

FORM PTO 1594

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

TRADEMARKS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Brio Software, Inc.

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation of the State of Delaware, USA
☐ Other:

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

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

Name: Hyperion Solutions Corporation
Internal Address:

Street Address: 1344 Crossman Avenue
 City: Sunnyvale
 State: California
 Zip Code: 94089
 Country: United States of America

- ☐ Individual(s) citizenship:
☐ Association:
☐ General Partnership:
☐ Limited Partnership:
☒ Corporation of the State of Delaware, USA
☐ 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 names(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☒ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: October 16, 2003

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

A. Trademark Application No(s).

76/411,759

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: Barry R. Lipsitz

Internal Address:

Street Address: 755 Main Street
Building No. 8

City: Monroe State: CT ZIP: 06468

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account no. 50-0625

8. Deposit account number:

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

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.

Barry R. Lipsitz

Name of Person Signing

Signature

April 13, 2004

Date

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

TRADEMARK

4

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REEL: 002830 FRAME: 0811

CH \$40.00 600625 76411759

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:33 PM 10/16/2003
FILED 03:33 PM 10/16/2003
SRV 030666489 - 2259964 FILE

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

BRIO SOFTWARE, INC.

WITH AND INTO

HYPERION SOLUTIONS CORPORATION

Pursuant to Section 253 of the Delaware General Corporation Law

Hyperion Solutions Corporation, a Delaware corporation (the "Corporation"),
HEREBY CERTIFIES AS FOLLOWS:

FIRST: The Corporation is a corporation incorporated on April 12, 1991 under the laws of the State of Delaware.

SECOND: The Corporation owns all the outstanding capital stock of Brio Software, Inc., a corporation incorporated on February 19, 1998, under the laws of the State of Delaware ("Subsidiary").

THIRD: The Corporation, by the following resolutions of its Board of Directors, duly adopted by unanimous written consent of its members, filed with the minutes of its Board of Directors, as of October 4, 2003, determined to merge Subsidiary with and into the Corporation:

RESOLVED, that the Corporation merge Brio Software, Inc., a Delaware corporation ("Subsidiary"), with and into the Corporation (the "Merger"), pursuant to Section 253 of the Delaware General Corporation Law;

RESOLVED, that the Merger shall become effective at the time (the "Effective Time") of the filing of a Certificate of Ownership and Merger with the Secretary of State of the State of Delaware in accordance with the provisions of the Delaware General Corporation Law;

RESOLVED, that, at the Effective Time, Subsidiary shall be merged with and into the Corporation, the separate existence of Subsidiary shall cease, and the Corporation shall be the surviving corporation (the "Surviving Corporation"), and the Surviving Corporation, without further action, shall possess all the rights, privileges, powers and franchises, public and private, of both the Corporation and Subsidiary and shall be subject to all the debts, liabilities, obligations, restrictions, disabilities and duties of both the Corporation and Subsidiary;

RESOLVED, that the Certificate of Incorporation and By-laws of the Corporation, as in effect immediately prior to the Effective Time, shall be the Certificate of

Incorporation and By-laws of the Surviving Corporation until thereafter amended as provided by law or such Certificate of Incorporation;

RESOLVED, that, at the Effective Time, each share of the common stock, par value \$0.001 per share, of Subsidiary that is issued and outstanding immediately prior to the Effective Time, shall be deemed cancelled;

RESOLVED, that, at the Effective Time, each share of the common stock, par value \$0.001 per share, of the Corporation that is issued and outstanding immediately prior to the Effective Time, shall remain outstanding following the Effective Time;

RESOLVED, that the directors and officers of the Corporation as of the Effective Time shall be the directors and officers of the Surviving Corporation, until their successors are duly elected or appointed; and

RESOLVED, that the proper officers of the Corporation be, and each of them acting alone hereby is, authorized to take all actions and to prepare, execute, deliver and file all agreements, instruments, documents and certificates in the name and on behalf of the Corporation, and under its corporate seal or otherwise, and to pay all such fees and expenses as they, or any one of them, may deem necessary, proper or advisable in order to effect the Merger.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Ownership and Merger to be signed by David W. Odell, its Chief Financial Officer, as of this 16th day of October, 2003.

HYPERION SOLUTIONS CORPORATION

By: /s/ David W. Odell

Name: David W. Odell

Title: Chief Financial Officer