

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM654021

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	RELEASE OF SECURITY INTEREST		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Western Alliance Bank		06/01/2021	Corporation: ARIZONA
RECEIVING PARTY DATA			
Name:	Catalogic Software, Inc.		
Street Address:	1209 Orange Street		
Internal Address:	Corporation Trust Center		
City:	Wilmington		
State/Country:	DELAWARE		
Postal Code:	19801		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 3			
Property Type	Number	Word Mark	
Registration Number:	2070604	BACKUP EXPRESS	
Registration Number:	3854263	BEX	
Registration Number:	3883617	BEX INSTANT VIRTUALIZATION	
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:	5123916177		
Email:	jray@munsch.com		
Correspondent Name:	James R Ray		
Address Line 1:	1717 W 6th St		
Address Line 2:	Suite 250		
Address Line 4:	Austin, TEXAS 78703		
ATTORNEY DOCKET NUMBER:	14199.6		
NAME OF SUBMITTER:	James Ray		
SIGNATURE:	/james ray/		
DATE SIGNED:	06/15/2021		
Total Attachments: 6			

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Western Alliance
Bank

Member FDIC

June 1, 2021

Catalogic Software, Inc.
50 Tice Blvd., Suite 110
Woodcliff Lake, NJ 07677-7654

RE: REASSIGNMENT AND RELEASE OF IP SECURITY INTEREST

This Reassignment and Release of Intellectual Property Security Interest is made as of June 1, 2021, by Western Alliance Bank, an Arizona corporation ("Bank") in favor of Catalogic Software, Inc., a Delaware corporation ("Grantor").

Grantor assigned certain interests in the patents, trademarks and copyrights (the "Intellectual Property"), to Bank under an Intellectual Property Security Agreement dated as of August 28, 2019, (as may have been amended from time to time) between Bank and Grantor (the "Agreement") and recorded with the U.S. Patent and Trademark Office and/or the U.S. Copyright Office, which is attached hereto as Exhibit A, B and C.

Bank acknowledges that Company has satisfied its obligations under the Security Agreement, and Bank hereby releases all security interests that Bank may have in the Intellectual Property and reassigns it to Company without warranty or recourse and authorizes the recordation of this Reassignment and Release of IP Security Interest with the United States Patent and Trademark Office at the expense of Grantor.

Western Alliance Bank, an Arizona corporation

By: *PJ Embalsado*
Name: PeeJay Embalsado
Title: Senior Loan Servicing Officer

Enclosures

INTELLECTUAL PROPERTY SECURITY AGREEMENT

This INTELLECTUAL PROPERTY SECURITY AGREEMENT, dated as of August 28, 2019, (the "Agreement") between WESTERN ALLIANCE BANK, an Arizona corporation ("Bank") and CATALOGIC SOFTWARE, INC., a Delaware corporation ("Grantor") is made with reference to the Loan and Security Agreement, dated as of the date hereof (as amended from time to time, the "Loan Agreement"), between Bank and Grantor. Terms defined in the Loan Agreement have the same meaning when used in this Agreement.

For good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby covenants and agrees as follows:

To secure the Obligations under the Loan Agreement, Grantor grants to Bank a security interest in all right, title, and interest of Grantor in any of the following, whether now existing or hereafter acquired or created in any and all of the following property (collectively, the "Intellectual Property Collateral"), subject to the rights set forth in the Object Code Licensed Works Agreement # 4914002934 between International Business Machines Corporation and Catalogic Software, Inc. (the "OCLWA"), and all Statements of Work created thereunder ("SOWS"), and all amendments to the OCLWA and all SOWS International Business Machines Corporation:

(a) copyright rights, copyright applications, copyright registrations and like protections in each work or authorship and derivative work thereof, whether published or unpublished and whether or not the same also constitutes a trade secret, now or hereafter existing, created, acquired or held (collectively, the "Copyrights"), including the Copyrights described in Exhibit A;

(b) trademark and servicemark rights, whether registered or not, applications to register and registrations of the same and like protections, and the entire goodwill of the business of Borrower connected with and symbolized by such trademarks (collectively, the "Trademarks"), including the Trademarks described in Exhibit B;

(c) patents, patent applications and like protections including without limitation improvements, divisions, continuations, renewals, reissues, extensions and continuations-in-part of the same (collectively, the "Patents"), including the Patents described in Exhibit C;

(d) mask work or similar rights available for the protection of semiconductor chips or other products (collectively, the "Mask Works");

(e) trade secrets, and any and all intellectual property rights in computer software and computer software products;

(f) design rights;

(g) claims for damages by way of past, present and future infringement of any of the rights included above, with the right, but not the obligation, to sue for and collect such damages for said use or infringement of the intellectual property rights identified above;

(h) licenses or other rights to use any of the Copyrights, Patents, Trademarks, or Mask Works, and all license fees and royalties arising from such use to the extent permitted by such license or rights;

(i) amendments, renewals and extensions of any of the Copyrights, Trademarks, Patents, or Mask Works; and

(j) proceeds and products of the foregoing, including without limitation all payments under insurance or any indemnity or warranty payable in respect of any of the foregoing.

The rights and remedies of Bank with respect to the security interests granted hereunder are in addition to those set forth in the Loan Agreement, 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 Agreement, 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 such rights, powers or remedies does not preclude the simultaneous or later exercise by Bank of any other rights, powers or remedies.

