corporation Law (and, with respect to Merger Sub, by written consent of its sole stockholder pursuant to Section 228 of the Delaware General Corporation Law).

**THIRD:** The name of the surviving corporation in the Merger shall be BAM Labs, Inc. (the "**Surviving Corporation**"), which shall change its name to SleepIQ LABS Inc.

**FOURTH:** The Certificate of Incorporation of the Company as in effect immediately prior to the Merger shall be amended and restated in its entirety to read as set forth in Exhibit A hereto and shall be the Certificate of Incorporation of the Surviving Corporation.

**FIFTH:** An executed copy of the Merger Agreement is on file at the principal place of business of the Surviving Corporation at the following address:

Select Comfort Corporation  
Attention: General Counsel  
9800 59<sup>th</sup> Avenue North  
Minneapolis, MN 55442

***SIXTH:*** A copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either constituent corporation.

***SEVENTH:*** The Merger shall become effective upon filing of this Certificate of Merger with the Secretary of State of Delaware.

IN WITNESS WHEREOF, Company has caused this Certificate of Merger to be executed in its corporate name as of September 14, 2015.

BAM LABS, INC.

By: 

Name: Richard R. Ruffredi

Title: Chief Executive Officer

*[Signature Page to Certificate of Merger]*

**Exhibit A**  
**AMENDED AND RESTATED**  
**CERTIFICATE OF INCORPORATION**  
**OF**  
**SLEEPIQ LABS INC.**

**ARTICLE I**

The name of the corporation is SleepIQ LABS Inc. (the "*Company*").

**ARTICLE II**

The address of the Company's registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle, Delaware 19801. The name of the registered agent at such address is The Corporation Trust Company.

**ARTICLE III**

The purpose of the Company is to engage in any lawful act or activity for which corporations may be organized under the Delaware General Corporation Law, as the same exists or as may hereafter be amended from time to time.

**ARTICLE IV**

This Company is authorized to issue one class of shares to be designated Common Stock. The total number of shares of Common Stock the Company has authority to issue is 1,000 with par value of \$0.001 per share.

**ARTICLE V**

The management of the business and the conduct of the affairs of the corporation shall be vested in the Board of Directors. The number of directors which shall constitute the whole Board of Directors shall be fixed by the Board of Directors in the manner provided in the bylaws. In furtherance and not in limitation of the powers conferred by statute, the board of directors of the Company is expressly authorized to make, alter, amend or repeal the bylaws of the Company.

**ARTICLE VI**

Elections of directors need not be by written ballot unless otherwise provided in the bylaws of the Company.

**ARTICLE VII**

To the fullest extent permitted by the Delaware General Corporation Law, as the same exists or as may hereafter be amended from time to time, a director of the Company shall not be personally liable to the Company or its stockholders for monetary damages for breach of fiduciary duty as a director. If the Delaware General Corporation Law is amended to authorize corporate action further eliminating or limiting the personal

liability of directors, then the liability of a director of the Company shall be eliminated or limited to the fullest extent permitted by the Delaware General Corporation Law, as so amended.

Neither any amendment nor repeal of this Article, nor the adoption of any provision of this Certificate of Incorporation inconsistent with this Article, shall eliminate or reduce the effect of this Article in respect of any matter occurring, or any cause of action, suit or claim accruing or arising or that, but for this Article, would accrue or arise, prior to such amendment or repeal or the adoption of an inconsistent provision.

## **ARTICLE VIII**

Subject to any provisions in the bylaws of the Company related to indemnification of directors or officers of the Company, the Company shall indemnify, to the fullest extent permitted by applicable law, any director or officer of the Company who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (a "*Proceeding*") by reason of the fact that he or she is or was a director, officer, employee or agent of the Company or is or was serving at the request of the Company as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, including service with respect to employee benefit plans, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with any such Proceeding. The Company shall be required to indemnify a person in connection with a Proceeding initiated by such person only if the Proceeding was authorized by the Board.

The Company shall have the power to indemnify, to the extent permitted by the Delaware General Corporation Law, as it presently exists or may hereafter be amended from time to time, any employee or agent of the Company who was or is a party or is threatened to be made a party to any Proceeding by reason of the fact that he or she is or was a director, officer, employee or agent of the Company or is or was serving at the request of the Company as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, including service with respect to employee benefit plans, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with any such Proceeding.

A right to indemnification or to advancement of expenses arising under a provision of this Certificate of Incorporation or a bylaw of the Company shall not be eliminated or impaired by an amendment to this Certificate of Incorporation or the bylaws of the Company after the occurrence of the act or omission that is the subject of the civil, criminal, administrative or investigative action, suit or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such action or omission has occurred.

## **ARTICLE IX**

Except as provided in ARTICLE VII and ARTICLE VIII above, the Company reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.



**STATE OF DELAWARE**

**WAIVER OF REQUIREMENT  
FOR AFFIDAVIT OF EXTRAORDINARY EVENT CONDITION**

It appears to the Secretary of State that an earlier effort to deliver this instrument and tender such taxes and fees was made in good faith on the file date stamped hereto. The Secretary of State has determined that an extraordinary event condition (as reflected in the records of the Secretary of State) existed at such date and time and that such earlier effort was unsuccessful as a result of the existence of such extraordinary condition, and that such actual delivery and tender were made within a reasonable period (not to exceed two business days) after the cessation of such extraordinary condition and establishes such date and time and the filing date of such instrument.



Jeffrey W. Bullock, Secretary of State

JEFFREY W. BULLOCK  
Secretary of State