



10-30-2001

U.S. DEPARTMENT OF COMMERCE

10-19-2001



HEET

Patent and Trademark Office  
Docket No. 337842400000

U.S. Patent & TMO/TM Mail Rpt Dt. #11

101888887

10-14-01

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

1. Name of conveying party(ies):

**Exide Corporation**

- Individual(s)       Association
- General Partnership     Limited Partnership
- Corporation-Delaware     Other

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

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

Name: **Exide Technologies**

Internal Address: Suite 500

Street Address: 210 Carnegie Center

City: Princeton State: New Jersey ZIP: 08540

- Individual(s) citizenship: \_\_\_\_\_
- Association: \_\_\_\_\_
- General Partnership: \_\_\_\_\_
- Limited Partnership: \_\_\_\_\_
- Corporation-State: Delaware
- Other: \_\_\_\_\_

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

3. Nature of conveyance:

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

Execution Date: August 1, 2001

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Trademark Application No.(s)

B. Registration No.(s)

**Please see Attachment A**

**Please see Attachment A**

Additional numbers attached?  Yes  No

954943

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

**Jennifer Lee Taylor**  
**Morrison & Foerster LLP**  
425 Market Street  
San Francisco, California 94105-2482

6. Total number of applications and trademark registrations involved: 100

7. Total fee (37 C.F.R. § 3.41): **\$2,515.00**

- Enclosed
- Authorized to be charged to deposit account, referencing Attorney Docket 337842400000

8. Deposit account number: 03-1952

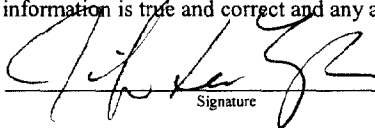
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

**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.

Name: **Jennifer Lee Taylor**

  
Signature

October 12, 2001  
Date

Total number of pages comprising cover sheet, attachments and document: 9

10/29/2001 6TDM11 00000223 031952 954943

01 FC:481      40.00 CH  
02 FC:482      2475.00 CH

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

sf-1175867

**TRADEMARK**  
**REEL: 002385 FRAME: 0401**

## ATTACHMENT A

Mark	App. No. /Reg. No.	Our Reference No.
BATTERIES UNLIMITED	954,943	33784-6004.000
BATTERY PIT STOP	2,430,180	33784-6006.000
BIG RAM and Design	828,478	33784-6008.000
BLACK HAWK (Stylized)	245,719	33784-6009.000
CENTURA (Stylized)	1,326,776	33784-6012.000
CLIMATE EYE (Stylized)	708,727	33784-6017.000
CLIMATE GUARD	1,850,598	33784-6018.000
CPS3000	75/781,955	33784-6020.000
CR	408,317	33784-6021.000
CRO/CLEAN	1,815,603	33784-6022.000
CUSTOM POWER	853,550	33784-6024.000
DOCK CHARGE	2,003,644	33784-6025.000
E-3600	2,234,170	33784-6027.000
EMISA	2,263,494	33784-6029.000
ESB	729,379	33784-6030.000
EXIDE and Design	1,545,246	33784-6033.001
EXIDE (Stylized)	298,776	33784-6034.000
EXIDE BATTERIES RACING TEAM and Design	2,217,763	33784-6036.000
EXIDE BATTERIES RACING TEAM and Design	1,931,641	33784-6037.000
EXIDE EDGE and Design	1,604,408	33784-6039.000
EXIDE ELECTRONICS STRATEGIC POWER MANAGEMENT and Design	1,970,219	33784-6040.000
EXIDE ELECTRONICS STRATEGIC POWER MANAGEMENT and Design	1,971,477	33784-6040.001
EXIDE SELECT ORBITAL	2,375,439	33784-6047.000
EXIDE TECHNOLOGIES	76/147,569	33784-6050.000
FIRE POWER	2,409,168	33784-6052.000
FRESH CHECK and Design	75/942, 143	33784-6055.000
FULL TIMER	2,241,947	33784-6056.000
GBC (Stylized)	833,610	33784-6058.000
GEL MASTER	1,856,615	33784-6061.000
GREENSKEEPER	75/889,011	33784-6066.000
HEAT GUARD	1,684,822	33784-6069.000
HEAT SHIELD	1,632,228	33784-6070.000
HEATMASTER	2,278,337	33784-6072.000
HERTNER and Design	953,048	33784-6073.000
HIBERNATOR	1,978,748	33784-6076.000
HYCAP (Stylized)	72,708	33784-6077.000

