

10-29-2007

United States Patent and Trademark Office



To the Director of the U.S. P

103457178

attached documents or the new address(es) below.

Address of receiving party(ies):

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

Name: **Fathom Online, Inc.**

Internal Address

Street Address: **33 New Montgomery St., Suite 500**

City: **San Francisco**

State: **CA**

Country: **USA**

Zip: **94105**

- 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)

1. Name of conveying party(ies):

**Silicon Valley Bank
3003 Tasman Drive
Santa Clara, CA 95054**

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

- Corporation-State
- Other

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

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

Execution Date(s): **October 15, 2007**

- Assignment
- Security Agreement
- Merger
- Change of Name

Other : **Release**

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

A. Trademark Application No.(s)
78971875

B. Trademark Registration No.(s)
**3093158
3134533
3203683**

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: **HF150**

Street Address: **3003 TASMAN DRIVE**

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

Phone Number: **(408)654-5506**

Fax Number: **(408)496-2429**

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

6. Total number of applications and registrations involved: 4

7. Total fee (37 CFR 2.6 (b)(6) & 3.41): \$ 115.00

- 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.

Signature

Nadine Barbosa
Name of Person Signing

October 15, 2007
Date

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: 003651 FRAME: 0135

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75.00 DP
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01 FC:8521
02 FC:8522

RELEASE OF SECURITY AGREEMENT COVERING
INTERESTS IN TRADEMARKS

Silicon Valley Bank ("Secured Party"), hereby releases its security interest in the interests of **Fathom Online, Inc.** ("Assignor") in the trademarked works set forth in that certain **Intellectual Property And Security Agreement** dated, December 8, 2005, executed by Assignor in favor of Secured Party recorded with the United States Department of Commerce, Patent and Trademark Office on December 20, 2005, Reel 3214, Frame 0173.

Dated: **October 15, 2007**

SILICON VALLEY BANK

By: *F. Randhawa*
Name: *Kenil Randhawa*
Title: *Area Ops Dept manager*

INTELLECTUAL PROPERTY SECURITY AGREEMENT

This Intellectual Property Security Agreement is entered into as of May 30, 2007 by and between SILICON VALLEY BANK ("Bank") and FATHOM ONLINE, INC. ("Grantor").

RECITALS

A. Bank has agreed to make certain advances of money and to extend certain financial accommodation to Grantor (the "Loans") in the amounts and manner set forth in that certain Loan and Security Agreement by and between Bank and Grantor dated December 8, 2005 (as the same may be amended, modified or supplemented from time to time, the "Accounts Receivable Loan Agreement") and that certain Loan and Security Agreement (Growth Capital) by and between Bank and Grantor dated of even date herewith (as the same may be amended, modified or supplemented from time to time, the "Growth Capital Loan Agreement"; together with the Accounts Receivable Loan Agreement, the "Loan Agreements"; capitalized terms used herein are used as defined in the Loan Agreements). Bank is willing to make the Loans to Grantor, but only upon the condition, among others, that Grantor shall grant to Bank a security interest in certain Copyrights, Trademarks and Patents to secure the obligations of Grantor under the Loan Agreements.

B. Pursuant to the terms of the Loan Agreements, Grantor has granted to Bank a security interest in all of Grantor's right, title and interest, whether presently existing or hereafter acquired, in, to and under all of the Collateral.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, and intending to be legally bound, as collateral security for the prompt and complete payment when due of its obligations under the Loan Agreements, Grantor hereby represents, warrants, covenants and agrees as follows:

AGREEMENT

To secure its obligations under the Loan Agreements, Grantor grants and pledges to Bank a security interest in all of Grantor's right, title and interest in, to and under its Intellectual Property Collateral (including without limitation those Copyrights, Patents and Trademarks listed on Schedules A, B and C hereto), and including without limitation all proceeds thereof (such as, by way of example but not by way of limitation, license royalties and proceeds of infringement suits), the right to sue for past, present and future infringements, all rights corresponding thereto throughout the world and all re-issues, divisions, continuations, renewals, extensions and continuations-in-part thereof.

This security interest is granted in conjunction with the security interest granted to Bank under the Loan Agreements. The rights and remedies of Bank with respect to the security interest granted hereby are in addition to those set forth in the Loan Agreements and the other Loan Documents, and those which are now or hereafter available to Bank as a matter of law or equity. Each right, power and remedy of Bank provided for herein or in the Loan Agreements or any of the Loan Documents, or now or hereafter existing at law or in equity shall be cumulative and concurrent and shall be in addition to every right, power or remedy provided for herein and the exercise by Bank of any one or more of the rights, powers or remedies provided for in this Intellectual Property Security Agreement, the Loan Agreements or any of the other Loan Documents, or now or hereafter existing at law or in equity, shall not preclude the simultaneous or later exercise by any person, including Bank, of any or all other rights, powers or remedies.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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REEL: 003651 FRAME: 0137

IN WITNESS WHEREOF, the parties have caused this Intellectual Property Security Agreement to be duly executed by its officers thereunto duly authorized as of the first date written above.

