

USPTO FORM 1017 JAN 07 2004

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) **RECORDATION FORM COVER SHEET TRADEMARKS ONLY** U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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):  
Altiris, Inc.

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

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

2. Name and address of receiving party(ies)  
Name: Altiris, Inc  
Internal \_\_\_\_\_  
Address: \_\_\_\_\_  
Street Address: 588 West 400 South  
City: Lindon State: Ut Zip: 84042

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

3. Nature of conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: February 1, 2002

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):  
A. Trademark Application No.(s) \_\_\_\_\_  
B. Trademark Registration No.(s) 2138748

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: Kimberly Scoville  
Internal Address: Altiris, Inc.  
Legal Department  
\_\_\_\_\_  
Street Address: 588 West 400 South  
801-805-2437  
City: Lindon State: Ut Zip: 84042


6. Total number of applications and registrations involved: ..... **4**

7. Total fee (37 CFR 3.41).....\$ 115.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number \_\_\_\_\_  
Credit Card \_\_\_\_\_  
(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.*

Kimberly Scoville  May 20, 2004  
Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and document: **5**

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

OP \$115.00 2138748

**Continuation of Form PTO 1594**

Altiris, Inc. (Utah), conveying to Altiris, Inc. (Delaware)

**Additional Registration Numbers**

2142461

2413350

2300778

RECEIVED

EXPEDITE



State of Utah  
DEPARTMENT OF COMMERCE  
Division of Corporations & Commercial Code

FEB 01 2002

Non-Refundable Fee	
Domestic	\$25.00
Foreign	\$35.00

### Articles of Merger / Share Exchange

State of Utah  
Department of Commerce  
Division of Corporations and Commercial Code

Altiris, Inc., a Utah corporation 1417806  
the non-surviving corporation

I hereby certified that the foregoing has been filed and approved on this 1 day of FEB 2002 in this office of this Division and hereby issued this Certificate thereof.

Examiner [Signature] Date 2/1/02

Altiris, Inc., a Delaware corporation  
the surviving corporation

[Signature]  
Kathy Berg  
Division Director

02-01-02P01:49 RCYD

#### ARTICLE I - Surviving Corporation

##### Section 1

The name of the corporation surviving the merger is: Altiris, Inc.  
and such name  has  has not been changed as a result of the merger.

##### Section 2

- A. The surviving corporation is a domestic corporation existing pursuant to the provisions of the Utah Revised Business Corporation Act incorporated on .
- B. The surviving corporation is a foreign corporation incorporated under the laws of the State of and upon approval of Application For Certificate of Authority  qualified  not qualified to do business in Utah.

Note: If application for Certificate of Authority to Transact Business is filed concurrently herewith state "Upon approval of Application for Certificate of Authority".

- C. The effective date of the merger described herein shall be the date upon which these Articles are filed with the Utah Division of Corporations and Commercial Code, or \_\_\_\_\_.

#### ARTICLE II - Non-surviving Corporation(s)

The name, state of incorporation, and date incorporation or qualification (if applicable) respectively, of each Utah domestic corporation and Utah qualified foreign corporation, other than the survivor, which is party to the merger are as follows:

Name of Corporation	<u>Altiris, Inc.</u>	Date of Incorporation / Qualification in Utah	<u>August 3, 1998</u>
State of Domicile	<u>Utah</u>		
Name of Corporation		Date of Incorporation / Qualification in Utah	
State of Domicile			
Name of Corporation		Date of Incorporation / Qualification in Utah	
State of Domicile			
Name of Corporation		Date of Incorporation / Qualification in Utah	
State of Domicile			
Name of Corporation		Date of Incorporation / Qualification in Utah	
State of Domicile			

#### ARTICLE III - Plan of Merger or Share Exchange

The Plan of Merger or Share Exchange, containing such information as required by Utah Code 16-10a-1101, is set forth in "Exhibit A", attached hereto and made a part hereof.

Stamp: Utah Code 16-10a-1101, Receipt Number: 562929, Amount Paid: \$160.00

**ARTICLE IV - Manner of Adoption & Vote of Surviving Corporation (must complete Section 1 or 2)**

**Section 1**

Shareholder vote not required.

The merger/ share exchange was adopted by the incorporators or board of directors without shareholder action and shareholder action was not required.

**Section 2**

Vote of shareholders (complete either A or B)

The designation (i.e., common, preferred or any classification where different classes of stock exist), number of outstanding shares, number of votes entitled to be cast by each voting group entitled to vote separately on the merger / share exchange and the number of votes of each voting group represented at the meeting is set forth below:

- A. Unanimous written consent executed on January 18, 2002 and signed by all shareholders entitled to vote.
- B. Vote of shareholders during a meeting called by the Board of Directors.

	TOTAL	A	B	C
Designation of each voting group (i.e. preferred and common)				
Number of outstanding shares				
Number of votes entitled to be cast				
Number of votes represented at meeting				
Shares voted in favor				
Shares voted against				

20

**ARTICLE V - Manner of Adoption & Vote of Non-surviving Corporation (must complete Section 1 or 2)**

**Section 1**

Shareholder vote not required.

The merger/ share exchange was adopted by the incorporators or board of directors without shareholder action and shareholder action was not required.

**Section 2**

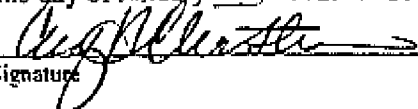
Vote of shareholders (complete either A or B)

The designation (i.e., common, preferred or any classification where different classes of stock exist), number of outstanding shares, number of votes entitled to be cast by each voting group entitled to vote separately on the merger / share exchange and the number of votes of each voting group represented at the meeting is set forth below:

- A. Unanimous written consent executed on \_\_\_\_\_ 20 \_\_\_ and signed by all shareholders entitled to vote.
- B. Vote of shareholders during a meeting called by the Board of Directors.

	TOTAL	A	B	C
Designation of each voting group (i.e. preferred and common)		Common Stock (as if converted)		
Number of outstanding shares	11,318,070	11,318,070		
Number of votes entitled to be cast	11,318,070	11,318,070		
Number of votes represented at meeting	9,707,195	9,707,195		
Shares voted in favor	9,379,355	9,379,355		
Shares voted against	327,840	327,840		

In Witness Whereof, the undersigned being the Secretary of the surviving corporation executes these Articles of Merger / Share Exchange and verifies, subject to penalties of perjury that the statements contained herein are true, this day of ~~January~~ February 1, 2002, 2002.

  
 Signature

Craig H. Christensen  
 Printed Name

Mail In: S.M. Box 146705  
 Salt Lake City, Utah 84114-6705  
 Walk In: 160 East 300 South, Main Floor  
 Corporation's Information Center: (801) 530-4849  
 Toll Free Number: (877) 526-3994 (Utah Residents)  
 Fax: (801) 530-6438  
 Web Site: <http://www.commerce.utah.gov>