

Form PTO-1594  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
**Data General Corporation**  
**4400 Computer Drive**  
**Westboro, MA 01581**

Individual(s)                       Association  
 General Partnership             Limited Partnership  
 Corporation-State  
 Other \_\_\_\_\_

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

2. Name and address of receiving party(ies)  
Name: EMC Corporation  
Internal Address: Legal Department  
Street Address: 176 South Street  
City: Hopkinton State: MA Zip: 01748

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Massachusetts  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
 (Designations must be a separate document from assignment)  
 Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:  
 Assignment                               Merger  
 Security Agreement                     Change of Name  
 Other \_\_\_\_\_

Execution Date: November 4, 1999

4. Application number(s) or registration number(s):  
 A. Trademark Application No.(s) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional number(s) attached  Yes  No

B. Trademark Registration No.(s) 2,206,987  
1,414,026  
 \_\_\_\_\_

5. Name and address of party to whom correspondence concerning document should be mailed:  
 Name: John M. Gunther  
 Internal Address: Legal Department  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Street Address: 176 South Street  
 \_\_\_\_\_  
 City: Hopkinton State: MA Zip: 01748

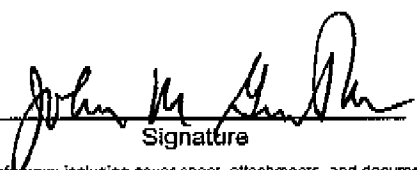
6. Total number of applications and registrations involved: \_\_\_\_\_

7. Total fee (37 CFR 3.41).....\$ 65.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number: 050889  
 \_\_\_\_\_

DO NOT USE THIS SPACE

9. Signature.  
John M. Gunther  
 Name of Person Signing

  
 Signature

12-18-03  
 Date

Total number of pages including cover sheet, attachments, and document: 13

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

CH \$65.00 050889 2206987

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**POWER OF ATTORNEY (AND) REVOCATION OF  
PREVIOUS POWER OF ATTORNEY**

Name of Applicant: EMC Corporation

Address of Applicant: 176 South Street  
Hopkinton, MA 01748

TRADEMARK: CLARALERT  
Registration No. 2,206,987

**TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Honorable Sir:

I hereby appoint:

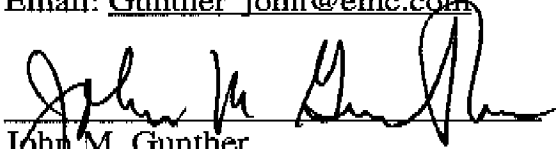
JOHN M. GUNTHER, Atty Reg No. 26,175  
KRISHNENDU GUPTA, Atty Reg No. 37,977  
PENELOPE S. WILSON, Atty Reg No. 29,751  
SCOTT OUELLETTE, Atty Reg No. 38573

as principal attorneys to transact all business in the Patent and Trademark Office connected therewith. Applicant hereby revokes all previous powers of attorney associated with this trademark registration.

Please direct all future correspondence to:

John M. Gunther  
EMC Corporation  
176 South Street  
Hopkinton, MA 01748  
Tel: (508)-293-7255  
Fax: (508)-497-6915  
Email: [Gunther\\_john@emc.com](mailto:Gunther_john@emc.com)

By:

  
John M. Gunther

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**POWER OF ATTORNEY (AND) REVOCATION OF  
PREVIOUS POWER OF ATTORNEY**

Name of Applicant: EMC Corporation

Address of Applicant: 176 South Street  
Hopkinton, MA 01748

TRADEMARK: DATA GENERAL  
Registration No. 1,414,026

**TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Honorable Sir:

I hereby appoint:

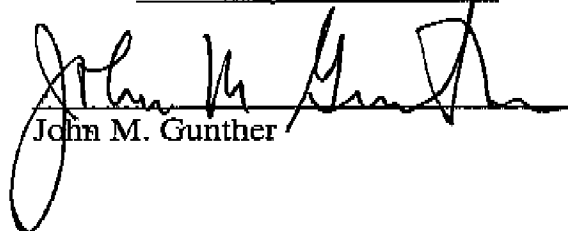
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Hopkinton, MA 01748  
Tel: (508)-293-7255  
Fax: (508)-497-6915  
Email: [Gunther\\_john@emc.com](mailto:Gunther_john@emc.com)

