

9/4/03

09-08-2003

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



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

102543744

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

1. Name of conveying party(ies): PowerTV, Inc. [ ] Individual(s) [ ] Association [ ] General Partnership [ ] Limited Partnership [x] Corporation-State [ ] Other California Additional name(s) of conveying party(ies) attached? [ ] Yes [x] No

2. Name and address of receiving party(ies) Name: PowerTV, Inc. Internal Address: Street Address: 5030 Sugarloaf Parkway City: Lawrenceville State: GA Zip: 30044 [ ] Individual(s) citizenship [ ] Association [ ] General Partnership [ ] Limited Partnership [x] Corporation-State Georgia [ ] 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 [x] Merger [ ] Security Agreement [ ] Change of Name [ ] Other Execution Date: 4/30/2003

4. Application number(s) or registration number(s): A. Trademark Application No.(s) B. Trademark Registration No.(s) 2753001, 2753000, 2041468, 2373907, 2373906, 2392170 Additional number(s) attached [x] Yes [ ] No

6. Total number of applications and registrations involved: 10

5. Name and address of party to whom correspondence concerning document should be mailed: Name: Hubert J. Barnhardt III Internal Address: Intellectual Property Dept. MS 4.3.510 Scientific-Atlanta, Inc. Street Address: 5030 Sugarloaf Parkway City: Lawrenceville State: GA Zip: 30044

7. Total fee (37 CFR 3.41) \$ 400.00 [ ] Enclosed [x] Authorized to be charged to deposit account

8. Deposit account number: 19-0761

RECEIVED SEP -4 AM 8:03 DPR/FINANCE

DO NOT USE THIS SPACE

9. Signature. Hubert J. Barnhardt III Name of Person Signing Signature August 25, 2003 Date

Total number of pages including cover sheet, attachments, and document: 22

09/15/2003 LINDLER 00000001 190761 2753001

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

01 FC:0321 40.00 02 FC:0322 225.00

TRADEMARK REEL: 002817 FRAME: 0804

**Recordation Form Cover Sheet  
TRADEMARKS ONLY**

Name of Conveying Party: PowerTV, Inc.

Continuation of Item 4.B. Trademark Registration Nos.:

2373905  
2214000  
2191887  
2079703

**CERTIFICATE OF MERGER  
OF  
POWERTV MERGER SUBSIDIARY, INC.  
AND  
POWERTV, INC.**

PowerTV Merger Subsidiary, Inc. ("PowerTV Georgia"), the surviving corporation by merger of PowerTV, Inc. ("PowerTV California") with and into PowerTV Georgia, hereby certifies that:

1. The names and states of incorporation of the constituent corporations participating in the merger certified herein are as follows:

<u>Name</u>	<u>State of Incorporation</u>
PowerTV Merger Subsidiary, Inc.	Georgia
PowerTV, Inc.	California

2. PowerTV Georgia shall be the corporation surviving the merger; and, upon the merger becoming effective, the name of PowerTV Georgia shall be changed to "PowerTV, Inc."

3. The executed Plan of Merger of PowerTV Georgia and PowerTV California (the "Plan") is on file at the principal place of business of PowerTV Georgia at the following address:

5030 Sugarloaf Parkway  
Lawrenceville, GA 30044

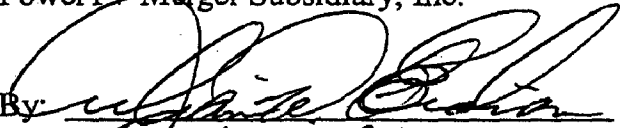
4. A copy of the Plan will be furnished by PowerTV Georgia on request and without cost to any shareholder of either party to such merger.

5. The merger was approved by the board of directors of each constituent corporation. No approval by the shareholders of PowerTV Georgia or PowerTV California was required pursuant to Section 14-2-1104 of the Georgia Business Corporation Code.

(Signature page follows)

IN WITNESS WHEREOF, PowerTV Merger Subsidiary, Inc. has caused this Certificate of Merger to be signed by its duly authorized officer this 30<sup>th</sup> day of April, 2003.

PowerTV Merger Subsidiary, Inc.

