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MENT OF COMMERCE

U.S. Patent & TMO/TM Mail Rpt Dt. #76

DATA  
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Patent and Trademark Office  
Docket No. 337842400000

10129101

101894017

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

1. Name of conveying party(ies):

**ETX Technologies, Inc.**

- 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 Corporation**

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

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

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: 31

7. Total fee (37 C.F.R. § 3.41): **\$790.00**

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

8. Deposit account number: 03-1952

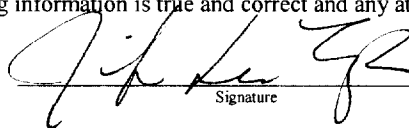
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

**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 23, 2001  
Date

Total number of pages comprising cover sheet, attachments and document: 7

11/07/2001 DBYRNE 00000077 031952 2046152

01 FC:481 40.00 CH  
02 FC:482 750.00 CH

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

sf-1188456

**TRADEMARK**  
**REEL: 002394 FRAME: 0640**

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## ATTACHMENT A

Mark	App. No. / Reg. No.	Our Reference No.
ACTION PACK	2,046,152	33784-6198.001
AMERICAN	1,788,007	33784-6201.000
AMERICAN and Design	797,716	33784-6202.000
EXTRA FORCE	1,503,768	33784-6216.000
GNB and Design	2,249,173	33784-6220.000
GNB PRO MARINE and Design	1,678,370	33784-6222.000
MARLIN I	1,490,946	33784-6228.000
MARLIN II	1,490,947	33784-6229.000
MARSHALL	1,393,113	33784-6230.000
MEDALIST	2,091,137	33784-6231.000
NATIONAL	242,106	33784-6232.000
PC-31	1,305,805	33784-6233.000
POWER BREED	892,372	33784-6235.000
PULSAR	1,503,615	33784-6242.000
PX 31	76/239,638	33784-6245.000
QUALITY FROM THE START	1,888,312	33784-6246.000
QUICKSMART	2,298,945	33784-6247.000
RIGHT FROM THE START	1,834,454	33784-6249.000
SILVER PLUS	2,210,206	33784-6253.000
SOUTHERN	1,347,383	33784-6255.000
SUPER CRANK	1,439,833	33784-6262.000
TRAILBLAZER	1,885,558	33784-6266.000
WATCHMAN	1,256,723	33784-6269.000
ABSOLYTE	1,333,053	33784-6272.000
CHLORIDE	1,456,195	33784-6273.000
GNB TUBULAR and Design	76/220,755	33784-6275.000
LOCOMASTER	1,255,215	33784-6276.000
PACIFIC CHLORIDE and Design	1,577,361	33784-6278.000
SPRINTER	2,126,324	33784-6280.000
SUNLYTE	1,898,611	33784-6281.000
TUBULAR and Design	76/220,754	33784-6282.000

**CERTIFICATE OF OWNERSHIP AND MERGER  
MERCING  
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  
010941355 - 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\_0082305.1

## 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

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TOTAL P.06

TRADEMARK  
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State of Delaware  
Office of the Secretary of State

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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 DELAWARE, 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

AUTHENTICATION: 1245160

DATE: 07-16-01

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RECORDED: 10/29/2001

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