By:

  
John M. Gunther

FEDERAL IDENTIFICATION NO. 042680009

FEDERAL IDENTIFICATION NO. 042436397

# The Commonwealth of Massachusetts

William Francis Galvin  
Secretary of the Commonwealth  
One Ashburton Place, Boston, Massachusetts 02108-1512

## ARTICLES OF \*CONSOLIDATION / \*MERGER (General Laws, Chapter 156B, Section 79)

081  
051  
055  
052

\*Consolidation / \*merger of

(S) EMC Corporation and  
(M) Data General Corporation (Reg)

the constituent corporations, into

(S) EMC Corporation

\*new corporation / \*one of the constituent corporations organized under the laws of: Massachusetts

The undersigned officers of each of the constituent corporations certify under the penalties of perjury as follows:

1. An agreement of \*consolidation / \*merger has been duly adopted in compliance with the requirements of General Laws, Chapter 156B, Section 79, and will be kept as provided by Subsection (c) thereof. The \*resulting / \*surviving corporation will furnish a copy of said agreement to any of its stockholders, or to any person who was a stockholder of any constituent corporation, upon written request and without charge.

2. The effective date of the \*consolidation / \*merger determined pursuant to the agreement of \*consolidation / \*merger shall be the date approved and filed by the Secretary of the Commonwealth. If a later effective date is desired, specify such date which shall not be more than *thirty days* after the date of filing:

3. (For a merger)  
The following amendments to the Articles of Organization of the surviving corporation have been effected pursuant to the agreement of merger:

None

(For a consolidation)

(2) The purpose of the resulting corporation is to engage in the following business activities:

\*Delete the inapplicable words.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on separate 8 1/2 x 11 sheets of paper with a left margin of at least 1 inch. Additions to more than one article may be made on a single sheet as long as each article requiring such addition is clearly indicated.

0102179

MS  
JSD  
Examiner  
D

C  
P  
M  
K.A.  
[checkmark]

5  
P.C.

**(For a consolidation)**

**(b) State the total number of shares and the par value, if any, of each class of stock which the resulting corporation is authorized to issue:**

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Common:		Common:		
Preferred:		Preferred:		

**\*\* (c) If more than one class of stock is authorized, state a distinguishing designation for each class and provide a description of the preferences, voting power, qualifications, and special or relative rights or privileges of each class and of each series then established.**

**\*\* (d) The restrictions, if any, on the transfer of stock contained in the agreement of consolidation are:**

**\*\* (e) Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or stockholders, or of any class of stockholders:**

Item 4 below may be deleted if the resulting /surviving corporation is organized under the laws of a state other than Massachusetts.

4. The information contained in Item 4 is not a permanent part of the Articles of Organization of the resulting / surviving corporation.

(a) The street address of the resulting / surviving corporation in Massachusetts is: (post office boxes are not acceptable)

35 Parkwood Drive, Hopkinton, Massachusetts 01748

\*\* If there are no provisions state "None".

(b) The name, residential address and post office address of each director and officer of the resulting / surviving corporation is:

NAME	RESIDENTIAL ADDRESS	POST OFFICE ADDRESS
President: and Director		
Treasurer:	(See Attached)	
Clerk:		
Directors:		

(c) The fiscal year end (i.e. tax year) of the resulting / surviving corporation shall end on the last day of the month of: December

(d) The name and business address of the resident agent, if any, of the resulting / surviving corporation is:  
CT Corporation, 2 Oliver Street, Boston, MA 02109

Item 5 below may be deleted if the resulting/surviving corporation is organized under the laws of Massachusetts.