By:   
Name: Julian W. Gidson  
Title: President

CORPORATIONS DIVISION  
2003 JUN - 2 A 10: 41  
SECRETARY OF STATE



SA: 102981  
TBD

TRADEMARK  
REEL: 002817 FRAME: 0807



**SECRETARY OF STATE**

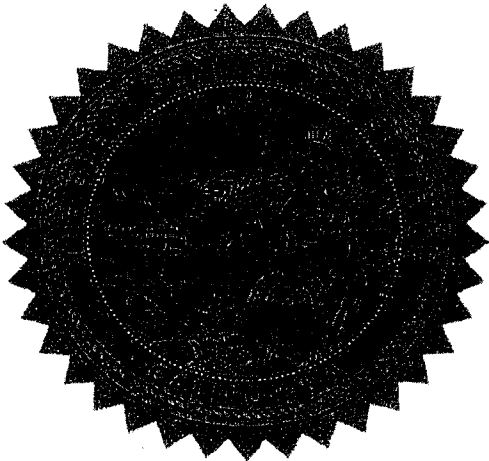
I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 3 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

JUN 14 2003

*Kevin Shelley*  
Secretary of State





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**Current Search: S1: (live)[LD] AND (PowerTV)[OW] docs: 10 occ: 20**

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78127847	2753001	POWERTV	TARR	LIVE
2	78127839	2753000	POWERTV	TARR	LIVE
3	75975575	2041468	POWERTV	TARR	LIVE
4	75592886	2373907	SOFAMAIL	TARR	LIVE
5	75592885	2373906	SOFASOFT	TARR	LIVE
6	75592857	2392170	SOFASHOP	TARR	LIVE
7	75592842	2373905	SOFACHAT	TARR	LIVE
8	75304819	2214000	POWERTV	TARR	LIVE
9	75242318	2191887	EAGLE	TARR	LIVE
10	74636040	2079703	POWERTV	TARR	LIVE

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**Word Mark** POWERTV

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: OPERATING SYSTEM SOFTWARE AND MIDDLEWARE FOR USE BY THE BROADBAND COMMUNICATIONS INDUSTRY; APPLICATION SOFTWARE FOR USE IN BROADBAND COMMUNICATIONS SYSTEMS, NAMELY, SOFTWARE USED IN CONNECTION WITH ELECTRONIC COMMERCE, VIDEO-ON-DEMAND, INTERACTIVE ONLINE GAMES, BROWSING THE INTERNET, AND SENDING AND RECEIVING EMAIL AND INSTANT MESSAGES; BUSINESS MANAGEMENT AND BUSINESS OPERATIONS SOFTWARE FOR USE BY THE BROADBAND COMMUNICATIONS INDUSTRY, NAMELY, SOFTWARE FOR USE IN CONNECTION WITH MONITORING SOFTWARE PERFORMANCE, COLLECTING AND ANALYZING CUSTOMER DATA FOR SALES AND MARKETING PURPOSES, MANAGING CUSTOMER ACCOUNTS AND CUSTOMER ACCESS, AND TRACKING AND DIRECTING ADVERTISING TO CUSTOMERS. FIRST USE: 20000508. FIRST USE IN COMMERCE: 20000508

IC 041. US 100 101 107. G & S: Educational and training services in the nature of conferences and seminars related to software for use in broadband communications systems. FIRST USE: 20001001. FIRST USE IN COMMERCE: 20001001

IC 042. US 100 101. G & S: CUSTOMIZATION INTEGRATION, AND DEVELOPER SUPPORT SERVICES RELATED TO SOFTWARE FOR USE IN BROADBAND COMMUNICATIONS SYSTEMS, NAMELY TECHNICAL CONSULTATION AND COMPUTER SOFTWARE CONSULTATION IN THE FIELD OF BROADBAND COMMUNICATIONS SYSTEMS; CONSULTING SERVICES IN THE FIELD OF DESIGN,

SELECTION, IMPLEMENTATION, AND USE OF COMPUTER HARDWARE AND SOFTWARE FOR OTHERS; CUSTOMIZATION OF COMPUTER HARDWARE AND SOFTWARE FOR OTHERS. FIRST USE: 20000508. FIRST USE IN COMMERCE: 20000508

