

## PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1  
 Stylesheet Version v1.2

EPAS ID: PAT4021514

|                              |                |
|------------------------------|----------------|
| <b>SUBMISSION TYPE:</b>      | NEW ASSIGNMENT |
| <b>NATURE OF CONVEYANCE:</b> | MERGER         |
| <b>EFFECTIVE DATE:</b>       | 12/18/2008     |

**CONVEYING PARTY DATA**

| Name                   | Execution Date |
|------------------------|----------------|
| FOUNDRY NETWORKS, INC. | 12/18/2008     |

**RECEIVING PARTY DATA**

|                        |                                      |
|------------------------|--------------------------------------|
| <b>Name:</b>           | BROCADE COMMUNICATIONS SYSTEMS, INC. |
| <b>Street Address:</b> | 130 HOLGER WAY                       |
| <b>City:</b>           | SAN JOSE                             |
| <b>State/Country:</b>  | CALIFORNIA                           |
| <b>Postal Code:</b>    | 95134                                |

**PROPERTY NUMBERS Total: 1**

| Property Type              | Number   |
|----------------------------|----------|
| <b>Application Number:</b> | 13925670 |

**CORRESPONDENCE DATA**

**Fax Number:** (650)326-2422

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

**Phone:** 650-326-2400

**Email:** skotwal@kilpatricktownsend.com

**Correspondent Name:** SUJIT B. KOTWAL

**Address Line 1:** KILPATRICK TOWNSEND & STOCKTON LLP

**Address Line 2:** MAILSTOP: IP DOCKETING-22, 1100 PEACHTREE STREET,

**Address Line 4:** ATLANTA, GEORGIA 30309

|                                |                          |
|--------------------------------|--------------------------|
| <b>ATTORNEY DOCKET NUMBER:</b> | 085284-0879313(003212US) |
| <b>NAME OF SUBMITTER:</b>      | SUJIT B. KOTWAL          |
| <b>SIGNATURE:</b>              | /Sujit B. Kotwal/        |
| <b>DATE SIGNED:</b>            | 08/24/2016               |

**Total Attachments: 8**

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# Delaware

PAGE 1

## *The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "FOUNDRY NETWORKS, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF DECEMBER, A.D. 2008.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "FOUNDRY NETWORKS, INC." WAS INCORPORATED ON THE TWENTY-SECOND DAY OF MAY, A.D. 1996.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

2625259 8300

081210401

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 7035687

DATE: 12-18-08

PATENT  
REEL: 039527 FRAME: 0295

# 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 MERGER, WHICH MERGES:

"FALCON ACQUISITION SUB, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "FOUNDRY NETWORKS, INC." UNDER THE NAME OF  
"FOUNDRY NETWORKS, INC.", A CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED  
IN THIS OFFICE THE EIGHTEENTH DAY OF DECEMBER, A.D. 2008, AT  
3:24 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE COUNTY RECORDER OF DEEDS.

2625259 8100M

081210401

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State  
AUTHENTICATION: 7035632

DATE: 12-18-08

PATENT  
REEL: 039527 FRAME: 0296

**CERTIFICATE OF MERGER**

**MERGING**

**FALCON ACQUISITION SUB, INC.**

**(a Delaware corporation)**

**WITH AND INTO**

**FOUNDRY NETWORKS, INC.**

**(a Delaware corporation)**

Pursuant to Title 8, Section 251(c) of the Delaware General Corporation Law, the undersigned corporation executed the following Certificate of Merger:

**FIRST:** The name and state of incorporation of each of the constituent corporations participating in the merger (the "Constituent Corporations") is as follows:

| Name                         | State of Incorporation |
|------------------------------|------------------------|
| Falcon Acquisition Sub, Inc. | Delaware               |
| Foundry Networks, Inc.       | Delaware               |

**SECOND:** Falcon Acquisition Sub, Inc. is a wholly-owned subsidiary of Brocade Communications Systems, Inc. ("Parent"). The Agreement and Plan of Merger, dated as of July 21, 2008 as amended by Amendment No. 1 thereto dated November 7, 2008 (the "Merger Agreement"), among Parent and each of the Constituent Corporations, has been approved, adopted, certified, executed and acknowledged by each of the Constituent Corporations in accordance with the Delaware General Corporation Law.

**THIRD:** Foundry Networks, Inc. shall be the surviving corporation after the merger (the "Surviving Corporation"). The name of the Surviving Corporation shall be Foundry Networks, Inc.

**FOURTH:** The Amended and Restated Certificate of Incorporation of Foundry Networks, Inc., as in effect immediately prior to the Effective Time (as defined below), shall be amended in its entirety as set forth in Exhibit A attached hereto at the Effective Time (as defined below), and as so amended, such Amended and Restated Certificate of Incorporation shall be the Amended and Restated Certificate of Incorporation of the Surviving Corporation until thereafter changed or amended as provided therein or by applicable law.

**FIFTH:** The executed Merger Agreement is on file at the office of the Surviving Corporation, located at 4980 Great America Parkway, Santa Clara, California 95054.

**SIXTH:** A copy of the Merger Agreement will be furnished by the Surviving Corporation on request, without cost, to any stockholder of either of the Constituent Corporations.

**SEVENTH:** This Certificate of Merger, and the merger provided for herein, shall become effective upon filing of this Certificate of Merger with the Secretary of State of the State of Delaware (the "Effective Time").

**IN WITNESS WHEREOF**, Foundry Networks, Inc. has caused this Certificate of Merger to be signed by the undersigned officer, thereunto duly authorized, this 18th day of December, 2008.

