

08-20-1998

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U.S. Patent & TMOfo/TM Mail Rcpt Dt. #70



07-31-1998

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RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

MRD 7-31-98

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

1. Name of conveying party(ies):
International Business Machines Corporation
New Orchard Road
Armonk, New York 10504
 Individual(s) Association
 General Partnership Limited Partnership
 Corporation-State New York
 Other _____

2. Name and address of receiving party(ies)
Name: Tivoli Systems, Inc.
Internal Address: Plaza 1, Suite 500
9442 Capital of Texas Highway North
Street Address: _____
City: Austin State: TX Zip: 78759
 Individual(s) citizenship _____
 Association _____
 General Partnership _____
 Limited Partnership _____
 Corporation-State Texas
 Other _____

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

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

Execution Date: July 27, 1998

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark registration No.(s)
Reg. No: 1,577,522

Additional numbers attached? Yes No

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

Name: Alexander Tognino, Esq.
International Business Machines Corp.

Address: North Castle Drive

City: Armonk State: New York Zip: 10504

6. Total number of applications and registrations involved: one

7. Total fee (37 CFR 3.41): \$40.00
 Enclosed
 Authorized to be charged to deposit account DA 09-0474

8. Deposit account number:
DA 09-0474

(Attach duplicate copy of this page if paying by deposit account)

08/19/1998

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9. Statement and signature
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jennifer D. Goff
Name of Person Signing

July 27, 1998
Date

Total number of pages comprising cover sheet: _____
TRADEMARK
REEL: 1770 FRAME: 0226one

ASSIGNMENT OF TRADEMARK

ASSIGNMENT made this 27 day of July, 1998 between International Business Machines Corporation (IBM), ("Assignor"), and Tivoli Systems, Inc., ("Assignee");

WHEREAS, the Assignor represents and warrants it has adopted, used and is using; and is the sole owner of the entire right, title and interest, including the goodwill associated therewith, in and to the following trademarks:

<u>MARK</u>	<u>REGISTRATION/ SERIAL NO.</u>	<u>REG. DATE (Allowance)</u>
NETVIEW	Reg. No. 1,577,522	01/16/90

WHEREAS, Assignee is desirous of acquiring said marks, trademark registrations and applications thereof:

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said Assignor hereby irrevocably assigns, transfers and conveys to the Assignee, its successors, assigns or other legal representatives, all rights, title and interest in and to the said marks, and all trademark registrations and applications for trademark registrations in the United States and in all countries throughout the world, together with the goodwill of the business symbolized by the marks.

This assignment is effective as of the 27 day of July, 1998.

INTERNATIONAL BUSINESS MACHINES CORPORATION

Dated: July 27, 1998
 By: *Marshall C. Phelps, Jr.*
 Name: Marshall C. Phelps, Jr.
 Title: Vice President
 Intellectual Property & Licensing

On this 27 day of July, 1998 before me personally appeared MARSHALL C. PHELPS, JR., who declared that he is duly and lawfully authorized to execute this Assignment on behalf of INTERNATIONAL BUSINESS MACHINES CORPORATION, and acknowledged the foregoing signature to be his own.

KATHERINE F. MCGOWAN
 Notary Public, State of New York
 No. 4957941
 Qualified in Putnam County and
 Certified in Westchester County
 Term Expires 10/23/99

Katherine F. McGowan
 Notary Public