

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	06/01/2005

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Avivo Corporation		06/01/2005	CORPORATION: CALIFORNIA

RECEIVING PARTY DATA

Name:	WebSideStory Search and Content Solutions, Inc.
Street Address:	10182 Telesis Court, 6th Floor
City:	San Diego
State/Country:	CALIFORNIA
Postal Code:	92121
Entity Type:	CORPORATION: CALIFORNIA

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	2583247	ATOMZ

CORRESPONDENCE DATA

Fax Number: (619)235-0398
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: 6195253865
 Email: docketing@procopio.com
 Correspondent Name: Barry F. Soalt
 Address Line 1: 530 B Street, Suite 2100
 Address Line 4: San Diego, CALIFORNIA 92101

ATTORNEY DOCKET NUMBER:	109476-7
NAME OF SUBMITTER:	Barry F. Soalt
Signature:	/bfs/

Date:

09/24/2007

Total Attachments: 7

source=bfs a#page1.tif

source=bfs a#page2.tif

source=bfs a#page3.tif

source=bfs a#page4.tif

source=bfs a#page5.tif

source=bfs a#page6.tif

source=bfs a#page7.tif

State of California
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 6 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

JUN 10 2005

BRUCE McPHERSON
Secretary of State

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

AGREEMENT OF MERGER
OF
WEBSIDESTORY SEARCH AND
CONTENT SOLUTIONS, INC.,
A CALIFORNIA CORPORATION
AND
AVIVO CORPORATION,
A CALIFORNIA CORPORATION

JUN 01 2005

This Agreement of Merger (this "*Agreement*"), is made and entered into as of June 1, 2005 by and between WebSideStory Search and Content Solutions, Inc. (the "*Company*") and Avivo Corporation, a California corporation ("*Avivo*" and, together with the Company, the "*Constituent Corporations*"). Both the Company and Avivo are wholly owned subsidiaries of WebSideStory, Inc., a Delaware corporation ("*Parent*").

RECITALS

A. Parent, Avivo and Charles M. Linehan, in his capacity as the Holder Representative, have entered into that certain Agreement and Plan of Merger, dated as of February 8, 2005 (the "*Merger Agreement*"), which provides for, among other things, the execution and filing of this Agreement and the merger of Avivo with and into the Company upon the terms set forth in the Merger Agreement and this Agreement (the "*Merger*").

B. The respective Boards of Directors of each of the Constituent Corporations deem it advisable and in the best interests of each such corporation and their respective shareholders that Avivo be merged with and into the Company, and the Boards of Directors of each of the Constituent Corporations have approved the Merger Agreement and the Merger.

C. The Merger has been approved by the sole shareholder of each of the Constituent Corporations.

NOW THEREFORE, in consideration of the mutual agreements and covenants set forth herein, each of the Constituent Corporations hereby agree that Avivo shall be merged with and into the Company in accordance with this Agreement and the provisions of the laws of the State of California, upon the terms and subject to the conditions set forth as follows:

ARTICLE I.
THE CONSTITUENT CORPORATIONS

1.1 The Company. The Company is a corporation duly organized and existing under the laws of the State of California and, immediately prior to the Merger, has an authorized capital of 1,000 shares of Common Stock, \$0.001 par value per share (the "*Company Common Stock*"), of which 100

shares are issued and outstanding and held by Parent on the date hereof. The Company was incorporated under the laws of the State of California on May 25, 2005.

1.2 Avivo. Avivo is a corporation duly organized and existing under the laws of the State of California and, immediately prior to the Merger, has an authorized capital of 1,000 shares of Common Stock, no par value (the "*Avivo Common Stock*"), of which 100 shares are issued and outstanding and held by Parent. Avivo was incorporated under the laws of the State of California on September 29, 1998.

ARTICLE II. THE MERGER

2.1 The Merger. In accordance with Section 2.6 of the Merger Agreement and the General Corporation Law of the State of California (the "*CGCL*"), at the Effective Time (as defined below), Avivo shall be merged with and into the Company. As a result of the Merger, the separate corporate existence of Avivo shall cease and the Company shall continue as the surviving corporation of the Merger (the "*Surviving Corporation*").

2.2 Filing and Effectiveness. This Agreement, together with the officers' certificates of each of the Constituent Corporations required by CGCL (the "*Officers' Certificates*"), shall be filed with the Secretary of State of the State of California. The Merger shall become effective upon the filing of this Agreement and the Officers' Certificates with the Secretary of State of the State of California (the "*Effective Time*").

2.3 Effect of the Merger. At the Effective Time, the effect of the Merger shall be as provided in the applicable provisions of the CGCL. Without limiting the generality of the foregoing, at the Effective Time, except as otherwise provided in the Merger Agreement, all the property, rights, privileges, powers and franchises of the Company and Avivo shall vest in the Surviving Corporation, and all debts, liabilities and duties of the Company and Avivo shall become the debts, liabilities and duties of the Surviving Corporation.

2.4 Board of Directors and Officers of the Surviving Corporation. The board of directors of Avivo immediately prior to the Effective Time shall be the initial board of directors of the Surviving Corporation, each to hold office in accordance with the articles of incorporation of the Surviving Corporation. The officers of Avivo immediately prior to the Effective Time shall be the initial officers of the Surviving Corporation, each to hold office in accordance with the articles of incorporation and by-laws of the Surviving Corporation.

