

04-16-2003

019322-000416



Form PTO-1595 (Rev. 03/01)

RECORDATIO

OFFICE OF COMMENCE AND TRADEMARK OFFICE

OMB No. 0651-0027 (exp. 5/31/2002)

PATENT 102420586

Tab settings

4-14-03

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

1. Name of conveying party(ies):
 Cygnus Solutions
 Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: May 25, 2000

2. Name and address of receiving party(ies)
 Name: Red Hat, Inc.
 2600 Meridian Parkway
 Durham, NC 27713

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

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

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

A. Patent Application No.(s) 09/656,776

B. Patent No.(s) _____

Additional numbers attached? Yes No

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

Name: Steven B. Phillips

Internal Address: Moore & Van Allen PLLC

Street Address: 2200 West Main Street, Suite 800

City: Durham State: NC Zip: 27705

6. Total number of applications and patents involved: 1

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

Enclosed
 Authorized to charge deposit account any shortage or credit overpayment

8. Deposit account number:
13-4365

OFFICE OF PUBLIC RECORDS
2003 APR 14 AM 3:25
FINANCE SECTION

DO NOT USE THIS SPACE

39. Signature.
 Steven B. Phillips
 Name of Person Signing _____ Signature Steven B. Phillips Date April 8, 2003

Total number of pages including cover sheet, attachments, and documents: 3

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

04/15/2003 DBYRNE 00000020 09656776
01 FC: 8021 40.00 OP

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PATENT REEL: 013951 FRAME: 0144

1652264 OUT

00523685

CERTIFICATE OF OWNERSHIP AND MERGER

OF

CYGNUS SOLUTIONS,
(a California corporation)

FILED *GR*
In the Office of the Secretary of State
of the State of California

into

JUN 0 1 2000

RED HAT, INC.
(a Delaware corporation)

Bill Jones
BILL JONES, Secretary of State

Pursuant to §253 of
Delaware General Corporation Law

It is hereby certified that:

1. Red Hat, Inc. (the "Corporation") is a corporation organized under the laws of the State of Delaware.
2. The Corporation is the owner of all of the outstanding shares of capital stock of Cygnus Solutions, a corporation organized under the laws of the State of California, ("Cygnus").
3. The laws of the jurisdiction of organization of Cygnus permit the merger of a corporation of that jurisdiction with a corporation of another jurisdiction.
4. The Corporation hereby merges Cygnus into the Corporation pursuant to §253 of Delaware General Corporation Law.
5. Attached hereto as Exhibit A is a copy of the resolutions adopted unanimously on May 24, 2000 by the Board of Directors of the Corporation to merge Cygnus into the Corporation.
6. The effective time of this Certificate of Ownership and Merger, and the effective merger time, shall be 11:59 p.m. on May 31, 2000.

Executed on the 25th day of May, 2000.

RED HAT, INC.

By: *Mark H. Webbink*
Name: MARK H. WEBBINK
Title: General Counsel

**RESOLUTIONS
OF THE
BOARD OF DIRECTORS
OF
RED HAT, INC.**

May 24, 2000

The Board of Directors of Red Hat, Inc., a Delaware corporation (the "Corporation"), adopted the following resolutions at its regularly scheduled meeting on May 24, 2000:

WHEREAS, the Corporation is the owner of all of the outstanding shares of capital stock of Cygnus Solutions, a corporation organized under the laws of California ("Cygnus"); and

WHEREAS, the Board, after duly reviewing the ramifications of merging Cygnus into Red Hat, wishes to effect the merger of Cygnus into Red Hat; and

WHEREAS, by Cygnus being the wholly-owned subsidiary of Red Hat, the merger of Cygnus into Red Hat may be effected, pursuant to Section 1110 of the California General Corporation Law and Section 253 of the Delaware General Corporation Law, by resolution of this Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board, after due consideration of the financial circumstances of the Corporation, hereby adopts the following resolutions for the purpose of effecting the merger of Cygnus into the Corporation, and

BE IT FURTHER RESOLVED, that Cygnus be merged into the Corporation, and that all of the estate, property rights, privileges, powers, and franchises of Cygnus be vested in and held and enjoyed by the Corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by Cygnus in its name; and

BE IT FURTHER RESOLVED, that the Corporation assume all of the obligations of Cygnus; and

BE IT FURTHER RESOLVED, that the Corporation shall cause to be executed and filed any and all documents prescribed by the laws of the State of Delaware, by the laws of the State of California, and by the laws of any other appropriate jurisdiction and will cause to be performed all necessary acts within such jurisdictions; and

BE IT FURTHER RESOLVED, that the effective time of the Certificate of Ownership and Merger setting forth a copy of these resolutions shall be 11:59 p.m. on May 31, 2000, and that, insofar as the General Corporation Law of the State of Delaware shall govern the same, said time shall be the effective merger time; and

BE IT FURTHER RESOLVED, that the officers of the Corporation be, and they hereby are, authorized and directed on its behalf to take all such actions and to prepare, execute and deliver any and all certificates, instruments and documents, agreements and undertakings, and to do any and all acts or things, as they or any of them, consider necessary, appropriate or desirable to carry out the intent and purposes of all of the foregoing resolutions.



