

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

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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):

BOTTLE ROCKET, INC.

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: ACTV, INC.

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

Street Address: 275 Sacramento Street

City: San Francisco State: CA Zip: 94111

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: 08/17/2000

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

A. Trademark Application No.(s) \_\_\_\_\_

\_\_\_\_\_

Additional number(s) attached  Yes  No

B. Trademark Registration No.(s) 2288168; 2312311;  
2298684; 2350547; 2243605

\_\_\_\_\_

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

Name: Thomas L. Ewing

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

\_\_\_\_\_

Street Address: 275 Sacramento Street

\_\_\_\_\_

City: San Francisco State: CA Zip: 94111

6. Total number of applications and registrations involved: 5

7. Total fee (37 CFR 3.41).....\$ 200.00

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:

50-2006

**DO NOT USE THIS SPACE**

9. Signature.

Thomas L. Ewing, Reg. No. 34,328                                            May 4, 2004  
 Name of Person Signing    Signature    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

CIH \$200.00 502006 2288168

### TRADEMARK ASSIGNMENT

WHEREAS, BOTTLE ROCKET, INC., a Delaware corporation having a place of business at 19 West 21<sup>st</sup> Street, Suite 503, New York, New York 10010 ("Assignor"), is the owner of the trademarks, trademark registrations and applications in the form more fully described in **Exhibit A** hereto (the "Marks"); and

WHEREAS, Assignor and ACTV, INC., a Delaware corporation having a place of business at 1270 Avenue of the Americas, Suite 2401, New York, New York 10020 ("Assignee"), have executed that Agreement and Plan of Merger; and

WHEREAS, pursuant to the terms of the Agreement and Plan of Merger Assignor desires to assign and Assignee desires to receive all of Assignor's right, title and interest in and to the Marks, together with the goodwill associated therewith;

NOW THEREFORE, for the consideration set forth in the Agreement and Plan of Merger, and other good and valuable consideration, the receipts and sufficiency of which is hereby acknowledged, Assignor hereby sells, transfers, assigns and sets over unto Assignee, its successors and assigns, all of Assignor's entire right, title and interest in and to the Marks, in the United States of America and all foreign countries, together with the goodwill associated therewith and symbolized by the Marks and that portion of Assignor's business in which the Marks are to be used, all common law rights related thereto, all rights of renewal and extension, and the right to recover for damages and profits for past infringements thereof.

Assignor agrees to execute and deliver at the request of the Assignee all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may request in order to vest all of Assignor's right, title, and interest in and to the Marks in the Assignee and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by the Assignee, to the extent such evidence is in the possession or control of Assignor.

Executed as of August 17, 2000.

BOTTLE ROCKET, INC.  
a Delaware Corporation

By: 

Name: Gregory W. Eastley

Title: Chief Executive Officer

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF New York )

Subscribed and sworn to before me by Gregory W. Gasloy as  
Chief Executive Officer Bottle Rocket, Inc. on the 17th day of August,  
2000.

[SEAL]

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

**DAVID M. McDONALD**  
Notary Public, State of New York  
No. 02MC5062988  
Certificate Filed in New York County  
Commission Expires July 15, 1998  
2002

**EXHIBIT A**

<b>Trademark</b>	<b>Reg. Country</b>	<b>Reg. No./App. No.</b>
2 MINUTES TO GLORY	United States	2288168
3 - POINT SHOOT OUT	United States	75/319145
BOTTLE ROCKET	United States	2312311
BOTTLE ROCKET	United States	2298684
BOTTLE ROCKET	United States	2350547
BOTTLE ROCKET.COM	United States	75.657931
E-FINITY	United States	75/540502
STRIKEOUT KING	United States	2243605

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