

02-21-2002



Form PTO-1594  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

e.spire Communications, Inc.

2.5.02

- Individual(s)
- General Partnership
- Corporation-State
- Other Delaware
- 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: 01/23/02

2. Name and address of receiving party(ies)

Name: CBFN Acquisition, Inc.

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

Street Address: 3250 W. Commercial Blvd. Ste. 200

City: Ft. Lauderdale State: FL Zip: 33309

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

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

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

A. Trademark Application No.(s) 75892718;  
75892720; 76166251

B. Trademark Registration No.(s)

FEB - 5 2002

Additional number(s) attached  Yes  No

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

Name: Barbara Friedman, Esq.

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

McCutchen, Doyle, Brown & Enersen

Street Address: 3 Embarcadero Center  
Suite 1800

City: San Francisco State: CA Zip: 94111

6. Total number of applications and registrations involved:

3

7. Total fee (37 CFR 3.41).....\$ 90.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

50-1193

DO NOT USE THIS SPACE

9. Signature.

Barbara Friedman

Name of Person Signing

Signature

January 31, 2002

Date

Total number of pages including cover sheet, attachments, and document: 3

02/20/2002 BTOM11 00000243 75892718

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

01 FC:481  
02 FC:482

40.00 OP  
50.00 OP

TRADEMARK  
REEL: 002446 FRAME: 0140

## TRADEMARK ASSIGNMENT

This Trademark Assignment is made by the undersigned, e.spire Communications, Inc., a Delaware corporation ("**Assignor**"), pursuant to that certain Asset Purchase Agreement by and among George F. Schmitt, Sr. and Assignor, e.spire Communications, Inc., a Delaware corporation, and CyberGate, Inc., a Florida corporation (the "**Purchase Agreement**"), and is effective as of January 23, 2002.

WHEREAS, Assignor is using and owns all right, title, and interest in and to the following trademark and service mark registrations and applications (the "Marks") in the United States Patent and Trademark Office and the Canadian Trademark Office:

<u>Mark</u>	<u>Country</u>	<u>Application/Registration No.</u>
VALUEWEB	U.S.	75/892,718
VALUEWEB & Design	U.S.	75/892,720
VALUEWEB	Canada	TMA550,305
POWERFUL TOOLS MAKE POWERFUL PEOPLE	U.S.	76/166,251

WHEREAS, Mr. Schmitt is desirous of acquiring said Marks, together with the applications and registrations, as well as any associated goodwill, and pursuant to the Purchase Agreement is an assign of that portion of Assignor's ongoing and existing business to which the Marks pertain; and

WHEREAS, Mr. Schmitt assigned all of his rights obtained under the Purchase Agreement to CBFN Acquisition, Inc. ("**Assignee**") and Assignee acquired from Mr. Schmitt all such rights and assumed the obligations of Mr. Schmitt under the Purchase Agreement.

NOW, THEREFORE, for good and valuable consideration set forth in the Purchase Agreement, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign unto Assignee all right, title, and interest, including without limitation all common-law rights in the United States, and all applications, registrations, and common-law rights in all other countries and jurisdictions of the world, in and to the Marks and the applications and registrations, together with the goodwill of the business symbolized by the Marks, and the right to recover damages and profits for any past, present, and future infringements of the Marks.

**Assignor agrees to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all Assignor's rights, title, and interest in and to the Marks in the Assignee and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by Assignee, to the extent such evidence is in the possession or control of Assignor.**

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IN WITNESS WHEREOF, this Trademark Assignment has been executed and delivered as of the date first written above.

CYBERGATE, INC., a Florida corporation

By: 

Name: Tomas Mikaelsson

Title: President

February 5, 2002

Direct: (415) 393-2189  
rdove@mdbe.com

Our File No. 23693-002

**VIA EXPRESS MAIL**

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

**Recordation of Assignment  
Receiving Party: CBFN Acquisition, Inc.  
Conveying Party: e.spire Communications, Inc.  
Trademark Application Nos.: 75/892,718, 75/892,720,  
and 76/166,251**

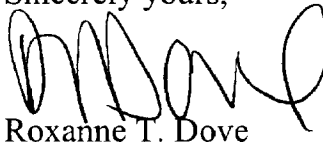
Dear Sir/Madam:

Enclosed please find a Recordation of Assignment in connection with the above trademark application.

Please record the assignment, and return the documents with the Reel/Frame number to my attention at the above address.

Also enclosed is a check in the amount of \$90.00 to cover the recordation fees.

Sincerely yours,



Roxanne T. Dove

Enclosures

**A T T O R N E Y S   A T   L A W**

Three Embarcadero Center  
San Francisco, California 94111-4067  
Tel. (415) 393-2000 Fax (415) 393-2286  
www.mccutchen.com

San Francisco      Affiliate Office  
Los Angeles        Taipei  
Palo Alto  
Walnut Creek

**RECORDED: 02/05/2002**

**TRADEMARK  
REEL: 002446 FRAME: 0144**