



## ASSIGNMENT AND AGREEMENT

For value received, we, Gerald G. Pechanek of the City of Cary, State of North Carolina; and Edwin F. Barry of the City of Cary, State of North Carolina hereby sell, assign and transfer to Billions of Operations Per Second, Inc., a corporation of the State of North Carolina, having an office at 6340 Quadrangle Drive, Suite 210, Chapel Hill, North Carolina 27514, U.S.A., and its successors, assigns and legal representatives, hereinafter collectively Billions of Operations Per Second, Inc., the entire right, title and interest, for the United States of America, in and to certain inventions related to **METHODS AND APPARATUS FOR DYNAMICALLY MERGING AN ARRAY CONTROLLER WITH AN ARRAY PROCESSING ELEMENT**, described in an application for Letters Patent of the United States, which was filed on October 9, 1998 as Serial No. 09/169,072, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Billions of Operations Per Second, Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Billions of Operations Per Second, Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Billions of Operations Per Second, Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Billions of Operations Per Second, Inc. in the United States and to Billions of Operations Per Second, Inc. in all countries foreign to the United States, or to such nominees as it may designate.

We agree that, when requested, we shall, without charge to Billions of Operations Per Second, Inc. but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

Gerald G. Pechanek  
Gerald G. Pechanek

Date: 11/30/98

United States of America )  
State of North Carolina ) ss:  
County of )

On this 30th day of NOVEMBER, 19 98, before me personally came Gerald G. Pechanek, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Claudia A. Mello  
Notary Public

My Commission Expires: 2/3/03

Juan G. Revilla  
Juan G. Revilla

Date: 12/3/98

United States of America )  
State of North Carolina ) ss:  
County of )

On this SRD day of DECEMBER, 19 98, before me personally came Juan G. Revilla, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Claudia A. Mello  
Notary Public

My Commission Expires: 2/3/03