

12-28-1999

FORM PTO-1618A
Expires 06/30/99
OMB 0651-0027



101232679

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

MILS
12/11/99

DEC 11

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

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
- Security Agreement
- Merger
- License
- Nunc Pro Tunc Assignment
- 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.)

FOR OFFICE USE ONLY

12/27/1999 DNGUYEN 00000146 75738581

01 FC:481
02 FC:482

40.00 DP
925.00 DP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027. Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

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

(650) 494-0600

Name **David N. Esquire, Esq.**

Address (line 1) **Fenwick & West LLP**

Address (line 2) **Two Palo Alto Square. Suite 800**

Address (line 3) **Palo Alto, CA 94306**

Address (line 4)

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

#

5

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 Numbers

Registration Numbers

75738581	75722582	75651623	2239163	2175557	2261749
75738354	75705792	75634971	2203549	2165201	2106096
75738059	75655043	75598376	2186536	2085469	1842809

Number of Properties Enter the total number of properties involved.

#

38

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

965.00

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.

David N. Weiskopf, Esq.

Name of Person Signing



Signature

December 10, 1999

Date Signed

Additional Trademark Application and Registration Numbers

Trade Application Number(s)

Registration Number(s)

75598375	75586999	75586978	2090619	1842805	1842804
75586976	75586975	75557827	1841730	1841729	1840525
75224920	74682632	74682614	1840409		
74682612	74682611	74682610			
75651773					

U

State of Delaware
Office of the Secretary of State

PAGE 1

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 CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"CLICKACTION INC.", A DELAWARE CORPORATION,
WITH AND INTO "MYSOFTWARE COMPANY" UNDER THE NAME OF
"CLICKACTION INC.", A CORPORATION ORGANIZED AND EXISTING UNDER
THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS
OFFICE THE FOURTEENTH DAY OF SEPTEMBER, A.D. 1999, AT 9 O'CLOCK
A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE
NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel

Edward J. Freel, Secretary of State

2501352 8100M

991382181

AUTHENTICATION: 9968542

DATE: 09-14-99

TRADEMARK
REEL: 002003 FRAME: 0920

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

CLICKACTION INC.,
a Delaware Corporation

INTO

MYSOFTWARE COMPANY,
a Delaware Corporation

Pursuant to Section 253 of the
General Corporation Law of the State of Delaware

MySoftware Company, a corporation organized and existing under the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That this corporation owns all of the outstanding shares of ClickAction Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware.

SECOND: That this corporation, by the following resolutions of its Board of Directors, duly adopted on the 18th day of August, 1999, determined to merge ClickAction Inc. into itself on the terms and conditions set forth in such resolutions:

RESOLVED, that ClickAction Inc., a Delaware corporation and a wholly-owned subsidiary of the Corporation ("Merger Sub"), be merged with and into the Corporation (the "Merger") and that the Corporation be the surviving corporation in such Merger,

RESOLVED FURTHER, that the Merger shall become effective upon the date and time of the filing, pursuant to Section 253 of the General Corporation Law of the State of Delaware, of a Certificate of Ownership and Merger (the "Certificate of Merger") with the Secretary of State of the State of Delaware;

46343 v1.PM1
FR8011.DOC
091399/1438

1.

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 09/14/1999
091382181 - 2501352

TRADEMARK
REEL: 002003 FRAME: 0921

RESOLVED FURTHER, that upon the effectiveness of the Merger, (i) the Corporation shall assume all of the liabilities and obligations of Merger Sub, (ii) the name of the Corporation shall be changed from "MySoftware Company" to "ClickAction Inc.", (iii) the Bylaws of the Corporation shall be amended to change the name of the Corporation from "MySoftware Company" to "ClickAction Inc.", and (iv) the Nasdaq listing symbol of the Corporation shall be changed accordingly:

RESOLVED FURTHER, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to effect all filings and qualifications, and take all further actions, that any such officer deems to be necessary or appropriate to comply with state or federal securities laws in connection with the transactions contemplated by the Merger and the Certificate of Merger, and

RESOLVED FURTHER, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to execute and deliver all other instruments, effect all filings and qualifications, and take all further actions, that either of them deem to be necessary or appropriate to carry out the purposes of the foregoing resolutions and to consummate the transactions contemplated by the Merger and the Certificate of Merger.

