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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 the conveying party(ies):

MySoftware Company  
2197 East Bayshore Road  
Palo Alto, CA 94303

10.4.02

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

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other \_\_\_\_\_
- Merger
- Change of Name

Execution Date: September 14, 1999

2. Name and address of receiving party(ies)

Name: ClickAction, Inc.

Internal

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

Street Address: 2197 East Bayshore Road

City: Palo Alto State: CA Zip: 94303

- 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)  
None

B. Trademark Registration No.(s)  
1732740  
2309103

Additional number(s) attached  Yes  No

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

Name: Laura E. Sax

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

Orrick, Herrington & Sutcliffe LLP

Street Address: 400 Capitol Mall, Suite 3000

City: Sacramento State: CA Zip: 95814

6. Total number of applications and registrations involved: \_\_\_\_\_

2

7. Total fee (37 CFR 3.41)..... \$ 65.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

150665

(Attach duplicate copy of this page if paying by deposit account)

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.

Laura E. Sax

Name of Person Signing

Laura Sax

Signature

October 2, 2002

Date

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

5

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

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01 FC:481

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02 FC:482

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State of Delaware  
Office of the Secretary of State

PAGE 1

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 OWNERSHIP, WHICH MERGES:

"CLICKACTION INC.", A DELAWARE CORPORATION,  
WITH AND INTO "MYSOFTWARE COMPANY" UNDER THE NAME OF "CLICKACTION INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FOURTEENTH DAY OF SEPTEMBER, A.D. 1999, AT 9 O'CLOCK A.M.

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



*Edward J. Freel*

Edward J. Freel, Secretary of State

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AUTHENTICATION: 9968542

DATE: 09-14-99

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SEP-14-99 TUE 08:49

NOR PH# 734-1450

FAX NO. 3027341476

P. 02

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

CLICKACTION INC.,  
a Delaware Corporation

INTO

MYSOFTWARE COMPANY,  
a Delaware Corporation

---

Pursuant to Section 253 of the  
General Corporation Law of the State of Delaware

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MySoftware Company, a corporation organized and existing under the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That this corporation owns all of the outstanding shares of ClickAction Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware.

SECOND: That this corporation, by the following resolutions of its Board of Directors, duly adopted on the 18<sup>th</sup> day of August, 1999, determined to merge ClickAction Inc. into itself on the terms and conditions set forth in such resolutions:

RESOLVED, that ClickAction Inc., a Delaware corporation and a wholly-owned subsidiary of the Corporation ("Merger Sub"), be merged with and into the Corporation (the "Merger") and that the Corporation be the surviving corporation in such Merger,

RESOLVED FURTHER, that the Merger shall become effective upon the date and time of the filing, pursuant to Section 253 of the General Corporation Law of the State of Delaware, of a Certificate of Ownership and Merger (the "Certificate of Merger") with the Secretary of State of the State of Delaware;

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091399/1678

1.

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 09/14/1999  
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**RESOLVED FURTHER**, that: upon the effectiveness of the Merger, (i) the Corporation shall assume all of the liabilities and obligations of Merger Sub, (ii) the name of the Corporation shall be changed from "MySoftware Company" to "ClickAction Inc.", (iii) the Bylaws of the Corporation shall be amended to change the name of the Corporation from "MySoftware Company" to "ClickAction Inc.", and (iv) the Nasdaq listing symbol of the Corporation shall be changed accordingly:

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to effect all filings and qualifications, and take all further actions, that any such officer deems to be necessary or appropriate to comply with state or federal securities laws in connection with the transactions contemplated by the Merger and the Certificate of Merger, and

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to execute and deliver all other instruments, effect all filings and qualifications, and take all further actions, that either of them deem to be necessary or appropriate to carry out the purposes of the foregoing resolutions and to consummate the transactions contemplated by the Merger and the Certificate of Merger.

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IN WITNESS WHEREOF, this Certificate of Ownership and Merger is hereby executed on behalf of the surviving Corporation, MySoftware Company, and attested to by its officers thereunto duly authorized.

Dated as of September 14, 1999

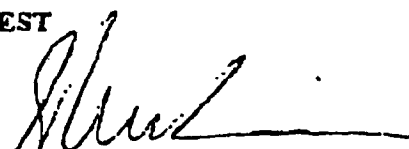
MYSOFTWARE COMPANY

By:

  
Gregory W. Clayton  
Chief Executive Officer

ATTEST

By:

  
Sharon Chiu  
Secretary

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3.