

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

02-24-2003



102370514

TO THE ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS: Please record the attach

1. Name of conveying party(ies): (If multiple assignors, list numerically)

Broadband Storage, Inc.

*2-2-03*

- Individual
- Association
- General Partnership
- Limited Partnership
- Corporation - State - Delaware
- Other:

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

2. Name and address of receiving party(ies):

**Name:** Snap Appliance, Inc.  
**Internal Address:** 5141 California, Suite 200  
**Street Address:** 5141 California, Suite 200  
**City:** Irvine **State:** CA **ZIP:** 92612

- Individual
- Association
- General Partnership
- Limited Partnership
- Corporation - State - Delaware
- 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) and address(es) attached?  
 Yes  No

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other:

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above) November 15, 2002

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

- a. Trademark Application No(s):  
78/147,217 and 78/154,312
- b. Trademark Registration No(s):

Additional numbers attached?  Yes  No

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

**Name:** Tirzah Abé Lowe  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
**Customer No.** 20,995  
**Internal Address:** Fourteenth Floor  
**Street Address:** 2040 Main Street  
**City:** Irvine **State:** CA **ZIP:** 92614  
**Attorney's Docket No.:** BSTOR.067T/068T

7. Total fee (37 CFR 1.21(h)): \$65

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and registrations involved:  
(2) two

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.

Tirzah Abé Lowe  
Name of Person Signing

*Tirzah Abé Lowe*  
Signature

2-17-03  
Date

Total number of pages including cover sheet, attachments and document: (4) Four

Mail documents to be recorded with required cover sheet information to:

02/24/2003 6T0M11 00000012 78147217

01 FC:8521 40.00 OP  
02 FC:8522 25.00 OP

U.S. Patent and Trademark Office  
Attn: Assignment Division  
Crystal Gateway-4  
1213 Jefferson Davis Highway, Suite 320  
Arlington, VA 22202

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**TRADEMARK  
REEL: 002675 FRAME: 0934**

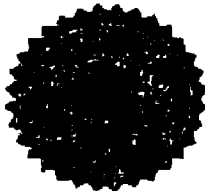
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "SNAP APPLIANCE, INC.", FILED IN THIS OFFICE ON THE FIFTEENTH DAY OF NOVEMBER, A.D. 2002, AT 3 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3350880 8100

AUTHENTICATION: 2093721

020706789

DATE: 11-15-02

TRADEMARK  
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STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 03:00 PM 11/13/2002  
020706789 - 3390880

**FOURTH AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF**

**SNAP APPLIANCE, INC.**  
formerly known as Broadband Storage, Inc.

Snap Appliance, Inc., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), does hereby certify as follows:

**ONE:** The name of the corporation is "Snap Appliance, Inc." The date of filing of the original Certificate of Incorporation of the Corporation with the Secretary of State of the State of Delaware was February 21, 2001.

**TWO:** This Fourth Amended and Restated Certificate of Incorporation (this "Restated Certificate") has been duly approved by the Board of Directors of the Corporation.

**THREE:** This Restated Certificate has been duly adopted by the stockholders of the Corporation in accordance with the provisions of Sections 228, 242 and 245 of the General Corporation Law of the State of Delaware.

**FOUR:** The text of the Certificate of Incorporation of the Corporation is hereby amended and restated to read in its entirety as follows:

**I.**

The name of the corporation is **SNAP APPLIANCE, INC.** (the "Company").

**II.**

The address of the registered office of the Company in the State of Delaware is 2711 Centerville Road, Suite 400, City of Wilmington, County of New Castle, Delaware 19808, and the name of the registered agent of the Company in the State of Delaware at such address is the Corporation Service Company.

**III.**

The purpose of the Company is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law (the "GCL") of the State of Delaware.

**IV.**

**A.** This Company is authorized to issue two classes of stock to be designated, respectively, "Common Stock" and "Preferred Stock." The total number of shares

IN WITNESS WHEREOF, SNAP APPLIANCE, INC. has caused this Fourth Amended and Restated Certificate of Incorporation to be signed by its duly authorized representative as of November 13, 2002.

SNAP APPLIANCE, INC.

By: 

Eric Kelly,  
Chief Executive Officer, President and  
Secretary