

PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	10/24/2008
CONVEYING PARTY DATA	
Name	Execution Date
Blue Martini Software, Inc.	10/24/2008
RECEIVING PARTY DATA	
Name:	Escalate, Inc.
Street Address:	20700 Swenson Drive
City:	Waukesha
State/Country:	WISCONSIN
Postal Code:	53186
PROPERTY NUMBERS Total: 1	
Property Type	Number
Patent Number:	6404445
CORRESPONDENCE DATA	
Fax Number:	(212)859-4000
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	212-859-8000
Email:	Michael.Chen@ffhsj.com, teas@ffhsj.com
Correspondent Name:	Michael Chen
Address Line 1:	One New York Plaza
Address Line 2:	Fried Frank LLP
Address Line 4:	New York, NEW YORK 10004
ATTORNEY DOCKET NUMBER:	33386-2
NAME OF SUBMITTER:	Michael Chen

Total Attachments: 4

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Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"BLUE MARTINI SOFTWARE, INC.", A DELAWARE CORPORATION, WITH AND INTO "ESCALATE, INC." UNDER THE NAME OF "ESCALATE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWELFTH DAY OF NOVEMBER, A.D. 2008, AT 4:07 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008.

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

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You may verify this certificate online
at corp.delaware.gov/authver.shtml



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 6974763

DATE: 11-19-08

PATENT
REEL: 025899 FRAME: 0228

STATE OF DELAWARE
CERTIFICATE OF OWNERSHIP

SUBSIDIARY INTO PARENT
Section 253

CERTIFICATE OF OWNERSHIP
MERGING
BLUE MARTINI SOFTWARE, INC.
INTO
ESCALATE, INC.

(Pursuant to Section 253 of the General Corporation Law of Delaware)

Escalate, Inc., a corporation incorporated on the 14th day of September, 1990, pursuant to the provisions of the General Corporation Law of the State of Delaware (the "*Corporation*");

DOES HEREBY CERTIFY that the Corporation owns at least 90% of the capital stock of Blue Martini Software, Inc., a corporation incorporated on the 12th day of January, 1999 A.D., pursuant to the provisions of the Delaware General Corporation Law, and that the Corporation, by a resolution of its Board of Directors duly adopted at a meeting held on the 24th day of October, 2008 A.D., determined to and did merge into itself said Blue Martini Software, Inc., which resolution is in the following words to wit:

WHEREAS, the Corporation lawfully owns 100% of the outstanding stock of Blue Martini Software, Inc., a corporation organized and existing under the laws of the State of Delaware;

WHEREAS, the Corporation desires to merge into itself Blue Martini Software, Inc., and to be possessed of all the estate, property, rights, privileges and franchises of said corporation; and

WHEREAS, the Corporation desires the effective date of the merger to be December 31, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Corporation merge into itself Blue Martini Software, Inc. and assumes all of its liabilities and obligations;


FURTHER RESOLVED, that the effective date of the merger shall be December 31, 2008;

FURTHER RESOLVED, that an authorized officer of the Corporation be and hereby is directed to make and execute a certificate of ownership setting forth a copy of the resolution to merge Blue Martini Software, Inc. and assume its liabilities and obligations, and the date of adoption thereof, and to file the same in the office of the Secretary of State of Delaware; and

FURTHER RESOLVED, that the officers of the Corporation be and they hereby are authorized and directed to do all acts and things whatsoever, whether within or without the State of Delaware; which may be in any way necessary or proper to effect said merger.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Corporation has caused its corporate seal to be affixed and this certificate to be signed by an authorized officer this 24th day of October, 2008 A.D.

By: 
Authorized Officer

Name: Stewart Bloom

Title: Chief Executive Officer