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 Recordation Form Cover Sheet
PATENTS ONLY

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Brightmail, Inc.

Additional name(s) of conveying party(ies) attached?

☒ No ☐ Yes

2. Name and address of receiving party(ies):

Name: Symantec Corporation

Internal Address: _____

3. Nature of Conveyance

☐ Assignment☒ Merger☐ Security Agreement☐ Change of Name☐ Other:Street Address: 20330 Stevens Creek BoulevardCity: Cupertino State/Province: CA Zip 95014

Country: _____

Execution Date(s): June 18, 2004Additional 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)

B. Patent No.(s)

6,654,787 B1

Additional numbers attached? ☐ Yes ☒ No

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

Marina Portnova

Name: Blakely, Sokoloff, Taylor & Zafman LLP

Internal Address: _____

Street Address: 12400 Wilshire Boulevard, 7th Floor
Los Angeles, California 900256. Total number of applications and patents involved: 17. Total Fee (37 CFR 3.41).....\$ 40.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit Account Number:

02-2666

(Attach duplicate copy of this page if paying by deposit account)

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.*Marina Portnova, Reg. No. 45,750

Name of Person Signing

Signature

March 3, 2005

Date

Total number of pages including cover sheet, attachments, and documents: 8

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

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03/09/2005 DBYRNE 00000010 6654787

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40.00 DP

Docket No. 003775.P001

Based on Form PTO-1595 as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 05/09/03

PATENT
REEL: 016323 FRAME: 0633

**SECRETARY OF STATE**

I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 21 page(s) has been compared with the record on file in this office, 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

JUN 21 2004



Kevin Shelley
Secretary of State

A0613394

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 21 2004

KEVIN SHELLEY
Secretary of State

**AGREEMENT OF MERGER
OF
BRAZIL ACQUISITION CORP.
AND
BRIGHTMAIL INCORPORATED**

This Agreement of Merger (this "**Agreement**") is entered into as of June 16, 2004 by and between Brazil Acquisition Corp., a California corporation ("**Merger Sub**"), and Brightmail Incorporated, a California corporation (the "**Company**").

RECITALS

A. Merger Sub is a wholly-owned subsidiary of Symantec Corporation, a Delaware corporation ("**Acquiror**"). Acquiror, Merger Sub, the Company and John C. Colligan, as Representative (the "**Representative**") have entered into an Agreement and Plan of Merger dated as of May 19, 2004 (the "**Plan of Merger**") providing for certain representations, warranties and agreements in connection with the transactions contemplated hereby, and for the merger of Merger Sub with and into the Company (the "**Merger**") in accordance with the California General Corporation Law (the "**California Law**") with the Company to be the surviving corporation in the Merger (the "**Surviving Corporation**").

B. The Boards of Directors of Merger Sub and the Company have determined it to be advisable and in the respective interests of Merger Sub and the Company and their respective shareholders that Merger Sub be merged with and into the Company in accordance with the Plan of Merger.

C. The Plan of Merger, this Agreement and the Merger have been approved by the shareholders of the Company and by Acquiror as the sole shareholder of Merger Sub.

NOW, THEREFORE, Merger Sub and the Company hereby agree as follows:

1. **CERTAIN DEFINITIONS.** As used in this Agreement, the following terms will have the meanings set forth below. Unless indicated otherwise, all mathematical calculations contemplated hereby shall be made to the fifth decimal place.

"**Acquiror Common Stock**" means the Common Stock, \$0.01 par value per share, of Acquiror.

"**Acquiror Options**" means options to purchase shares of Acquiror Common Stock.

"**Average Acquiror Stock Price**" shall mean the average of the closing prices for a share of Acquiror Common Stock as quoted on the NASDAQ Stock Market (or other principal exchange or market on which Acquiror Common Stock is then listed) for 10 consecutive trading days ending on (and including) the trading day that is three trading days prior to the Closing Date.

CERTIFICATE OF APPROVAL
OF
AGREEMENT OF MERGER
BRIGHTMAIL INCORPORATED

Enrique Salem hereby certifies that:

