

AUG 15 2002

08-22-2002

U.S. Department of Commerce  
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TRADEMARK



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

Submission Type

New 4-15-02

Resubmission (Non-Recordation)  
Document ID#

Correction of PTO Error  
Reel #  Frame #

Corrective Document  
Reel #  Frame #

Conveyance Type

Assignment  License

Security  Nunc Pro Tunc Assignment

Merger

Change of Name

Other

Effective Date  
Month Day Year  
11/30/00

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

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)     
City State/Country Zip Code

Individual  General Partnership  Limited Partnership  Association

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

08/21/2002 DRYNE 00000041 2149311

FOR OFFICE USE ONLY

01 FC:481 40.00 OP  
02 FC:482 25.00

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

**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"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="2,149,311"/>	<input type="text" value="2,133,835"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="2,150,743"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="2,133,836"/>	<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.*

Arlene D. Hanks  08-15-02  
 Name of Person Signing Signature Date Signed

00634816

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 11/29/2000  
001595547 - 2945436

CERTIFICATE OF OWNERSHIP AND MERGER

OF

BLUECURVE, INC.  
(a California corporation)

into

RED HAT, INC.  
(a Delaware corporation)

Pursuant to §253 of  
Delaware General Corporation Law

ENDORSED - FILED  
in the office of the Secretary of State  
of the State of California

DEC - 6 2000

BILL JONES, Secretary of State

It is hereby certified that:

1. Red Hat, Inc. (the "Corporation") is a corporation organized under the laws of the State of Delaware.
2. The Corporation is the owner of all of the outstanding shares of capital stock of Bluecurve, Inc., a corporation organized under the laws of the State of California, ("Bluecurve").
3. The laws of the jurisdiction of organization of Bluecurve permit the merger of a corporation of that jurisdiction with a corporation of another jurisdiction.
4. The Corporation hereby merges Bluecurve into the Corporation pursuant to §253 of Delaware General Corporation Law.
5. Attached hereto as Exhibit A is a copy of the resolutions adopted on November 28, 2000 by the Board of Directors of the Corporation to merge Bluecurve into the Corporation.
6. The effective time of this Certificate of Ownership and Merger, and the effective merger time, shall be 11:59 p.m. on November 30, 2000.

Executed on the 28<sup>th</sup> day of November, 2000.

RED HAT, INC.

By: 

Name: Mark H. Webbink

Title: General Counsel and Secretary

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EXHIBIT A

**RESOLUTIONS OF  
THE BOARD OF DIRECTORS  
OF  
RED HAT, INC.**

The Board of Directors of Red Hat, Inc., a Delaware corporation (the "Corporation"), adopted the following resolutions at its regularly scheduled meeting on November 28, 2000.

**WHEREAS**, the Corporation is the owner of all of the outstanding shares of capital stock of Bluecurve, Inc., a corporation organized under the laws of California ("Bluecurve"); and

**WHEREAS**, the Board, after duly reviewing the ramifications of merging Bluecurve into Red Hat, wishes to effect the merger of Bluecurve into Red Hat; and

**WHEREAS**, by Bluecurve being the wholly-owned subsidiary of Red Hat, the merger of Bluecurve into Red Hat may be effected, pursuant to Section 1110 of the California General Corporation Law and Section 253 of the Delaware General Corporation Law, by resolution of this Board.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board, after due consideration of the financial circumstances of the Corporation, hereby adopts the following resolutions for the purpose of effecting the merger of Bluecurve into the Corporation, and

**BE IT FURTHER RESOLVED**, that Bluecurve be merged into the Corporation, and that all of the estate, property rights, privileges, powers, and franchises of Bluecurve be vested in and held and enjoyed by the Corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by Bluecurve in its name; and

**BE IT FURTHER RESOLVED**, that the Corporation assume all of the obligations of Bluecurve; and

**BE IT FURTHER RESOLVED**, that the Corporation shall cause to be executed and filed any and all documents prescribed by the laws of the State of Delaware, by the laws of the State of California, and by the laws of any other appropriate jurisdiction and will cause to be performed all necessary acts within such jurisdictions to effect the merger of Bluecurve into the Corporation; and

**BE IT FURTHER RESOLVED**, that the effective time of the Certificate of Ownership and Merger setting forth a copy of these resolutions shall be 11:59 p.m. on November 30, 2000, and that, insofar as the General Corporation Law of the State of Delaware shall govern the same, said time shall be the effective merger time; and

**BE IT FURTHER RESOLVED**, that the officers of the Corporation be, and they hereby are, authorized and directed on its behalf to take all such actions and to prepare, execute and deliver any and all certificates, instruments and documents, agreements and

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undertakings, and to do any and all acts or things, as they or any of them, consider necessary, appropriate or desirable to carry out the intent and purposes of all of the foregoing resolutions.

Attested to this 28<sup>th</sup> day of November, 2000.



Mark H. Webbink  
General Counsel and Secretary

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 OWNERSHIP OF "RED HAT, INC.", FILED IN THIS OFFICE ON THE TWENTY-NINTH DAY OF NOVEMBER, A.D. 2000, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTIETH DAY OF NOVEMBER, A.D. 2000, AT 11:59 O'CLOCK A.M.



*Edward J. Freel*  
Edward J. Freel, Secretary of State

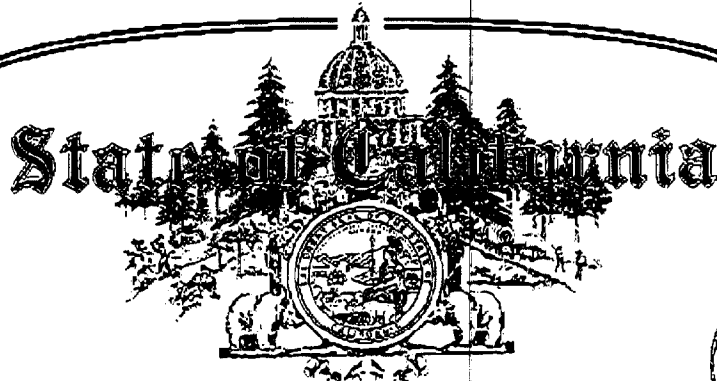


AUTHENTICATION: 0820108

DATE: 11-29-00

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001596239



**SECRETARY OF STATE**

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

*IN WITNESS WHEREOF*, I execute this certificate and affix the Great Seal of the State of California this day of



AUG 15 2002

*Bill Jones*

Secretary of State