

RECORD 1

03-04-2002

TRAI



Our Ref.: 1028-561

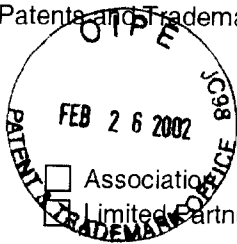
Commissioner of Patents and Trademarks
Box Assignments, Washington, DC 20231

102000007

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Diamond Head Software, Inc.

- Individual(s)
- General partnership
- Corporation-State: **Texas**
- Other: _____



2. Name and address of receiving party(ies):
Name: **Hummingbird USA Inc.**

Internal Address: _____
Street Address: **25 Burlington Mall Road**

City: **Burlington**
State/Country: **MA**
Zip: **01803**

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State **Delaware**
- Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

3. Nature of conveyance:

- Assignment**
- Security Assignment
- Other: _____
- Merger
- Change of Name

Execution Date: **February 15, 2000**

Designations must be a separate document from Assignment)

Additional name/s & address/es attached Yes No

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Trademark Application No.(s)
(1) _____
(2) _____
(3) _____

B. Trademark Registration No.(s)
(1) **1,917,682**
(2) _____
(3) _____

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Duane M. Byers**
Internal Address: _____
Street Address: **Nixon & Vanderhye P.C.**
1100 North Glebe Road
8th Floor
City **Arlington** State: **VA** Zip: **22201**

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00
 Enclosed
 Authorized to be charged to deposit account #14-1140

8. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our **Account No. 14-1140**.

DO NOT USE THIS SPACE

9. Statements 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.

Duane M. Byers
Name of Person Signing

Signature

February 26, 2002
Date

Total number of pages including cover sheet, attachments and document: 4

03/01/2002 TDIAZ1 00000104 1917682

01 FC:581

40.00 OP

ASSIGNMENT OF TRADEMARKS

WHEREAS, **DIAMOND HEAD SOFTWARE, INC.**, a ^{Texas}~~Hawaiian~~ corporation, having a place of business at 1217 Digital Drive, Suite 125, Richardson, TX 75081 (hereinafter "ASSIGNOR") is the owner of the entire right, title and interest in and to the trademarks and registration set forth in Schedule A (all collectively hereinafter referred to as the "Diamond Head Trademarks") and all goodwill associated therewith; and

WHEREAS, **HUMMINGBIRD USA INC.**, a Delaware corporation having a place of business at 25 Burlington Mall Road, Burlington, MA 01803 (hereinafter "ASSIGNEE"), desires to acquire all of ASSIGNOR's right, title and interest in and to the Diamond Head Trademarks and all goodwill associated therewith;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR hereby assign nunc pro tunc unto the ASSIGNEE all of ASSIGNOR's right, title and interest in and to the Diamond Head Trademarks, and including all common law rights, in the United States of America and all other countries and jurisdictions of the world, together with the goodwill necessary to assign the Diamond Head Trademarks.

The date of this Assignment is February 15, 2000.

DIAMOND HEAD SOFTWARE, INC.

By: William J Burke
Name: William Burke
Title: President

SCHEDULE A - TRADEMARKS

1. IMAGEBASIC and its corresponding U.S. Trademark Registration 1,917,682 registered September 12, 1995
2. TEMPEST
3. TEMPEST STORAGE MANAGEMENT SERVER
4. TEMPEST DISTRIBUTED CACHE SERVER
5. DIAMOND VIEW
6. IMAGEBASIC FOR THE WEB