~~5. The resulting / surviving corporation hereby agrees that it may be sued in the Commonwealth of Massachusetts for any prior obligation of any constituent Massachusetts corporation, any prior obligation of any constituent foreign corporation qualified under General Laws, Chapter 181, and any obligations hereafter incurred by the resulting / surviving corporation, including the obligation created by General Laws, Chapter 156B, Section 85, so long as any liability remains outstanding against the corporation in the Commonwealth of Massachusetts, and it hereby irrevocably appoints the Secretary of the Commonwealth as its agent to accept service of process in any action for the enforcement of any such obligation, including taxes, in the same manner as provided in Chapter 181.~~

**FOR MASSACHUSETTS CORPORATIONS**

The undersigned \*President / Vice President and \*Clerk / Assistant Clerk of EMC Corporation, a corporation organized under the laws of Massachusetts, further state under the penalties of perjury that the agreement of \*consolidation / merger has been duly executed on behalf of such corporation and duly approved in the manner required by General Laws, Chapter 156B, Section 78.

Michael C. Ruthin, President / Vice President

Communion, Clerk / Assistant Clerk

**FOR CORPORATIONS ORGANIZED IN A STATE OTHER THAN MASSACHUSETTS**

The undersigned, † Robert C. McBride and †† James K. Jacobs, of Data General Corporation, a corporation organized under the laws of

Delaware, further state under the penalties of perjury that the agreement of \*consolidation /

\*merger has been duly adopted by such corporation in the manner required by the laws of Delaware.

\*Delete the inapplicable words.  
†Specify the officer bearing powers and duties corresponding to those of the president or vice president of a Massachusetts corporation organized under General Laws, Chapter 156B.  
††Specify the officer bearing powers and duties corresponding to the clerk or assistant clerk of such a Massachusetts corporation.

[Signature]  
† The President and Treasurer  
†† James K. Jacobs  
Assistant Secretary

(b) The name, residential address and post office address of each director and officer of the surviving corporation is:

	NAME	RESIDENTIAL ADDRESS	POST OFFICE ADDRESS
President and Director:	Michael C. Reungers ✓	453 Bedford Road Carlisle, MA 01741	453 Bedford Road Carlisle, MA 01741
Treasurer:	Colin G. Pancon ✓	5 Elizabeth Road Hopkinton, MA 01748	5 Elizabeth Road Hopkinton, MA 01748
Clerk:	Thomas J. Dougherty ✓	247 Adams Street Milton, MA 02186	247 Adams Street Milton, MA 02186
Directors:	Michael J. Cronin	19 Wight Street Medfield, MA 02052-1206	19 Wight Street Medfield, MA 02053-1206
	John R. Egan	22 Old Farm Road Hopkinton, MA 01748	22 Old Farm Road Hopkinton, MA 01748
	Maurten Egan	8 Queen Anne Road Hopkinton, MA 01748	8 Queen Anne Road Hopkinton, MA 01748
	W. Paul Fitzgerald	27 Seacrest Drive Orleans, MA 02653	P.O. Box 2847 Orleans, MA 02653
	Joseph F. Oliveri	13 Steel Road Hopedale, MA 01747	13 Steel Road Hopedale, MA 01747
	Richard J. Egan	8 Queen Anne Road Hopkinton, MA 01748	8 Queen Anne Road Hopkinton, MA 01748

~~#~~ 6140

73534

THE COMMONWEALTH OF MASSACHUSETTS  
ARTICLES OF CONSOLIDATION / MERGER  
(General Laws, Chapter 156B, Section 79)

I hereby approve the within Articles of Consolidation / Merger and  
the filing fee in the amount of \$ 250.00, having been paid,  
said articles are deemed to have been filed with me this 4th  
day of November, 19 99.

Effective date \_\_\_\_\_

*William Francis Galvin*

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth

SECRETARY OF THE  
COMMONWEALTH  
69 NOV -4 21 2:12  
RECEIVED

TO BE FILLED IN BY CORPORATION  
Photocopy of document to be sent to:

June D. Duchesne, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Beacon Street, 31st Floor  
Boston, MA 02108  
Telephone: (617) 573-4885



*State of Delaware*  
*Office of the Secretary of State* PAGE 1

I, EDWARD J. FREEL, 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:  
"EMERALD MERGER CORPORATION" A DELAWARE CORPORATION,  
WITH AND INTO "DATA GENERAL CORPORATION" UNDER THE NAME OF "DATA GENERAL CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWELFTH DAY OF OCTOBER, A.D. 1999, AT 3 O'CLOCK P.M.