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

GRANTOR:

CATALOGIC SOFTWARE, INC.,
a Delaware corporation

By: 


Name: James Gelleri

Title: President and CFO

Address for Notices:
Catalogic Software, Inc.
50 Tice Blvd., Suite 110
Woodcliff Lake, NJ 07677
Attn: James Gelleri

BANK:

WESTERN ALLIANCE BANK,
an Arizona corporation

By: 

Name: Chris Perkins

Title: SVP

Address for Notices:
Attn: Note Department
55 Almaden Boulevard, Suite 100
San Jose, California 95113
Tel: (408) 556-6501
Fax: (408) 282-1681

[Signature Page to IP Security Agreement]

EXHIBIT B

TRADEMARKS

Please Check if No Trademarks Exist

Country/Codes	Trademark	Appl. No./Date	Regs. No./Date	Status
United States	BACKUP EXPRESS	74/729,469 9/15/1995	2,979,894 6/10/1997	Registered Renewal Due:
Computer software, namely a multi-platform backup utility. Class 9.				
European Community*	BEK	9971391 4/30/2010	9971391 2/23/2011	Registered Renewal Due: 4/30/2020
Back-up utility protection computer software; computer software, namely, a multi-platform back-up utility used to back up electronic data; user manuals in electronic format sold as a unit with computer software or computer programs. Class 9. Education, providing of training; entertainment; sporting and cultural activities; educational, teaching and training services relating to computers, computer hardware, computer software and computer programs; providing conferences and seminars in the field of computers, computer hardware, computer software and computer programs; consultation, advisory and information services related to all of the aforesaid services. Class 41. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software, computer services, leasing services in the fields of computers, computer hardware, computer software and computer programs; installation, maintenance, upgrade and repair of computer software and computer programs; computer programming; application service provider services; operational support services for computers, computer hardware, computer software and computer programs; consultancy, advisory and information services related to all of the aforesaid services. Class 42.				
*Countries covered: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.				
United States	BEK	77/488,538 6/3/2008	3,854,263 9/28/2010	Registered Section 8&15 Due Between: 9/28/2015-2016 Renewal Due: 9/28/2016
Computer software, namely, a multi-platform backup utility, used to backup electronic data. Class 9.				
United States	BEK Instant Virtualization	77/783,472 3/31/2009	3,883,617 11/30/2010	Registered Section 8&15 Due Between: 11/30/2015-2016 Renewal Due: 11/30/2016
Computer software, namely, a multi-platform backup utility, used to back-up and recover electronic data. Class 9.				
Malaysia	CATALOGIC	2913017416 12/24/2013	2913017416 12/24/2014	Registered Renewal Due: 12/24/2023
Computer software for data protection, namely, software for backup, recovery and disaster recovery software used to protect computer data; computer software for data management. Class 9.				
* Based on US App. No. 88/143,629				

[Signature page to IP Security Agreement]

EXHIBIT C

PATENTS

Please Check if No Patents Exist

Patent No.	Family Number	FH No.	Title	Country	Patent No.	Serial No.	Filing Date	Issue Date	Status	Notes
P4	F4	CST-0042	Method of performing a high performance backup which gains efficiency by reading input file blocks sequentially	U.S.	6,275,323	09/24/03	10/19/05	7/2/2002	Issued	4th, 8th and 12th year fees paid
P14	F30	CST-0280	System and method for high performance enterprise data protection	U.S.	7,837,547	11/063,834	12/21/2007	5/3/2011	Issued	8th year fee window opens: 05/03/2018
P17	F18	CST-0160	System and method for virtualizing backup images	U.S.	8,346,728	11/063,643	12/21/2007	1/12/2010	Issued	Published as US 20090227498; 4th year fee paid
P19	F51	CST-0510	Method for creating a consistent backup image of a storage volume without requiring a snapshot	U.S.	8,181,294	12/049,908	10/29/09	4/17/2012	Issued	4th year fee paid
P18	F52	CST-0520	Methods for migrating data in a server that remains substantially available for use during such migration	U.S.	8,738,872	13/723,925	4/2/2010	5/27/2014	Issued	Published as 20100257329
P15	F39	CST-0382	System and method for high performance enterprise data protection	U.S.	8,225,651	13/079,987	12/4/2011	8/28/2014	Issued	Continuation of US 7,837,547 (P14); Published as US 20110218998; 4th year fee window opens: 08/28/2018
P41	F51	CST-0512	Method for creating a consistent backup image of a storage volume without requiring a snapshot	U.S.	8,789,222	13/430,818	3/19/2012	7/9/2014	Issued	Continuation of US 8,181,294 (P19); 8th year fee window opens: 07/09/2017
P43	F38	CST-0380	System and method for high performance enterprise data protection	U.S.	8,708,882	13/595,515	7/23/2012	4/22/2014	Issued	Continuation of US 13/079,987 (P15)
P45	F16	CST-0162	System and method for virtualizing backup images	U.S.	9,329,941	13/595,224	11/28/2012	5/3/2015	Issued	Continuation of 11/063,643 (P17); Note provisional CIP
P57	F52	CST-0522	Methods for migrating data in a server that remains substantially available for use during such migration	U.S.	8,943,286	14/291,739	4/14/2014		Issued	Continuation of 12/723,925 (P18); 4th year fee window opens: 12/7/2019
P56	F53	CST-0534	System and method for high performance enterprise data protection	U.S.	9,115,947	14/258,839	4/21/2014	6/25/2015	Issued	Continuation of US 13/655,512 (P42)
P60	F10	CST-0183	Instant Data Center Recovery	U.S.	9,378,068	14/322,011	7/22/2014	6/28/2016	Issued	Non-Provisional of P46; CIP to 13/698,224 (P45); Published as US 2014-0217059

[Signature page to IP Security Agreement]

TRADEMARK

RECORDED: 06/15/2021

REEL: 007327 FRAME: 0300