

06-22-1998



100743503

RECEIVED Booklet No.:

28656.51

JUN 18 1998

Tab settings

To the Honorable Commissioner of Patents and Trademarks **100743503** Attached original documents or copy thereof.

1. Name of conveying party(ies): MND 6-18-98  
**SUMITOMO BANK OF NEW YORK TRUST COMPANY**

- Individual(s)
- General Partnership
- Corporation-State
- Other New York Limited Purpose Trust Company

Additional names(s) of conveying party(ies)  Yes  No

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

Name: ARK INTERFACE II, INC.

Internal Address:

Street Address: 1201 THIRD STREET, SUITE 1280

City: SEATTLE State: WA ZIP: 98101

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State CALIFORNIA
- Other

If assignee is not domiciled in the United States, a domestic designation is  Yes  N  
(Designations must be a separate document from Additional name(s) & address(es)  Yes  N

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other RELEASE OF SECURITY INTEREST
- Merger
- Change of Name

Execution Date: MAY 20, 1998

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

A. Trademark Application No.(s)

75/035,199 75/096,713 75/100,737  
filed 12/21/95 filed 4/30/96 filed 5/8/96

Additional numbers

B. Trademark Registration No.(s)

1,760,603  
issued  
3/23/93

Yes  No

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

Name: CLAIRE CHINO, ESQ.

Internal Address: GRAHAM & JAMES LLP

Street Address: ONE MARITIME PLAZE, SUITE 300

City: SAN FRANCISCO State: CA ZIP: 94111

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:

07-1850

DO NOT USE THIS SPACE

06/19/1998 DCOATES 00000131 071850 75035199

01 FC:481 40.00 CH

02 FC:482 75.00 CH

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.

MARY DOUGHERTY

Name of Person Signing

Signature

JUNE 17, 1998

Date

Total number of pages including cover sheet, attachments, and

TRADEMARK

REF: 1743 FRAM-0308

## RELEASE OF SECURITY INTERESTS AND SHARES

THIS RELEASE OF SECURITY INTERESTS AND SHARES, dated May 20, 1998, is made by SUMITOMO BANK OF NEW YORK TRUST COMPANY, a New York limited purpose trust company, as collateral agent for the below-defined Lenders (in its capacity as collateral agent for the Lenders, the "Collateral Agent"), in favor of ARK INTERFACE II, INC., a California corporation ("Ark") and PACKARD BELL NEC, INC., a Delaware corporation (the "Borrower").

### WITNESSETH

WHEREAS, the Borrower, The Sumitomo Bank, Limited, as administrative agent (the "Administrative Agent"), the financial institutions named as lenders therein (the "Lenders"), the Collateral Agent, and the co-agents and co-lead manager named therein are parties to a certain Extension Agreement dated as of March 30, 1998 (the "Extension Agreement"), which Extension Agreement amends and supplements a certain Loan and Security Agreement, dated as of March 25, 1997, as supplemented by a Waiver to Loan and Security Agreement, dated as of April 30, 1997, and as further supplemented and amended by a Waiver and Amendment to Loan and Security Agreement dated as of September 4, 1997, and a Waiver and Amendment to Loan and Security Agreement dated as of December 26, 1997 (as supplemented, amended, extended, restated and replaced, the "Loan Agreement"). All capitalized terms used herein and not defined herein shall have the meanings ascribed to them in the Loan Agreement;

WHEREAS, Borrower owns 100% of the issued and outstanding common stock of Ark;

WHEREAS, to induce the Lenders to enter into the Loan Agreement, Ark delivered its General Continuing Guaranty dated as of March 25, 1997 (the "Guaranty") to the Administrative Agent, pursuant to which Ark guaranteed the obligations of Borrower under the Loan Agreement;

WHEREAS, to secure Ark's obligations under the Guaranty and to secure the Borrower's obligations under the Loan Agreement, respectively, Ark granted to the Collateral Agent certain collateral security as more fully described herein, and the Borrower pledged and delivered to the Collateral Agent one thousand (1,000) shares of capital stock of Ark, constituting all of the issued and outstanding capital stock of Ark and all of the capital stock of Ark owned by the Borrower (the "Ark Shares"), which Ark Shares were represented by Stock Certificate Number 1; and

WHEREAS, Borrower intends to sell approximately 72% of its shares in Ark to an investor group, and in connection therewith, Borrower has requested that the security interests and liens granted by Ark, and the shares pledged by the Borrower, to the Collateral Agent to secure the Guaranty be released, and the Lenders, the Administrative Agent and the Collateral Agent have agreed.

## AGREEMENT

NOW THEREFORE, the Collateral Agent hereby releases all of its right, title and interest in and to, and its security interests and liens on or arising under, the following instruments and/or the following collateral:

(i) Security Agreement dated as of March 25, 1997, between Ark and the Collateral Agent, whereby Ark granted to the Collateral Agent a security interest and lien in certain existing or thereafter acquired collateral, as more fully set forth therein.

