

07-21-1998



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U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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JUL 16 1998

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

1. Name of Party(ies) conveying an interest:

Digital Equipment Corporation  
111 Powdermill Road  
Maynard, Massachusetts 01754

- Individual(s)
- General Partnership
- Corporation Massachusetts
- Other
- Association
- Limited Partnership

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

3. Nature of Conveyance

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

Execution Date: May 12, 1998

2. Name and Address of Party(ies) receiving an interest:

Name: Enterprise Solutions, Inc.

Street Address: 11000 Regency Parkway, Suite 401

Internal Address: \_\_\_\_\_

City: Cary State: North Carolina Zip: 27511

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

Additional name(s) & addresses attached?  Yes  No

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

A. Trademark Application No.(s): N/A

B. Trademark Registration No.(s): 1,681,049

Additional numbers attached?  Yes  No

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

Name: Arlene D. Hanks, Esq.

Internal Address: Moore & Van Allen, PLLC

Street Address: 2200 West Main Street, Suite 800

City: Durham State: NC ZIP: 27705

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.4) \$ 40.00

- Enclosed
- Authorized to be charged to deposit account (Any Deficiency)

8. Deposit account number:

13-4365

(Attach duplicate copy of this form 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*

Arlene D. Hanks, Esq.  
Name of Person Signing

*Arlene D. Hanks* July 13, 1998  
Signature Date

Total number of pages including cover sheet, attachments and document: 7

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner Of Patent And Trademarks, Washington, DC 20231, BOX ASSIGNMENTS.

Misty Randal  
(Typed or printed name of person signing the certificate)

*Misty Randal*  
(Signature of the person signing the certificate)

7/13/98  
(Date of Signature)

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## ASSIGNMENT OF TRADEMARK AND ACCOMPANYING GOODWILL

**WHEREAS**, DIGITAL EQUIPMENT CORPORATION, a Massachusetts corporation, having a place of business at 111 Powdermill Road, Maynard, Massachusetts 01754 ("Assignor") is the owner of the OPEN ADVANTAGE trademark, the registration thereof in the United States Patent and Trademark Office, Reg. No. 1,681,049, and the registrations thereof in other jurisdictions as identified on the attached Schedule 1; and

**WHEREAS**, TANGRAM ENTERPRISE SOLUTIONS, INC., a Pennsylvania corporation, having a place of business at 11000 Regency Parkway, Suite 401, Cary, North Carolina 27511 ("Assignee") is desirous of acquiring Assignor's OPEN ADVANTAGE trademark and the registrations thereof;

**NOW, THEREFORE**, in consideration of the sum of One Hundred and No/100 Dollars (\$100.00) and for other good and valuable consideration, receipt of which Assignor acknowledges by its execution below:

1. Assignor hereby assigns to Assignee all of its rights, title and interest in and to the OPEN ADVANTAGE trademark, the registration thereof in the United States Patent and Trademark Office, Reg. No. 1,681,049, and the registrations thereof in other jurisdictions as identified on the attached Schedule 1, together with any goodwill of the business symbolized by said mark, and together with any and all interests, claims and rights for damages and profits by reason of any past infringement or unauthorized use of the mark, false designations of origin, unfair competition, deceptive trade practices and/or dilution related to the mark, use of confusingly similar marks or names by others and all other related causes of action and the right to sue therefor.

2. Assignor agrees to perform all reasonable and proper additional acts and to execute any additional documents at the request and expense of Assignee which Assignee may require in order to transfer all of Assignor's rights, title and interest in and to the said trademark and trademark registrations in Assignee, its successors or assigns.

[SIGNATURES ON FOLLOWING PAGE]

Executed as of the 12<sup>th</sup> day of May, 1998.

**DIGITAL EQUIPMENT CORPORATION,**  
Assignor

By: *Daniel J. Bernstein*

Name and Title: Daniel J. Bernstein  
Vice President and  
Assistant General Counsel

**TANGRAM ENTERPRISE SOLUTIONS, INC.,**  
Assignee

By: *Nancy M. Dunn*

Name and Title: Nancy M. Dunn  
Vice President

STATE OF Massachusetts  
COUNTY OF Middlesex

I, Linda A. Casey, a Notary Public of the aforesaid County and State, do hereby certify that Daniel J. Bernstein personally appeared before me this day and acknowledged that he/she is the Vice President of DIGITAL EQUIPMENT CORPORATION, a corporation organized and existing pursuant to the laws of the State of Massachusetts, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by him/her as its Vice President and Assistant General Counsel, as the free act and deed of the corporation.