1. He is the President and Secretary of Brightmail Incorporated, a California corporation (the "Corporation").
2. The Agreement of Merger between the Corporation and Brazil Acquisition Corp., a California corporation ("Sub"), in the form attached to this Certificate (the "Agreement of Merger"), was duly approved by the Board of Directors and by the shareholders of the Corporation. The Agreement of Merger provides for the statutory merger (the "Merger") of Sub with and into the Corporation, with the Corporation to be the surviving corporation of the Merger.
3. The Corporation has authorized capital of 72,150,655 shares, 51,000,000 of which are designated "Common Stock", no par value, 21,150,655 of which are designated "Preferred Stock," no par value, consisting of 2,889,962 shares of Series A Preferred Stock, 6,026,158 shares of Series B Preferred Stock, 5,048,270 shares of Series C Preferred Stock and 7,171,315 shares of Series D Preferred Stock. The number of shares of Common Stock outstanding and entitled to vote upon the Merger was 6,289,366 shares. The number of shares of Series A Preferred Stock outstanding and entitled to vote upon the Merger was 2,889,962 shares. The number of shares of Series B Preferred Stock outstanding and entitled to vote upon the Merger was 5,952,824 shares. The number of shares of Series C Preferred Stock outstanding and entitled to vote upon the Merger was 5,021,810 shares. The number of shares of Series D Preferred Stock outstanding and entitled to vote upon the Merger was 7,076,225 shares.
4. The principal terms of the Agreement of Merger were approved by the Corporation by a vote of the shareholders that equaled or exceeded the vote required. The percentage vote required to approve the Agreement of Merger was the affirmative vote of (i) holders of a majority of the outstanding shares of Common Stock (voting as a separate voting class), (ii) holders of a majority of the outstanding shares of Preferred Stock (voting together as a single voting class), (iii) holders of a majority of the outstanding shares of Series A Preferred Stock (voting as a separate voting class), (iv) holders of a majority of the outstanding shares of Series B Preferred Stock (voting as a separate voting class), and (v) holders of a majority of the outstanding shares of Company Series C Preferred Stock and Series D Preferred Stock (voting together as a single voting class).

5. The undersigned further declares under penalty of perjury under the laws of the State of California that the statements contained in the foregoing certificate are true and correct to his own knowledge.

Dated:

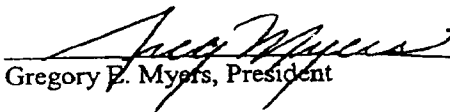
June 18, 2004 ES Salem
Enrique Salem, President and Secretary


**CERTIFICATE OF APPROVAL
OF
AGREEMENT OF MERGER
BRAZIL ACQUISITION CORP.**

Gregory E. Myers and Hans Brasseler hereby certify that:

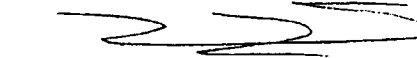
1. They are the President and the Assistant Secretary, respectively, of Brazil Acquisition Corp., a California corporation (the "**Sub**").
2. The Agreement of Merger between the Sub and Brightmail Incorporated, a California corporation (the "**Corporation**"), in the form attached to this Certificate (the "**Agreement of Merger**") was duly approved by the Board of Directors and by the sole shareholder of the Sub. The Agreement of Merger provides for the statutory merger (the "**Merger**") of the Sub with and into Corporation, with Corporation to be the surviving corporation of the Merger.
3. The Sub has only one class of stock, which is the Sub's Common Stock, no par value per share ("**Common Stock**"), and only the Common Stock was entitled to vote on the Agreement of Merger. The percentage vote required to approve the Agreement of Merger was the affirmative vote of a majority of the outstanding shares of Common Stock. The number of shares of Common Stock outstanding and entitled to vote on the Agreement of Merger was one hundred (100) shares. The principal terms of the Agreement of Merger were approved by the Sub by the vote of a number of shares of Common Stock that equaled or exceeded the vote required. The shareholder approval was by the holder of one hundred percent (100%) of the outstanding shares of the Sub's Common Stock.
4. Each of the undersigned declares under penalty of perjury under the laws of the State of California that the statements set forth in this Certificate are true and correct to his own knowledge.

Dated: June 18, 2004


Gregory E. Myers, President

APPROVED

LEGAL DEPT.

Dated: June 18, 2004


Hans Brasseler, Assistant Secretary

APPROVED

LEGAL DEPT.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

BRIGHTMAIL INCORPORATED

By: _____

Name: Enrique Salem

Title: President and Secretary


BRAZIL ACQUISITION CORP.

By: 

Name: Gregory E. Myers

Title: President

APPROVED
EOP
LEGAL DEPT.

By: 

Name: Hans Brasseler

Title: Assistant Secretary

APPROVED
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LEGAL DEPT.

[Signature Page to Agreement of Merger]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

BRIGHTMAIL INCORPORATEDBy: Name: Enrique SalemTitle: President and Secretary**BRAZIL ACQUISITION CORP.**

By: _____

Name: Gregory E. MyersTitle: President

By: _____

Name: Hans BrasselerTitle: Assistant Secretary

[Signature Page to Agreement of Merger]