Mark	App. No. /Reg. No.	Our Reference No.
HYDRAGARD	900,741	33784-6079.000
INVADER (Stylized)	514,061	33784-6081.000
IRONCLAD	82,219	33784-6082.000
LECTRIC	1,141,554	33784-6089.000
LIBERATOR (Stylized)	983,193	33784-6092.000
MAJESTIC	1,712,636	33784-6093.000
MARATHON	75/143,077	33784-6094.000
MEGA CELL	75/934,716	33784-6098.000
MEGA CELL	2,030,410	33784-6098.001
MEGA CELL (Stylized)	2,025,142	33784-6099.000
MEGA CYCLE	1,766,624	33784-6101.000
MULTI-START	1,239,254	33784-6103.000
NAUTILUS	1,937,409	33784-6104.000
NAUTILUS	1,696,840	33784-6104.001
OUTDOORSMAN	1,839,894	33784-6106.000
PARTNERS IN PROTECTING THE ENVIRONMENT	1,651,054	33784-6107.000
PERFORMANCE EDGE	2,224,735	33784-6108.000
PERFORMANCE EDGE and Design	2,224,734	33784-6109.000
PERFORMANCE SERIES	75/781,954	33784-6110.000
POLY-INVADER and Design	1,144,829	33784-6112.000
POWER LITE	1,867,485	33784-6115.000
POWER PROBE	1,933,877	33784-6118.000
POWER START	704,896	33784-6119.000
POWER THRUST	750,455	33784-6120.000
POWERCYCLER	75/902,529	33784-6121.000
ROAD FORCE	1,730,831	33784-6130.000
ROAD KING	2,293,569	33784-6131.000
ROAD KING and Design	2,042,912	33784-6132.000
ROUGHNECK (Stylized)	1,032,878	33784-6133.000
ROUGH RIDER	1,224,890	33784-6134.001
SEAMARK and Design	1,035,685	33784-6137.000
SELECT	2,462,780	33784-6138.000
SELECT	2,132,484	33784-6138.001
SMART PLATE TECHNOLOGY	2,406,558	33784-6140.000
SOUTHLAND	618,578	33784-6141.000
SPEED CLIP and Design	1,635,367	33784-6143.000
STABL-LOK	2,270,995	33784-6144.000
STR	2,130,148	33784-6146.000
STR 2000	2,259,733	33784-6147.000
SUN GUARD	1,883,348	33784-6148.000
SURE START	1,897,962	33784-6150.000
SURE START (Stylized)	623,357	33784-6150.001

Mark	App. No. /Reg. No.	Our Reference No.
TEST YOUR BATTERY BEFORE IT TESTS YOU	75/781,953	33784-6152.000
THE BATTERY WITH A BRAIN	1,951,805	33784-6153.000
THE CUTTING EDGE	2,108,929	33784-6154.000
THE CUTTING EDGE and Design	1,619,512	33784-6155.000
THE FORCE	1,648,670	33784-6156.000
THE POWER BANK and Design	1,292,709	33784-6157.000
THE SOLUTION and Design	2,002,537	33784-6159.000
THICK PLATE TECHNOLOGY	75/647,464	33784-6160.000
TITAN	835,007	33784-6162.000
TITAN	404,261	33784-6162.001
ULTRA ENERGY	1,407,450	33784-6168.000
ULTRA ENERGY and Design	1,274,201	33784-6169.000
ULTRA GO	1,170,977	33784-6170.000
ULTRA START	569,697	33784-6171.000
UNIBATT (Stylized)	1,180,958	33784-6174.000
UPSTART	957,639	33784-6175.000
VALU START	1,805,179	33784-6176.000
VORTEX	75/834,075	33784-6179.000
WEATHERMASTER	600,285	33784-6180.000
WHEN IT'S AN EXIDE YOU START	816,070	33784-6181.000
WILLARD (Stylized)	502,333	33784-6185.000
XTRA POW'R and Design	2,412,821	33784-6194.000

State of Delaware  
Office of the Secretary of State PAGE 1

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:

"ETX TECHNOLOGIES, INC", A DELAWARE CORPORATION,  
WITH AND INTO "EXIDE CORPORATION" UNDER THE NAME OF "EXIDE TECHNOLOGIES", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELANARE, AS RECEIVED AND FILED IN THIS OFFICE THE SIXTEENTH DAY OF JULY, A.D. 2001, AT 12:15 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE FIRST DAY OF AUGUST, A.D. 2001, AT 9 O'CLOCK A.M.

