



09-14-1998

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

08-28-1998

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #58



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REGISTRATION FORM COVER SHEET  
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8-28-98

CORRECTIVE

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID #
- Correction of PTO Error  
Reel #  Frame #
- Corrective Document  
Reel #  Frame #

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger
- Effective Date  
Month Day Year
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties attached

Name   
Formerly

Execution Date  
Month Day Year

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name   
DBA/AKA/TA   
Composed of   
Address (line 1)   
Address (line 2)   
Address (line 3)     
City State/Country Zip Code

- Individual  General Partnership  Limited Partnership
- Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

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Mail documents to be recorded with required cover sheet(s) information to:  
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08/11/1998 JWH/EL/RSB  
00000080 75421496  
46-461

TRADEMARK  
REEL: 1785 FRAME: 0868

08/15/98 0757/713942

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

415.281.1330

Name

Carole F. Barrett, Esq.

Address (line 1)

FENWICK & WEST LLP

Address (line 2)

100 The Embarcadero

Address (line 3)

Suite 300

Address (line 4)

San Francisco, CA 94105

**Pages** Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trade Application Number(s)**

**Registration Number(s)**

75/423,496

**Number of Properties** Enter the total number of properties involved.

#

1

**Fee Amount**

**Fee Amount for Properties Listed (37 CFR 3.41):**

\$

\$40.00

**Method of Payment:**

Enclosed

Deposit Account

**Deposit Account**

(Enter for payment by deposit account or if additional fees can be charged to the account.)

**Deposit Account Number:**

#

50-0261

**Authorization to charge additional fees:**

Yes

No

**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. Charges to deposit account are authorized, as indicated herein.

D. Craig Horak

Name of Person Signing



Signature

August 28, 1998

Date Signed

To the Assistant C

12-03-1997



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U.S. Department of Commerce  
Patent and Trademark Office

Attach original documents or copy thereof.

11-18-97

1. Name of conveying party(ies)

**PLEXUS COMMUNICATIONS, INC.**

- Individual(s)     Association
- Gen'l Partnership     Ltd. Partnership
- Corporation-State: **Delaware**
- Other

Add'l name(s) of conveying party(ies) attached?  Yes  No

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

Name:  
**Torrent Networking Technologies Corp.**

Internal Address:  
Street Address: **8181 Professional Place**  
City: State: Zip: **Landover, MD 20785**

- 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: **December 27, 1996**

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 no(s):

A. TM Appln No.(s) **75/200496**

Additional numbers attached?  Yes  No

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

Name: **Fenwick & West LLP**  
Internal Address: **Suite 650**  
Street Address: **1920 N Street, N.W.**  
City: **Washington** State: **D.C.** Zip: **20036-1601**

6. Total no. of applns and regs. involved [ 1 ]

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit Account No:

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

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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.

Saverv M. Gradoville  
Name of Person Signing

November 13, 1997  
Date

Total number of pages comprising cover sheet: [ 1 ]

OMB No. 0651-0011 (exp. 4/94)

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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 RESTATED CERTIFICATE OF "PLEXUS COMMUNICATIONS, INC.", CHANGING ITS NAME FROM "PLEXUS COMMUNICATIONS, INC." TO "TORRENT NETWORKING TECHNOLOGIES CORP.", FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF DECEMBER, A.D. 1996, AT 9 O'CLOCK A.M.



2609227 8100

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A handwritten signature in cursive script, reading "Edward J. Freel".

*Edward J. Freel, Secretary of State*

AUTHENTICATION: 8712991

DATE: 10-21-97

TRADEMARK  
REEL: 1785 FRAME: 0871

RESTATED CERTIFICATE OF INCORPORATION  
OF


PLEXUS COMMUNICATIONS, INC.  
(Originally incorporated on April 8, 1996)

Plexus Communications, Inc., a Delaware corporation, hereby certifies that the Restated Certificate of Incorporation of the corporation attached hereto as Exhibit A, which is incorporated herein by this reference, and which restates, integrates and further amends the provisions of the Certificate of Incorporation of this corporation as heretofore amended or supplemented, has been duly adopted by the corporation's Board of Directors and stockholders in accordance with Sections 228, 242 and 245 of the Delaware General Corporation Law, notice to ant nonconsenting stockholders having been given in accordance with Section 228(d) of the Delaware General Corporation Law.


