

01-21-2003

Form PTO-1594
(Rev. 10/02)
OMB No. 0651-0027 (exp. 6/30/2005)
Tab settings ⇌ ⇌ ⇌



102342358

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):

TENTOE SURFING, INC. *1-15-03*

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State DELAWARE
- Other _____

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

2. Name and address of receiving party(ies)

Name: TENTOE, INC.

Internal

Address: _____

Street Address: 5700 Stoneridge Mall, #320

City: Pleasanton State: CA Zip: 94588

- 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

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other _____

Execution Date: 9/1/01

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

A. Trademark Application No.(s)

76/038,230

B. Trademark Registration No.(s)

Additional number(s) attached Yes No

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

Name: Barry F. Soalt, Esq.

Internal Address: _____

BROWN MARTIN HALLER & McCLAIN LLP

Street Address: 1660 Union Street

City: San Diego State: CA Zip: 92101

6. Total number of applications and registrations involved: _____

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: _____

(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.

BARRY F. SOALT, ESQ.

Name of Person Signing

Barry Soalt
Signature

1/14/02

Date

Total number of pages including cover sheet, attachments, and document: 4

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

01/17/2003 ECOOPER 00000099 76038230

01 FC:8521

40.00 DP

OFFICE OF PUBLIC RECORDS
FINANCE SECTION
JAN 15 AM 11:47

TENTOE SURFING, INC.**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION**

Tentoe Surfing, Inc., a corporation organized and existing under the laws of the State of Delaware, hereby certifies as follows:

1. The name of the corporation is Tentoe Surfing Inc. and the original Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on May 5, 2000 under the name of Tentoe Surfing Inc. and was amended by a Certificate of Amendment filed with the Secretary of State of the State of Delaware on October 11, 2000.
2. Pursuant to Section 242 and 245 of the General Corporation Law of the State of Delaware, this Amended and Restated Certificate of Incorporation restates and amends the provisions of this corporation's Certificate of Incorporation.
3. The terms and provisions of this Amended and Restated Certificate of Incorporation have been duly approved and adopted by vote of the required number of shares of each outstanding class of stock of this Corporation pursuant to Section 242 of the General Corporation Law of the State of Delaware.
4. The text of the Amended and Restated Certificate of Incorporation is hereby restated and further amended to read in its entirety as set forth in Exhibit A attached hereto.

IN WITNESS WHEREOF, this Amended and Restated Certificate of Incorporation has been signed this 1st day of September, 2001.

TENTOE SURFING, INC.


Tom Fristoe, President

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 09/10/2001
010448668 - 3223564

TRADEMARK
REEL: 002652 FRAME: 0239

EXHIBIT A

**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION
OF TENTOE SURFING INC.,
a Delaware Corporation**

I

The name of this corporation is Tentoe, Inc.

II

A. The address of the registered office of the corporation in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City Wilmington, County of New Castle. The name of the corporations registered agent at such address is The Corporation Trust Company.

B. The mailing address of the Corporation is: 5700 Stoneridge Mall, Suite 320, Pleasanton, California, 94588.

III

The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

IV

A. Classes of Stock. This corporation is authorized to issue two classes of stock to be designated, respectively, "Common Stock" and "Preferred Stock." The total number of shares which the corporation is authorized to issue is Fifty Million (50,000,000) shares, Forty Two Million Five Hundred Thousand (42,500,000) shares of which shall be Common Stock (the "Common Stock") and Seven Million Five hundred Thousand (7,500,000) shares of which shall be Preferred Stock (the "Preferred Stock"). The Preferred Stock shall have a par value of \$0.0001 per share and the Common Stock shall have a par value of \$0.0001 per share. Each out standing share of Common Stock is combined and changed into one half of one share.

B. Rights, Preferences and Restrictions of Preferred Stock. The rights, preferences, privileges, and restrictions granted to and imposed on the Series A Preferred Stock, which series shall consist of Two Million Five Hundred Thousand Shares (2,500,000) shares, are as set forth below in this Article IV(B).

State of Delaware
Office of the Secretary of State PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "TENTOE SURFING, INC.", CHANGING ITS NAME FROM "TENTOE SURFING, INC." TO "TENTOE, INC.", FILED IN THIS OFFICE ON THE TENTH DAY OF SEPTEMBER, A.D. 2001, AT 9 O'CLOCK A.M.

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



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3223564 8100

AUTHENTICATION: 1336741

010448668

DATE: 09-10-01

TRADEMARK
REEL: 002652 FRAME: 0241

BROWN MARTIN HALLER & McCLAIN LLP

NEIL F. MARTIN
JOHN L. HALLER*
JAMES W. McCLAIN
KATHLEEN A. PASULKA
BARRY F. SOALT
KATHLEEN L. CONNELL
SUSAN B. MEYER
HEIDI L. EISENHUT

PATENT AGENTS
KATHERINE PROCTOR
COLLEEN J. McKIERNAN, PH.D.

