

10-11-2001

Form PTO-1594  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
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101870753

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): OCT - 1 2001  
New Eyesys Acquisition Company  
 Individual(s)  Association  
 General Partnership  Limited Partnership  
 Corporation-State 10/11/01  
 Other  
Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
Name: EyeSys Vision, Inc.  
Internal Address: \_\_\_\_\_  
Street Address: 6750 W. Loop South, Suite 500  
City: Bellaire State: Texas Zip: 77401  
 Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Texas  
 Other \_\_\_\_\_  
If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_  
Execution Date: August 24, 2001

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s)  
75/751,588  
Additional number(s) attached  Yes  No

B. Trademark Registration No.(s)  
1,789,249; 1,978,652; 1,788,833;  
2,136,132  
Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: John W. Montgomery  
Internal Address: Haynes and Boone, LLP  
Street Address: 1000 Louisiana  
Suite 4300  
City: Houston State: TX Zip: 77002

6. Total number of applications and registrations involved: ..... 5  
7. Total fee (37 CFR 3.41).....\$ 140<sup>00</sup>  
 Enclosed ck #: 511723  
 Authorized to be charged to deposit account for any deficiency  
8. Deposit account number:  
08-1394  
(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 information is true and correct and any attached copy is a true copy of the original document.*  
John W. Montgomery 9/19/01  
Name of Person Signing Signature Date

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

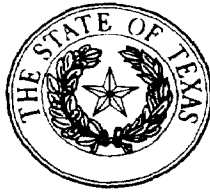
Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

10/10/2001 LMUELLER 00000151 75751588

01 FC:481 40.00 OP  
02 FC:482 100.00 OP

DOCKET NO.: 31067. \_\_\_\_\_

TRADEMARK  
REEL: 002381 FRAME: 0095



## Office of the Secretary of State

### CERTIFICATE OF AMENDMENT OF

EyeSys Vision, Inc.  
163303700

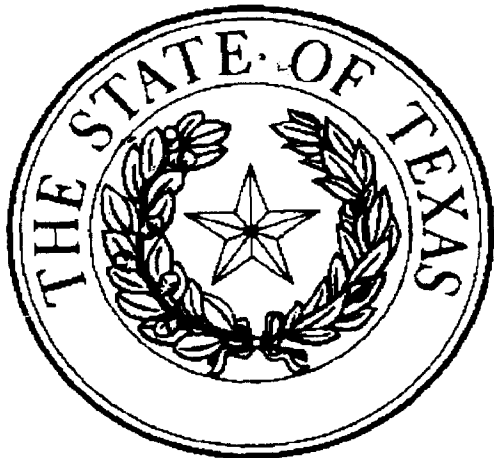
[formerly: NEW EYESYS ACQUISITION COMPANY]

The undersigned, as Secretary of State of Texas, hereby certifies that the attached Articles of amendment for the above named entity have been received in this office and have been found to conform to law.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law hereby issues this Certificate of Amendment.

Dated: 08/24/2001

Effective: 08/24/2001



A handwritten signature in cursive script, appearing to read "Henry Cuellar".

Henry Cuellar  
Secretary of State

AUG 24 2001

**ARTICLES OF AMENDMENT  
TO THE ARTICLES OF INCORPORATION  
OF  
NEW EYESYS ACQUISITION COMPANY**

Pursuant to the provisions of Article 4.04 of the Texas Business Corporation Act, New EyeSys Acquisition Company (the "Corporation"), hereby adopts the following Articles of Amendment to its Articles of Incorporation to change the name of the Corporation.

**ARTICLE ONE.** The name of the Corporation is "New EyeSys Acquisition Company."

**ARTICLE TWO.** The following amendment to the Articles of Incorporation was adopted by the sole shareholder of the Corporation as of August 14, 2001:

Article I of the Articles of Incorporation is hereby amended to read in its entirety as follows:

**"ARTICLE I**

The name of the Corporation is EyeSys Vision, Inc."

**ARTICLE THREE.** The number of shares of Common Stock of the Corporation outstanding and entitled to vote was 1,000 at the time of the adoption of this amendment.

**ARTICLE FOUR.** The holder of all of the shares of Common Stock outstanding and entitled to vote has signed a written consent to the adoption of this amendment.

DATED as of the 14<sup>th</sup> day of August 2001.

**NEW EYESYS ACQUISITION COMPANY**

By: Joe S. Wakil, M.D.  
Joe S. Wakil, M.D., President and Secretary