

## TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

|  |   |                 |                   |
|--|---|-----------------|-------------------|
| SUBMISSION TYPE:   | NEW ASSIGNMENT                          |                 |                   |
| NATURE OF CONVEYANCE:  | NUNC PRO TUNC ASSIGNMENT                |                 |                   |
| EFFECTIVE DATE:  | 03/15/2004                              |                 |                   |
| CONVEYING PARTY DATA   |   |                 |                   |
| Name   | Formerly                                | Execution Date  | Entity Type       |
| POWERSURGE TECHNOLOGIES, INC.  |   | 04/18/2005      | CORPORATION: IOWA |
| RECEIVING PARTY DATA   |   |                 |                   |
| Name:  | FASTSERVERS, INC.                       |                 |                   |
| Street Address:  | 402A Main Street                        |                 |                   |
| City:  | Cedar Falls                             |                 |                   |
| State/Country:   | IOWA                                    |                 |                   |
| Postal Code:   | 50613                                   |                 |                   |
| Entity Type:   | CORPORATION: IOWA                       |                 |                   |
| PROPERTY NUMBERS Total: 1  |   |                 |                   |
| Property Type  | Number                                  | Word Mark       |                   |
| Serial Number:   | 78370062                                | FASTSERVERS.NET |                   |
| CORRESPONDENCE DATA  |   |                 |                   |
| Fax Number:  | (703)413-2220                           |                 |                   |
| <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> |   |                 |                   |
| Phone:   | 703-413-3000                            |                 |                   |
| Email:   | tmdocket@oblon.com, bdarville@oblon.com |                 |                   |
| Correspondent Name:  | BRIAN B. DARVILLE                       |                 |                   |
| Address Line 1:  | 1940 Duke Street                        |                 |                   |
| Address Line 4:  | Alexandria, VIRGINIA 22314              |                 |                   |
| NAME OF SUBMITTER:   | Brian B. Darville                       |                 |                   |
| Signature:   | /Brian B. Darville/                     |                 |                   |
| Date:  | 04/19/2005                              |                 |                   |

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REEL: 003069 FRAME: 0138

**Total Attachments: 4**

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## **NUNC PRO TUNC TRADEMARK ASSIGNMENT**

WHEREAS, PowerSurge Technologies, Inc., a corporation organized under the laws of the State of Iowa, located and doing business at 1025 Technology Parkway, Suite A, Cedar Falls, Iowa 50613 (hereinafter "Assignor"), is the owner of the following trademarks and service marks:

FASTSERVERS.NET, U.S. Appl'n Serial No. 78/370,062, for "Telecommunication Services, namely, providing multiple user access to the Internet" in International Class 38 and for "Hosting the websites of others on a computer server for a global computer network; providing dedicated and co-located hosting of websites of others on a computer server for a global computer network; providing upgrades of computer servers and software; technical support services, namely, trouble shooting of problems with and consulting services relating to computer hardware and software and related to the hosting of websites for others on a computer server for a global computer network" in International Class 42;

FS FASTSERVERS.NET for "Telecommunication Services, namely, providing multiple user access to the Internet" in International Class 38; and for "Hosting the websites of others on a computer server for a global computer network; providing dedicated and co-located hosting of websites of others on a computer server for a global computer network; providing upgrades of computer servers and software; technical support services, namely, trouble shooting of problems with and consulting services relating to computer hardware and software and related to the hosting of websites for others on a computer server for a global computer network" in International Class 42, and related goods and services; and

FS FASTSERVERS.NET and Design (regardless of color) for "Telecommunication Services, namely, providing multiple user access to the Internet" in International Class 38; and for "Hosting the websites of others on a computer server for a global computer network; providing dedicated and co-located hosting of websites of others on a computer server for a global computer network; providing upgrades of computer servers and software; technical support services, namely, trouble shooting of problems with and consulting services relating to computer hardware and software and related to the hosting of websites for others on a computer server for a global computer network" in International Class 42, and related goods and services;

(hereinafter collectively the "Assigned Marks" identified in Exhibit A hereto); and

WHEREAS, FastServers, Inc., a corporation organized under the laws of the State of Iowa, located and doing business at 402A Main Street, Cedar Falls, Iowa 50613 (hereinafter "Assignee"), the successor to that portion of the ongoing and existing business of Assignor to which the Assigned Marks pertain, desires to acquire all right, title and interest in and to the Assigned Marks;

WHEREAS, on or about March 15, 2004, Assignor assigned all of its right, title and interest in and to the Assigned Marks to Assignee, who was and is the successor to that portion of the ongoing and existing business of Assignor to which the Assigned Marks pertain;

WHEREAS, Assignor and Assignee, wish to confirm that prior assignment of the Assigned Marks from Assignor to Assignee through this written *Nunc Pro Tunc* Trademark Assignment;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and effective *nunc pro tunc* as of March 15, 2004, said Assignor hereby confirms and ratifies that on or about March 15, 2004, Assignor sold, assigned, set over, and transferred to said Assignee the entire right, title and interest in and to the Assigned Marks, together with the goodwill connected with the use of and symbolized by the Assigned Marks, the same and the rights of said Assignor to be held and enjoyed by said Assignee for its own use and enjoyment, and for use and enjoyment of its successors, assigns or other legal representatives, to the end of the term or terms for which the trademark registrations may be renewed or reissued, as fully or entirely as the same would have been held and enjoyed by said Assignor if this assignment and sale had not been made, together with all claims for damages by reason of past infringement of said Assigned Marks, with the right to sue for and collect the same for its own use and behalf, and for the use of its successors, or other legal representatives.

IN TESTIMONY WHEREOF, said Assignor has caused his name to be signed this

18 day of April, 2005.

POWERSURGE TECHNOLOGIES, INC.

Signature: \_\_\_\_\_

Its Authorized Agent

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Date: \_\_\_\_\_

Jan Ambrose  
President & CEO  
4/18/05

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**EXHIBIT A**

FASTSERVERS.NET

FS FASTSERVERS.NET



**FASTSERVERS.NET**