STATE OF CALIFORNIA
 FRANCHISE TAX BOARD
 PO BOX 1468
 SACRAMENTO CA 95812-1468

TAX CLEARANCE CERTIFICATE

EXPIRATION DATE: July 14, 2000

June 1, 2000

CSC
 2730 GATEWAY OAKS DR STE 100
 SACRAMENTO CA 95833

ISSUED TO : CYGNUS SOLUTIONS
 ENTITY ID : 1653264

This is to certify that all taxes imposed under the Bank and Corporation Tax Law on this corporation have been paid, assumed, or are secured by other means.

If a final return has not been filed, one should be filed within two months and 15 days after the close of the month in which the dissolution or withdrawal takes place. If the corporation was inactive, a statement to that effect should be attached to the tax forms. All returns remain subject to audit until the expiration of the normal statutory period. Failure to file required returns may result in additional assessments.

A copy of this Tax Clearance Certificate has been sent to the Office of the Secretary of State. This original Tax Clearance Certificate may be retained in the files of the corporation.

By the Expiration Date noted above, this corporation must have filed the documents required by the Secretary of State to dissolve, withdraw or merge. Requests for the appropriate documents must be directed to: Office of the Secretary of State at 1500 11th Street, 3rd Floor, Sacramento CA. 95814, or by telephone, (916) 657-5448.

NOTE: If the required documents are not filed with the Secretary of State prior to the Expiration Date noted above, the corporation will remain subject to the filing requirements of the Bank and Corporation Tax Law.

By H. Hermansen
 Tax Clearance Unit
 Special Audit Section
 Telephone (916) 845-4124



COPY

PATENT
 REEL: 013951 FRAME: 0148

FTB 5700 4/98



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 20, 1998

PTAS

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
MICHAEL J. URE
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404



100742070A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/10/1998

REEL/FRAME: 9238/0221

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BOTHNER, PER

DOC DATE: 05/26/1998

ASSIGNEE:

CYGNUS SOLUTIONS
1325 CHESAPEAKE TERRACE
SUNNYVALE, CALIFORNIA 94089

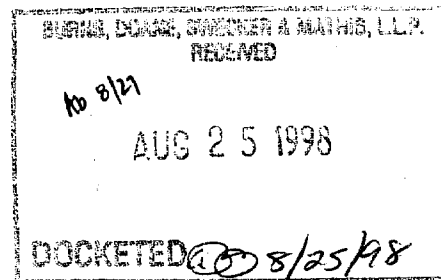
SERIAL NUMBER: 09025842

FILING DATE: 02/19/1998

PATENT NUMBER:

ISSUE DATE:

SHIRLIE SIMON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



030770-002

PATENT/msu

REEL: 013951 FRAME: 0149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Snyder Art Unit: 2122
Application Number: 09/656,776 Examiner: Unknown
Filed: September 7, 2000
For: DEBUGGER SYSTEM USING TRACEPOINTS

Commissioner for Patents
Washington, DC 20231


COMMUNICATION

Enclosed herewith for filing is a Power of Attorney, Recordation Form Cover Sheet, and copy of Merger document. We would like to be able to access this application in PAIR. For that purpose, our customer number is 24,239.

Also enclosed is our check in the amount of \$40 in payment of the recordation fee. The Commissioner is hereby authorized to charge payment of any deficiency associated with this Communication, or credit any overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Date: 4/8/03

By: 
Steven B. Phillips
Registration Number: 37,911
Moore & Van Allen PLLC
Suite 800
2200 West Main Street
Durham, NC 27705
Telephone: 919-286-8000

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient Postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, at 703-308-6916.

Signature: Patricia L. Pontello
Patricia L. Pontello
(Name of person certifying)

Date: April 8, 2003

State of California



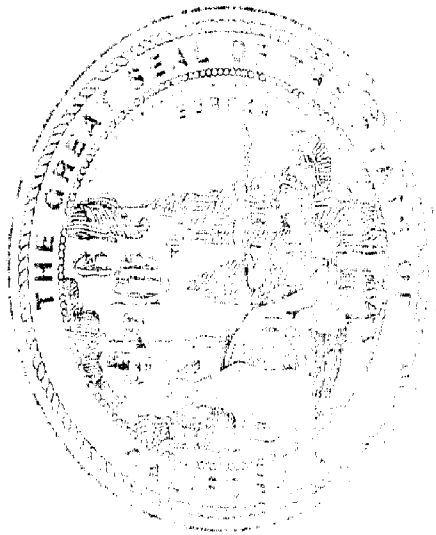
SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

DEC 01 2000



Bill Jones

Secretary of State