OF COUNSEL
CARL R. BROWN
ROBERT P. COGAN**

* PROFESSIONAL CORPORATION
** ADMITTED, ACTIVE IN DISTRICT OF COLUMBIA
AND MASSACHUSETTS ONLY

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1660 UNION STREET
SAN DIEGO, CALIFORNIA 92101-2926

TELEPHONE (619) 238-0999

FACSIMILE (619) 238-0062

EMAIL ADMIN@BMHM.COM

SPECIALIZING IN INTELLECTUAL
PROPERTY MATTERS, UNFAIR
COMPETITION AND RELATED LITIGATION

PATENTS
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TRADE SECRETS

January 14, 2003

Commissioner of Patent
and Trademark
Box Assignment
Washington, D.C. 20231

Re: **U.S. Trademark Application for "TENTOE"**
Applicant: TENTOE INC.
Our Ref. : 7957-SM01

Dear Sir:

Enclosed are the following documents for filing purposes:

1. Recordation Form Cover Sheet and certified copy of name change;
2. Check in the amount of \$40.00;
4. Copy of Statement of Use; and
5. Stamped return-addressed postcard.

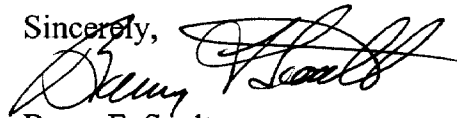
Please charge any additional fee or credit any overpayment to Deposit Account No. 02-4070 in connection with the prosecution of this Application.

Please send all correspondence in connection with this application to the following:

BARRY SOALT, ESQ.
BROWN, MARTIN, HALLER & McCLAIN LLP
1660 Union Street
San Diego, California 92101-2926
Telephone: (619) 238-0999

An early recordation of this name change is requested.

Sincerely,



Barry F. Soalt
Attorney for Applicant

/slm
Encl.

TRADEMARK
REEL: 002652 FRAME: 0242

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Trademark Application of)	
TENTOE, INC.)	MARK: TENTOE
)	
Serial No.: 76/038,230)	Class: 42
)	
Filed: May 1, 2000)	

NOTICE OF ALLOWANCE: July 16, 2002
TRANSMITTAL LETTER

BOX ITU
FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

Enclosed and filed herewith is the Statement of Use Under 37 CFR 2.88 with Declaration, together with the required specimen and filing fee of \$100. It is requested that this application now proceed to issuance, early notice to which effect is solicited.

Express Mail No. US: **EV255325568US**

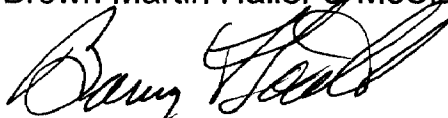
I, Shari Millar, do hereby certify that the foregoing documents are being deposited with the United States Postal Service postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, BOX: ITU/FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Shari Millar
 Shari Millar
 1/15/03
 Date of Deposit

Please charge any additional fee or credit any overpayment to Deposit Account No. 02-4070 in connection with the filing of this application.

Respectfully submitted,

Brown Martin Haller & McClain



Barry F. Soalt
Attorney for Applicant

BROWN, MARTIN, HALLER & McCLAIN
1660 Union Street
San Diego, CA 92101

Telephone: [619]238-0999
Facsimile: [619] 238-0062

Docket No. 7957-SM01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Trademark Application of)	
TENTOE, INC.)	MARK: TENTOE
Serial No. 76/038/230)	
Filed: May 1, 2000)	Class: 42

Notice of Allowance Issue Date: 07/16/2002

STATEMENT OF USE UNDER
37 CFR 2.88, WITH DECLARATION

Commissioner for Trademarks:
2900 Crystal Drive
Arlington, Virginia 22202-3523

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946, as amended. A specimen showing the mark as used in commerce is submitted with this statement.

Applicant is using the mark in commerce on or in connection with those services identified in the Notice of Allowance in this application.

The mark was first used anywhere at least as early as December 18, 2000.

The mark was first used in interstate commerce regulated by the U.S. Congress at least as early as December 18, 2000.

[DECTENTOE]

The mark is used for the following services; Providing temporary use of on-line non-downloadable software for use in on-line marketing and marketing communications.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of the applicant; he believes the applicant to be the owner of the trademark sought to be registered; the trademark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

TENTOE, INC.

Date: 1/17/03


CARY CAPECE, Vice President and
Chief Operating Officer

[DECTENTOE]

BROWN MARTIN HALLER & McCLAIN LLP

NEIL F. MARTIN
JOHN L. HALLER*
JAMES W. McCLAIN
KATHLEEN A. PASULKA
BARRY F. SOALT
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TRADE SECRETS

COPY

January 14, 2003

Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Attn: BOX ITU/FEE

Re: **U.S. Trademark Application for "TENTOE"**
Applicant: TENTOE INC.
Our Ref. : 7957-SM01

Dear Sir:

Enclosed are the following documents for filing purposes:

1. Statement of Use;
2. One Specimen;
3. Check in the amount of \$100.00;
4. Copy of Recordation Form Cover Sheet regarding name change; and
5. Stamped return-addressed postcard.


Please charge any additional fee or credit any overpayment to Deposit Account No. 02-4070 in connection with the prosecution of this Application.

Please send all correspondence in connection with this application to the following:

BARRY SOALT, ESQ.
BROWN, MARTIN, HALLER & McCLAIN LLP
1660 Union Street
San Diego, California 92101-2926
Telephone: (619) 238-0999

An early prosecution of this Statement of Use is requested.

Sincerely,


Barry F. Soalt
Attorney for Applicant

/slm
Encl.

RECORDED: 01/15/2003

TRADEMARK
REEL: 002652 FRAME: 0247