



102416258

Form PTO-1595 (Rev. 03-01)

OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

Tab settings

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

1. Name of conveying party(ies):

NextSet Software, Inc.

2. Name and address of receiving party(ies)

Name: Simon A. Yencken

Internal Address:

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other Amendment No. 2 to Patent Security Agreement

Street Address: 1421 Emerson Street

City: Palo Alto State: CA Zip: 94301

Execution Date: January 30, 2003

Additional name(s) & address(es) attached? Yes No

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

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

A. Patent Application No.(s)

09/815,480; 09/946,742

B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: Michelle D. Kahn, Esq.

Internal Address:

Street Address: Sheppard Mullin Richter & Hampton LLP

4 Embarcadero Center, Floor 17

City: San Francisco State: CA Zip: 94111

6. Total number of applications and patents involved: 2

7. Total fee (37 CFR 3.41) \$ 80.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

FINANCE SECTION APR 10 11 37 AM '03

DO NOT USE THIS SPACE

9. Signature.

Michelle D. Kahn, Esq.

Name of Person Signing

Signature

April 7, 2003

Date

Total number of pages including cover sheet, attachments, and documents: 2

04/10/2003 DBYRNE 00000171 09815480

01 FC:8021

80.00 09

Mail documents to be recorded with required cover sheet information to: Commissioner of Patents & Trademarks, Box Assignments Washington, D.C. 20231

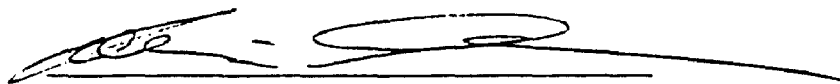
# AMENDMENT NO. 2 TO PATENT SECURITY AGREEMENT

On September 13, 2001, Simon A. Yencken ("Yencken") and NextSet Software Inc., a Delaware corporation ("Debtor"), executed an agreement entitled Patent Security Agreement (the "Agreement"). The Agreement was amended on June 26, 2002. In addition to Debtor and Yencken, each other holder of a Secured Convertible Promissory Note issued by Debtor from time to time shall also be parties to the Agreement. Terms which are defined in the Agreement and which are not separately defined in this Amendment No. 1 to the Agreement are used with the definitions given to them in the Agreement.

The Agreement is hereby amended to increase the \$10,000,000 amount set forth in Section 2 of the Agreement, as amended, to \$15,000,000.

Except as modified herein, the Agreement remains in full force and effect.

In witness whereof, this Amendment No. 2 to the Agreement has been duly executed as of January 30, 2003.



Simon A. Yencken

NextSet Software Inc.,  
a Delaware corporation

By:



Felix McKnight

[Printed Name]

Title:

Corporate Counsel

RECORDATION FORM COVER SHEET  
PATENTS ONLY

OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings

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

1. Name of conveying party(ies):

NextSet Software, Inc.

2. Name and address of receiving party(ies)

Name: Simon A. Yencken

Internal Address:

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other Amendment No. 2 to Patent Security Agreement

Street Address: 1421 Emerson Street

City: Palo Alto State: CA Zip: 94301

Execution Date: January 30, 2003

Additional name(s) & address(es) attached?  Yes  No

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

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

A. Patent Application No.(s)  
09/815,480; 09/946,742

B. Patent No. (s)

Additional numbers attached?  Yes  No

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

Name: Michelle D. Kahn, Esq.

Internal Address:

Street Address: Sheppard Mullin Richter & Hampton LLP

4 Embarcadero Center, Floor 17

City: San Francisco State: CA Zip: 94111

6. Total number of applications and patents involved: 2

7. Total fee (37 CFR 3.41).....\$ 80.00

- Enclosed
- Authorized to be charged to deposit account

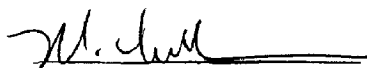
8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature.

Michelle D. Kahn, Esq.

Name of Person Signing



Signature

April 7, 2003

Date

Total number of pages including cover sheet, attachments, and documents: 2

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

415-774-2953  
mkahn@sheppardmullin.com

April 4, 2003

Our File Number: 0ZRH-072069

***EXPRESS MAIL***

Commissioner of Patents and Trademarks  
Box Assignment  
Washington, D.C. 20231

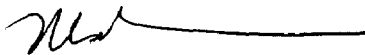
Re: Amendment No. 2 to Patent & Trademark Security Agreements  
In the names of:  
Assignor: NextSet Software, Inc.  
Assignee: Simon A. Yencken  
Our Reference No.: 0ZRH-072069

Dear Mssrs.:

Enclosed herewith please find for recordation by your office Amendments to the pre-existing Patent & Trade Mark Security Agreements (Reel & Frame Nos. 013087/0385 & 002544/0593 respectively). The required Patent & Trade Mark Recordation Form Cover Sheets have been attached.

Two checks totaling \$495.00 (\$80.00 and \$415.00) have been enclosed for payment of the filing fees. Please charge any additional fees or make any credits to Deposit Account No. 501395.

Very truly yours,



Michelle D. Kahn

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W97-SF:FKM\61362224.1  
Enclosures

cc: Avital Elad, Esq.  
William Manierre, Esq.