

01-15-2003

ASSIGNMENT



1 SHEET

102338475

To: Honorable Commissioner of Patents and Trademarks:

Please record the attached original document(s) or copy thereof.

1. Name of conveying party(ies)  
a) Recourse Acquisition Corp.  
b) Recourse Technologies, Inc.
2. Name and address of receiving party(ies):  
a) Name: Recourse Technologies, Inc.  
b) Address: c/o Symantec Corporation  
203330 Stevens Creek Blvd.  
Cupertino, CA 95014

1-10-03

3. Nature of conveyance
- |                          |                    |                                     |                   |
|--------------------------|--------------------|-------------------------------------|-------------------|
| <input type="checkbox"/> | Assignment         | <input checked="" type="checkbox"/> | Merger            |
| <input type="checkbox"/> | Security Agreement | <input type="checkbox"/>            | Change of Name    |
| <input type="checkbox"/> | Other _____        | <input type="checkbox"/>            | License Agreement |

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SECTION

Execution Date: August 19, 2002

4. Application Number(s) or Patent Number(s): 09/651,304

The title of the (new) application is:

**SYSTEM AND METHOD FOR ANALYZING FILESYSTEMS TO DETECT INTRUSIONS**

5. Please send all correspondence concerning this (these) documents to:

**Customer No. 21912  
Van Pelt & Yi LLP  
4906 El Camino Real, Suite 205  
Los Altos, CA 94022  
(650) 903-3500 (PH)  
(650) 903-3501 (FX)**

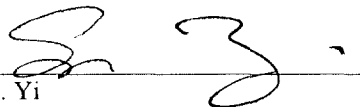
6. Total number of applications and patents involved: 1

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

- ☒ Enclosed  
☒ Any deficiencies are hereby authorized to be charged to Deposit Account No. 50-0685 (Order No. RECOP015)

8. 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.

Date: January 3, 2003

  
Susan C. Yi  
Registration No. 39,883

01/14/2003 GT0N11 00000090 09651304

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40.00 DP

Attorney Docket No. RECOP015

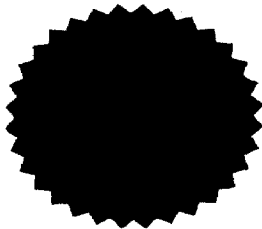
(Revised 01/96)

**PATENT**  
**REEL: 013649 FRAME: 0215**

## *The First State*

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 MERGER, WHICH MERGES:

"RECOURSE ACQUISITION CORP.", A DELAWARE CORPORATION,  
WITH AND INTO "RECOURSE TECHNOLOGIES, INC." UNDER THE NAME  
OF "RECOURSE TECHNOLOGIES, INC.", A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED  
AND FILED IN THIS OFFICE THE NINETEENTH DAY OF AUGUST, A.D.  
2002, AT 9 O'CLOCK A.M.



Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State

3007088 8100M

AUTHENTICATION: 2118146

020737257

DATE: 12-02-02

**CERTIFICATE OF MERGER  
OF  
RECOURSE ACQUISITION CORP.  
WITH AND INTO  
RECOURSE TECHNOLOGIES, INC.**

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**Pursuant to Section 251 of the  
General Corporation Law of the State of Delaware**

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Recourse Technologies, Inc., a Delaware corporation (the "*Company*"), does hereby certify to the following facts relating to the merger (the "*Merger*") of Recourse Acquisition Corp., a Delaware corporation ("*RAC*"), with and into the Company, with the Company remaining as the surviving corporation of the Merger (the "*Surviving Corporation*"):

- FIRST:** The Company and RAC are incorporated pursuant to the General Corporation Law of the State of Delaware ("*DGCL*"). The Company and RAC are the constituent corporations in the Merger.
- SECOND:** An Agreement and Plan of Merger, dated as of July 16, 2002 (the "*Merger Agreement*"), setting forth the plan of merger, has been approved, adopted, certified, executed and acknowledged by the Company and RAC in accordance with the provisions of subsection (c) of Section 251 of the DGCL.
- THIRD:** The surviving corporation of the Merger shall be the Company.
- FOURTH:** Upon the effectiveness of the Merger, the Certificate of Incorporation of the Surviving Corporation shall be amended to read in its entirety as set forth in Exhibit A attached hereto.
- FIFTH:** The executed Merger Agreement is on file at the principal place of business of the Surviving Corporation, at c/o Symantec Corporation, 20330 Stevens Creek Blvd., Cupertino, CA 95014.
- SIXTH:** A copy of the executed Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation of the Merger.
- SEVENTH:** The Merger shall become effective at 9:00 A.M. Eastern Time on the date of filing this Certificate of Merger with the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, the Company has caused this Certificate of Merger to be executed by its duly authorized President as of August 19, 2002.

**RECOURSE TECHNOLOGIES, INC.**

By: Frank Huerta

Name: Frank Huerta

Title: Chief Executive Officer and President

**[SIGNATURE PAGE TO CERTIFICATE OF MERGER]**

EXHIBIT A

**AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
RECOURSE TECHNOLOGIES, INC.**

**ARTICLE I**

The name of the corporation is Recourse Technologies, Inc.

**ARTICLE II**

The address of the registered office of the corporation in the State of Delaware is 15 E. North Street, City of Dover, County of Kent. The name of its registered agent at that address is Incorporating Services, Ltd.

**ARTICLE III**

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

**ARTICLE IV**

The total number of shares of stock, which the corporation has authority to issue, is 1,000 shares, all of which shall be Common Stock, \$0.001 par value per share.

**ARTICLE V**

The Board of Directors of the corporation shall have the power to adopt, amend or repeal Bylaws of the corporation.

**ARTICLE VI**

Election of directors need not be by written ballot unless the Bylaws of the corporation shall so provide.

12290/00219/DOCS/1276822.3

## **ARTICLE VII**

The liability of the directors for monetary damages shall be eliminated to the fullest extent under applicable law. Without limiting the effect of the preceding sentence, if the Delaware General Corporation Law is hereafter amended to authorize the further elimination or limitation of the liability of a director, then the liability of a director of the corporation shall be eliminated or limited to the fullest extent permitted by the Delaware General Corporation Law, as so amended.

Any repeal or modification of this Article VII shall only be prospective and shall not affect the rights under this Article VII in effect at the time of the alleged occurrence of any action or omission to act giving rise to liability.