

10-12-1999

Docket No.: 533/044

FORM PTO-1595 (Modified)
(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)
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P08/REV02



R SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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

1. Name of conveying party(ies):
Tom Giammaressi

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

Name: **DIVA System Corporation**

Internal Address: _____

Additional names(s) of conveying party(ies) ☐ Yes ☒ No3. Nature of conveyance: **MRO 9-28-99**☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other _____Execution Date: **8/30/99**Street Address: **800 Saginaw Drive**City: **Redwood City** State: **CA** ZIP: **94063**Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: **8/30/99**

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: **Thomason, Moser and Patterson**

Internal Address: _____

Street Address: **2 Bridge Avenue****P.O. Box 8160**City: **Red Bank** State: **NJ** ZIP: **07701**6. Total number of applications and patents involved: **1**7. Total fee (37 CFR 3.41):.....\$ **40.00**☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

8. Deposit account number:

20-0782

10/06/1999 DMSUYEN 00000187 200782 09406353

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Eamon J. Wall

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document:

3

PATENT
REEL: 010290 FRAME: 0331

ASSIGNMENT FOR APPLICATION FOR PATENT

WHEREAS:

Names and Addresses of Inventors:

- 1) Tom Giammaressi
30567 DelValle Place, Union City, CA 94587
- 2)
- 3)
- 4)
- 5)
- 6)

(hereinafter referred to as Assignors), have invented a certain invention entitled:

SERVICE RATE CHANGE METHOD AND APPARATUS

for which application for Letters Patent in the United States was executed on even date herewith; and

WHEREAS, DIVA Systems Corporation, a corporation of the State of California, having a place of business at 333 Ravenswood Avenue, Menlo Park, CA 94025 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said application (hereinafter referred to as Application), and the invention disclosed therein (hereinafter referred to as Invention), and in and to all embodiments of the Invention, heretofore conceived, made or discovered by said Assignors, and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter referred to as Patents) thereon granted in any and all countries and groups of countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Assignors to have been received in full from said Assignee:

1. Said Assignors hereby sell, assign, transfer and convey to Assignee the full and exclusive right, title and interest (a) in and to said Application and said Invention; (b) in and to all rights to apply for patents on said Invention in any and all countries pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all Applications filed and any and all Patents granted on said Invention in any and all countries and groups of countries, including each and every Application filed and each and every Patent granted on any application which is a division, substitution, or continuation of said Application; and (d) in and to each and every reissue or extension of any of said Patents.

2. Said Assignors hereby covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest to said Invention herein conveyed in any and all countries and groups of countries. Such cooperation by said Assignors shall include prompt production of pertinent facts and documents, giving testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said Invention; (d) for filing and prosecuting applications for

reissuance of any of said Patents; (e) for interference or other priority proceedings involving said Invention; and (f) for legal proceedings involving said Invention and any application therefor and any Patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Assignors in providing such cooperation shall be paid for by said Assignee.

3. The term and covenants of this agreement shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Assignors, their respective heirs, legal representatives and assigns.

4. Said Assignors hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Assignors have executed and delivered this instrument to said Assignee on the dates indicated below.

1)	<u>8/30/99</u> Date	<u>Tom Giammaresi</u> Tom Giammaresi
2)	_____ Date	_____
3)	_____ Date	_____
4)	_____ Date	_____
5)	_____ Date	_____
6)	_____ Date	_____

**SIGN
HERE**
Tom