

RE SUB

12-19-2002



102315015

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

12-17-02

- 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:

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)

B. Trademark Registration No.(s) 1,818,407 2,204,329

Additional number(s) attached Yes No

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: 2

7. Total fee (37 CFR 3.41): \$65.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number: 050889

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

DO NOT USE THIS SPACE

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.

John M. Gunther Name of Person Signing

Signature

12-09-02 Date

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

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

8/26/02

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

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

3. Nature of conveyance:

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

Execution Date: **November 4, 1999**

2. Name and address of receiving party(ies)

Name: **EMC Corporation**  
Internal Address: \_\_\_\_\_  
Address: \_\_\_\_\_

Street Address: **35 Parkwood Drive**  
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

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

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B. Trademark Registration No.(s)

~~1,818,407~~  
~~2,204,329~~

Additional number(s) attached  Yes  No

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Name: **John M. Gunther**

Internal Address: **Legal Department**

Street Address: **35 Parkwood Drive**

City: **Hopkinton** State: **MA** Zip: **01748**

6. Total number of applications and registrations involved: 2

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8. Deposit account number: **050889**

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

**DO NOT USE THIS SPACE**

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.*

**John M. Gunther**

Name of Person Signing

*John M. Gunther*  
Signature

**8-16-02**  
Date

08/28/2002 LNUELLER 00000199 050889 1818407

Total number of pages including cover sheet, attachments, and document: 15

01 FC:481 40.00 CH  
02 FC:482 25.00 CH

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

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)

Consolidation / merger of

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

the constituent corporations, into

(S) EMC Corporation a 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 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 each addition is clearly indicated.

Handwritten initials and 'Examiner' label.

Handwritten numbers: 081, 051, 055, 052

C P M R.A. with a vertical line and checkmark.

Handwritten signature 'alozha'.

**(Loss 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)*

35 Parkwood Drive, Hopkinton, Massachusetts 01748

~~“(f) 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	(See Attached)	
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: 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. Ruthven, \*President / \*Vice President  
[Signature], \*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 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.

† [Signature]  
Vice 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. Paneson ✓	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
	Mawreen 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

*[Handwritten signature]* 6148

573534

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 \_\_\_\_\_

*[Handwritten signature: William Francis Galvin]*

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth

SECRETARY OF THE  
COMMONWEALTH  
59 NOV -4 01 2:12  
[Vertical stamp]

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

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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 MERCER 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: 2635 FRAME: 0940



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 01580. 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.