

RECORD  
7-14-98 TR

07-27-1998

Tab settings     MRD



To the Honorable Commissioner of Patents at

100777262

original documents or copy thereof.

1. Name of conveying party(ies):

Active Arts, Inc.  
8438 NW Hawkins Blvd.  
Portland, OR 97229

2. Name and address of receiving party(ies)

ImageBuilder Software, Inc.

Postal Address: Suite 200

Street Address: 6650 SW Redwood Lane

City: Portland State: OR ZIP: 97224

- Individual(s)
- General Partnership
- Corporation-State - Oregon
- 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: June 15, 1998

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

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No N/A

(Designations must be a separate document from assignment)

Additional name(s) & address(es) attached?  Yes  No N/A

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,107,662

Additional numbers attached?  Yes  No

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

Name: Benjamin H. Kaminash  
 Ater Wynne, LLP  
 Internal Address:  
 222 SW Columbia, Suite 1800  
 Portland, OR 97201  
 Street Address:  
 City: State: ZIP:

6. Total number of applications and registrations involved:

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

01-2704

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

07/24/1998 SSNITH 00000162 012704 2107662

DO NOT USE THIS SPACE

01 FC:481 40.00 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.

Benjamin H. Kaminash  
Name of Person Signing

Signature

July 14, 1998

Date

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

**EXHIBIT A**

1. ACTIVE ARTS, Trademark Registration No. 2,107,662

**EXHIBIT B**  
(see attached)

## ASSIGNMENT OF TRADEMARK

WHEREAS, Active Arts, Inc. (AA), a corporation duly organized and existing under the laws of the State of Oregon, United States of America with its principal place of business at 8438 NW Hawkins Blvd., Portland, OR 97229, has adopted, used and is using the trademark identified on Exhibit A attached hereto and made a part hereof; and

WHEREAS, AA previously had two domain names registered with Network Solutions, Inc. (NSI). AA discontinued its registration of one domain name identified as *activearts.com* and continues to have registered one domain name identified as *active-arts.com*; and

WHEREAS, ImageBuilder Software, Inc. (IBS), a corporation duly organized and existing under the laws of the State of Oregon, United States of America with its principal place of business at 6650 SW Redwood Lane, Suite 200, Portland, Oregon 97224, purchased the domain name identified as *activearts.com* on May 7, 1998 through NSI as documented and attached hereto as Exhibit C and IBS is desirous of acquiring said trademark and the one remaining domain name identified as *active-arts.com*; and

WHEREAS, IBS and AA did on April 10, 1998, mutually agree to the terms of such acquisition and such terms are documented in this Assignment of Trademark Agreement.

### NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

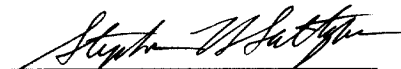
1. For consideration of a reduction of debt in the sum of Fifteen Thousand Dollars (\$15,000.00), owed by AA to IBS on its Accounts Receivables, receipt of which is hereby acknowledged, said AA, does hereby assign unto said IBS, all rights, title and interest in and to said trademark set forth on Exhibit A, together with the goodwill of the business symbolized by said trademark.

2. AA hereby assigns to IBS its Internet domain name registration identified as *active-arts.com* and will, by no later than fifteen (15) business days from the effective date of this Assignment, complete the assignment forms that NSI provides for such assignments by domain name registrants. The parties acknowledge that for an effective transfer of ownership of said domain name, such forms must be completed and submitted to NSI via e-mail. A paper copy of the form and instructions for completing same are attached hereto as Exhibit B. All charges relating to such domain name assignment shall be the exclusive responsibility of IBS.

3. AA acknowledges that the first use date for the ACTIVE ARTS trademark, as described in Exhibit A, attached hereto, is JUNE 15, 1998 and that that date is true and correct and that the ACTIVE ARTS trademark has been in continuous use by AA since that time and that AA is the true and correct owner of all rights afforded it by its use.

ACTIVE ARTS, INC.

By

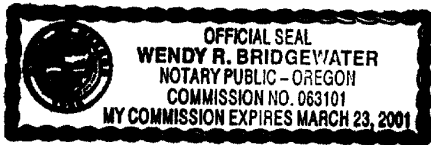
  
Stephen Saltzman  
President

6-15-98  
Date

STATE OF OREGON     )  
                                  ) ss.  
COUNTY OF Washington

On this 15<sup>th</sup> day of June, 1998, before me personally appeared Stephen Saltzman known to be the President of Active Arts, Inc., that he executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



*Wendy R. Bridgewater*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-23-2001

July 14, 1998

U.S. Patent & TMO/TM Mail Rpt. Dt. #64



07-14-1998

Express Mail

Assistant Commissioner for Trademarks Office  
BOX ASSIGNMENTS  
2900 Crystal Dr.  
Arlington, VA 22202-3513

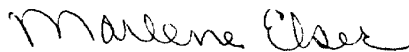
Re: Recordation of Assignment  
Mark: ACTIVE ARTS  
Registration No. 2,107,662

Dear Assistant Commissioner:

Please record the enclosed Trademark Assignment and Cover Sheet and forward the recording information to this office.

The recording fee may be charged to our Deposit Account No. 01-2704. A duplicate of this letter is enclosed for that purpose.

Very truly yours,



Marlene Elser  
Paralegal

Enclosure  
cc: Vicki Miller (w/encl)

FEE AND DEPOSIT ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
01	2704
FEE CASE	VALUE FURNISHED

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July 14, 1998

U.S. Patent & TMO/TM Mail Rept. Dt. #64  
  
07-14-1998

Express Mail

Assistant Commissioner for Trademarks Office  
BOX ASSIGNMENTS  
2900 Crystal Dr.  
Arlington, VA 22202-3513

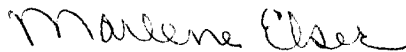
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Very truly yours,



Marlene Elser  
Paralegal

Enclosure  
cc: Vicki Miller (w/encl)

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
01 2704	
FEE CHG.	VALUE FURNISHED

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P O R T L A N D

S E A T T L E  
RECORDED: 07/14/1998

TRADEMARK  
REEL: 1759 FRAME: 0138