

6/7/04

06-09-2004

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings

RECORDED



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DEPARTMENT OF COMMERCE J.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

Linuxcare, Inc.

- 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: May 17, 2004

2. Name and address of receiving party(ies)

Name: Levanta, Inc.

Internal

Address:

Street Address: 650 Townsend Street, Suite 930

City: San Francisco State: CA Zip: 94102

- Individual(s) citizenship, 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) & address(es) attached? Yes No

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2781917; 2556982; 2605191

Additional number(s) attached Yes No

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

Name: Julia Spoor Gard

Internal Address: Barnes & Thornburg

Street Address: 11 South Meridian Street

City: Indianapolis State: IN Zip: 46204

6. Total number of applications and registrations involved: 3

7. Total fee (37 CFR 3.41) \$ 90.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number:

100435

(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.

Julia Spoor Gard

Name of Person Signing

Signature

June 4, 2004

Date

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

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

06/08/2004 ECOOPER 00000034 100435 2781917

01 FC:8521 40.00 BA 02 FC:8522 50.00 BA

TRADEMARK REEL: 002985 FRAME: 0222

**CERTIFICATE OF AMENDMENT OF THE  
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF LINUXCARE, INC.**

A Delaware Corporation

Linuxcare, Inc., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), pursuant to the provisions of the General Corporation Law of the State of Delaware (the "DGCL"), does hereby certify as follows:

FIRST: The following resolution amending the Corporation's Amended and Restated Certificate of Incorporation was duly adopted by the Board of Directors of this Corporation in accordance with the provisions of Section 242(b)(1) of the DGCL:

**RESOLVED:** That the Amended and Restated Certificate of Incorporation of the Corporation be amended by changing Article "I" thereof so that, as amended, said paragraph shall read in its entirety as follows:

"The name of this corporation is Levanta, Inc. (the "Corporation")."

SECOND: That thereafter, the necessary number of shares of the Corporation's capital stock as required by Section 228 of the DGCL consented to the adoption of such amendment by written consent in lieu of a meeting.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 of the DGCL.

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*State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:14 PM 05/17/2004  
FILED 01:55 PM 05/17/2004  
SRV 040359758 - 2975921 FILE*

**TRADEMARK  
REEL: 002985 FRAME: 0223**

IN WITNESS WHEREOF, Linuxcare, Inc., has caused this Certificate of Amendment of the Amended and Restated Certificate of Incorporation to be executed by Akmal Khan, its Chief Executive Officer and attested by Daniel Lee, its Secretary, this 17th day of May, 2004.

LINUXCARE, INC.

By:   
Akmal Khan  
Chief Executive Officer

ATTEST:

  
Daniel Lee, Secretary

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