**Mark**  
**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 160101  
**Serial Number** 78127847  
**Filing Date** May 10, 2002  
**Published for Opposition** May 27, 2003  
**Registration Number** 2753001  
**Registration Date** August 19, 2003  
**Owner** (REGISTRANT) **PowerTV, Inc.** CORPORATION CALIFORNIA 20833 Stevens Creek Blvd. Suite 100 Cupertino CALIFORNIA 95014  
**Prior Registrations** 2041468;2079703;2214000  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Check Status** (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

**Word Mark** POWERTV

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: operating system software and middleware for use by the broadband communications industry; application software for use in broadband communications systems, namely, software used in connection with electronic commerce, video-on-demand, interactive online games, browsing the Internet, and sending and receiving email and instant messages; business management and business operations software for use by the broadband communications industry, namely, software for use in connection with monitoring software performance, collecting and analyzing customer data for sales and marketing purposes, managing customer accounts and customer access, and tracking and directing advertising to customers. FIRST USE: 19950717. FIRST USE IN COMMERCE: 19950717

IC 041. US 100 101 107. G & S: educational and training services related to software for use in broadband communications systems. FIRST USE: 20001001. FIRST USE IN COMMERCE: 20001001

IC 042. US 100 101. G & S: customization, integration, and developer support services related to software for use in broadband communications systems, namely technical consultation and computer software consultation in the field of broadband communications systems; consulting services in the field of design, selection, implementation, and use of computer hardware and software for others; customization of computer hardware and software for others. FIRST USE: 19980901. FIRST USE IN COMMERCE: 19980901

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 78127839

**Filing Date** May 10, 2002

**Published for**

**Opposition** May 27, 2003  
**Registration Number** 2753000  
**Registration Date** August 19, 2003  
**Owner** (REGISTRANT) **PowerTV, Inc.** CORPORATION CALIFORNIA 20833 Stevens Creek Blvd.  
Suite 100 Cupertino CALIFORNIA 95014  
**Prior Registrations** 2041468;2079703;2214000  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# PowerTV

**Word Mark** POWERTV  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: operating system software. FIRST USE: 19950717. FIRST USE IN COMMERCE: 19950717  
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Serial Number** 75975575  
**Filing Date** February 17, 1995  
**Filed ITU** FILED AS ITU  
**Published for Opposition** October 24, 1995  
**Registration Number** 2041468  
**Registration Date** February 25, 1997  
**Owner** (REGISTRANT) **PowerTV, Inc.** CORPORATION CALIFORNIA 20833 Stevens Creek Boulevard #100 Cupertino CALIFORNIA 95014  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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### Typed Drawing

**Word Mark** SOFAMAIL  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Software for use in communication systems, namely cable television system, for providing electronic mail services and applications. FIRST USE: 19981200. FIRST USE IN COMMERCE: 19981200  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75592886  
**Filing Date** November 20, 1998  
**Filed ITU** FILED AS ITU  
**Published for Opposition** October 26, 1999  
**Registration Number** 2373907  
**Registration Date** August 1, 2000  
**Owner** (REGISTRANT) **POWERTV, INC. CORPORATION** CALIFORNIA 20833 Stevens Creek Boulevard Suite 100 Cupertino CALIFORNIA 95014  
**Attorney of Record** Virginia L. Carron  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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### Typed Drawing

**Word Mark** SOFASOFT

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Software for use in communication systems, namely cable television system, for providing interactive and data services and applications. FIRST USE: 19981200. FIRST USE IN COMMERCE: 19981200

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75592885

**Filing Date** November 20, 1998

**Filed ITU** FILED AS ITU

**Published for Opposition** October 26, 1999

**Registration Number** 2373906

**Registration Date** August 1, 2000

**Owner** (REGISTRANT) **POWERTV, INC. CORPORATION** CALIFORNIA 20833 Stevens Creek Boulevard Suite 100 Cupertino CALIFORNIA 95014

**Attorney of Record** Virginia L. Carron

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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### Typed Drawing

**Word Mark** SOFASHOP  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Software for use in communication systems, namely cable television system, for providing interactive shopping services and applications. FIRST USE: 19981100. FIRST USE IN COMMERCE: 19981100  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75592857  
**Filing Date** November 20, 1998  
**Filed ITU** FILED AS ITU  
**Published for Opposition** October 12, 1999  
**Registration Number** 2392170  
**Registration Date** October 3, 2000  
**Owner** (REGISTRANT) **POWERTV, INC. CORPORATION** CALIFORNIA 20833 Stevens Creek Boulevard Suite 100 Cupertino CALIFORNIA 95014  
**Attorney of Record** Virginia L. Carron  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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### Typed Drawing

