

10-02-2003

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

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



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

1. Name of conveying party(ies): SILICON ACCESS NETWORKS, INC. *9.29.03*

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

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

2. Name and address of receiving party(ies)
 Name: ATEL VENTURE FUND, LLC &
 Internal
 Address: ATEL CAPITAL EQUIPMENT FUND IX, LLC
 Street Address: 600 CALIFORNIA ST., 6TH FLOOR
 City: SAN FRANCISCO State: CA Zip: 94108

Individual(s) citizenship _____
 Association _____
 General Partnership _____
 Limited Partnership _____
 Corporation-State _____
 Other CALIFORNIALIMITED LIABILITY COMPANY

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 WRIT OF ATTACHMENT

Execution Date: 9/26/03

4. Application number(s) or registration number(s):
 A. Trademark Application No.(s) 78/016589

B. Trademark Registration No.(s) 2,664,562

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
 Name: PETER C. CALIFANO, ESQ.
 Internal Address: COOPER, WHITE & COOPER LLP

 Street Address: 201 CALIFORNIA ST., SUITE 1700

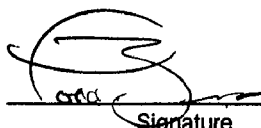
 City: SAN FRANCISCO State: CA Zip: 94111

6. Total number of applications and registrations involved: 2

7. Total fee (37 CFR 3.41).....\$ 80.00
 Enclosed
 Authorized to be charged to deposit account

8. Deposit account number:
501410

DO NOT USE THIS SPACE

9. Signature.
JODDEVAN BOLLINGER  9/29/03
 Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and document: 9

2003 SEP 29 AM 7:48
OPR/FINANCE

10/01/2003 GTOM11 00000180 501410 78016589

Mail documents to be recorded with required cover sheet information to:
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Peter C. Califano (SBN 129043)
COOPER, WHITE & COOPER LLP
201 California Street
17th Floor
San Francisco, CA 94111

FOR COURT USE ONLY

ENDORSED
FILED
San Francisco County Superior Court

SEP 26 2003

GORDON PARK-LI, Clerk
BY: KEVIN M. LEE
Deputy Clerk

TELEPHONE NO.: FAX NO.:
ATTORNEY FOR (Name): Atel Venture Fund and Atel Capital

NAME OF COURT: Superior Court of California
STREET ADDRESS: 400 McAlister Street
MAILING ADDRESS: City Hall
CITY AND ZIP CODE: San Francisco 94102

BRANCH NAME:
PLAINTIFF: ATEL VENTURE FUND, LLC and ATEL CAPITAL EQUIPMENT FUND IX, LLC
DEFENDANT: SILICON ACCESS NETWORKS, INC., SILICON ACCESS NETWORKS, LTD.

EX PARTE
 RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)
 ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT (RESIDENT)

CASE NUMBER:
CGC 03424535

1. The application and supporting declaration or affidavit of plaintiff (name): ATEL VENTURE FUND, LLC and ATEL CAPITAL EQUIPMENT FUND IX, LLC for an ex parte right to attach order and order for issuance of writ of attachment order for issuance of an additional writ of attachment has been considered by the court.

FINDINGS

2. THE COURT FINDS

- a. Defendant (specify name): SILICON ACCESS NETWORKS, INC., SILICON ACCESS NETWORKS, LTD. is a natural person partnership unincorporated association corporation other (specify):
- b. The claim upon which the application is based is one upon which an attachment may be issued under Code of Civil Procedure section 483.010.
- c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
- d. The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based.
- e. The amount to be secured by the attachment is greater than zero.
- f. The affidavit or declaration accompanying the application shows that the property sought to be attached, or the portions thereof to be specified in the writ, are not exempt from attachment.
- g. The portion of the property sought to be attached described in item 3b is not exempt from attachment.
- h. An undertaking in the amount of: \$ 10,000 is required before a writ shall issue, and plaintiff has has not filed an undertaking in that amount.
- i. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following:
 - (1) There is a danger that the property sought to be attached would be
 - (a) concealed.
 - (b) substantially impaired in value.
 - (c) made unavailable to levy by other than concealment or impairment in value.
 - (2) Defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010, subdivision (b)(2), as set forth in the affidavit or declaration filed in support of this application, which specifies the defendant's known undisputed debts and the basis for plaintiff's determination that the defendant's debts are undisputed.
 - (3) A bulk sales notice was recorded and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
 - (4) An escrow has been opened pursuant to the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant of a liquor license. The liquor license number is:
 - (5) Other circumstances (specify): Silicon Access Networks currently has operating capital to operate only through early October 2003.
- j. A Right to Attach Order was issued on (date): pursuant to Code of Civil Procedure section 484.090 (on notice) Code of Civil Procedure section 485.220 (ex parte)
- k. Other (specify):

(Continued on reverse)

