

Form PTO-1595 (Rev. 03-09)  
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U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

## RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office Please record the attached documents or the new address(es) below.

### 1. Name of conveying party(ies)

Silicon Valley Bank

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

### 3. Nature of conveyance/Execution Date(s):

Execution Date(s) June 16, 2009

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☒ Other RELEASE OF SECURITY INTEREST

### 2. Name and address of receiving party(ies)

Name: MusicNow, Inc.

Internal Address: \_\_\_\_\_

Street Address: 247 South State Street

Suite 1220

City: Chicago

State: Illinois

Country: USA Zip: 60604

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

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

A. Patent Application No.(s)

60/151,714  
09/709,772  
09/649,981

☐ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Patent Administrator

Internal Address: Katten Muchin Rosenman, LLP

Street Address: 2900 K Street NW - Suite 200

City: washington

State: DC Zip: 20007-5118

Phone Number: 312-902-5200

Fax Number: 312-902-1061

Email Address: Michael.Tomsa@Kattenlaw.com

### 6. Total number of applications and patents involved: 3

### 7. Total fee (37 CFR 1.21(h) & 3.41) \$ \_\_\_\_\_

- ☒ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

### 8. Payment Information

The Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-1214.

Deposit Account Number 50-1214

Authorized User Name Michael S. Tomsa

### 9. Signature:

/Michael S. Tomsa/

Signature

June 24, 2009

Date

Michael S. Tomsa

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 6

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

## RELEASE OF SECURITY INTEREST

This release of security interest is made and executed by Silicon Valley Bank, a California chartered bank ("SVB") in favor of MusicNow, Inc., a Delaware corporation ("MusicNow").

A. SVB loaned money to MusicNow, and MusicNow granted SVB a security interest in all of MusicNow's intellectual property assets to secure indebtedness and obligations of MusicNow to SVB.

B. SVB recorded its security interest as follows:

<u>Debtor</u>	<u>Secured Party</u>	<u>Execution Date</u>	<u>Reel/Frame</u>	<u>Recordation Date</u>
MusicNow, Inc.	Silicon Valley Bank	1/8/2004	014981/0766	2/17/2004

NOW, THEREFORE, for valuable consideration received, by its execution of this Release of Security Interest, SVB hereby confirms that effective January 26, 2005, it irrevocably and unconditionally released all right, title and interest in all of the following:

(a) the patents and patent applications described in the table below (the "Patents");

<u>Patent or Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Title of Patent and First Named Inventor</u>
6,879,865	US	8/29/2000	Structure and method for selecting, controlling and sending internet-based or local digital audio to an am/fm radio or analog amplifier  Stephen C. Gladwin
09/709,772	US	11/8/2000	Structure and method for selecting, controlling and sending internet-based or local digital audio to an am/fm radio or analog converter  Stephen C. Gladwin
60/151,714	US	8/31/1999	Structure and method for selecting, controlling and sending internet-based or local digital audio to an am/fm radio or analog converter  Stephen C Gladwin

- (b) all patents and patent applications (i) to which any of the Patents directly or indirectly claims priority, (ii) for which any of the Patents directly or indirectly forms a basis for priority, and/or (iii) that directly or indirectly incorporate by reference, or are directly or indirectly incorporated by reference into, the Patents;
- (c) all reissues, reexaminations, extensions, continuations, continuations in part, continuing prosecution applications, requests for continuing examinations, divisions, registrations of any item in any of the foregoing categories (a) and (b);
- (d) all non-United States patents, patent applications, and counterparts relating to the Patents or any item in any of the foregoing categories (a) through (c), including, without limitation, certificates of invention, utility models, industrial design protection, design patent protection, other governmental grants or issuances, and any rights to apply in any or all countries of the world for patents, certificates of invention, utility models, industrial design protections, design patent protections, or governmental grants or issuances of any type related to any of the Patents and the inventions, invention disclosures, and discoveries therein;
- (e) inventions, invention disclosures, and discoveries described in any of the Patents of any item in the foregoing categories (a) through (d);
- (f) all rights to apply in any or all countries of the world for patents, certificates of invention, utility models, industrial design protections, design patent protections, or other governmental grants or issuances of any type related to any item in any of the foregoing categories (a) through (e), including, without limitation, under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperation Treaty, or any other convention, treaty, agreement, or understanding;
- (g) causes of action (whether known or unknown or whether currently pending, filed, or otherwise) and other enforcement rights under, or on account of, any of the Patents and/or the rights described in the above subparagraphs (a) through (f), including, without limitation, all causes of action and other enforcement rights for
  - (i) damages,
  - (ii) injunctive relief, and
  - (iii) any other remedies of any kindfor past, current and future infringement; and
- (h) all rights to collect royalties and other payments under or on account of any of the Patents and/or any item in any of the foregoing categories (a) through (g).

If necessary or desired, SVB hereby authorizes MusicNow's authorized representative to file UCC Financing Statement Amendment(s) with the applicable filing office(s) in order to memorialize the release of any security interest by SVB.

This Release is governed by the law of the State of Delaware, excluding its choice of law principles to the contrary. This Release shall be binding upon and inures to the benefit of the parties and their respective successors and assigns with respect to the Patents (including any purchaser). To the extent a court of competent jurisdiction would apply the law of the State of California notwithstanding the express selection of the laws of the State of Delaware, SVB acknowledges and waives the benefit of Section 1542 of the California Civil Code, or laws of any other jurisdiction to similar effect, and hereby acknowledges that a general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor..

IN WITNESS WHEREOF, the undersigned has executed this Release of Security Interest on this 16th day of June 2009.

Silicon Valley Bank

By: Anne M. Bongji

Name: Anne M. Bongji

Its: Senior Counsel