

FORM PTO-1619A  
Expires 06/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or cop(ies).

**Submission Type**

- ☒ **New**
- ☐ **Resubmission (Non-Recordation)**  
Document ID#
- ☐ **Correction of PTO Error**  
Reel #                      Frame #
- ☐ **Corrective Document**  
Reel #                      Frame #

**Conveyance Type**

- ☒ **Assignment**                      ☐ **Security Agreement**
- ☐ **License**                              ☐ **Change of Name**
- ☐ **Merger**                              ☐ **Other**  
**U.S. Government**  
(For Use ONLY by U.S. Government Agencies)
- ☐ **Departmental File**                      ☐ **Secret File**

**Conveying Party(ies)**

☐ Mark if additional names of conveying parties attached      Execution Date  
Month Day Year

Name (line1) @stake, Inc.

10202004

Name (line2)

**Second Party**

Execution Date  
Month Day Year

Name (line1)

Name (line2)

**Receiving Party**

☐ Mark if additional names of receiving parties attached

Name (line 1) Symantec Corporation

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Name (line 2)

Address (line 1) 20330 Stevens Creek Blvd.

Address (line 2)

Address (line 3) Cupertino  
City

California 95014  
Stat Enter for the first Receiving Party only.

**Domestic Representative Name and Address**

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

FOR OFFICE USE ONLY

**PATENT**

700126869

REEL: 015301 FRAME: 0961

CH \$40.00 023038 10314005

FORM PTO-1619B  
Expires 06/30/99  
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Page 2

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

**Correspondent Name and Address**

Area Code and Telephone Number (617) 367-4600

Name Paul D. Sorkin, Esq.

Address (line 1) Kudirka &amp; Jobse, LLP

Address (line 2) One State Street, Suite 800

Address (line 3) Boston, MA 02109

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# 6

**Application Number(s) or Patent Number(s)**☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

10314005

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

PCT

PCT

PCT

Enter PCT application number

only if a U.S. Application Number PCT

PCT

PCT

Has not been assigned.

**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$40.00

Method of Payment:

Enclosed ☒Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 02-3038

Authorization to charge additional fees:

Yes ☒No ☐**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. Charges to deposit account are authorized, as indicated herein.

Paul D. Sorkin

Name of Person Signing

Signature

Date

10/28/2004

**PATENT**  
REEL: 015301 FRAME: 0962

**ASSIGNMENT**

Whereas, @stake, Inc. ("@stake"), is a Delaware corporation having its principal place of business at 196 Broadway, Cambridge, Massachusetts 02139-1902, and

Whereas, Symantec Corporation, ("Symantec"), is a Delaware corporation having its principal place of business at 20330 Stevens Creek Blvd., Cupertino, California 95014,

Now, therefore, to the extent not already done so by the Acquisition of @stake by Symantec, completed October 8, 2004, and for valuable consideration furnished by Symantec to @stake, the receipt of which is hereby acknowledged, @stake hereby sells, assigns, and transfers the entire right, title and interest, including the right to sue for and collect past damages, in and to the patents and patent applications identified below, and any and all divisional applications, continuation applications, continuations-in-part, reissues, reexaminations thereof, and all pending applications therefor, which claim priority from any application from which said patents are derived, as well as, all foreign counterparts of said patents, and applications thereof, and all pending foreign applications therefor which claim priority from any of said patents.

Symantec hereby authorizes the Commissioner for Patents of the United States Patent and Trademark Office, and the empowered officials of all other governments to issue or transfer all said patents and patent applications to Symantec, as assignee thereof, or otherwise as Symantec may direct.

<i>Serial Number</i>	<i>Title</i>	<i>Inventor(s)</i>
10/314,005	SOFTWARE ANALYSIS FRAMEWORK	Christien R. Rioux
PCT/US03/39047	SOFTWARE ANALYSIS FRAMEWORK	Christien R. Rioux

Executed on this 20 day of October, 2004.

@STAKE, INC.