**FOUNDRY NETWORKS, INC.**  
a Delaware corporation

By: /s/ Bobby R. Johnson, Jr.  
Bobby R. Johnson, Jr.  
Chief Executive Officer

**EXHIBIT A  
TO  
CERTIFICATE OF MERGER**

**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION**  
**OF**  
**FOUNDRY NETWORKS, INC.**

**I.**

The name of this corporation is Foundry Networks, Inc. (hereinafter referred to as the "*Corporation*").

**II.**

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

**III.**

The purpose of this corporation is to engage in any lawful act or activity for which a Corporation may be organized under the General Corporation Law of the State of Delaware (as the same now exists or may hereafter be amended, the "*DGCL*").

**IV.**

This Corporation is authorized to issue only one class of stock, to be designated Common Stock. The total number of shares of Common Stock which the Corporation is presently authorized to issue is One Thousand (1,000) shares, each having a par value of one-tenth of one cent (\$0.001).

**V.**

**A.** The management of the business and the conduct of the affairs of the Corporation shall be vested in its Board of Directors. The number of directors which shall constitute the whole Board of Directors shall be fixed by the Board of Directors in the manner provided in the Bylaws.

## B. Election of Directors

1. Directors shall be elected at each annual meeting of stockholders to hold office until the next annual meeting. Each director shall hold office either until the expiration of the term for which elected or appointed and until a successor has been elected and qualified, or until such director's death, resignation or removal. No decrease in the number of directors constituting the Board of Directors shall shorten the term of any incumbent director.

2. No person entitled to vote at an election for directors may cumulate votes to which such person is entitled, unless, at the time of such election, the corporation is subject to Section 2115(b) of the California General Corporation Law ("CGCL"). During such time or times that the Corporation is subject to Section 2115(b) of the CGCL, every stockholder entitled to vote at an election for directors may cumulate such stockholder's votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which such stockholder's shares are otherwise entitled, or distribute the stockholder's votes on the same principle among as many candidates as such stockholder thinks fit. No stockholder, however, shall be entitled to so cumulate such stockholder's votes unless (a) the names of such candidate or candidates have been placed in nomination prior to the voting and (b) the stockholder has given notice at the meeting, prior to the voting, of such stockholder's intention to cumulate such stockholder's votes. If any stockholder has given proper notice to cumulate votes, all stockholders may cumulate their votes for any candidates who have been properly placed in nomination. Under cumulative voting, the candidates receiving the highest number of votes, up to the number of directors to be elected, are elected.

## C. Removal

1. During such time or times that the Corporation is subject to Section 2115(b) of the CGCL, the Board of Directors or any individual director may be removed from office at any time without cause by the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote on such removal; provided, however, that unless the entire Board is removed, no individual director may be removed when the votes cast against such director's removal, or not consenting in writing to such removal, would be sufficient to elect that director if voted cumulatively at an election which the same total number of votes were cast (or, if such action is taken by written consent, all shares entitled to vote were voted) and the entire number of directors authorized at the time of such director's most recent election were then being elected.

2. At any time or times that the Corporation is not subject to Section 2115(b) of the CGCL and subject to any limitations imposed by law, Section C.1 above shall not apply and the Board of Directors or any director may be removed from office at any time (a) with cause by the affirmative vote of the holders of a majority of the voting power of all then-outstanding shares of capital stock of the Corporation entitled to vote at an election of directors or (b) without cause by the affirmative vote of the holders of a majority of the voting power of all then-outstanding shares of capital stock of the Corporation, entitled to vote generally at an election of directors.

**D.** The Board of Directors is expressly empowered to adopt, amend or repeal the Bylaws of the Corporation. The stockholders shall also have power to adopt, amend or repeal the Bylaws of the Corporation; provided, however, that, in addition to any vote of the holders of any class or series of stock of the Corporation required by law or by this Certificate of Incorporation, the affirmative vote of the holders of at least a majority of the voting power of all of the then-outstanding shares of the capital stock of the Corporation entitled to vote generally in the election of directors, voting together as a single class, shall be required to adopt, amend or repeal any provision of the Bylaws of the Corporation.

## **VI.**

**A.** To the fullest extent permitted by the DGCL, as the same may be amended from time to time, 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. If the DGCL is hereafter amended to authorize, with the approval of a corporation's stockholders, further reductions in the liability of a corporation's directors for breach of fiduciary duty, then a director of the Corporation shall not be liable for any such breach to the fullest extent permitted by the DGCL, as so amended.

**B.** Any repeal or modification of the foregoing provisions of this Article VI shall not adversely affect any right or protection of a director of the Corporation with respect to any acts or omissions of such director occurring prior to such repeal or modification.

**C.** To the fullest extent permitted by applicable law, the Corporation is also authorized to provide indemnification of (and advancement of expenses to) such agents (and any other persons to which Delaware law permits the Corporation to provide indemnification) through bylaw provisions, agreements with such agents or other persons, vote of stockholders or disinterested directors or otherwise, in excess of the indemnification and advancement otherwise permitted by Section 145 of the DGCL, subject only to limits created by applicable Delaware law (statutory or non-statutory), with respect to actions for breach of duty to a corporation, its stockholders, and others.

**D.** Any repeal or modification of any of the foregoing provisions of this Article VI shall not adversely affect any right or protection of a director, officer, agent or other person existing at the time of, or increase the liability of any director of the Corporation with respect to any acts or omissions of such director, officer or agent occurring prior to such repeal or modification.

## **VII.**

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 the stockholders herein are granted subject to this reservation.