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(Rev 5-93)

MRD 11-24-99 DRM PTO-1594	U.S. DEPARTMENT OF COMMERCE
ev 5-93)	101213764 Patent and Trademark Office
To the Honorable Commissioner of Paten	and Trademarks. Please record the attached original documents or copy thereof.
1. Name of conveying party(ies):	2. Name and address of receiving party(ies):
HARDBALL SOFTWARE, INC.	Name: infoShark, Inc.
Individual(s) citizenship:	Address: 14325 Willard Road, Suite 100 City: Chantilly State: VA Zip: 20151
Association: General Partnership: Limited Partnership: Corporation - State: DELAWARE Other: Additional name(s) of conveying party(ies) attached?	Individual(s) citizenship:  Association: General Partnership: Limited Partnership: Corporation - State: DELAWARE Other:  ] Yes [X] No  If assignee is not domiciled in the United States, a domestic representative designation is attached: [] Yes [] No
3. Nature of Conveyance:	(Designations must be a separate document from assignment)
[ ] Assignment [ ] Merger [ ] Security Agreement [X] Change of N [ ] Other	Additional name(s) & address(es) attached? [Yes [x] No
Execution Date: November 16, 1999	
4. Application number(s) or trademark number(s)	
A. Trademark Application No.(s)	B. Trademark Registration No.(s)
75/535,433 75/503,459	
75/503,454	
Addi	onal numbers attached? [] Yes [X] No
5 Name and address of party to whom correspondence document should be mailed:	6 Total number of applications and registrations involved: 3
Name: Erin O'Brien Internal Address: GRAY CARY WARE & FREIDENRIG 401 B Street, Suite 1700 San Diego, California 92101-4297	ENRICH
	7. Total fee (37 CFR 3.41) \$ 90.00 [ ] Enclosed
	[X] Authorized to be charged to deposit account
	8. Deposit account number: 07-1907

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Lrin O'Brien Name of Person Signing then Oftun-

November 23, 1999 Date

Total number of pages comprising cover sheet: [4]

Mail Documents to be recorded with required cover sheet information to:

U.S. Patent and Trademark Office, Office of Public Records

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1213 Jefferson Davis Highway, 3rd Floor Arlington, VA 22202

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> TRADEMARK **REEL: 001994 FRAME: 0856**

## FIRST AMENDMENT INTELLECTUAL PROPERTY SECURITY AGREEMENT

This First Amendment to Intellectual Property Security Agreement is entered into as of November 16, 1999, by and between IMPERIAL BANK ("Bank") and INFOSHARK, INC., a Delaware corporation ("Borrower").

## RECITALS

Borrower and Bank are parties to that certain Intellectual Property Security Agreement dated as of June 10, 1999 (the "Security Agreement") in which Borrower is referred to as "Hardball Software, Inc." Borrower has changed its name as reflected in Exhibit A attached hereto. This Amendment corrects the name of Borrower in the Security Agreement.

NOW, THEREFORE, the parties agree as follows:

- All references in the Security Agreement to "Hardball Software, Inc." shall mean and refer to "infoShark, inc."
- Unless otherwise defined, all capitalized terms in this Amendment shall be as defined in the Security Agreement. Except as amended, the Security Agreement remains in full force and effect.
- Borrower represents and warrants that the Representations and Warranties contained in the Security Agreement are true and correct as of the date of this Amendment, and that no Event of Default has occurred and is continuing.
- This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one instrument.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the first date above written.

INFOSHARK, INC. Address: 14325 Willard Road, Suite 100 Chantilly, VA 20151 IMPERIAL BANK Address: 226 Airport Parkway San Jose, CA 95110-1024 Attn: Corporate Banking Center

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## State of Delaware Office of the Secretary of State PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO BEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BARDBALL SOFTWARE, INC.", CHANGING ITS NAME FROM "BARDBALL SOFTWARE, INC." TO "INFOSEARK, INC.", FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER, A.D. 1999, AT 9 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward ). Freel, Secretary of State

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991448105

AUTHENTICATION: 0041576

DATE: 10-00-00

TRADEMARK REEL: 001994 FRAME: 0858

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 09:00 AM 10/22/1999 991448105 - 2643917

## CERTIFICATE OF AMENDMENT OF CERTIFICATE OF INCORPORATION OF HARDBALL SOFTWARE, INC.

Adopted in accordance with Section 242 of the General Corporation Law of the State of Delaware

HardBall Software, Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware (the "Corporation"), DOES HEREBY CERTIFY THAT:

1. The Board of Directors of the Corporation, pursuant to unanimous written consent and in accordance with Sections 141(f) and 242 of the General Corporation Law of the State of Delaware, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of the Corporation:

RESOLVED, that the Certificate of Incorporation of the Corporation be amended by striking out Article I thereof, and inserting the following language in lieu thereof, so that, as amended, the text of said Article shall read in its entirety as follows:

- "1. The name of the corporation is: infoShark, inc."
- 2. In lieu of a meeting and vote of the stockholders, the stockholders, pursuant to written consent, approved and adopted the amendment in accordance with the provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware. Prompt written notice has been given pursuant to Section 228 of the General Corporation Law of the State of Delaware to those stockholders who did not approve the amendment.
- 3. The foregoing amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Amendment to be signed as of the 21 day of <u>OCTOBER</u>, 1999 by a duly authorized officer, declaring that the facts herein stated are true.

Barbara Bouldin

President

\*\* TOTAL PAGE.03 \*\*

TRADEMARK
REEL: 001994 FRAME: 0859

**RECORDED: 11/24/1999**