

## PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

EPAS ID: PAT6251321

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	CHANGE OF NAME
<b>CONVEYING PARTY DATA</b>	
<b>Name</b>	<b>Execution Date</b>
DELL SOFTWARE INC.	11/01/2016
<b>RECEIVING PARTY DATA</b>	
<b>Name:</b>	QUEST SOFTWARE INC.
<b>Street Address:</b>	4 POLARIS WAY
<b>City:</b>	ALISO VIEJO
<b>State/Country:</b>	CALIFORNIA
<b>Postal Code:</b>	92656
<b>PROPERTY NUMBERS Total: 1</b>	
<b>Property Type</b>	<b>Number</b>
<b>Application Number:</b>	16853360
<b>CORRESPONDENCE DATA</b>	
<b>Fax Number:</b>	(415)248-2101
<i>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.</i>	
<b>Phone:</b>	(415) 248-2100
<b>Email:</b>	uspt@polsinelli.com, sfpatent@polsinelli.com
<b>Correspondent Name:</b>	POLSINELLI LLP
<b>Address Line 1:</b>	3 EMBARCADERO CENTER
<b>Address Line 2:</b>	SUITE 2400
<b>Address Line 4:</b>	SAN FRANCISCO, CALIFORNIA 94111
<b>ATTORNEY DOCKET NUMBER:</b>	SWUS-136COB
<b>NAME OF SUBMITTER:</b>	TINA M. INGRANDE
<b>SIGNATURE:</b>	/Tina M. Ingrande/
<b>DATE SIGNED:</b>	08/14/2020
<b>Total Attachments: 6</b>	
source=SWUS-136COB_Dell Software Inc. to Quest Software Inc#page1.tif	
source=SWUS-136COB_Dell Software Inc. to Quest Software Inc#page2.tif	
source=SWUS-136COB_Dell Software Inc. to Quest Software Inc#page3.tif	
source=SWUS-136COB_Dell Software Inc. to Quest Software Inc#page4.tif	
source=SWUS-136COB_Dell Software Inc. to Quest Software Inc#page5.tif	



# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "DELL SOFTWARE INC.", CHANGING ITS NAME FROM "DELL SOFTWARE INC." TO "QUEST SOFTWARE INC.", FILED IN THIS OFFICE ON THE FIRST DAY OF NOVEMBER, A.D. 2016, AT 8:05 O`CLOCK A.M.

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



  
Jeffrey W. Bullock, Secretary of State

4645336 8100  
SR# 20166435234

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

Authentication: 203256152  
Date: 11-01-16

**PATENT**  
**REEL: 053504 FRAME: 0532**

**CERTIFICATE OF  
AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
DELL SOFTWARE INC.**

\*\*\*\*\*

*Adopted in accordance with the provisions of Section 242 and Section 245 of  
the General Corporation Law of the State of Delaware*

\*\*\*\*\*

The undersigned, being the Secretary of Dell Software Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify as follows:

FIRST: The Corporation filed its original Certificate of Incorporation with the Delaware Secretary of State on January 14, 2009, under the name of Quest Software, Inc.

SECOND: The Board of Directors of the Corporation (the "Board") adopted the resolution set forth below proposing the amendment and restatement to the Corporation's Certificate of Incorporation (as amended and restated, the "Restatement"):

"RESOLVED, that the Certificate of Incorporation of the Corporation be, and it hereby is, amended and restated, in its entirety, in accordance with the provisions of Sections 242 and 245 of the General Corporation Law of the State of Delaware as set forth on Exhibit A attached hereto and made a part hereof."

THIRD: The Restatement was duly adopted, in accordance with Sections 242 and 245 of the General Corporation Law of the State of Delaware, by the Board.

FOURTH: The Restatement was duly adopted, in accordance with Sections 228, 242 and 245 of the General Corporation Law of the State of Delaware, by the sole stockholder of the Corporation.

\* \* \* \* \*

IN WITNESS WHEREOF, the undersigned does hereby certify under penalties of perjury that this Certificate of Amended and Restated Certificate of Incorporation is the act and deed of the Corporation and the facts stated herein are true, and accordingly has hereunto set her hand this 1<sup>st</sup> day of November, 2016.

DELL SOFTWARE INC.,  
a Delaware corporation

By: /s/ Evan Daar  
Evan Daar  
Secretary

Exhibit A

**AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
QUEST SOFTWARE INC.**

**ARTICLE I**

The name of the corporation (the "Corporation") is Quest Software Inc.

**ARTICLE II**

The address of the registered office of the Corporation 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 the registered agent of the Corporation at such address is Corporation Service Company.

**ARTICLE III**

The nature of the business or purposes to be conducted or promoted by the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**ARTICLE IV**

The total number of shares of stock which the Corporation shall have authority to issue is 1,000 shares of common stock, par value \$0.01 per share (the "Common Stock"). Each holder of Common Stock shall be entitled to one vote for each share held. Common Stock may be issued in fractions of a share which shall entitle the holder, in proportion to such holder's fractional shares, to exercise voting rights, receive dividends, participate in distributions and have the benefit of all other rights of holders of Common Stock.

**ARTICLE V**

In furtherance and not in limitation of the powers conferred by statute, the bylaws of the Corporation may be made, altered, amended or repealed by the stockholders of the Corporation or by a majority of the entire Board of Directors.

**ARTICLE VI**

Elections of directors need not be by written ballot.

**ARTICLE VII**

Section 7.1 The Corporation shall indemnify to the fullest extent permitted under and in accordance with the laws of the State of Delaware any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that the person is or was a director, officer, employee or agent of the Corporation, or is or was serving

at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with such action, suit or proceeding if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that the person's conduct was unlawful.

Section 7.2 The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that the person is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by the person in connection with the defense or settlement of such action or suit if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Corporation and except that no such indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable to the Corporation unless and only to the extent that the Court of Chancery or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity by the Corporation for such expenses which the Court of Chancery or such other court shall deem proper.

Section 7.3 Expenses incurred in defending a civil or criminal action, suit or proceeding shall (in the case of any action, suit or proceeding against a director of the Corporation) or may (in the case of any action, suit or proceeding against an officer, trustee, employee or agent of the Corporation) be paid by the Corporation in advance of the final disposition of such action, suit or proceeding as authorized by the Board of Directors upon receipt of an undertaking by or on behalf of a person so indemnified to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the Corporation as authorized in this Article VII.

Section 7.4 The indemnification and other rights set forth in this Article VII shall not be exclusive of any provisions with respect thereto in the bylaws of the Corporation or any other contract or agreement between the Corporation and any officer, director, employee or agent of the Corporation.

Section 7.5 Neither the amendment nor repeal of this Article VII, nor the adoption of any provision of this Certificate of Incorporation inconsistent with this Article VII, shall eliminate or reduce the effect of this Article VII in respect of any matter occurring before such amendment, repeal or adoption of an inconsistent provision or in respect of any cause of action, suit or claim relating to any such matter which would have given rise to a right of indemnification or right to the reimbursement of expenses pursuant to this Article VII if such provision had not been so amended or repealed or if a provision inconsistent therewith had not been so adopted.

Section 7.6 No director shall be personally liable to the Corporation or any stockholder 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:

- (a) for any breach of the director's duty of loyalty to the Corporation or its stockholders;
- (b) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law;
- (c) under Section 174 of the General Corporation Law of the State of Delaware; or
- (d) for any transaction from which the director derived an improper personal benefit.

If the General Corporation Law of the State of Delaware is amended after the date hereof to authorize corporate action further eliminating or limiting 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 the State of Delaware, as so amended