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



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

0649626 8100M

010341355

AUTHENTICATION: 1245160

DATE: 07-16-01

**CERTIFICATE OF OWNERSHIP AND MERGER  
MERGING  
ETX TECHNOLOGIES, INC.  
INTO  
EXIDE CORPORATION  
\*\*\*\*\***

Exide Corporation (the "Parent") pursuant to Section 253 of the General Corporation Law of the State of Delaware (the "DGCL"),

**DOES HEREBY CERTIFY:**

**FIRST:** That the name and state of incorporation of each of the constituent corporations to the merger are as follows:

<u>Name</u>	<u>State of Incorporation</u>
Exide Corporation	Delaware
ETX Technologies, Inc.	Delaware

(ETX Technologies, Inc. is referred to herein as the "Subsidiary.")

**SECOND:** That Parent owns all of the outstanding shares of the common stock of Subsidiary, which is the only outstanding class of capital stock of the Subsidiary.

**THIRD:** That the Board of Directors of Parent at a meeting held on May 15, 2001, duly adopted resolutions authorizing the merger of Subsidiary with and into Parent pursuant to Section 253 of the DGCL (the "Merger"). A true copy of such resolutions is attached hereto as Exhibit A. Such resolutions have not been modified or rescinded and are in full force and effect on the date hereof.

**FOURTH:** That upon the effective time of the filing of the Certificate of Ownership and Merger, the name of the corporation surviving the Merger shall be Exide Technologies.

**FIFTH:** That the Restated Certificate of Incorporation of the surviving corporation shall be the Restated Certificate of Incorporation of Parent, which shall be amended to change **ARTICLE FIRST** to read as follows: "The name of the corporation is Exide Technologies."

**SIXTH:** That this Certificate of Ownership and Merger shall be effective at 9:00 a.m. on August 1, 2001.

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 12:15 PM 07/16/2001  
010341355 - 0649626

IN WITNESS WHEREOF, said Parent has caused this Certificate of Merger to be executed by John R. Van Zile, Executive Vice President, General Counsel and Secretary as of this 16th day of July, 2001.

**EXIDE CORPORATION,**  
a Delaware corporation

By: /s/ John R. Van Zile  
Name: John R. Van Zile  
Title: Executive Vice President,  
General Counsel and Secretary.

**FURTHER RESOLVED**, that the appropriate officers of Parent be, and each of them hereby is, authorized and directed to take or cause to be taken all such further actions and to execute and deliver or cause to be delivered all such further instruments and documents in the name and on behalf of Parent, and to incur all such fees and expenses as in their judgment shall be necessary or advisable in order to carry out fully the intent and purposes of the foregoing resolutions; and

**FURTHER RESOLVED**, that all actions previously taken by the officers and directors of Parent in connection with the transactions contemplated by these resolutions are hereby adopted, ratified, confirmed and approved in all respects.

DET\_0282308.1



## EXIDE CORPORATION

July 16, 2001

Delaware Secretary of State  
Division of Corporations  
401 Federal Street, Suite 4  
Dover, Delaware 19901

Re: *Merger of ETX Technologies, Inc. with and into Exide Corporation, which shall continue as the surviving corporation in the merger ("Surviving Corporation") and, at the Effective Time of the Merger, change its name to Exide Technologies*

## To Whom It May Concern:

This letter will serve as notice, in accordance with §102 of the Delaware General Corporation Law, that upon the completion of the above-referenced merger, the Surviving Corporation will have total assets of \$10,000,000 or more. The undersigned, on the behalf of the Surviving Corporation, hereby respectfully requests that the Surviving Corporation be allowed to use the name "Exide Technologies" in the State of Delaware following the Effective Time of the above-referenced merger.

If you have any questions, please call me at (734) 827-3286. Thank you for your assistance with this matter.

Very truly yours,

EXIDE CORPORATION

By: /s/ Molly M. Israel

Name: Molly M. Israel,

Title: Assistant General Counsel and  
Assistant Secretary

DET\_01282295.1

TOTAL P.06

TOTAL P.06

TRADEMARK

RECORDED: 10/19/2001

REEL: 002385 FRAME: 0409