2.5 Articles of Incorporation of the Surviving Corporation. The Articles of Incorporation of the Company are not amended by the Merger.

2.6 Conversion of Shares. At the Effective Time, by virtue of the Merger and without any action on the part of Avivo, Parent or the Company, each share of Avivo Common Stock issued and outstanding immediately prior to the Effective Time shall be surrendered and converted into and be exchanged for one newly and validly issued, fully paid and nonassessable share of common stock of the Surviving Corporation. Upon the Effective Time, the outstanding shares of the Company shall remain outstanding and are not affected by the Merger.

ARTICLE III.
GENERAL PROVISIONS

3.1 Amendment. This Agreement may be amended by the parties hereto prior to the Effective Time but, after approval hereof by the shareholders of the Company and Avivo, no amendment shall be made which by law requires the further approval of such shareholders without obtaining such approval. This Agreement may not be amended except by an instrument in writing signed on behalf of each of the parties hereto.

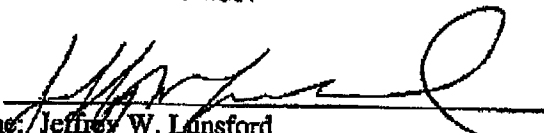
3.2 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

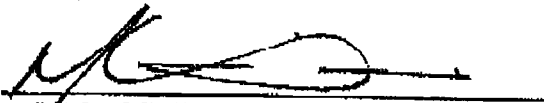
3.3 Governing Law. This Agreement shall be governed by the laws of the State of California.

[Signature Page Follows]

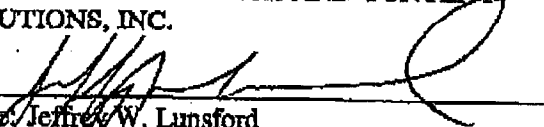
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.

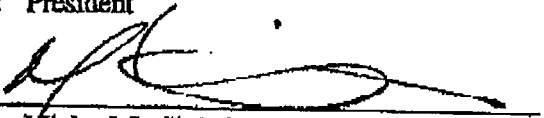
AVIVO CORPORATION

By: 
Name: Jeffrey W. Lunsford
Title: President

By: 
Name: Michael S. Christian
Title: Corporate Secretary

WEBSIDESTORY SEARCH AND CONTENT SOLUTIONS, INC.

By: 
Name: Jeffrey W. Lunsford
Title: President

By: 
Name: Michael S. Christian
Title: Corporate Secretary

[Signature page to Agreement of Merger]

WEBSIDESTORY SEARCH AND CONTENT SOLUTIONS, INC.

OFFICERS' CERTIFICATE OF APPROVAL OF MERGER

The undersigned hereby certify that:

1. Jeffrey W. Lunsford is the President of WebSideStory Search and Content Solutions, Inc., a California corporation (the "Company").
2. Michael S. Christian is the Corporate Secretary of the Company.
3. The principal terms of the Agreement of Merger in the form attached hereto (the "Agreement") providing for the merger (the "Merger") of Avivo Corporation, a California corporation, with and into the Company were duly approved by the Board of Directors of the Company.
4. The authorized capital stock of the Company consists of 1,000 shares of Common Stock, of which 100 shares were issued and outstanding and entitled to vote upon the Merger. The votes of more than 50% of the outstanding shares of Company Common Stock were required to approve the Merger and the principal terms of the Agreement.
5. The principal terms of the Agreement and the Merger were approved by the consent of the Company's sole shareholder holding 100% of the Company's issued and outstanding shares, which vote exceeded the vote required.
6. No vote of the stockholders of WebSideStory, Inc., a Delaware corporation and the sole shareholder of the Company, was required to approve the Agreement or the Merger.

* * *


The undersigned further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of their own knowledge.

Date: June 1, 2005

Signature: _____


Jeffrey W. Lunsford
President

Signature: _____


Michael S. Christian
Corporate Secretary

AVIVO CORPORATION

OFFICERS' CERTIFICATE OF APPROVAL OF MERGER

The undersigned hereby certify that:

1. Jeffrey W. Lunsford is the President of Avivo Corporation, a California corporation (the "Company").
2. Michael S. Christian is the Corporate Secretary of the Company.
3. The principal terms of the Agreement of Merger in the form attached hereto (the "Agreement") providing for the merger (the "Merger") of the Company with and into WebSideStory Search and Content Solutions, Inc., a California corporation, were duly approved by the Board of Directors of the Company.
4. The authorized capital stock of the Company consists of 1,000 shares of Common Stock, of which 100 shares were issued and outstanding and entitled to vote upon the Merger. The votes of more than 50% of the outstanding shares of Company Common Stock were required to approve the Merger and the principal terms of the Agreement.
5. The principal terms of the Agreement and the Merger were approved by the consent of the Company's sole shareholder holding 100% of the Company's issued and outstanding shares, which vote exceeded the vote required.
6. No vote of the stockholders of WebSideStory, Inc., a Delaware corporation and the sole shareholder of the Company, was required to approve the Agreement or the Merger.

* * *

The undersigned further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of their own knowledge.

Date: June 1, 2005

Signature: _____

Jeffrey W. Lunsford
President

Signature: _____

Michael S. Christian
Corporate Secretary