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



*Edward J. Freel*

Edward J. Freel, Secretary of State

0676119 8100M  
991430412

AUTHENTICATION: 0020888  
DATE: 10-12-99

TRADEMARK  
REEL: 002766 FRAME: 0433

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 03:00 PM 10/12/1999  
991430412 - 0676119

**CERTIFICATE OF MERGER  
OF  
EMERALD MERGER CORPORATION  
WITH AND INTO  
DATA GENERAL CORPORATION**

**Pursuant to Section 251 of the General  
Corporation Law of the State of Delaware**

Data General Corporation, a Delaware corporation, does hereby  
certify:

**FIRST:** The names and states of incorporation of the constituent  
corporations to this merger are as follows:

Emerald Merger Corporation	Delaware
Data General Corporation	Delaware

**SECOND:** An Agreement and Plan of Merger has been approved,  
adopted, certified, executed and acknowledged by each of the constituent corpora-  
tions in accordance with Section 251 of the General Corporation Law of the State of  
Delaware.

**THIRD:** The name of the corporation surviving the merger is Data  
General Corporation.

**FOURTH:** The Restated Certificate of Incorporation of Data General  
Corporation shall be the Restated Certificate of Incorporation of the surviving  
corporation, except that at the effective time of the merger contemplated by the  
Agreement and Plan of Merger, it shall be amended and restated in its entirety to  
read as Exhibit A attached hereto.

**FIFTH:** The executed agreement and plan of merger is on file at the  
offices of Data General Corporation, 4400 Computer Drive, Westboro, Massachu-  
setts 01581. A copy will be provided, upon request and without cost, to any stock-  
holder of either constituent corporation.

IN WITNESS WHEREOF, Data General Corporation has caused this Certificate of Merger to be executed in its corporate name this 11<sup>th</sup> day of October, 1999, to be effective as of 5:00 p.m. on October 12, 1999.

DATA GENERAL CORPORATION

By: Ronald L. Skates  
Name: Ronald L. Skates  
Title: President and  
Chief Executive Officer

Exhibit A

RESTATED CERTIFICATE OF INCORPORATION  
OF  
DATA GENERAL CORPORATION

**FIRST:** The name of the Corporation is Data General Corporation (hereinafter the "Corporation").

**SECOND:** The address of the registered office of the Corporation in the State of Delaware is 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at that address is The Corporation Trust Company.

**THIRD:** The purpose of the 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 set forth in Title 8 of the Delaware Code (the "GCL").

**FOURTH:** The total number of shares of stock which the Corporation shall have authority to issue is one hundred (100) shares of Common Stock, each having a par value of one cent (\$.01).

**FIFTH:** The following provisions are inserted for the management of the business and the conduct of the affairs of the Corporation, and for further definition, limitation and regulation of the powers of the Corporation and of its directors and stockholders:

(1) The business and affairs of the Corporation shall be managed by or under the direction of the Board of Directors.

(2) The directors shall have concurrent power with the stockholders to make, alter, amend, change, add to or repeal the By-Laws of the Corporation.

(3) The number of directors of the Corporation shall be as from time to time fixed by, or in the manner provided in, the By-Laws

of the Corporation. Election of directors need not be by written ballot unless the By-Laws so provide.

(4) No director shall be personally liable to the Corporation or any of its stockholders for monetary damages for breach of fiduciary duty as a director, except for liability (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) pursuant to Section 174 of the GCL or (iv) for any transaction from which the director derived an improper personal benefit. Any repeal or modification of this Article FIFTH by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification with respect to acts or omissions occurring prior to such repeal or modification.

(5) In addition to the powers and authority hereinbefore or by statute expressly conferred upon them, the directors are hereby empowered to exercise all such powers and do all such acts and things as may be exercised or done by the Corporation, subject, nevertheless, to the provisions of the GCL, this Certificate of Incorporation, and any By-Laws adopted by the stockholders; provided, however, that no By-Laws hereafter adopted by the stockholders shall invalidate any prior act of the directors which would have been valid if such By-Laws had not been adopted.

SIXTH: Meetings of stockholders may be held within or without the State of Delaware, as the By-Laws may provide. The books of the Corporation may be kept (subject to any provision contained in the GCL) outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors or in the By-Laws of the Corporation.

SEVENTH: 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.