WITNESS MY HAND AND NOTARIAL SEAL this 12<sup>th</sup> day of May, 1998.

Linda A. Casey  
Notary Public

My Commission Expires:  
November 8, 2002

Linda A. Casey

STATE OF NC  
COUNTY OF Wake

I, Renée D. Kramarz, a Notary Public of the aforesaid County and State, do hereby certify that Nancy M. Dunn personally appeared before me this day and acknowledged that he/she is the Vice President of TANGRAM ENTERPRISE SOLUTIONS, INC., a corporation organized and existing pursuant to the laws of the State of Pennsylvania, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by him/her as its Vice President, as the free act and deed of the corporation.

WITNESS MY HAND AND NOTARIAL SEAL this 23<sup>rd</sup> day of June, 1998.

Renée D. Kramarz  
Notary Public

My Commission Expires:

9/15/99

**SCHEDULE 1**

**TO ASSIGNMENT OF TRADEMARK AND ACCOMPANYING GOODWILL**

**TRADEMARK REGISTRATIONS ASSIGNED TO TANGRAM ENTERPRISE SOLUTIONS, INC. BY  
DIGITAL EQUIPMENT CORPORATION**

**BENELUX**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9	765884	6/28/91	502811	6/28/91

**DENMARK**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9, 35, 36, 37, 38, 41, 42	4679/1991	7/2/91	06682/1996	12/6/96

**FRANCE**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9	305072	8/26/91	1727197	8/26/91
OPEN ADVANTAGE	9, 16	295313	7/2/91	1681619	7/2/91

**GERMANY**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9	R 51236	8/26/91	2024603	11/13/92

GREECE

Trademark	Classes	Application No.	Application Date	Registration No.	Registration Date
OPEN ADVANTAGE	9, 16	104944	7/9/91	104944	11/17/94

IRELAND

Trademark	Classes	Application No.	Application Date	Registration No.	Registration Date
OPEN ADVANTAGE	9	91/3295	7/1/91	146811	7/1/91
OPEN ADVANTAGE	16	91/3296	7/1/91	146812	7/1/91

ITALY

Trademark	Classes	Application No.	Application Date	Registration No.	Registration Date
OPEN ADVANTAGE	9, 35, 36, 37, 38, 41, 42	MI91C005486	7/19/91	625225	6/16/94

JAPAN

Trademark	Classes	Application No.	Application Date	Registration No.	Registration Date
OPEN ADVANTAGE	11	03-074389	7/15/91	2688385	7/29/94
OPEN ADVANTAGE	37	04-241013	9/28/92	3063349	7/31/95
OPEN ADVANTAGE	38	04-241014	9/28/92	3029622	3/31/95
OPEN ADVANTAGE	41	04-241015	9/28/92	3051514	6/30/95
OPEN ADVANTAGE	42	04-241016	9/28/92	3150696	4/30/96

**PORTUGAL**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9	275561	7/22/91	275561	6/15/93
OPEN ADVANTAGE	35	275562	7/22/91	275562	6/15/93
OPEN ADVANTAGE	36	275563	7/22/91	275563	6/15/93
OPEN ADVANTAGE	37	275564	7/22/91	275564	6/15/93
OPEN ADVANTAGE	38	275565	7/22/91	275565	6/15/93
OPEN ADVANTAGE	41	275566	7/22/91	275566	6/15/93
OPEN ADVANTAGE	42	275567	7/22/91	275567	6/15/93

**UNITED KINGDOM**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9	1462213	4/23/91	1462213	4/23/91
OPEN ADVANTAGE	16	1462214	4/23/91	1462214	4/23/91
OPEN ADVANTAGE	35	1462215	4/20/91	1462215	4/20/91
OPEN ADVANTAGE	41	1462219	4/29/91	1462219	4/20/91

**UNITED STATES**

<b>Trademark</b>	<b>Classes</b>	<b>Application No.</b>	<b>Application Date</b>	<b>Registration No.</b>	<b>Registration Date</b>
OPEN ADVANTAGE	9	74-142693	2/27/91	1681049	3/13/92