[remainder of this page intentionally left blank]

40243 11/PM
Z7B011 IX)C
091394/1618

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

CLICKACTION INC.,
a Delaware Corporation

INTO

MYSOFTWARE COMPANY,
a Delaware Corporation

Pursuant to Section 253 of the
General Corporation Law of the State of Delaware

MySoftware Company, a corporation organized and existing under the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That this corporation owns all of the outstanding shares of ClickAction Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware.

SECOND: That this corporation, by the following resolutions of its Board of Directors, duly adopted on the 18th day of August, 1999, determined to merge ClickAction Inc. into itself on the terms and conditions set forth in such resolutions:

RESOLVED, that ClickAction Inc., a Delaware corporation and a wholly-owned subsidiary of the Corporation ("Merger Sub"), be merged with and into the Corporation (the "Merger") and that the Corporation be the surviving corporation in such Merger;

RESOLVED FURTHER, that the Merger shall become effective upon the date and time of the filing, pursuant to Section 253 of the General Corporation Law of the State of Delaware, of a Certificate of Ownership and Merger (the "Certificate of Merger") with the Secretary of State of the State of Delaware;

RESOLVED FURTHER, that upon the effectiveness of the Merger, (i) the Corporation shall assume all of the liabilities and obligations of Merger Sub, (ii) the name of the Corporation shall be changed from "MySoftware Company" to "ClickAction Inc.", (iii) the Bylaws of the Corporation shall be amended to change the name of the Corporation from "MySoftware Company" to "ClickAction Inc.", and (iv) the Nasdaq listing symbol of the Corporation shall be changed accordingly;

RESOLVED FURTHER, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to effect all filings and qualifications, and take all further actions, that any such officer deems to be necessary or appropriate to comply with state or federal securities laws in connection with the transactions contemplated by the Merger and the Certificate of Merger; and

RESOLVED FURTHER, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to execute and deliver all other instruments, effect all filings and qualifications, and take all further actions, that either of them deem to be necessary or appropriate to carry out the purposes of the foregoing resolutions and to consummate the transactions contemplated by the Merger and the Certificate of Merger.

[remainder of this page intentionally left blank]

...SS WHEREOF, this Certificate of Ownership and Merger is hereby executed on behalf of the surviving Corporation, MySoftware
...d attested to by its officers thereunto duly authorized.

September 14, 1999

MYSOFTWARE COMPANY

By: /s/ Gregory W. Slayton

Gregory W. Slayton
Chief Executive Officer

on Chiu



FENWICK & WEST LLP

A LIMITED LIABILITY PARTNERSHIP

275 BATTERY STREET, SUITE 1500 | SAN FRANCISCO, CA 94111
TEL 415.875.2300 | FAX 415.281.1350 | www.fenwick.com

December 10, 1999

VIA EXPRESS MAIL
Return Receipt Requested

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

Re: **Recordation of Name Change**
Conveying Party: MySoftware Company
Receiving Party: ClickAction Inc.
Our File Reference: 20145-00070

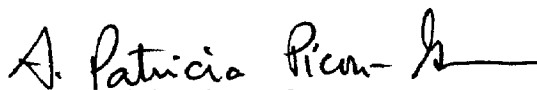
Dear Sirs:

Please file the enclosed recordation form requesting the name change of MySoftware Company and ClickAction Inc. Also enclosed are the conveyance documents evidencing this name change.

Please find attached our firm's check in the amount of \$965.00 in payment of the filing fee for the properties listed. If additional fees are required, please charge our Deposit Account No. 50-0261.

Please return the stamped, self-addressed postcard to acknowledge receipt of the above documents, and direct any correspondence or notifications regarding this matter to David N. Weiskopf, Esq. at our Palo Alto office.

Very truly yours,


A. Patricia Picou-Green
Trademark Paralegal

Enclosures

cc: David N. Weiskopf, Esq.

20145/00070/SF/5011733.1

RECORDED: 12/11/1999

TRADEMARK
REEL: 002003 FRAME: 0925

PALO ALTO ► SAN FRANCISCO ► WASHINGTON, D.C.