

RECORDATION FOR
TRADEMARK

03-12-2002



To the Honorable Commission of Patents and Trademarks: Please send this document with original documents or copy thereof.

102010919

1. Name of conveying party(ies):
OmniSky Corporation

Individual(s) Association
 General Partnership Limited Partnership
 Corporation
 Other _____

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: EarthLink, Inc.
Internal Address: _____
Street Address: 1375 Peachtree Street, Level A
City: Atlanta State: GA ZIP: 30309
Country: USA

Individual(s) citizenship _____
 Association _____
 General Partnership _____
 Limited Partnership _____
 Corporation _____
 Other _____ If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designation must be a separate document from assignment)
Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: February 6, 2002

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

A. Trademark Application No.(s)
75/937,618
75/832,509
76/283,917

Additional numbers attached? Yes No

B. Trademark Registration No.(s)

Additional numbers attached? Yes No

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

Name: Gabrielle E. Higgins
Internal Address: _____
Street Address: Fish & Neave
525 University Avenue
City Palo Alto State: CA ZIP: 94301

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
 Charge excess/credit overpayment to deposit account

8. Deposit account number:
06-1075
(Attach duplicate copy of this page if paying by deposit account)

3/11/2002 00000192 75937618
1 FC:481 40.00 OP
2 FC:482 50.00 OP

DO NOT USE THIS SPACE

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.

Gabrielle E. Higgins Gabrielle Higgins 2-7-02
Name of Person Signing Signature Date

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

4

ASSIGNMENT

WHEREAS, OmniSky Corporation ("Assignor"), a Delaware corporation having its principal place of business at One Market Street, Steuart Tower, Suite 600, San Francisco, CA 94105, is the owner of all right, title and interest in and to the trademarks and service marks shown on the attached Exhibit 1, the applications thereof and the goodwill represented thereby;

WHEREAS, Assignor is assigning the trademarks and service marks shown on the attached Exhibit 1, the applications thereof and the goodwill represented thereby as part of the transfer of the entire business or portion thereof to which such trademarks and service marks pertain, as required by 15 U.S.C. §1060; and,

WHEREAS, EarthLink, Inc., a Delaware corporation having its principal place of business at 1375 Peachtree Street, Level A, Atlanta, Georgia 30309, wishes to acquire the trademarks and service marks listed on Exhibit 1, the applications thereof, and the goodwill represented thereby;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns to Assignee nunc pro tunc as of January 22, 2002 all right, title and interest in and to the trademarks and service marks listed on Exhibit 1, the applications thereof and the goodwill represented by said trademarks and service marks, together with the right to sue for and to collect damages for past infringements of said trademarks and service marks.

OMNISKY CORPORATION

Dated: 2/6, 2002

By: 

Name: MICHAEL MALESARDI

Title: CFO

ACKNOWLEDGMENT

STATE OF CALIFORNIA)

: ss.:

COUNTY OF SAN FRANCISCO)

On this 6TH day of FEBRUARY, 2002, before me personally came

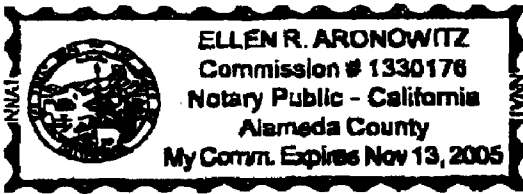
MICHAEL MALESARD I, who being by me duly sworn did depose and say that he is

CFO of OmniSky Corporation, the corporation described in and which

executed the foregoing assignment; that he signed his name to the foregoing assignment;

and that he was authorized by the Board of Directors of said corporation to sign this name

thereto.



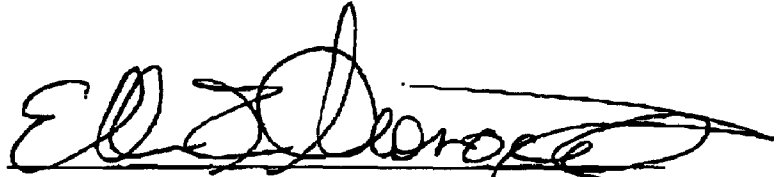

Notary Public

EXHIBIT 1

Mark	Serial Number
OS and Design	75/937,618
OMNISKY	75/832,509
OS POWERED and Design	76/283,917