

02-28-2007



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To the Director of the U.S. Patent

and documents of the Patent Office below

2-26-07

**1. Name of conveying party(ies)**

LoudCloud, Inc.

Additional name(s) of conveying party(ies) attached?  Yes  No

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

Name: Opware Inc.

Internal Address: \_\_\_\_\_

Street Address: 599 N. Mathilda

City: Sunnyvale

State: CA

Country: USA Zip: 94085

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

**3. Nature of conveyance/Execution Date(s):**

Execution Date(s) 08/14/2002

- 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)

09/766,615

B. Patent No.(s)

Additional numbers attached?  Yes  No

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

Name: Carr & Ferrell LLP

Internal Address: \_\_\_\_\_

Street Address: 2200 Geng Road

City: Palo Alto

State: CA Zip: 94303

Phone Number: 650-812-3400

Fax Number: 650-812-3444

Email Address: \_\_\_\_\_

**6. Total number of applications and patents involved: 1**

**7. Total fee (37 CFR 1.21(h) & 3.41) \$40.00**

- 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 06-0600

Authorized User Name Daniel C. Kloke

**9. Signature:**

Daniel C. Kloke  
Signature

February 21, 2007  
Date

Daniel C. Kloke, Reg. No. 58,417  
Name of Person Signing

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

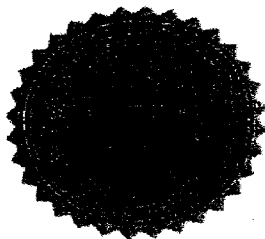
# Delaware

PAGE 1

*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 AMENDMENT OF "LOUDCLOUD, INC.", CHANGING ITS NAME FROM "LOUDCLOUD, INC." TO "OPSWARE INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF AUGUST, A.D. 2002, AT 5 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTEENTH DAY OF AUGUST, A.D. 2002.



3094394 8100

060301713

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4632535

DATE: 03-30-06

PATENT  
REEL: 018973 FRAME: 0411

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 05:00 PM 08/14/2002  
020516079 - 3094394

**CERTIFICATE OF AMENDMENT**

**OF**

**THE AMENDED AND RESTATED CERTIFICATE OF  
INCORPORATION**

**OF**

**LOUDCLOUD, INC.**

Pursuant to Section 242 of the General  
Corporation Law of the State of Delaware

\*\*\*\*\*

LOUDCLOUD, INC., a Delaware corporation (hereinafter called the "Corporation"), does hereby certify as follows:

*FIRST:* Article I of the Corporation's Amended and Restated Certificate of Incorporation is hereby amended to read in its entirety as set forth below:

The name of the Corporation is Opware Inc.

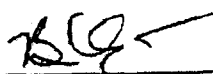
*SECOND:* The foregoing amendment was duly adopted in accordance with Section 242 of the General Corporation Law of the State of Delaware.

*THIRD:* This Certificate of Amendment of the Amended and Restated Certificate of Incorporation of Loudcloud, Inc. shall be effective on August 16, 2002.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by the President and Chief Executive Officer of the Corporation on this 14<sup>th</sup> day of August, 2002.

Loudcloud, Inc.

By: \_\_\_\_\_

  
Name: Benjamin A. Horowitz  
Title: President and Chief  
Executive Officer