**Word Mark** SOFACHAT

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Software for use in communication systems, namely cable television system, for providing interactive electronic mail, chat, and communication services and applications. FIRST USE: 19981200. FIRST USE IN COMMERCE: 19981200

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75592842

**Filing Date** November 20, 1998

**Filed ITU** FILED AS ITU

**Published for Opposition** October 12, 1999

**Registration Number** 2373905

**Registration Date** August 1, 2000

**Owner** (REGISTRANT) POWERTV, INC. CORPORATION CALIFORNIA 20833 Stevens Creek Boulevard Suite 100 Cupertino CALIFORNIA 95014

**Attorney of Record** Virginia L. Carron

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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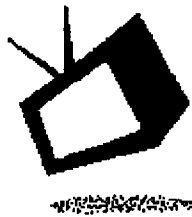
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**PowerTV**

**Word Mark** POWERTV  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: integrated circuits and operating system software. FIRST USE: 19961031. FIRST USE IN COMMERCE: 19961031  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 160103  
**Serial Number** 75304819  
**Filing Date** June 6, 1997  
**Published for Opposition** October 6, 1998  
**Registration Number** 2214000  
**Registration Date** December 29, 1998  
**Owner** (REGISTRANT) PowerTV, Inc. CORPORATION CALIFORNIA 20833 Stevens Creek Boulevard Suite 100 Cupertino CALIFORNIA 95014  
**Attorney of Record** KELLY A GARDNER  
**Prior Registrations** 2041468;2079703  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead**

**Indicator**                      **LIVE**

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### Typed Drawing

**Word Mark** EAGLE  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: application specific integrated circuit for creating and/or manipulating data, video images and graphics. FIRST USE: 19961031. FIRST USE IN COMMERCE: 19961031  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75242318  
**Filing Date** February 15, 1997  
**Published for Opposition** July 7, 1998  
**Registration Number** 2191887  
**Registration Date** September 29, 1998  
**Owner** (REGISTRANT) PowerTV, Inc. CORPORATION CALIFORNIA 20833 Stevens Creek Boulevard Suite 100 Cupertino CALIFORNIA 950142154  
**Attorney of Record** KENNETH M MASSARONI  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# PowerTV

**Word Mark** POWERTV  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: integrated circuits. FIRST USE: 19961031. FIRST USE IN COMMERCE: 19961031  
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Serial Number** 74636040  
**Filing Date** February 17, 1995  
**Filed ITU** FILED AS ITU  
**Published for Opposition** October 24, 1995  
**Registration Number** 2079703  
**Registration Date** July 15, 1997  
**Owner** (REGISTRANT) **PowerTV, Inc.** CORPORATION CALIFORNIA 20833 Stevens Creek Boulevard #100 Cupertino CALIFORNIA 95014  
**Attorney of Record** Steven C. Stewart  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Secretary of State**

**Corporations Division**

**315 West Tower**

**#2 Martin Luther King, Jr. Dr.**

**Atlanta, Georgia 30334-1530**

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**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JUN 10 2003

**KEVIN SHELLEY**  
**Secretary of State**

SCIENTIFIC-ATLANTIC INC.  
CATHY STONE  
5030 SUGARLOAF PKWY  
LAWRENCEVILLE GA 30044

**CERTIFICATE OF MERGER AND NAME CHANGE**

I, Cathy Cox, the Secretary of State of the Georgia, do hereby issue this certificate pursuant to Title 14 of the Official Code of Georgia annotated certifying that articles or a certificate of merger and fees have been filed regarding the merger of the below entities, effective as of the date shown above. Attached is a true and correct copy of the said filing.

Surviving Entity:

POWERTV MERGER SUBSIDIARY, INC., A GEORGIA CORPORATION

Changing its Name to:

POWERTV, INC.

Nonsurviving Entity/Entities:

POWERTV, INC./ A CALIFORNIA CORPORATION



*Cathy Cox*

CATHY COX  
SECRETARY OF STATE

RECORDED: 09/04/2003

TRADEMARK  
REEL: 002817 FRAME: 0825