

12-10-2003



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

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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): 12.5-03 Internap Network Services Corporation

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

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other

Execution Date: 09/17/2001

2. Name and address of receiving party(ies)

Name: Internap Delaware, Inc.

Internal Address:

Street Address: 601 Union Street, Suite 1000

City: Seattle State: WA Zip: 98101

- 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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2203745, 2096053, 2383370, 2383368

Additional number(s) attached Yes No

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

Name: Morris, Manning & Martin, LLP

Internal Address: Attn: Dana A. Schwind

13825-41648, 41647, 41645, 41646

Street Address: 1600 Atlanta Financial Center

3343 Peachtree Road NE

City: Atlanta State: GA Zip: 30326-1044

6. Total number of applications and registrations involved: 4

7. Total fee (37 CFR 3.41) \$ 115.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature.

Dana A. Schwind Name of Person Signing

Dana A. Schwind Signature

12-1-2003 Date

Total number of pages including cover sheet, attachments, and document: 3

12/09/2003 LINDLER 00000027 2203745

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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TRADEMARK REEL: 002876 FRAME: 0115

**CERTIFICATE OF MERGER**

**OF**

**INTERNAP NETWORK SERVICES CORPORATION**

**a Washington corporation**

**INTO**

**INTERNAP DELAWARE, INC.**

**a Delaware corporation**

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of the state of Delaware does hereby certify that:

1. The name and state of incorporation of each of the constituent corporations of the merger is as follows:

<u>Name</u>	<u>State of Incorporation</u>
Internap Network Services Corporation	Washington
Internap Delaware, Inc.	Delaware

2. An Agreement and Plan of Merger dated as of July 25, 2001 (the "Agreement of Merger") between Internap Network Services Corporation and Internap Delaware, Inc. has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with subsection (c) of Section 252 of the General Corporation Law of the state of Delaware.

3. The name of the surviving corporation is Internap Delaware, Inc. Upon effectiveness of the filing of this Certificate of Merger, Internap Delaware, Inc. will change its name to Internap Network Services Corporation, as provided in Section 4 below.

4. The Certificate of Incorporation of Internap Delaware, Inc., a Delaware corporation, the surviving corporation, shall be the Certificate of Incorporation of the surviving corporation; provided, however, upon the effectiveness of the filing of this Certificate of Merger, Article I thereof shall be amended and restated to change the name of Internap Delaware, Inc. to be as follows: "The name of this Corporation (hereinafter called the "Corporation") is INTERNAP NETWORK SERVICES CORPORATION" and Article IV. C. thereof shall be amended and restated as follows: "3,500,000 of the authorized shares of Preferred Stock are hereby designated "Series A Convertible Preferred Stock" (the "Series A Stock")."

5. The executed Agreement of Merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 601 Union Street, Suite 1000, Seattle, WA 98101.

6. A copy of the Agreement of Merger will be furnished by the surviving corporation, on request without cost, to any stockholder of any constituent corporation.

7. The authorized capital stock of Internap Network Services Corporation consists of (a) 500,000,000 shares of Common Stock and (b) 10,000,000 shares of Preferred Stock.

IN WITNESS WHEREOF, this Certificate of Merger is hereby executed on behalf of the surviving corporation, Internap Delaware, Inc. and attested to by its officers thereunto duly authorized.

Dated as of 9-17, 2001

Internap Delaware, Inc.  
a Delaware corporation

By: s/ Michael Vent  
Michael Vent  
Chief Operating Officer

Attest:

By: s/ Paul E. McBride  
Paul E. McBride  
Secretary

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