

02-01-2000

FORM PTO-1594  
1-31-92

MKD 1-12-00



U.S. DEPARTMENT OF COMMERCE  
Patents and Trademark Office

To the Honorable Commissioner of Patents and Trademark

101254486

nts or copy thereof.

1. Name of conveying party(ies):

MINUMYS SURGICAL, INC.

- Individual(s)  Association
- General Partnership  Limited Partnership
- X Corporation-State: DELAWARE
- Other

Additional name(s) of conveying parties attached?  Yes X No

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement X Change of Name
- Other:

Execution Date: October 12, 1999

2. Name and address of receiving party(ies)

Name: NOVARE SURGICAL SYSTEMS, INC.

Internal Address:

Street Address: 10231 Bubb Road

City: Cupertino State: CA ZIP: 95014

Individual(s) citizenship

Association

General Partnership

Limited Partnership

X Corporation-State: DELAWARE

Other

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No

(Designation must be a separate document from Assignment)

Additional names and addresses attached?  Yes X No

JAN 12 1999

4. Application Number(s) or Registration Number(s).

A. Trademark Application No(s):  
75/789942 NOVARE SURGICAL SYSTEMS  
75/789944 T.O.M.

B. Trademark Registration No(s):

Additional numbers attached?  Yes X No

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

Name: E. Lynn Perry  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

6. Total number of applications and registrations involved 2

7. Total fee (37 CFR 3.41): \$65.00

Enclosed  Charge Fees to Deposit Account

X Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

(Attach duplicate copy 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 is true and correct and any attached copy is a true copy of the original document.

E. Lynn Perry  
Name of Person Signing

Signature

Date

12/30/99

Total number of pages including cover sheet, attachments and document: 3

10. Change Correspondence Address to that of Part 5? x Yes  No

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover to:

Asst. Commissioner for Trademarks  
Box: Assignments  
Washington, D.C. 20231

TRADEMARK  
REEL: 002013 FRAME: 0995

*State of Delaware*  
*Office of the Secretary of State*

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MINUMYS SURGICAL, INC.", CHANGING ITS NAME FROM "MINUMYS SURGICAL, INC." TO "NOVARE SURGICAL SYSTEMS, INC.", FILED IN THIS OFFICE ON THE TWELFTH DAY OF OCTOBER, A.D. 1999, AT 12:30 O'CLOCK P.M.

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



Edward J. Freel, Secretary of State

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991429979

AUTHENTICATION: 0020365  
DATE: 10-12-99

**CERTIFICATE OF AMENDMENT OF  
AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION**

\* \* \* \* \*

Minumys Surgical, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

**DOES HEREBY CERTIFY:**

**FIRST:** That the Board of Directors of said corporation, at a meeting of the Board of Directors, adopted a resolution proposing and declaring advisable the following amendment to the Amended and Restated Certificate of Incorporation of said corporation:

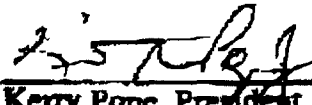
**RESOLVED,** that the Amended and Restated Certificate of Incorporation of Minumys Surgical, Inc. be amended by changing the first Article thereof so that, as amended, said Article shall be and read as follows:

**"ONE**            The name of this corporation is Novare Surgical Systems, Inc."

**SECOND:** That in lieu of a meeting and vote of stockholders, the stockholders have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

**THIRD:** That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 of the General Corporation Law of the State of Delaware.

**IN WITNESS WHEREOF,** said Minumys Surgical, Inc. has caused this certificate to be signed by Kerry Pope, its President, this 12th day of October, 1999.

By   
Kerry Pope, President

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