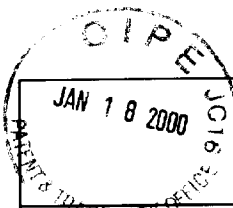


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 DEPARTMENT OF COMMERCE  
Patent and Trademark Office

## PATENTS ONLY

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

## 1. Name of conveying party(ies):

Network Computer, Inc.

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

## 3. Nature of conveyance:

☐ Assignment ☐ Merger  
☐ Security Agreement ☒ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: \_\_\_\_\_

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

Name: Liberate TechnologiesAddress: 2 Circle Star WaySan Carlos, CA 94070
 Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

A. Patent Application No.: 09/073,269

 Title: Mechanism for Facilitating Secure Storage  
and Retrieval of Information on a Smart Card by  
an Internet Service Provider Using Various  
Network Computer Client Devices
Filed Date: May 5, 1998

B. Patent No(s):

 Additional numbers attached? ☐ Yes ☒ No

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

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

Name: Martin C. Fliesler, Esq.Address: Fliesler, Dubb, Meyer & LovejoyFour Embarcadero Center, Suite 400San Francisco, CA 94111Telephone: (415) 362-3800

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6. Total Number of applications and patents involved: 1 X \$40.00 each7. Total fee (37 CFR 3.41).....\$ 40.00☒ Check Enclosed
 8. Fee Authorization. Authorization is given to charge  
any additional fees or credit any  
overpayment to Deposit Account  
No. 06-1325.

 Copy. (A duplicate copy of this authorization is  
not enclosed.)

## 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.
Slade E. SmithAttorney (Reg. No.: 37,447)

Signature

Slade E. SmithJAN. 10, 2000

Date

10. Total number of pages to be recorded: 3 (1 page cover sheet and 2 page document).
 02/07/2000  
01 FC:581

CERTIFICATE OF SECRETARY  
OF  
LIBERATE TECHNOLOGIES

The undersigned Secretary of Liberate Technologies, a Delaware corporation formerly known as "Network Computer, Inc." (the "*Company*"), does hereby certify that:

1. As of the date hereof, I am the duly elected and qualified Secretary of the Company.
2. Attached hereto as Exhibit A is a true, correct and complete copy of the first page of the Company's Fourth Amended and Restated Certificate of Incorporation (the "Certificate") filed with the Delaware Secretary of State on May 11, 1999, reflecting the change of the Company's name from "Network Computer, Inc." to "Liberate Technologies."
3. As a result of the filing of the Certificate on May 11, 1999, the Company's name changed from "Network Computer, Inc." to "Liberate Technologies" on that date.
4. Article I of the Certificate has not been changed since May 11, 1999 and is in full force and effect as of the date hereof.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of this 8th day of November, 1999.


  
\_\_\_\_\_  
Gordon Yamate, Secretary

Exhibit A

FOURTH AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION OF  
NETWORK COMPUTER, INC.

The undersigned, Mitchell E. Kertzman and Daniel Cooperman, hereby certify that:

ONE: They are the duly elected, qualified and acting Chief Executive Officer and Secretary, respectively, of Network Computer, Inc., a Delaware corporation.

TWO: The Third Amended and Restated Certificate of Incorporation of this corporation was filed on November 10, 1997 with the Secretary of State of Delaware, the Second Amended and Restated Certificate of Incorporation of this corporation was filed on July 28, 1997 with the Secretary of State of Delaware, the First Amended and Restated Certificate of Incorporation of this corporation was filed on September 24, 1996 with the Secretary of State of Delaware and the Certificate of Incorporation of this corporation was originally filed with the Secretary of State of Delaware on April 24, 1996.

THREE: The Certificate of Incorporation of this corporation shall be amended and restated to read in full as follows:

ARTICLE I

The name of the corporation is Liberate Technologies.

ARTICLE II

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

ARTICLE III

The purpose of this corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

ARTICLE IV

A. Classes of Stock. This corporation is authorized to issue two classes of stock to be designated, respectively, "Common Stock" and "Preferred Stock." The total number of shares that the corporation is authorized to issue is 667,249,900 shares, each with a par value of \$0.01 per share; 407,500,000 shares shall be Common Stock and 259,749,900 shares shall be Preferred Stock.

B. Rights, Preferences and Restrictions of Preferred Stock. The Preferred Stock authorized by this Restated Certificate of Incorporation may be issued from time to time in one or more series. The Board of Directors is authorized to determine and alter the rights,