(ii) Copyright Collateral Assignment and Security Agreement dated as of March 25, 1997, between Ark and the Collateral Agent, whereby Ark granted to the Collateral Agent a security interest and lien in all of its existing or thereafter acquired copyrights and related collateral, as more fully set forth therein.

(iii) Patent Security Agreement dated as of March 25, 1997, made by Ark in favor of the Collateral Agent, whereby Ark granted to the Collateral Agent a security interest in all of its existing or thereafter acquired patents and related collateral, as more fully set forth therein, including those certain patents set forth on Exhibit A attached hereto.

(iv) Trademark Collateral Assignment and Security Agreement dated as of March 25, 1997, between Ark and the Collateral Agent, whereby Ark granted to the Collateral Agent a security interest and lien in all of its existing or thereafter acquired trademarks and related collateral, as more fully set forth therein, including those certain trademarks set forth on Exhibit B attached hereto.

(v) The Ark Shares.

This Release shall become effective from and after the date that each of the Administrative Agent and the Collateral Agent have received written confirmation from Borrower that Borrower will complete the sale and transfer of a majority of its shares in Ark on a date certain.

IN WITNESS WHEREOF, the Collateral Agent has executed this Release of Security Interests and Shares the day and year first above written.

**SUMITOMO BANK OF NEW YORK TRUST  
COMPANY, as Collateral Agent**

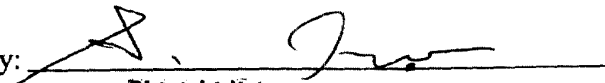
By:   
Name: Shinichi Ito  
Title: President

Exhibit A

ARK INTERFACE II, INC.

Issued U.S. Patents

Patent No.	Issued Date	Inventor	Title
5,349,658	9/20/94	O'Rourke et al.	Graphical User Interface

Pending U.S. Patent Applications

App. No.	Date Filed	Inventor	Title
08/254,602	6/6/94	O'Rourke et al.	Graphical User Interface
08/405,329	3/16/95	Campbell, Baranyi	System and Method for Prompting and Selecting Options within a Graphical User Interface

Ark Interface II, Inc. U.S. Trademarks

MARK	SERIAL NO.	DATE FILED	REG. NO.	REG. DATE	OWNER	STATUS	ASSIGNEE
ARK INTERFACE	74-162466	5/1/91	1,760,603	3/23/93	ARK INTERFACE INC.	REGISTERED	
KIDSPACE	75-035199	12/21/95			ARK INTERFACE II, INC.	PENDING	
PLANET OASIS	75-096713	4/30/96			ARK INTERFACE II, INC.	PENDING	
ARK WORKSPACE	75-100737	5/8/96			ARK INTERFACE II, INC.	PENDING	

TRADEMARK  
 REEL: 1743 FRAME: 0312

# Graham & James LLP



June 17, 1998

**EXPRESS MAIL  
LABEL NO. EE672651651US**

Box ASSIGNMENT  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Re: Request for Recordation of Release of Security Interest in One  
Trademark Registration and Certain Trademark Applications  
Owned by Ark Interface II, Inc. by Sumitomo Bank of New York  
Trust Company  
Attorney Docket No. 23656.51**

Dear Commissioner:

Enclosed for filing on behalf of our client, Sumitomo Bank of New York Trust Company, are the following documents:

1. One original and one copy of a Recordation Cover Sheet for one issued trademark and three pending trademark applications subject to the Trademark Security Agreement with Ark Interface II, Inc.;
2. A photocopy of the Release of Security Interests and Shares Agreement as signed by Shinichi Ito, President of Sumitomo Bank of New York Trust Company; and
3. One postage stamped, return postcard.

Please date stamp and return the enclosed self-addressed, stamped postcard to indicate receipt of the enclosed documents.

111/118335.01.00  
061798/1104/23656.00051

#### Attorneys

Sumitomo Bank of New York Trust Company  
111/118335.01.00  
061798/1104/23656.00051

800-368-3683

(415) 954 0240

#### Internet

[mdougherty@gj.com](mailto:mdougherty@gj.com)

Graham & James LLP

111/118335.01.00  
061798/1104/23656.00051

#### Deacons Graham & James

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#### Affiliated Offices

111/118335.01.00  
061798/1104/23656.00051

Assistant Commissioner for Trademarks

June 17, 1998


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The Commissioner is authorized to charge the \$115.00 filing fee plus any deficiencies or other amounts due to our Deposit Account No. 07-1850. An extra copy of the Recordation Cover Sheet is enclosed for this purpose.

Very truly yours,

GRAHAM & JAMES LLP

By

  
Mary R. Dougherty  
Paralegal

MRD/mrd

cc: Jill Feldman, Esq.  
Claire Chino, Esq.

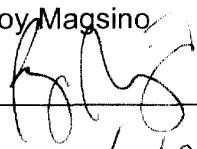
Enclosures

Our File: 23656.51

Assistant Commissioner for Trademarks  
June 17, 1998  
Page 3

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Box Assignment, Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 17, 1998.

By: Roy Magsino

Signed:  \_\_\_\_\_

Dated: 6/17/98

Express Mail No.: **EE672651651US**