

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM462152

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Personal Communication Systems, Inc.		12/28/2017	Corporation: NORTH CAROLINA
RECEIVING PARTY DATA			
Name:	West Interactive Services Corporation		
Street Address:	11808 MIRACLE HILLS DRIVE		
City:	OMAHA		
State/Country:	NEBRASKA		
Postal Code:	68154		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	1692617	PHONE TREE	
CORRESPONDENCE DATA			
Fax Number:			
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	402-716-1253		
Email:	TNTILDEN@WEST.COM		
Correspondent Name:	WEST CORPORATION C/O TOM TILDEN		
Address Line 1:	11808 MIRACLE HILLS DRIVE		
Address Line 2:	MS W11-LEGAL		
Address Line 4:	OMAHA, NEBRASKA 68154		
NAME OF SUBMITTER:	Michael B. Johannesen		
SIGNATURE:	/Michael B. Johannesen/		
DATE SIGNED:	02/14/2018		
Total Attachments: 14			
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INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT

THIS INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT (this “IP Assignment”) is entered into as of this 28th day of December, 2017 (the “Closing Date”) pursuant and subject to that certain Amended and Restated Asset Purchase Agreement, dated December 28, 2017 (the “Purchase Agreement”), by and among Personal Communication Systems, Inc., a North Carolina corporation (the “Company”; sometimes referred to herein as “Assignor”), A.J. DiBianca, Anthony B. DiBianca, Richard Moore and West Interactive Services Corporation, a Delaware corporation (the “Assignee”). Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the Purchase Agreement.

WHEREAS, the Assignor is the owner of the Owned Intellectual Property; and

WHEREAS, the Assignor has agreed to assign, deliver and convey to the Assignee, and the Assignee has agreed to acquire from the Assignor, all right, title and interest in and to the Owned Intellectual Property, as more fully set forth below;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. ***Sale, Transfer and Assignment of the Owned Intellectual Property.*** The Assignor does, on the Closing Date and pursuant to the terms and conditions set forth in the Purchase Agreement, hereby assign, sell, transfer and convey to the Assignee and its successors and assigns, all of the Assignor’s right, title and interest in and to the Owned Intellectual Property, including without limitation, the Owned Intellectual Property identified on Schedule 1 attached hereto, together with all of the goodwill symbolized by or associated with such Owned Intellectual Property.

2. ***Binding Instrument.*** This IP Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. All representations, warranties, covenants, agreements and indemnities contained in the Purchase Agreement or any other agreement executed by the parties in connection with the transaction contemplated by the Purchase Agreement (the “Transaction Agreements”) shall survive the execution and delivery of this IP Assignment and shall continue in full force and effect, in each case, as and to the extent provided in the Transaction Agreements. If there is any conflict between the terms and provisions of this IP Assignment and those of the Purchase Agreement, the terms of the Purchase Agreement shall control.

3. ***Counterparts.*** This IP Assignment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and facsimile, photostatic and PDF copies of signatures to this IP Assignment (including copies received as attachments to electronic mail) shall be deemed to be originals and may be relied upon with the same force and effect as originals.

4. ***Governing Law.*** This IP Assignment shall be governed by and construed in accordance with the laws of the State of Delaware, without reference to the choice of law principles thereof.

5. *Amendment.* This IP Assignment may not be modified or amended without the prior written consent of the parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have executed this Intellectual Property Assignment Agreement on, and effective as of, the Closing Date.

ASSIGNOR:

PERSONAL COMMUNICATION SYSTEMS,
INC.

DocuSigned by:
By: Anthony J. DiBianca
867693190EC448E...
Name: Anthony J DiBianca
Title: CEO, President

ACKNOWLEDGED AND ACCEPTED BY:

ASSIGNEE:

WEST INTERACTIVE SERVICES
CORPORATION

By: 

Name: Jan D. Madsen

Title: Chief Financial Officer & Treasurer

Signature Page to IP Assignment

TRADEMARK
REEL: 006272 FRAME: 0908

**SCHEDULE 1
OWNED INTELLECTUAL PROPERTY**

All Owned Intellectual Property which is used or held for use in connection with the Business, including without limitation:

US and Foreign Patents and Patents Pending

Name	Document Number	Publication Type	Inventors	Jurisdiction
"METHODS AND SYSTEMS FOR SENDING REMINDERS AND NOTIFICATIONS ASSOCIATED WITH APPOINTMENT AND PROFILE DATABASES"	U.S. Patent Application No. 62/544,494		Andrew Hairston, Brian Matsik, Frank Frye, Samuel Sapp, Steve Jones, Timothy Frye, Trevor McDonald, Anthony DiBianca, Gregory Campana, Sharon Hamilton, Nathan Cramer	U.S.