ORDER

3. THE COURT ORDERS

- a. Plaintiff has a right to attach property of defendant (name): Silicon Valley Access Network, Inc. and Silicon Access Networks, Ltd.
in the amount of: \$ 989,810.14

- b. The clerk shall issue a writ of attachment an additional writ of attachment in the amount stated in item 3a forthwith upon the filing of an undertaking in the amount of: \$ 10,000
 - (1) for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of the sale of such property, described as follows (specify):

 - (2) for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (specify):
 - (3) for any property of a defendant who is not a natural person for which a method of levy is provided.
 - (4) for property of a defendant who is a natural person subject to attachment under Code of Civil Procedure section 487.010 (specify):

- c. Defendant shall transfer to the levying officer possession of
 - (1) any documentary evidence in defendant's possession of title to any property described in item 3b.
 - (2) any documentary evidence in defendant's possession of debt owed to defendant described in item 3b.
 - (3) the following property in defendant's possession (specify):

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

- d. Other (specify):

- e. Total number of boxes checked in item 3: 6

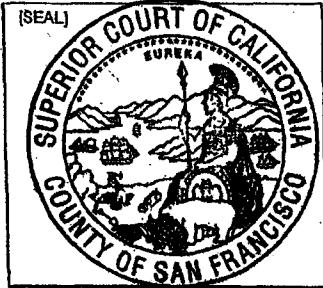
Date: **SEP 26 2003**
 **EVERETT A. HEWLETT, JR.**
(TYPE OR PRINT NAME)

▶ **EVERETT A. HEWLETT, JR.**
(SIGNATURE OF JUDGE OR COMMISSIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state, number, and address): Peter C. Califano (SBN 129043) COOPER, WHITE & COOPER LLP 201 California Street 17th Floor San Francisco, CA 94111 TELEPHONE NO.: (415) 433-1900 FAX NO. (Optional): E-MAIL ADDRESS (Optional):	FOR COURT USE ONLY
ATTORNEY FOR (Name): <u>Plaintiffs Atel Venture Fund, LLC et al.</u> SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAlister Street MAILING ADDRESS: City Hall CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME:	
PLAINTIFF: ATEL VENTURE FUND, LLC and ATEL CAPITAL EQUIPMENT FUND IX, LLC DEFENDANT: SILICON ACCESS NETWORKS, INC., SILICON ACCESS NETWORKS, LTD.	CASE NUMBER: CGC 03-424535
WRIT OF ATTACHMENT <input type="checkbox"/> AFTER HEARING <input checked="" type="checkbox"/> EX PARTE	

1. TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF: Santa Clara
2. TO ANY REGISTERED PROCESS SERVER: You are only authorized to serve this writ in accord with CCP 488.080.
3. This writ is to attach property of defendant (name and last known address): Silicon Access Networks, Inc. and Silicon Access Networks, Ltd., 211 River Oaks Parkway, Suite 201, San Jose, California 95134.
and the attachment is to secure: \$ 989,810.14
4. Name and address of plaintiff: ATEL Venture Fund, LLC, ATEL Captial Equipment Fund IX, LLC, 600 California Street, 6th Floor, San Francisco, CA 94108
5. YOU ARE DIRECTED TO ATTACH the following property or so much thereof as is clearly sufficient to satisfy the amount to be secured by the attachment (describe property and state its location; itemize by letter):

- This information is on an attached sheet.
6. An interest in the real property described in item 5 stands upon the records of the county, in the name of the following person other than the defendant:
- a. Name:
- b. Mailing address, if known, as shown by the records of the office of the county tax assessor (specify):
7. The real property on which the
- crops described in item 5 _____ are growing
- timber described in item 5 _____ to be cut is standing stands upon the records of the county in the name of
- a. Name:
- b. Address:



GORDON PARK - LI

Date: SEP 26 2003

Clerk, by Kevin M. Lee, Deputy
Kevin M. Lee

ATEL Venture Fund, LLC et al. v. Silicon Access Networks, Inc. et al.
San Francisco Superior Court Case No. CGC-03-424535

Exhibit A to Writ Attachment – Ex Parte

5. Any property of Defendants Silicon Access Networks, Inc. or Silicon Access Networks, Ltd. who are not natural persons for which a method of levy is provided, including but not limited to:
- (1) Any deposit accounts and safe deposit boxes pursuant to CCP Sections 488.455, 488.460 and 488.465 located at (a) Silicon Valley Bank, Santa Clara, CA, including but not limited to Account No. 3300067887 and (b) Comerica Bank-California, San Jose, CA, including but not limited to Account No. 1892273911;
 - (2) Any accounts receivable and general intangibles of Defendants pursuant to CCP Section 488.470, including but not limited to the right of any payments under any copyrights, trademarks and patents; and
 - (3) Any personal property in Defendants' possession pursuant to CCP Section 488.475, including but not limited to any equipment or inventory.