

01-24-2007



103364857

To the Director of the U.S. Patent

ed documents or the new address(es) below.

1. Name of conveying party(ies):

Silicon Valley Bank  
3003 Tasman Drive  
Santa Clara, CA 95054

Name of receiving party(ies):

Additional name(s) of conveying parties attached?  Yes  No

Name: **Evault, Inc.**

Internal Address

Street Address: **6121 Hollis Street**

City: **Emeryville**

State: **CA**

Country: **USA**

Zip: **94608**

- Individual(s)
- Association
- General Partnership
- Limited Partnership

- Corporation-State
- Other

Additional name(s) of conveying parties attached?  Yes  No

3. Nature of conveyance/ Execution Date(s):

Execution Date(s): **January 17, 2007**

- Assignment
- Merger
- Security Agreement
- Change of Name

Other : **Release**

- Association Citizenship
- General Partnership Citizenship
- Limited Partnership Citizenship
- Corporation Citizenship
- Other Citizenship

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)

4. Application number(s) or registration number(s) and identification or description of the Trademark:

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

**1944738 2745143**

**2945478**

**2945479**

**2914137**

**2993017**

01/23/2007 DBYRNE 00000161 1944738

01 FC:8521

40.00 OP

02 FC:8522

125.00 OP

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

Additional sheets attached?  Yes  No

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

Name: **Silicon Valley Bank**

Internal Address: **HF154**

Street Address: **3003 TASMAN DRIVE**

City: **SANTA CLARA** State: **CA** ZIP: **95054**

Phone Number: **(408)654-4044**

Fax Number: **(408)654-6313**

Email Address: **AMDC@SVB.COM**

6. Total number of applications and registrations involved: **6**

7. Total fee (37 CFR 2.6 (b)(6) & 3.41): **\$ 165.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers  
Expiration Date

b. Deposit Account Number  
Authorized User Name

9. Signature

*Paulina Estrada*  
Signature

January 17, 2007

Date

Paulina Estrada

Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

TRADEMARK

REEL: 003471 FRAME: 0535

OFFICE OF THE ASSISTANT  
COMMISSIONER  
FINANCIAL SECTION  
JAN 22 PM 01:15


1-22-07

RELEASE OF SECURITY AGREEMENT COVERING  
INTERESTS IN TRADEMARKS

Silicon Valley Bank ("Secured Party"), hereby releases its security interest in the interests of **Evault, Inc.** ("Assignor") in the trademarked works set forth in that certain **Intellectual Property And Security Agreement** dated, August 8, 2003, executed by Assignor in favor of Secured Party recorded with the United States Department of Commerce, Patent and Trademark Office on August 29, 2003, Reel 2816, Frame 0466.

Dated: **January 18, 2007**

SILICON VALLEY BANK

By:   
Name: Bryan Brittingham  
Title: Operations Department Manager

**INTELLECTUAL PROPERTY SECURITY AGREEMENT**

This Intellectual Property Security Agreement (the "Agreement") dated August 8, 2003 is between SILICON VALLEY BANK ("Bank") and EVAULT, INC., a Delaware corporation ("Grantor").

**RECITALS**

A. Bank will make advances to Grantor ("Loans") as described in that certain Loan and Security Agreement of even date herewith (the "Loan Agreement"), but only if Grantor grants Bank a security interest in, among other Collateral, all of Grantor's Intellectual Property, including all Copyrights, Trademarks, Patents and Mask Works. All defined terms used herein shall have the respective meanings accorded to them in the Loan Agreement.


B. Grantor has granted Bank a security interest in all of Grantor's right, title and interest, presently existing or later acquired, in and to all of the Collateral.

**AGREEMENT**

Grantor grants Bank a security interest in all of its right, title and interest in and to Grantor's Intellectual Property (including but not limited to the Copyrights, Patents, Trademarks and Mask Works listed on Exhibits A, B, C, and D hereto), and all proceeds thereof (including but not limited to license royalties and proceeds of infringement suits), the right to sue for past, present and future infringements, rights throughout the world and all re-issues, divisions continuations, renewals, extensions and continuations-in-part. This security interest is granted in conjunction with the security interest granted under the Loan Agreement. Bank's rights and remedies with respect to the security interest granted hereby are in addition to (and not in lieu of) those set forth in the Loan Agreement and the other Loan Documents, and those available in law or equity. Bank's rights, powers and interests are cumulative with every right, power or remedy provided herein. Bank's exercise of its rights, powers or remedies in this Agreement, the Loan Agreement or any other Loan Document does not preclude the simultaneous or later exercise of any or all other rights, powers or remedies.

SILICON VALLEY BANK,  
a California-chartered bank

EVAULT, INC.,  
a Delaware corporation

  
\_\_\_\_\_  
(Signature)  
V.P.  
\_\_\_\_\_  
(Title)

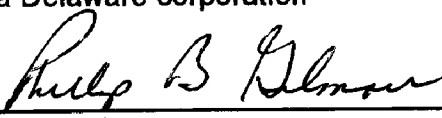
  
\_\_\_\_\_  
(Signature)  
CEO  
\_\_\_\_\_  
(Title)

EXHIBIT A

Copyrights

Description

Registration/  
Application  
Number

Registration/  
Application  
Date

EXHIBIT B

Patents

Description

Registration/  
Application  
Number

Registration/  
Application  
Date

EXHIBIT "C"

TRADEMARKS

<u>TRADEMARK DESCRIPTION</u>	<u>COUNTRY</u>	<u>APPLICATION NO./ SERIAL NO.</u>	<u>REG. NO.</u>	<u>STATUS</u>
EE	USA	78/100,900		Pending
EVAULT	USA	78/100,893		Pending
EVAULT PROTECT	USA	76/437,626		Pending
EVAULT DELTAPRO	USA	76/430,567		Pending
EVAULT INFOSTAGE	USA	76/430,566		Pending
E VAULT	USA		1.944,738	Registered

EXHIBIT D

Mask Works

Description

Registration/  
Application  
Number

Registration/  
Application  
Date