GRANTOR:

Address of Grantor:

FATHOM ONLINE, INC.

33 Montgomery Street, Suite 500
San Francisco, California 94105

By: 

Title: CEO

Attn: Steve Gillan, Chief Financial Officer

BANK:

Address of Bank:

SILICON VALLEY BANK

3003 Tasman Drive
Santa Clara, CA 95054-1191

By: 

Title: Relationship Manager

Attn: _____

SCHEDULE A

Copyrights

Description

Registration/
Application
Number

Registration/
Application
Date

None

N/A

N/A

SCHEDULE B

Patents

Description

Registration/
Application
Number

Registration/
Application
Date

None

N/A

N/A

SCHEDULE C

Trademarks

<u>Description</u>	<u>Registration/ Application Number</u>	<u>Registration/ Application Date</u>
FATHOM ONLINE (registered)	3203683	01/30/2007
KEYWORD PRICE INDEX (registered)	3134533	08/22/2006
KPI (registered)	3093158	05/16/2006
SEARCH MARKETING MADE SIMPLE (pending)	78/971875	09/11/2006

Source: [Legal > / ... / > Combined Federal & State Trademarks](#) Terms: **ALL-OWN-ASSIGN (fathom online)** ([Edit Search](#) | [Suggest Terms for My Search](#)) Select for FOCUS™ or Delivery

1. **SEARCH MARKETING MADE SIMPLE**, (STANDARD CHARACTER MARK), 78-971875, PENDING - SUSPENDED, PROVIDING DATA INTEGRATION SERVICES FOR DATA FROM WORLD WIDE WEB SEARCH ENGINES AND FOR DATA FROM THIRD-PARTY TRACKING, USED FOR WORLD WIDE WEB SEARCH ENGINE MARKETING AND ADVERTISING (INTERNATIONAL CLASS: 42; US CLASS: 100, 101) PROVIDING WORLD WIDE WEB SEARCH ENGINE MARKETING AND ADVERTISING SERVICES, NAMELY, DESIGNING AND MANAGING SEARCH ENGINE MARKETING AND ADVERTISING CAMPAIGNS, AND OBTAINING POSITIONING OF KEYWORDS AND PHRASES ON WORLD WIDE WEB SEARCH ENGINES TO ATTRACT CUSTOMER TRAFFIC (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102), March 22, 2003 (INTERNATIONAL CLASS: 42; US CLASS: 100, 101) March 22, 2003 (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102), FATHOM ONLINE, INC. (DELAWARE CORPORATION), SUITE 500, 33 NEW MONTGOMERY STREET, SAN FRANCISCO, CA 94105, AS OF September 11, 2006, © 2007, CT Corsearch. All Rights Reserved.
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
2. **FATHOM ONLINE**, (STANDARD CHARACTER MARK), 78-752642, REGISTERED, PROVIDING DATA INTEGRATION SERVICES FOR DATA FROM WORLD WIDE WEB SEARCH ENGINES AND FOR DATA FROM THIRD-PARTY TRACKING, USED FOR WORLD WIDE WEB SEARCH ENGINE MARKETING AND ADVERTISING (INTERNATIONAL CLASS: 42; US CLASS: 100, 101) PROVIDING WORLD WIDE WEB SEARCH ENGINE MARKETING AND ADVERTISING SERVICES, NAMELY, DESIGNING AND MANAGING SEARCH ENGINE MARKETING AND ADVERTISING CAMPAIGNS, AND OBTAINING POSITIONING OF KEYWORDS AND PHRASES ON WORLD WIDE WEB SEARCH ENGINES TO ATTRACT CUSTOMER TRAFFIC (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102), 3203683, November 01, 2002 (INTERNATIONAL CLASS: 42; US CLASS: 100, 101) November 01, 2002 (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102), FATHOM ONLINE, INC. (DELAWARE CORPORATION), 49 STEVENSON STREET, 11TH FLOOR, SAN FRANCISCO, CA 94105, AS OF January 30, 2007, © 2007, CT Corsearch. All Rights Reserved.
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
... November 14, 2006 Applicant: **FATHOM ONLINE, INC. (DELAWARE CORPORATION)** ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
3. **KEYWORD PRICE INDEX**, (STANDARD CHARACTER MARK), 78-646127, REGISTERED, PROVIDING INFORMATION VIA THE INTERNET AND ELECTRONIC MAIL IN THE NATURE OF INTERNET SEARCH ENGINE KEYWORD PRICING (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102) NEWSLETTERS IN THE FIELD OF INTERNET SEARCH ENGINE KEYWORD PRICING (INTERNATIONAL CLASS: 16; US CLASS: 22, 23, 29, 37, 38, 5, 50, 2), 3134533, October, 2004 (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102) October, 2004 (INTERNATIONAL CLASS: 16; US CLASS: 22, 23, 29, 37, 38, 5, 50, 2), FATHOM ONLINE, INC. (DELAWARE CORPORATION), 11TH FLOOR, 49 STEVENSON STREET, SAN FRANCISCO, CA 94105, AS OF August 22, 2006, © 2006, CT Corsearch. All Rights Reserved.
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
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FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
... CALIFORNIA 95054-1191 Assignor: **FATHOM ONLINE, INC. (CORPORATION)**
Reel/Frame: 3310/ ...

