

07-22-2003



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

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U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

7-21-03

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

<p>1. Name of conveying party(ies): <u>MySoftware Company</u></p> <p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u> <input type="checkbox"/> Other _____</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies) Name: <u>ClickAction, Inc.</u> Internal Address: _____ Street Address: <u>2197 East Bayshore Road</u> City: <u>Palo Alto</u> State: <u>CA</u> Zip: <u>94303</u></p> <p><input type="checkbox"/> Individual(s) citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u> <input type="checkbox"/> Other _____</p> <p><small>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</small></p>
<p>3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input checked="" type="checkbox"/> Other <u>Correction of R/F 2199/0993</u></p> <p>Execution Date: <u>Sept. 14, 1999</u> -- State of <u>Incorporation of receiving party</u></p>	<p>4. Application number(s) or registration number(s): A. Trademark Application No.(s) B. Trademark Registration No.(s) <u>2520853</u></p> <p>Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Jennifer Mikulina</u> Internal Address: <u>McDermott, Will & Emery</u> <u>Suiste 4400</u> Street Address: <u>227 West Monroe Street</u> City: <u>Chicago</u> State: <u>IL</u> Zip: <u>60606</u></p>	<p>6. Total number of applications and registrations involved: 1</p> <p>7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: <u>13-0206</u> <small>(Attach duplicate copy of this page if paying by deposit account)</small></p>
DO NOT USE THIS SPACE	
<p>9. Statement and signature. <i>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.</i></p> <p><u>Jennifer Mikulina</u> <u>July 18, 2003</u> Name of Person Signing Signature Date</p> <p>Total number of pages including cover sheet, attachments, and document: 8</p>	

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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Expires 06/30/99
OMB 0651-0027

12-26-2000
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U.S. Department of Commerce
Patent and Trademark Office
TRADEMARK

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RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

New

Resubmission (Non-Recordation)
Document ID # _____

Correction of PTO Error
Reel # _____ Frame # _____

Corrective Document
Reel # _____ Frame # _____

Conveyance Type

Assignment License

Security Agreement Nunc Pro Tunc Assignment

Merger

Effective Date
Month Day Year
9/14/1999

Change of Name

Other _____

Conveying Party Mark if additional names of conveying parties attached

Name MySoftware Company Execution Date
Month Day Year
9/14/1999

Formerly _____ 75777513

Individual General Partnership Limited Partnership Corporation Association

Other _____

Citizenship/State of Incorporation/Organization Delaware

Receiving Party Mark if additional names of receiving parties attached

Name ClickAction, Inc.

DBA/AKA/TA _____

Composed of _____

Address (line 1) 2197 East Bayshore Road

Address (line 2) _____

Address (line 3) Palo Alto California 94303
City State/Country Zip Code

Individual General Partnership Limited Partnership If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Corporation Association

Other _____

Citizenship/State of Incorporation/Organization Delaware

FOR OFFICE USE ONLY

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027 Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

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01 FC:481 40.00
02 FC:482 25.00

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Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number

(650) 494-0600

Name

David N. Weiskopf, Esq.

Address (line 1)

Fenwick & West LLP

Address (line 2)

Two Palo Alto Square, Suite 800

Address (line 3)

Palo Alto, CA 94306

Address (line 4)

Pages Enter the total number of pages of the attached conveyance document including any attachments.

#

5

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trade Application Numbers

Registration Numbers

75/777,513

75/779,489

Number of Properties

Enter the total number of properties involved.

#

2

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

65.00

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

50-0261

Authorization to charge additional fees:

Yes

No

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. Charges to deposit account are authorized, as indicated herein.

David N. Weiskopf, Esq.

Name of Person Signing


Signature

December 6, 2000

Date Signed

U

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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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

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 19th 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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1.

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
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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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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

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

WE HEREBY CERTIFY:

WITNESSETH: 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.

AND: That this corporation, by the following resolutions of its Board of Directors, duly adopted on the 18th day of August, 1999, determines 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;

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

September 14, 1999

MYSOFTWARE COMPANY

By: /s/ Gregory W. Slayton

**Gregory W. Slayton
Chief Executive Officer**

Chiu

RECORDED: 12/06/2000

RECORDED: 07/21/2003

**TRADEMARK
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