

09-12-2002

U.S. Department of Commerce  
Patent and Trademark Office  
Attorney Docket No. 08714.0999

To the Honorable Commissioner of Pat

ched original documents or copy thereof.

102219288

1. Name(s) of conveying party(ies):  
Ziff Davis Publishing Holdings Inc.

- ☐ Individual(s)  
☐ Association  
☐ Limited Partnership  
☒ Corporation  
☐ General Partnership  
☐ Other:

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

3. Nature of conveyance:

- ☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other:

Execution Date: July 15, 2002

2. Name(s) and address(es) of receiving party(ies):

Name: Etesting Labs Inc.  
Address: 28 East 28<sup>th</sup> Street  
New York, New York 10016

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- ☐ Individual(s)  
☐ Association  
☐ General Partnership  
☐ Limited Partnership  
☒ Corporation (a Delaware corporation)  
☐ Other:

If assignee is not domiciled in the United States, a domestic representative is attached: ☐ Yes ☐ No

(Designation 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 Number(s):

✓ 76/025,689 -  
76/083,707  
76/353,003  
76/353,057

B. Trademark Registration Number(s):

2,383,784  
2,591,543  
2,282,319  
2,282,318

Additional numbers attached?

☐ Yes☒ No

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

Name: Lawrence R. Robins, Esq.

Address: FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3515

6. Total number of applications and registrations involved: 8

7. Total fee (37 CFR 3.41): \$215.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account  
☒ Authorized to be charged to deposit account only if fee is deficient

8. Deposit Account No.: 06-0916

09/11/2002 LNUELLER 00000200 76025689

01 FC:481  
02 FC:482

40.00 OP  
175.00 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.

Lawrence R. Robins

Name of person signing

Signature

September 6, 2002

Date

Total number of pages including cover sheet, attachments and documents: 6

## TRADEMARK ASSIGNMENT

THIS TRADEMARK ASSIGNMENT (this "Assignment") is made and entered into as of July 15, 2002 ("Effective Date") by and between ZIFF DAVIS PUBLISHING HOLDINGS INC., a Delaware corporation with its principal office at 28 East 28<sup>th</sup> Street, New York, New York 10016 ("Assignor"), and ETESTING LABS INC., a Delaware corporation with its principal office at 28 East 28<sup>th</sup> Street, New York, New York 10016 ("Assignee").

WHEREAS, Assignor wishes to assign to Assignee, and Assignee wishes to acquire from Assignor, the United States trademark registrations set forth on Schedule A attached hereto, and the United States trademark applications set forth on Schedule B attached hereto, and the United States domain names set forth on Schedule C attached hereto (collectively, the "Marks").

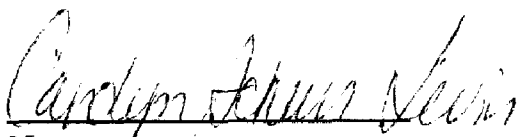
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns, transfers and sets over to Assignee the entire right, title and interest in and to the Marks, together with the goodwill of the business symbolized thereby, as well as any causes of action Assignor may have for infringement of the Marks as of the date hereof, and further including, without limitation, any registrations and applications therefor, any renewals and extensions of the registrations, and all other corresponding rights that are or may be secured under the laws of the United States, now or hereafter in effect, for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment had not been made.


Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks to record Assignee as the assignee and owner of the Marks.

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed by their duly authorized representatives as of the Effective Date.

ZIFF DAVIS PUBLISHING  
HOLDINGS INC.

Etesting Labs Inc.

By:   
Name:  
Title:

By:   
Name:  
Title:

STATE OF NEW YORK     )  
                                  ) ss.  
COUNTY OF NEW YORK )

On this 15<sup>th</sup> day of July, 2002, there appeared before me Carolyn Schwaebgen,  
personally known to me, who acknowledged that she signed the foregoing Assignment as his  
voluntary act and deed on behalf and with full authority of Ziff Davis Publishing Holdings Inc.

  
Notary Public

TARA L. GARFINKLE  
NOTARY PUBLIC, State of New York  
No.01GA6068692  
Qualified in New York County  
Commission Expires January 14, 2006

STATE OF NEW YORK     )  
                                  ) ss.  
COUNTY OF NEW YORK )

On this 15<sup>th</sup> day of July, 2002, there appeared before me Bert Catalano,  
personally known to me, who acknowledged that he signed the foregoing Assignment as his  
voluntary act and deed on behalf and with full authority of eTesting Labs Inc.

  
Notary Public

TARA L. GARFINKLE  
NOTARY PUBLIC, State of New York  
No.01GA6068692  
Qualified in New York County  
Commission Expires January 14, 2006

## **SCHEDULE A**

### **U.S. TRADEMARK REGISTRATIONS**

<b><u>Trademark No.</u></b>	<b><u>Registration Date</u></b>	<b><u>Mark</u></b>
2383784	September 5, 2000	Benchmark Insider
2591543	July 9, 2002	We Test E.Everything [So You Don't Have To]
2282319	September 28, 1999	UK Benchmark Report
2282318	September 28, 1999	US Benchmark Report

## **SCHEDULE B**

### **U.S. TRADEMARK APPLICATIONS**

<b><u>Application No.</u></b>	<b><u>Application Date</u></b>	<b><u>Mark</u></b>
76/025689	April 14, 2000	eTesting Labs
76/083707	July 6, 2000	eTesting Labs (Design)
76/353003	December 26, 2001	E-Mail Benchmark
76/353057	December 26, 2001	Internet Benchmark

## **SCHEDULE C**

### **U.S. DOMAIN NAMES**

benchmarkinsider.com  
e-testinglabs.com  
e-testinglabs.org  
etestinglabs.com  
etestinglabs.net  
etestinglabs.org  
etestinglabslivetest.com  
etestinglabslivetest.net  
etestinglabslivetest.org  
etlbenchmarks.com  
etlbenchmarks.net  
etlbenchmarks.org  
etltestrt1.com  
etltestrt2.com  
etltestsite.com  
etltestsite.net  
etltestsite.org  
etltestsv1.com  
etltestsv2.com  
livetest.com