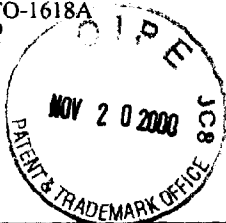


01-02-2001

FORM PTO-1618A  
Expires 06/30/99  
OMB 0651-0027



11-20-2000

U.S. Patent & TMOtc/TM Mail Rcpt. Dt. #31



101568496

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

11-20-00

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type**

- New
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

**Conveyance Type**

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger Effective Date  
Month Day Year  
04262000
- Change of Name
- Other \_\_\_\_\_

**Conveying Party**

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name Andataco, Inc.

undated

Formerly \_\_\_\_\_

75707735

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization Massachusetts

**Receiving Party**

Mark if additional names of receiving parties attached

Name nStor Corporation, Inc.

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 10140 Mesa Rim Road

Address (line 2) \_\_\_\_\_

Address (line 3) San Diego  
City

CA  
State/Country

92121  
Zip Code

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other \_\_\_\_\_

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Citizenship/State of Incorporation/Organization California

FOR OFFICE USE ONLY

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practices. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**TRADEMARK  
REEL: 002205 FRAME: 0565**

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

| Trademark Application Number(s)       |                      |                      | Registration Number(s)               |                                      |                      |
|---------------------------------------|----------------------|----------------------|--------------------------------------|--------------------------------------|----------------------|
| <input type="text" value="75702235"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="2089969"/> | <input type="text" value="2223497"/> | <input type="text"/> |
| <input type="text" value="75670102"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="2201013"/> | <input type="text"/>                 | <input type="text"/> |
| <input type="text" value="75702234"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="2039785"/> | <input type="text"/>                 | <input type="text"/> |

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed  Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes  No

**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. Charges to deposit account are authorized, as indicated herein.

Dan Hubert

Name of Person Signing

*Dan Hubert*  
Signature

NOV 16 2000  
Date Signed

RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY

FORM PTO-1618C  
Expires 06/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship State of Incorporation/Organization

**Receiving Party**

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKATA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)     
City State/Country Zip Code

Individual  General Partnership  Limited Partnership  If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached (Designation must be a separate document from the Assignment.)

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

FEDERAL IDENTIFICATION NO. 04-2511897

FEDERAL IDENTIFICATION NO. ~~22-0267150~~

FEDERAL IDENTIFICATION NO. 95-2094565

(Not Key In Mass)

# The Commonwealth of Massachusetts

William Francis Galvin

Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

081

## ARTICLES OF \*CONSOLIDATION / \*MERGER

(General Laws, Chapter 156B, Section 79)

\*Consolidation / \*merger of

M ANDATACO, INC.

M ANDATACO OF CALIFORNIA, INC.

S NSTOR Corporation, Inc.

the constituent corporations, into

NSTOR CORPORATION, INC.

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

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)

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

C  
P  
M  
R.A.

*\*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 each addition is clearly indicated.*

P.C.  
MA024 - CI System (Online)

**(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 powers, 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)~~

~~\*\*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: |      |                     |                     |
| Treasurer: |      |                     |                     |
| 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:

(d) The name and business address of the resident agent, if any, of the \*resulting / \*surviving corporation is:

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 ANDATACO, INC, 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.

[Signature], \*President /  Vice President  
[Signature], \*Clerk /  Assistant Clerk

FOR CORPORATIONS ORGANIZED IN A STATE OTHER THAN MASSACHUSETTS

The undersigned, † President and †† Assistant Secretary of nStor Corporation, Inc., 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.

† [Signature]  
†† [Signature]

\*Delete the inapplicable words.  
†Specify the officer having 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 having powers and duties corresponding to the clerk or assistant clerk of such a Massachusetts corporation.

(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: |      |                     |                     |
| Treasurer: |      |                     |                     |
| 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:

(d) The name and business address of the resident agent, if any, of the \*resulting / \*surviving corporation is:

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 \_\_\_\_\_ 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.

\_\_\_\_\_, \*President / \*Vice President

\_\_\_\_\_, \*Clerk / \*Assistant Clerk

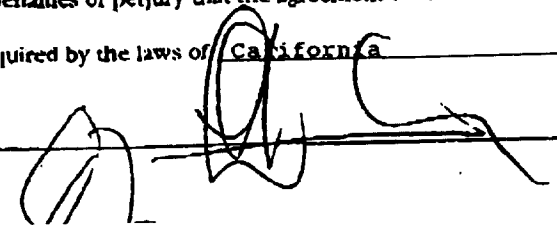
FOR CORPORATIONS ORGANIZED IN A STATE OTHER THAN MASSACHUSETTS

The undersigned, † President and †† Secretary of ANDATACO of California, Inc., a corporation organized under the laws of

California, 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 California

\*Delete the inapplicable words.  
†Specify the officer having 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 having powers and duties corresponding

† 

703449

105109241

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 26<sup>th</sup>  
day of APRIL . 2000.

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



WILLIAM FRANCIS GALVIN  
*Secretary of the Commonwealth*

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

Akerman, Senterfitt & Bidson, P.A., c/o Kathleen Brown, Esq.

Las Olas Centre II, Suite 1600

350 East Las Olas Blvd., Fort Lauderdale, FL 33301

Telephone: (954) 463-2700 33301

60 APR 26 PM 3:33