<http://www.lexis.com/research/retrieve? m=1adb6a93968bdbdd4024cded21affdf6&csvc=bl&cfor...> 5/18/2007

... CALIFORNIA 95054-1191 Assignor: **FATHOM ONLINE, INC.** (DELAWARE CORPORATION) Reel/Frame: ...

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4. **KPI**, (STANDARD CHARACTER MARK), 78-645794, REGISTERED, PROVIDING INFORMATION VIA THE INTERNET AND ELECTRONIC MAIL IN THE NATURE OF INTERNET SEARCH ENGINE KEYWORD PRICING (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102) NEWSLETTERS IN THE FIELD OF INTERNET SEARCH ENGINE KEYWORD PRICING (INTERNATIONAL CLASS: 16; US CLASS: 2, 22, 23, 29, 37, 38, 5, 50), 3093158, October, 2004 (INTERNATIONAL CLASS: 35; US CLASS: 100, 101, 102) October, 2004 (INTERNATIONAL CLASS: 16; US CLASS: 2, 22, 23, 29, 37, 38, 5, 50), **FATHOM ONLINE, INC.** (DELAWARE CORPORATION), 11TH FLOOR, 49 STEVENSON STREET, SAN FRANCISCO, CA 94111, AS OF May 16, 2006, © 2006, CT Corsearch. All Rights Reserved.
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
 ... February 21, 2006 Applicant: **FATHOM ONLINE, INC.** (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
FATHOM ONLINE, INC. (DELAWARE CORPORATION) ...
 ... CALIFORNIA 95054-1191 Assignor: **FATHOM ONLINE, INC.** (CORPORATION) Reel/Frame: 3310/ ...
 ... CALIFORNIA 95054-1191 Assignor: **FATHOM ONLINE, INC.** (DELAWARE CORPORATION) Reel/Frame: ...

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Terms: **ALL-OWN-ASSIGN (fathom online)** ([Edit Search](#) | [Suggest Terms for My Search](#))

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Serial Number: 78971875 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

Search Marketing Made Simple

(words only): SEARCH MARKETING MADE SIMPLE

Standard Character claim: Yes

Current Status: An office action suspending further action on the application has been mailed.

Date of Status: 2007-02-02

Filing Date: 2006-09-11

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

**Attorney Assigned:
BAKER JORDAN A Employee Location**

Current Location: L2X -TMEG Law Office 102 - Examining Attorney Assigned

Date In Location: 2007-02-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Fathom Online, Inc.

**Address:
Fathom Online, Inc.
Suite 500 33 New Montgomery Street
San Francisco 94105
United States
Legal Entity Type: Corporation**

<http://tarr.uspto.gov/servlet/tarr?regscr=serial&entry=78971875>

5/18/2007

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

Providing World Wide Web search engine marketing and advertising services, namely, designing and managing search engine marketing and advertising campaigns, and obtaining positioning of keywords and phrases on World Wide Web search engines to attract customer traffic

Basis: 1(a)

First Use Date: 2003-03-22

First Use in Commerce Date: 2003-03-22

International Class: 042

Class Status: Active

Providing data integration services for data from World Wide Web search engines and for data from third-party tracking, used for World Wide Web search engine marketing and advertising

Basis: 1(a)

First Use Date: 2003-03-22

First Use in Commerce Date: 2003-03-22

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-02-02 - Letter of suspension e-mailed

2007-02-02 - Suspension Letter Written

2007-02-01 - Assigned To Examiner

2006-09-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Ann M. Heimberger

Correspondent

ANN M. HEIMBERGER

STEEFEL, LEVITT & WEISS, P.C.

1 EMBARCADERO CTR FL 30

SAN FRANCISCO, CA 94111-3627

Phone Number: 415-788-0900

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78971875>

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