

08-30-2006



ET 2007 AUG 28 PM 3:47

FINANCE SECTION

103299434

To the Director of the U.S. Patent and

Documents or the new address(es) below.

878.01

**1. Name of conveying party(ies)**  
Inostor Corporation  
  
Additional name(s) of conveying party(ies) attached?  Yes  No

**2. Name and address of receiving party(ies)**  
Name: Tandberg Data Corporation  
Internal Address: \_\_\_\_\_  
  
Street Address: 12860 Danielson Court  
  
City: Poway  
State: CA  
Country: USA Zip: 92064  
  
Additional name(s) & address(es) attached?  Yes  No

**3. Nature of conveyance/Execution Date(s):**  
Execution Date(s) April 1, 2005  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Joint Research Agreement  
 Government Interest Assignment  
 Executive Order 9424, Confirmatory License  
 Other \_\_\_\_\_

**4. Application or patent number(s):**  This document is being filed together with a new application.  
A. Patent Application No.(s)  
10/702,257 11/080,093  
10/361,446  
10/779,378 Y.C.

B. Patent No.(s)  
6557123  
7093182 Y.C.  
  
Additional numbers attached?  Yes  No

**5. Name and address to whom correspondence concerning document should be mailed:**  
Name: Ying Chen  
Internal Address: \_\_\_\_\_  
  
Street Address: 255 S. Grand Ave. #215  
  
City: Los Angeles  
State: CA Zip: 90012  
Phone Number: 213-625-5076  
Fax Number: 213-625-0691  
Email Address: ychen@cyiplaw.com

**6. Total number of applications and patents involved:** 6  
**7. Total fee (37 CFR 1.21(h) & 3.41) \$** 240  
 Authorized to be charged by credit card  
 Authorized to be charged to deposit account  
 Enclosed  
 None required (government interest not affecting title)

**8. Payment Information**  
a. Credit Card Last 4 Numbers \_\_\_\_\_ Expiration Date \_\_\_\_\_  
b. Deposit Account Number 50-3531  
Authorized User Name Ying Chen

**9. Signature:** \_\_\_\_\_ /Ying Chen/ \_\_\_\_\_ August 28, 2006  
Signature Date  
\_\_\_\_\_  
Name of Person Signing  
Total number of pages including cover sheet, attachments, and documents: 6

# Delaware

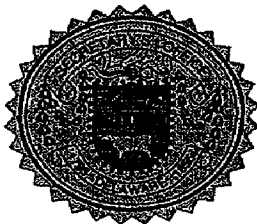
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*The First State*

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:

"INOSTOR ACQUISITION CORP.", A DELAWARE CORPORATION,  
WITH AND INTO "INOSTOR CORPORATION" UNDER THE NAME OF  
"TANDBERG DATA CORPORATION", A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED  
AND FILED IN THIS OFFICE THE FIRST DAY OF APRIL, A.D. 2005, AT  
1:18 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

AUTHENTICATION: 3783841

2675707 8100M

050266372

DATE: 04-01-05

PATENT  
REEL: 018239 FRAME: 0462

**CERTIFICATE OF MERGER  
OF  
INOSTOR ACQUISITION CORP.  
WITH AND INTO  
INOSTOR CORPORATION**

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify:

**FIRST:** That the names and state of incorporation of each of the constituent corporations of the merger are as follows:

<u>Name</u>	<u>State of Incorporation</u>
InoStor Acquisition Corp.	Delaware
InoStor Corporation	Delaware

**SECOND:** That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving corporation of the merger is InoStor Corporation.

**FOURTH:** That the Amended and Restated Certificate of Incorporation of InoStor Corporation is hereby amended and restated in its entirety as set forth in Annex I attached hereto.

**FIFTH:** That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation. The address of the surviving corporation is 13000 Gregg Street, Poway, CA 92064.

**SIXTH:** That a copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of the constituent corporations.

**SEVENTH:** This Certificate of Merger shall be effective immediately upon its filing with the Secretary of State of Delaware.

Dated: April 1, 2005

INOSTOR CORPORATION



By: Ken Cruden  
Its: Secretary

AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
TANDBERG DATA CORPORATION

**FIRST:** The name of the Corporation is:

**TANDBERG DATA CORPORATION**

**SECOND:** The address of the Corporation's registered office in the State of Delaware is 2711 Centerville Road, Suite 400, in the City of Wilmington, County of New Castle, Delaware 19808. The name of its registered agent at such address is Corporation Service Company.

**THIRD:** 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 Delaware.

**FOURTH:** The total number of shares which the Corporation shall have authority to issue is 1,000 shares of Common Stock, par value \$.01 per share.

**FIFTH:** The Board of Directors is expressly authorized to adopt, amend, or repeal the Bylaws of the Corporation.

**SIXTH:** Elections of directors need not be by written ballot unless the Bylaws of the Corporation shall otherwise provide.

**SEVENTH:** The Corporation shall have the power to provide indemnification to the fullest extent permitted by Section 145 of the General Corporation Law of Delaware.

**EIGHTH:** 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; provided, however, that the foregoing shall not eliminate or limit the liability of a director (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 Delaware, or (iv) for any

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transaction from which the director derived an improper personal benefit. If the General Corporation Law of Delaware is hereafter amended to permit further elimination or limitation of 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 Delaware as so amended. Any repeal or modification of this Article EIGHTH by the stockholders of the Corporation or otherwise shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification.

NINTH: The Corporation reserves the right to amend, alter, change, or repeal any provision contained in this Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.

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