

05-13-2004

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



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

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

1. Name of conveying party(ies):

SmartSales, Inc.

4-26-04

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

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

2. Name and address of receiving party(ies)

Name: DataMirror Corporation

Internal

Address:

Street Address: 3100 Steeles Avenue East

City: Markham, Ontario, Canada L3R 8T3

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

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
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: 1/7/2003

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2163498

Additional number(s) attached  Yes  No

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

Name: John Garber

Internal Address: Cooper & Dunham LLP

Street Address: 1185 Avenue of the Americas

City: New York State: NY Zip: 10036

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41) \$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature:

John Garber

Name of Person Signing

Signature

9/18/03

Date

Total number of pages including cover sheet, attachments, and document: 6

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

**ASSIGNMENT OF TRADE-MARK AND  
DOMAIN NAME TRANSFER AUTHORIZATION**

1. **FOR GOOD AND VALUABLE CONSIDERATION**, the receipt and sufficiency of which is hereby acknowledged, the undersigned **PERRY KRIEGER & ASSOCIATES INC.** ("Trustee"), solely in its capacity as trustee of the estate of SmartSales Inc., a bankrupt ("Assignor"), and not in its personal capacity, hereby sells, assigns and transfers to **DATAMIRROR CORPORATION** ("Assignee"), the full post office address of whose principal office or place of business is 3100 Steeles Avenue East, Suite 1100, Markham, Ontario, Canada L3R 8T3, all of: (i) Assignor's worldwide right, title and interest, if any, in and to the trade-marks and trade names, if any, listed in the attached schedule (the "Trade-marks"), together with the corresponding applications and registrations therefor and the goodwill associated with the Trade-marks and Assignor's business and in respect of all the wares and services in association with which the Trade-marks are or have been used; (ii) Assignor's trade dress and other intellectual property rights, if any, uniquely associated with the sale of products bearing the Trade-marks; and (iii) Assignor's causes of action and rights of opposition relating to the Trade-marks, if any, the same to be held and enjoyed by the Assignee, its successors and assigns, as fully and entirely as the assigned interest would have been held and enjoyed by the Assignor if the said sale, assignment and transfer had not been made.

2. The Trustee, at the Assignee's request and sole expense, will execute such further documents and do all such other acts and things as may be reasonably necessary to evidence the change of ownership of the Trade-marks to Assignee.

3. The Trustee hereby authorizes the "Administrative Contact" for the domain name registration for **smartsales.com**, as identified on the date hereof in the WHOIS record for that domain name in the WHOIS database maintained by VeriSign, Inc., at the Assignee's sole expense, to undertake all necessary steps to effect the transfer of the **smartsales.com** domain name to the Assignee, whether electronically or otherwise, and to authorize such transfer for and on behalf of the Trustee in its capacity as trustee of the estate of the Assignor.

**EXECUTED** at Toronto, Ontario on the 7<sup>th</sup> day of January, 2003.

**PERRY KRIEGER & ASSOCIATES INC.**,  
solely in its capacity as trustee of the estate of  
SmartSales Inc., a bankrupt, and not in its  
personal capacity

By: \_\_\_\_\_

Name: Perry Krieger

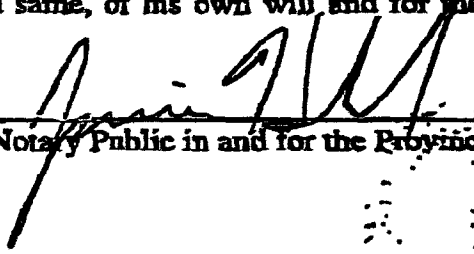
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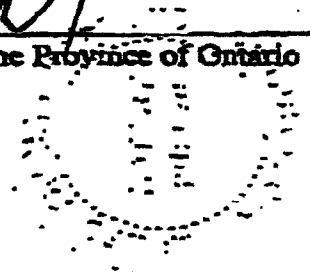
I have authority to bind the corporation

**ACKNOWLEDGEMENT**

City of Toronto, )  
Province of Ontario )  
Canada )

On this 7<sup>th</sup> day of January, 2003, personally appeared before me, Perry Kruger  
to me known, and known by me to be the same person described and who executed the foregoing  
instrument, and acknowledged that he executed same, of his own will and for the purposes set  
forth.

  
\_\_\_\_\_  
A Notary Public in and for the Province of Ontario



**SCHEDULE "A"**

<b><u>Trade-mark</u></b>	<b><u>Country</u></b>	<b><u>Registration No.</u></b>
SMARTSALES	CANADA	TMA505054
SMARTSALES	UNITED STATES	2163498
OUTSMART		common law mark

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant: DataMirror Corporation

Registration No.: 2,163,498

Registered: June 9, 1998

Mark: SMARTSALES

To: The Assistant Commissioner for Trademarks  
Trademark Examining Operation  
2900 Crystal Drive  
Arlington, Virginia 22202-3513  
U.S.A.

**POWER OF ATTORNEY**

Registrant, DataMirror Corporation, hereby revokes all previous Powers of Attorney in this matter and appoints John R. Garber, of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 110036 as its attorney to handle all future actions therein.

Dated: June 5/03

DATAMIRROR CORPORATION



Nigel Stokes  
President and CEO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant: DataMirror Corporation

Registration No.: 2,163,498

Registered: June 9, 1998

Mark: SMARTSALES

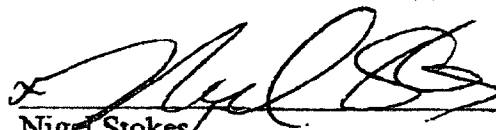
To: The Assistant Commissioner for Trademarks  
Trademark Examining Operation  
2900 Crystal Drive  
Arlington, Virginia 22202-3513  
U.S.A.

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

Registrant appoints John R. Garber, of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 110036 as its Domestic Representative upon whom all notices and process in respect of the subject registration may be served.

Dated: June 5/03

DATAMIRROR CORPORATION



Nigel Stokes  
President and CEO