

PATENT ASSIGNMENT

Electronic Version v1.1
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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	07/01/2005

CONVEYING PARTY DATA

Name	Execution Date
Notiva Corporation	07/18/2005

RECEIVING PARTY DATA

Name:	PerformanceRetail, Inc.
Street Address:	6500 River Place Blvd
Internal Address:	Building 2, Suite 101
City:	Austin
State/Country:	TEXAS
Postal Code:	78730

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	11028489

CORRESPONDENCE DATA

Fax Number: (415)576-0300
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: (650) 326-2400
 Email: tfw@townsend.com
 Correspondent Name: William L. Shaffer
 Address Line 1: Two Embarcadero Center
 Address Line 2: Eighth Floor
 Address Line 4: San Francisco, CALIFORNIA 94111-3834

ATTORNEY DOCKET NUMBER:	021756-027210US
NAME OF SUBMITTER:	William L. Shaffer

Total Attachments: 3

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CERTIFICATE OF MERGER
MERGING
NOTIVA CORPORATION
WITH AND INTO
PERFORMANCERETAIL, INC.

Pursuant to Section 251 of the General Corporation Law of
the State of Delaware

PerformanceRetail, Inc., a Delaware corporation, does hereby certify in connection with the merger of Notiva Corporation with and into PerformanceRetail, Inc. (the "Merger") that:

FIRST: The name and state of incorporation of each of the constituent corporations to the Merger are:

- (a) Notiva Corporation, a Delaware corporation ("Notiva"); and
- (b) PerformanceRetail, Inc., a Delaware corporation ("PerformanceRetail").

SECOND: An Agreement and Plan of Merger dated as of July 1, 2005 (the "Merger Agreement") by and between PerformanceRetail and Notiva has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the Delaware General Corporation Law (the "DGCL").

THIRD: The name of the surviving corporation is PerformanceRetail, Inc., which will continue its existence as under its present name upon the effective date of the Merger.

FOURTH: The amended and restated certificate of incorporation of PerformanceRetail shall continue as the certificate of incorporation of the surviving corporation.

FIFTH: The executed Merger Agreement is on file at the principal place of business of the surviving corporation at the following address:

4616 W. Howard Lane
Suite 140
Austin, Texas 78728

SIXTH: A copy of the Merger Agreement will be furnished by the surviving corporation, on request and without cost, to any stockholder of either constituent corporation.

SEVENTH: This Certificate of Merger and the Merger provided for herein between the constituent corporations shall be effective at the time of filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

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IN WITNESS WHEREOF, this Certificate of Merger has been signed on behalf of the surviving corporation to the Merger by a duly authorized officer on July 18, 2005.

PERFORMANCERETAIL, INC.

By: /s/ MARC H. HAFNER
Marc H. Hafner,
President and Chief Executive Officer

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RECORDED: 09/07/2006

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