

6.1.99

08-05-1999



Honorable Commissioner of Pate  
Box Assignments  
Washington, D.C. 20231

101089395

Attached original  
hereof

1. Name of conveying party(ies):  
BGS Systems, Inc.

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):  
BMC Software, Inc.  
2101 City West Boulevard  
Houston, TX 77042-2827

Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation--State **DE**  
 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) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment                               Merger  
 Security Agreement                       Change of Name  
 Other \_\_\_\_\_

Execution Date: March 27, 1998

4. Application number(s) or registration number(s):  
 A. Trademark Application No.(s): 75/089,822                      B. Trademark registration No.(s): 1,691,219; 1,659,497; 1,974,513; 2,000,544; 1,927,124; 1,948,452; 1,628,164; 1,655,291; 1,616,493; 2,048,376; 1,927,140; 1,882,579

Additional numbers attached?  Yes  No

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

Michael S. Perez, Esq.  
ARNOLD, WHITE & DURKEE  
Post Office Box 4433  
Houston, TX 77210

6. Total number of applications and registrations involved:  
\_\_\_\_\_ 13 \_\_\_\_\_

7. Total fee (37 C.F.R. § 3.41):                      \$ 520.00  
 Enclosed  
 Authorized to be charged to deposit account  
 Charge deposit account in the event the check is inadvertently omitted, or the amount is insufficient

8. Deposit account number: 01-2508/ BMCA:046/PEZ

06/03/1999 MTHRA11 00000288 1691219

DO NOT USE THIS SPACE

01 FC:481 40.00 DP  
02 FC:482 300.00 DP

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.

\_\_\_\_\_  
Michael S. Perez  
Name of Person Signing

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

5/26/99

Refund Ref: 06/03/1999 MTHRA11 00000288 1701

CHEK Refund Total: \$180.00

## CONFIRMATORY ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHTS

This document confirms that on March 27, 1998, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, BGS Systems, Inc., a Massachusetts corporation ("Assignor"), with offices at 128 Technology Center, Waltham, Massachusetts 02254-9111, conveyed, assigned, and delivered to BMC Software, Inc., a Delaware corporation ("Assignee"), with offices at 2101 CityWest Boulevard, Houston, Texas 77042-2827, all of Assignor's right, title and interest in the following trademarks ("Trademarks"), together with the goodwill of Assignor's Business in connection with which the Trademarks are used. This document also confirms that Assignor authorizes and requests that Assignee be recorded as the assignee and owner of the Trademarks.

### **FEDERAL TRADEMARK REGISTRATIONS**

<u>Mark</u>	<u>Int'l Class</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
BESTNET	9	1,691,219	6/9/92
BEST/1	9	1,659,497	10/8/91
BEST/1 & Hexagonal Design	9	1,974,513	5/21/96
BEST/1 & Hexagonal Design	16	2,000,544	9/17/96
BEST/1 & Hexagonal Design	41	1,927,124	10/17/95
BEST/1 - VISUALIZER	9	1,948,452	1/16/96
BGS	9	1,628,164	12/18/90
CAPTURE	9	1,655,291	9/3/91
CRYSTAL	9	1,616,493	10/9/90
PERFORMANCE ASSURANCE	9	2,048,376	3/25/97
PERFORMANCE ASSURANCE	16	1,927,140	10/17/95
PERFORMANCE ASSURANCE	41	1,882,579	3/7/95

### **PENDING FEDERAL TRADEMARK REGISTRATIONS**

<u>Mark</u>	<u>Int'l Class</u>	<u>Serial No.</u>	<u>Filed</u>
BESTTRACK	9	75089822	4/17/96

