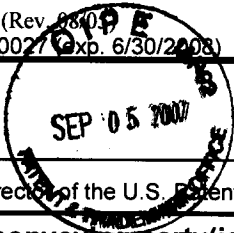


09-11-2007

U.S. DEPARTMENT OF COMMERCE United States Patent and Trademark Office

0906-07



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To the Director of the U.S. Patent and Trademark Office

documents or the new address(es) below.

70.5.6

1. Name of conveying party(ies)

Tonic Software, Inc.

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

2. Name and address of receiving party(ies)

Name: Symantec Corporation

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

Street Address: 20330 Stevens Creek Blvd.

City: Cupertino

State: CA

Country: U.S.A. Zip: 95014

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

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

Execution Date(s) August 21, 2007

- 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)

B. Patent No.(s)

11/092,282

09/06/2007 SSESHE1 00000061 11092282

01 FC:8021

40.00 DP

Additional numbers attached?  Yes  No

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

Name: AdvantEdge Law Group, LLC

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

Street Address: \_\_\_\_\_

3301 North University Ave., Suite 200

City: Provo

State: Utah Zip: 84604

Phone Number: 801-655-0722

Fax Number: 801-812-8129

Email Address: alg@AdvantEdgeLaw.com

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 1006  
Expiration Date 05/09

b. Deposit Account Number \_\_\_\_\_

Authorized User Name \_\_\_\_\_

9. Signature:

Signature

September 5, 2007

Date

L. Eric Gardanier, Reg. No. 40,617

Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

**PATENT ASSIGNMENT**

August 21, 2007

*WHEREAS*, Tonic Software, Inc., a Delaware corporation with an office located at 588 West 400 South, Lindon, Utah 84042 ("*Assignor*") owns all right, title and interest in and to the patents and patent applications listed and described on Schedule A attached hereto (the "*Patents*"); and

*WHEREAS*, Symantec Corporation, a Delaware corporation with an office located at 20330 Stevens Creek Blvd., Cupertino, California 95014 ("*Assignee*"), desires to acquire and Assignor is willing to assign to Assignee all of Assignor's right, title and interest in and to the Patents.

*NOW, THEREFORE*, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby irrevocably sell, assign, convey and transfer unto Assignee, its successors and assigns, the entire right, title and interest in and to the Patents, anywhere in the world, including any patents issuing from or based upon all patent applications thereon, or any continuations, continuations-in-part, divisions, reissues or extensions of the Patents, and including any foreign counterparts of the Patents, and including, without limitation, the right to sue for and recover damages for any past, present or future infringement of such Patents, the same to be held and enjoyed by Assignee for its own use, and for its legal representatives and assigns, to the full end of the term for which patents are granted, as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made.

Assignor agrees to execute any further papers and to do such other acts as may be necessary and proper, or otherwise required to vest full title in and to the Patents in Assignee.

*IN WITNESS WHEREOF*, Assignor has caused this Patent Assignment to be executed by the signature of its duly authorized officer as of the date above first written.

**"ASSIGNOR"**

**Tonic Software, Inc.**  
a Delaware corporation

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

Name: Arthur F. Courville

Title: Director

**SCHEDULE A**

**PATENTS AND PATENT APPLICATIONS**

<b>U.S. Patent No.</b>	<b>Date of Patent</b>	<b>Application No.</b>	<b>Application Filing Date</b>	<b>Title</b>	<b>Inventor(s)</b>	<b>Attorney Docket No.</b>
7,231,442	June 12, 2007	10/392,196	March 18, 2003	Global Network Monitoring System	John Bradley Chen	1015.1003
N/A	N/A	11/092,280	March 29, 2005	Method of Determining Performance of an Application Server Environment Relating to a Transaction	Steven Smith et al.	1015.1004
N/A	N/A	11/092,428	March 29, 2005	Instrumented Application for Transaction Tracing	Steven Smith et al.	1015.1005
N/A	N/A	11/092,282	March 29, 2005	Systems and Methods for Tracing Transactions	Steven Smith et al.	1015.1006
N/A	N/A	11/092,388	March 29, 2005	Systems and Methods for Transaction Tracing	Steven Smith et al.	1015.1007
N/A	N/A	11/092,281	March 29, 2005	System and Methods for Cross-Tier Transaction Tracing	Steven Smith et al.	1015.1008
N/A	N/A	11/092,401	March 29, 2005	Systems and Methods for Instrumenting Applications	Steven Smith et al.	1015.1009
7,263,464	August 28, 2007	10/927,902	August 27, 2004	System and Method for Monitoring Events in a Computing Environment	Jim Dugger	1015.1010
N/A	N/A	11/121,556	May 4, 2005	System and Method for Monitoring Memory Usage	Eric Schank et al.	1015.1011
7,237,023	June 26, 2007	10/063,232	April 2, 2002	System and Method for Correlating and Diagnosing System Component Performance Data	Cody Menard et al.	1015.1015

**SCHEDULE A TO PATENT ASSIGNMENT**

**PATENT**

**RECORDED: 09/05/2007**

**REEL: 019826 FRAME: 0299**