

11-13-2000

8-31 W

Docket No. 21353.0000-0001



TRADEMARK F

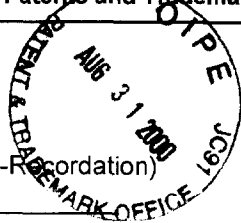
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HEET

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
- License
- Security Agreement
- Nunc Pro Tunc Assignment  
Effective Date  
Month Day Year  
07 11 2000
- Merger
- Change of Name
- Other \_\_\_\_\_

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
07 11 2000

Name DELIVEREX, INC.

Formerly \_\_\_\_\_

- Individual
- General Partnership
- Limited Partnership
- Corporation
- Association

Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization Delaware

76045359

Receiving Party

Mark if additional names of receiving parties attached

Name 3PATH, INC.

DBA/AK/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 1 Park Plaza

Address (line 2) 400 Kelby Street, Suite 1600

Address (line 3) Fort Lee

New Jersey

07024

City

State/Country

Zip Code

- Individual
  - General Partnership
  - Limited Partnership
  - Corporation
  - Association
  - Other \_\_\_\_\_
- 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.)

Citizenship/State of Incorporation/Organization Delaware

FOR OFFICE USE ONLY

09/22/2000 NTHA11 00000159 76045359

01 FC:481  
02 FC:482

40.00 OP  
25.00 OP

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

202-663-8000

Name Alisa C. Key

Address (line 1) 2300 N Street, NW

Address (line 2) Washington, D.C. 20037-1128

Address (line 3) \_\_\_\_\_

Address (line 4) \_\_\_\_\_

**Pages**

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

# 3

**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).

Trademark Application Number(s)

Registration Number(s)

76045359      76045358      \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Number of Properties**

Enter the total number of properties involved.

# 2

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 65.00

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:

# \_\_\_\_\_

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.*

Alisa C. Key

Name of Person Signing

*Alisa C. Key*  
Signature

08/29/00

Date Signed

Office of the Secretary of State

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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 AMENDMENT OF "DELIVEREX, INC.", CHANGING ITS NAME FROM "DELIVEREX, INC." TO "3PATH, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF JULY, A.D. 2000, AT 9 O'CLOCK A.M.

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



A handwritten signature in cursive script, reading "Edward J. Freel".

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Edward J. Freel, Secretary of State

3045160 8100

001360839

AUTHENTICATION: 0563562

DATE: 07-17-00

TRADEMARK  
REEL: 002148 FRAME: 0478

**CERTIFICATE OF AMENDMENT OF  
SECOND AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF DELIVEREX, INC.**

**Pursuant to Section 242 of the General Corporation Law of the State of Delaware**

DELIVEREX, INC., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

**FIRST:** That, by unanimous written consent of the Board of Directors of the Corporation, a resolution was duly adopted setting forth a proposed amendment to the Second Amended and Restated Certificate of Incorporation of the Corporation and declaring said amendment to be advisable. The resolution setting forth the proposed amendment is as follows:

**RESOLVED,** that Article I of the Second Amended and Restated Certificate of Incorporation of the Corporation is hereby deleted in its entirety and replaced with the following (the "Amendment"), subject to approval by the stockholders of the Corporation; such Amendment to become effective upon the filing of the same with the Secretary of State of the State of Delaware:

**ARTICLE I:** The name of the Corporation is 3Path, Inc.

**SECOND:** That thereafter, pursuant to the Corporation's Second Amended and Restated Certificate of Incorporation and pursuant to the resolution of its Board of Directors, at least two-thirds of the record holders of the outstanding shares of Series A Convertible Preferred Stock and at least two-thirds of the record holders of the outstanding shares of Series B Convertible Preferred Stock entitled to vote thereon voted in favor of the Amendment pursuant to a written consent.

**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.

**IN WITNESS WHEREOF, DELIVEREX, INC. has caused this Certificate to be signed  
by Brian Smiga, its President and Chief Executive Officer, as of the 11th day of July, 2000.**

By:   
Brian Smiga  
President and Chief Executive Officer