

05-14-2004

FORM PTO-1594

RE

U.S. DEPARTMENT OF COMMERCE

(Rev. 03/01)

Patent and Trademark Office

OMB No. 0651-0027 (exp. 05/31/2002)



102745244

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

1. Name of conveying party(ies):

Silicon Valley Bank  
3003 Tasman Drive-HA155  
Santa Clara, CA 95054

4-12-04

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

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

2. Name and address of receiving party(ies):

Name **Phonex Broadband**  
Internal Address:

Street Address: 6952 HIGH TECH DRIVE

City: MIDVALE State: UT ZIP: 84047

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other **Partial Release**
- Merger
- Change of Name

Execution Date: 04/12/04

850711

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

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
Additional name(s) & address(es) attached?  Yes  No

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

A. Trademark Application No.(s)

76/486,731

B. Trademark No.(s)

Additional numbers attached?  Yes  No

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

Name: **Silicon Valley Bank**

Internal Address: Loan Documentation HA155

Street Address: 3003 Tasman Dr.

City: Santa Clara State: Ca ZIP: 95054

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:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Maribel Arteaga

*Maribel Arteaga*  
Signature

04/12/04

Name of Person Signing

Date

05/14/2004 LMUELLER 00000011 76486731

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Total number of pages including cover sheet, attachments, and document 2

40,000 documents to be recorded with required cover sheet information to:

Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

TRADEMARK  
REEL: 002966 FRAME: 0146

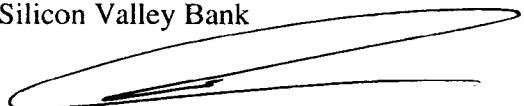
## Registered Servicemark Statement

Silicon Valley Bank and Phonex Broadband Corporation, through their duly authorized officers, hereby take the following action, state and make the following representations:

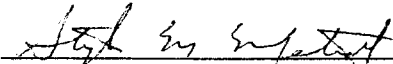
Silicon Valley Bank, a Delaware corporation (the "Bank") and Phonex Broadband Corporation, an Utah corporation (the "Corporation"), entered into an intellectual property security agreement under which the Corporation conveyed through an assignment various trade and service marks owned by the Corporation to the Bank (the "Assignment"). The Assignment under said security agreement was made at and recorded with United States Patent and Trademark Office ("USPTO") under USPTO Reel and Frame 2735/0442, recorded on May 19, 2003. In error, a USPTO application serial number belonging to a servicemark, known as "DROStreet" was included in such Assignment. "DROStreet" is recorded at the USPTO as Serial# 76-486,731, and now Registration # 2,802,046 and registered on January 6, 2004 to its registrant and owner Charles G. Cochenour, an individual residing in North Huntingdon, Pennsylvania, USA ("Cochenour").

The Bank and the Corporation do not have and have never had any right, title or interest in the "DROStreet" mark. The Bank and the Corporation hereby remove the "DROStreet" mark from the Assignment list under said security agreement, *ab initio*. The intent by the Bank and the Corporation is to restore to Cochenour an unclouded title to the "DROStreet" service mark. In this regard, the Bank is using USPTO Form 1594 as the vehicle to remedy this Assignment error in the USPTO and to correct the USPTO abstract of title. The Bank fully releases the "DROStreet" mark from assignment and any and all security agreements.

Silicon Valley Bank

By:   
By: \_\_\_\_\_  
Name: Ron Sherman  
Title: SVP  
Its:  
Date: 4-20-04

Phonex Broadband Corporation

By:   
By: \_\_\_\_\_  
Name: Stephen M. Metcalfe  
Title: Exec VP  
Its:  
Date: April 13 2004