By: 

Name: ART COURVILLE

Title: VP & Secretary

# Delaware

*The First State*

PAGE 1

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:

"ATLANTA ACQUISITION SUB, INC.", A DELAWARE CORPORATION, WITH AND INTO "@STAKE, INC." UNDER THE NAME OF "@STAKE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SEVENTH DAY OF OCTOBER, A.D. 2004, AT 6:09 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE SEVENTH DAY OF OCTOBER, A.D. 2004, AT 11:59 O'CLOCK P.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

3063021 8100M

AUTHENTICATION: 3399938

040728059

DATE: 10-07-04

State of Delaware  
 Secretary of State  
 Division of Corporations  
 Delivered 06:07 PM 10/07/2004  
 FILED 06:09 PM 10/07/2004  
 SRV 040728059 - 3063021 FILE

# **CERTIFICATE OF MERGER**

**MERGING ATLANTA ACQUISITION SUB, INC. WITH AND INTO @STAKE, INC.**  
 (Pursuant to Section 251 of the General Corporation Law of the State of Delaware)

@stake, Inc. a Delaware corporation (the "*Company*"), DOES HEREBY CERTIFY AS FOLLOWS:

**FIRST:** That the constituent corporations to the merger certified here are Atlanta Acquisition Sub, Inc., a Delaware corporation ("*Merger Sub*") and the Company.

**SECOND:** That certain Agreement and Plan of Merger (the "*Agreement*") dated as of September 14, 2004 by and among Symantec Corporation, a Delaware corporation, Merger Sub, the Company and solely for purposes of Section 2.1(d) and Section 10.2, Battery Management Corp., setting forth the terms and conditions of the merger of Merger Sub with and into the Company (the "*Merger*"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the Company shall be the surviving corporation in the Merger (the "*Surviving Corporation*") and the name of the Surviving Corporation shall be @stake, Inc.

**FOURTH:** That pursuant to the Agreement, the Restated Certificate of Incorporation of the Company is amended to read in its entirety as set forth in Exhibit A attached hereto and so amended shall constitute the Restated Certificate of Incorporation of the Surviving Corporation until thereafter amended.

**FIFTH:** That an executed copy of the Agreement is on file at the office of the Surviving Corporation at the following address:

c/o Symantec Corporation  
 20330 Stevens Creek Blvd.  
 Cupertino, California 95014

**SIXTH:** That an executed copy of the Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.

**SEVENTH:** That this Certificate of Merger and the Merger shall become effective at 11:59 p.m., Eastern Time, on October 7, 2004.

**IN WITNESS WHEREOF,** the Company has caused this Certificate of Merger to be executed in its corporate name as of this 7th day of October, 2004.

@stake, Inc.  
 a Delaware corporation

By: /s/ James Mobley  
 Name: James Mobley  
 Title: Chief Executive Officer

**EXHIBIT A**  
**RESTATED CERTIFICATE OF INCORPORATION**  
**OF**  
**THE COMPANY**

**RESTATED CERTIFICATE OF INCORPORATION  
OF  
@STAKE, INC.**

**I. FIRST**

The name of the corporation is @stake, Inc.

**II. SECOND**

The address of the registered office of the Corporation in the State of Delaware is 1209 Orange Street, City of Wilmington, County of New Castle, Delaware, 19801. The name of its registered agent at such address is The Corporation Trust Company.

**III. THIRD**

The nature of the business or purposes to be conducted or promoted 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.

**IV. FOURTH**

The total number of shares of all classes of capital stock which the corporation shall have authority to issue is 100 shares of Common Stock with a par value of \$0.0001 per share (the "Common Stock").

**V. FIFTH**

The corporation is to have perpetual existence.

**VI. SIXTH**

In furtherance and not in limitation of the powers conferred by the laws of the State of Delaware, the board of directors of the corporation is expressly authorized to make, alter or repeal the bylaws of the corporation.

**VII. SEVENTH**

A director of the corporation shall not be personally liable to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, except for liability (i) for any breach of the director's duty of loyalty to the corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under Section 174 of the General Corporation Law of the State of Delaware, or (iv) for any transaction from which the director derived any improper personal benefit. If the General Corporation Law of the State of Delaware is amended hereafter to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the corporation shall be eliminated or limited to the fullest extent permitted by the General Corporation Law of the State of Delaware, as so amended.

Any repeal or modification of the foregoing paragraph by the stockholders of the corporation shall not adversely affect any right or protection of a director of the corporation existing at the time of such repeal or modification.

**VIII. EIGHTH**

The corporation reserves the right to amend and repeal any provision contained in this Certificate of Incorporation in the manner from time to time prescribed by the laws of the State of Delaware. All rights herein conferred are granted subject to this reservation.

\* \* \*