

5-19-00

06-14-2000

To the Honorable Commissioner c

Attached original documents or copy thereof.

1. Name of conveying party(ies):

Gateway 2000, Inc.  
610 Gateway Drive, Y04  
North Sioux City, SD 57049-2000

Additional names of conveying party(ies) attached?

☐ yes ☒ no

3. Nature of Conveyance

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

Execution Date:

address of receiving

101380902

NAME: GATEWAY, INC.

Internal Address:

610 Gateway Drive, Y04  
North Sioux City, SD 57049-2000

Street Address: Same as Above

City

State

Zip

Additional name(s) & address(es) attached? ☐ yes ☒ no

4. Application number(s) or patent number(s): 09/256,121

Title: SOFTWARE MANAGEMENT SYSTEM.

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

A. Patent Application No(s).

09/256,121

B. Patent No(s).

Additional numbers attached? ☐ Yes ☒ No

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

Sean Patrick Suiter  
Suiter & Associates PC  
11516 Nicholas Street, Suite 205  
Omaha, NE 68154-4409

6. Total number of applications and patents involved: 1

7. Total fee (37 CVF 3.41): \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

☒ Total fee due

☒ Any deficiencies in the enclosed fees

8. Deposit account number:

50-0439

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.

Kenneth J. Cool

Name of Person Signing

Registration No. 40,570

Tel.: (402) 496-0300

Signature

Date

Total number of pages comprising cover sheet: 1

06/13/2000 DNGUYEN 00000249 500439 09256121

01 FC:581

40.00 CH

**CERTIFICATE OF AMENDMENT OF  
RESTATED CERTIFICATE OF INCORPORATION  
OF GATEWAY 2000, INC.**

Gateway 2000, Inc. (the "Corporation"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "DGCL"), hereby certifies as follows:

1. The name of the Corporation is Gateway 2000, Inc.

2. The date on which the Restated Certificate of Incorporation of the Corporation was originally filed with the Secretary of State of Delaware was December 6, 1993, and a Corrected Restated Certificate of Incorporation of the Corporation was filed with the Secretary of State of the State of Delaware on September 15, 1994 (the "Restated Certificate").

3. This Certificate of Amendment amends a provision of the Restated Certificate and has been duly adopted by the Board of Directors in accordance with the provisions of Sections 141 and 242 of the DGCL, and further adopted in accordance with the provisions of Sections 216 and 242 of the DGCL by the stockholders of the Corporation.

4. Article FIRST of the Restated Certificate is hereby amended and restated to read in its entirety as follows:

"FIRST: The name of the corporation is Gateway, Inc. (hereinafter called the "Corporation")."

5. The first paragraph of Article FOURTH of the Restated Certificate is hereby amended and restated to read in its entirety as follows:

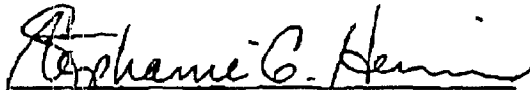
"FOURTH: The total number of shares of capital stock which the Corporation shall have authority to issue is 1,006,000,000 shares, consisting of:

- (1) 1,000,000,000 shares of Common Stock, par value \$.01 per share ("Common Stock");
- (2) 1,000,000 shares of Class A Common Stock, par value \$.01 per share ("Class A Common Stock"); and
- (3) 5,000,000 shares of Preferred Stock, par value \$.01 per share ("Preferred Stock")."

6. This Certificate of Amendment of the Restated Certificate of Incorporation shall be effective at 12:01 a.m. Eastern Daylight Time on June 1, 1999.

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Amendment to be signed by a duly authorized officer of the Corporation as of May 24, 1999.

GATEWAY 2000, INC.

A handwritten signature in cursive script, appearing to read "Stephanie G. Helm", written over a horizontal line.

Stephanie G. Helm  
Assistant Secretary

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 "GATEWAY 2000, INC.", CHANGING ITS NAME FROM "GATEWAY 2000, INC." TO "GATEWAY, INC.", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1999, AT 4:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE FIRST DAY OF JUNE, A.D. 1999.

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



*Edward J. Freel*

Edward J. Freel, Secretary of State

AUTHENTICATION:

2251983 8100

9767781

DATE:

991209835

05-26-99

RECORDED: 05/19/2000

PATENT  
REEL: 010843 FRAME: 0420