IN WITNESS WHEREOF, said corporation has caused this Certificate of Amendment to be executed and attested by its duly authorized officers this 22<sup>nd</sup> day of November, 1996.

PLEXUS COMMUNICATIONS, INC.

By: \_\_\_\_\_

  
Hemant Kanakia, President

ATTEST:

  
\_\_\_\_\_  
Hemant Kanakia, Secretary

**Exhibit A**  
**RESTATED CERTIFICATE OF INCORPORATION**  
**OF**  
**TORRENT NETWORKING TECHNOLOGIES CORP.**

**ARTICLE I**

The name of the corporation is Torrent Networking Technologies Corp.

**ARTICLE II**

The address of the registered office of the corporation in the State of Delaware is 15 East North Street, City of Dover, County of Kent. The name of its registered agent at that address is Incorporating Services, Ltd.

**ARTICLE III**

The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**ARTICLE IV**

The total number of shares of all classes of stock which the corporation is authorized to issues is eleven million twenty three (11,000,023) shares, consisting of two classes: seven million two hundred fifty thousand (7,250,000) shares of Common Stock, \$0.00001 par value per share, and three million seven hundred fifty thousand twenty three (3,750,023) shares of Preferred Stock, \$0.00001 par value per share. Effective upon the filing of this Restated Certificate of Incorporation, each one (1) outstanding share of the corporation's Common Stock shall be split into and automatically become one hundred twenty five (125) outstanding shares of the corporation's Common Stock, and the authorized shares of the corporation shall be as set forth in this Restated Certificate.

The Board of Directors is authorized, subject to any limitations prescribed by the law of the State of Delaware, to provide for the issuance of the shares of Preferred Stock in one or more series, and, by filing a certificate of designation pursuant to the applicable law of the State of Delaware, to establish from time to time the number of shares to be included in each such series, to fix the designation, powers, preferences and rights of the shares of each such series and any qualifications, limitations or restrictions thereof, and to increase or decrease the number of shares of any such series (but not below the number of shares of such series then outstanding). The number of authorized shares of Preferred Stock may be increased or decreased (but not below the number of shares thereof then outstanding) by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote, unless a vote of any other holders is required pursuant to a certificate or certificates establishing a series of Preferred Stock.

Except as expressly provided in any certificate of designation designating any series of Preferred Stock pursuant to the foregoing provisions of this Article IV, any new series of

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Preferred Stock may be designated, fixed and determined as provided herein by the Board of Directors without approval of the holders of Common Stock or the holders of Preferred Stock, or any series thereof, and any such new series may have powers, preferences and rights, including without limitation, voting rights, dividend rights, liquidation rights, redemption rights and conversion rights, senior to, junior to or pari passu with the rights of the Common Stock, the Preferred Stock, or any future class or series of Preferred Stock or Common Stock.

#### ARTICLE V

The Board of Directors of the corporation shall have the power to adopt, amend or repeal the Bylaws of the corporation.

#### ARTICLE VI

Election of directors need not be by written ballot unless the Bylaws of the corporation shall so provide.

#### ARTICLE VII

To the fullest extent permitted by law, no director of the corporation shall be personally liable for monetary damages for breach of fiduciary duty as a director. Without limiting the effect of the preceding sentence, if the Delaware General Corporation Law is hereafter amended to authorize the further elimination or limitation of the liability of a director, then the liability of a director of the corporation shall be eliminated or limited to the fullest extent permitted by the Delaware General Corporation Law, as so amended.

Neither any amendment nor repeal of this Article VII, nor the adoption of any provision of this Certificate of Incorporation inconsistent with this Article VII, shall eliminate, reduce or otherwise adversely affect any limitation on the personal liability of a director of the corporation existing at the time of such amendment, repeal or adoption of such an inconsistent provision.