US and Foreign Trademarks and Service Marks

Name	Document Number	Type	Jurisdiction
(See attached trademarks list)			

Registered Domain Names

Domain Name
phonetree.com
phonetreestaging.com
healthwaveonline.com
phonetreehosted.com
phonetreesurvey.com
voicewaveonline.com
healthwaveconnect.com
phonetreeondemand.com
phonetreeservice.com
phonetreeoffers.com
healthwaveconnect-preprod.com
my-health-info.com
voicewaveonline-preprod.com

Owned Intellectual Property - Company Software

Name
All source repositories, software assets, design collateral, and documentation used in the delivery of Company products or services or the support and maintenance thereof.

<u>Trademark</u>	<u>TM Logo</u>	<u>Country</u>	<u>Trademark Status</u>	<u>Application No</u>	<u>Application Date</u>	<u>Registration No</u>	<u>Registration Date</u>	<u>Int. Classes</u>
HEALTHWAVE CONNECT		Canada	Registered	1611457	Jan 25 2013	TMA928690	Feb 11 2016	9, 38

[9] Electrical, scientific and teaching apparatus and software [38]
Telecommunications

PRONETREE		Canada	Registered	1491689	Aug 9 2010	TMA806,685	Sep 14 2011	9, 38
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[9] Electrical, scientific and teaching apparatus and software [38]
Telecommunications

<u>ARC DESIGN</u>	<u>TM Logo</u>	<u>Country</u>	<u>Trademark Status</u>	<u>Application No</u>	<u>Application Date</u>	<u>Registration No</u>	<u>Registration Date</u>	<u>Int. Classes</u>
		United States of America	Registered	77470825	May 9 2008	3550090	Dec 23 2008	9, 38

[9] Telephone calling machines; computer communications software for the recording and subsequent transmission of voice messages by telephone [38] Electronic voice messaging services, namely, the recording and subsequent transmission of voice messages by telephone

<u>HEALTHWAVE</u>	<u>TM Logo</u>	<u>Country</u>	<u>Trademark Status</u>	<u>Application No</u>	<u>Application Date</u>	<u>Registration No</u>	<u>Registration Date</u>	<u>Int. Classes</u>
		United States of America	Registered	85556739	Feb 29 2012	4221611	Oct 9 2012	9, 38

[9] Computer communications software for the recording and subsequent transmission of messages by voice, text and email; electronic communications systems comprised of computer hardware and software for the transmission of data between two points [38]

Telecommunications services, namely, voice, text and email messaging services

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HEALTHWAVE CONNECT

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United States of America

Registered 85686624

Jul 25 2012

4656660

Dec 16 2014 9, 38

PHONE TREE

United States of America

Registered 74084122

Aug 1 1990

1692617

Jun 9 1992 9

[9] telephone calling machine

PHONETREE

PHONETREE

United States of America

Registered 78642378

Jun 2 2005

3090322

May 9 2006 9

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PHONETREE

PhonTree

United States of America

Registered 78538441

Dec 27 2004


3106199

Jun 20 2006 38

[38] Electronic voice messaging, namely, the recording and subsequent transmission of voice messages by telephone [9] computer

PHONETREE PHONETREE United
 States of Registered 85601670 Apr 18 2012 4394702 Sep 3 2013 9, 38
 America

communications software for the transmission of messages by text and/or email (dates of first use 06/17/2010); electronic communications systems comprised of computer hardware and software for the transmission of data between two points [38] Telecommunications services, namely, text and email messaging services

PHONETREE AND ARC DESIGN  United States of Registered 77470796 May 9 2008 3550086 Dec 23 2008 9, 38
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