


Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)		<b>RECORDATION FORM COVER SHEET</b> <b>PATENTS ONLY</b>		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof					
1. Name of conveying party(ies): <b>Rackable Corporation</b>  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party(ies) Name: <u>Rackable Systems, Inc.</u> Internal Address: _____ Street Address: _____  1933 Milmont Drive  City: <u>Milpitas</u> State: <u>CA</u> Zip: <u>95035</u> Additional name(s) & address(es) attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of Conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>December 23, 2002</u>			4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the new application is: _____ A. Patent Application No.(s): _____ B. Patent No.(s): <u>6,741,467 B2</u>  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>E. Thomas Wheelock</u> <u>MORRISON &amp; FOERSTER LLP</u> Internal Address: <u>Atty. Dkt.: 443452000101</u> Street Address: _____ <u>755 Page Mill Road</u>  City: <u>Palo Alto</u> State: <u>CA</u> Zip: <u>94304</u>			6. Total number of applications and patents involved: <u>1</u>  7. Total fee (37 CFR 3.41) \$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Authorized to be charged to credit card (Form 2038 enclosed)  8. Deposit account number: <u>03-1952</u> (Attach duplicate copy of this page if paying by deposit account)		
<b>DO NOT USE THIS SPACE</b>					
9. Statement and signature. <i>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.</i>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 40%;"> <u>E. Thomas Wheelock - 28,825</u>            Name of Person Signing         </div> <div style="width: 30%; text-align: center;">             Signature         </div> <div style="width: 20%; text-align: center;"> <u>11/3/04</u>            Date         </div> </div> <div style="text-align: right; margin-top: 10px;">         Total number of pages including cover sheet, attachments, and documents: <u>3</u> </div>					

CH \$40.00 031952 6741467

12/23/02 MON 12:57 FAX 312 861 2200

KIRKLAND &amp; ELLIS

STATE OF DELAWARE 004  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 02:16 PM 12/23/2002  
020793438 - 3601107

CERTIFICATE OF AMENDMENT  
TO  
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF  
RACKABLE CORPORATION

\*\*\*\*\*

Adopted in accordance with the provisions  
of §242 of the General Corporation Law  
of the State of Delaware

Marc Rubin, being the Vice President of  
Rackable Corporation, a corporation duly organized and existing under and by virtue of  
the General Corporation Law of the State of Delaware (the "Corporation"), does hereby  
certify as follows:

**FIRST:** That the Amended and Restated Certificate of Incorporation  
of the Corporation be, and hereby is, amended by deleting Article One in its entirety and  
substituting in lieu thereof a new Article One to read as follows:

ARTICLE ONE

The name of the corporation is Rackable Systems, Inc.

**SECOND:** That the Board of Directors of the Corporation approved the  
foregoing amendment by unanimous written consent pursuant to the provisions of  
Section 141(f) and 242 of the General Corporation Law of the State of Delaware and  
directed that such amendment be submitted to the stockholders of the Corporation  
entitled to vote thereon for their consideration, approval and adoption thereof.

**THIRD:** That the stockholders entitled to vote thereon approved the  
foregoing amendment by written consent in accordance with Section 228 and 242 of the  
General Corporation Law of the State of Delaware.

11NamechangeCert.DOC

12/23/02 MON 12:57 FAX 312 461 2200

KIRKLAND &amp; ELLIS

008

IN WITNESS WHEREOF, the undersigned does hereby certify under penalties of perjury that this Certificate of Amendment to the Amended and Restated Certificate of Incorporation of the Corporation is the act and deed of the undersigned and the facts stated herein are true and accordingly has hereunto set his hand this 23<sup>rd</sup> day of December, 2002.

RACKABLE CORPORATION

By: Marc Rubin

Marc Rubin

Its: Vice President

11NamechangeCert.DOC