#### U.S. DEPARTMENT OF COMMERCE 07-05-2000 HEET Patent and Trademark Office Docket No. 44150-24001 00° 05 101396135 To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof. Name of conveying party(ies): 1. Name and address of receiving party(ies): eBiz.net, Inc. Name: Affinity Internet, Inc. ☐ Individual(s) ☐ Association Internal Address: 6th Floor ☐ General Partnership ☐ Limited Partnership Street Address: 400 Continental Boulevard ■ Corporation-Delaware □ Other City: El Segundo, State: CA ZIP: 90245 ☐ Individual(s) citizenship: \_\_\_ Additional name(s) of conveying party(ies) attached? □Yes ■No ☐ Association: ☐ General Partnership: 3. Nature of conveyance: ☐ Limited Partnership: \_ ☑ Corporation-State: <u>Delaware</u> ☐ Assignment ☐ Merger ☐ Security Agreement ☑ Change of Name ☐ Other: ☐ Other: Execution Date: May 11, 2000 Additional name(s) & address(es) attached? ☐ Yes ► No 4. Application number(s) or registration number(s): If this document is being filed together with a new application, the execution date of the application is: Trademark Application No.(s) B. Registration No.(s) 76/002,279 Additional numbers attached? Yes No Name and address of party to whom correspondence concerning Total number of applications and trademark registrations document should be mailed: involved: 1 Jennifer Lee Taylor 7. Total fee (37 C.F.R. § 3.41): \$40.00 Morrison & Foerster LLP 425 Market Street × Enclosed San Francisco, California 94105-2482 Authorized to be charged to deposit account, referencing Attorney Docket 44150-24001 8. Deposit account number: 03-1952 The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952. DO NOT USE THIS SPACE 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. Name: Jennifer Lee Taylor Total number of pages comprising cover sheet, attachments and document: 4 00000223 7600227

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Mail documents to be recorded with required cover sheet information to: Commissioner of Patents and Trademarks **Box Assignments** 

Washington, D.C. 20231 sf-895390

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# CERTIFICATE OF AMENDMENT OF AMENDED AND RESTATED CERTIFICATE OF INCORPORATION OF EBIZ.NET, INC.

eBiz.net, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

#### DOES HEREBY CERTIFY:

FIRST: That by a unanimous written consent of the Board of Directors of eBiz.net, Inc., dated as of the date hereof, resolutions were duly adopted setting forth a proposed amendment of the Amended and Restated Certificate of Incorporation of said corporation, declaring said amendment to be advisable and calling a meeting of the stockholders of said corporation for consideration thereof. The resolution setting forth the proposed amendment is as follows:

RESOLVED, that, subject to the approval of the stockholders of this Corporation, the First Article of the Amended and Restated Certificate of Incorporation of this Corporation be, and it hereby is, amended in its entirety to read in full as follows:

"FIRST: The name of the corporation is Affinity Internet, Inc. (the "Corporation")."

SECOND: That thereafter, pursuant to resolution of its Board of Directors, the majority stockholders of said corporation took action by executing a written consent in lieu of special meeting in accordance with Section 228 of the General Corporation Law of the State of Delaware pursuant to which a majority of the outstanding number of shares was voted in favor of the amendment.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, eBiz.net, Inc. has caused this certificate to be signed by John McIntyre, its President and Chief Executive Officer, this 11th day of May, 2000.

RY:

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Trecutive Officer

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### State of Delaware

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## Office of the Secretary of State

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 MEMBERSHIP OF "EBIZ.NET, INC.",
CHANGING ITS NAME FROM "EBIZ.NET, INC." TO "AFFINITY INTERNET,
INC.", FILED IN THIS OFFICE ON THE ELEVENTH DAY OF MAY, A.D.
2000, AT 6 O'CLOCK P.M.

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



Edward J. Freel, Secretary of State

3110415 8100

001242513

AUTHENTICATION:

0434511

DATE:

05-12-00

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## State of Delaware

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# Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAMARE, DO HEREBY CERTIFY THAT THE SAID "EBIZ.NET, INC.", FILED A CERTIFICATE OF AMERICANE CHANGING ITS NAME TO "AFFINITY INTERNET, INC.", THE ELEVISITH BAY OF MAY, A.D. 2000, AT 6 O'CLOCK P.M.

Edward J. Freel, Secretary of State

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AUTHENTICATION:

0434636

DATE

05-12-00

TRADEMARK REEL: 002096 FRAME: 0063

RECORDED: 05/30/2000