

mdp
10-29-99

ASSIGNMENT

11-12-1999



SHEET

Patents Only

To the Honorable Commissioner of Patents and

101199065

October 29, 1999

Attorney Dkt: RAL9-99-0103

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Gordon Taylor Davis
Ajay Dholakia
Dongming Hwang
Malcolm Scott Ware
Hua Ye

Additional name(s) of conveying party(ies) attached? ___ Yes X No

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

International Business Machines Corporation
Old Orchard Road
Armonk, New York 10504

Additional name(s) & address(es) attached? ___ Yes X No

3. Nature of conveyance:

X Assignment
___ Merger
___ Security Agreement
___ Change of Name
___ Other _____

Execution Date: October 27, 1999

4. Application Serial No. _____

Patent No. 09/430217

If this document is being filed together with a new application, the execution date of the application is: October 27, 1999

Additional numbers attached? ___ Yes X No

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

John D. Flynn
IBM Corp., IP Law
Department 972/Building 656
Post Office Box 12195
Research Triangle Park, NC 27709

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

___ Enclosed

X Authorized to be charged to deposit account

8. Deposit account number: 09-0464

(Attach duplicate copy of this page if paying by deposit account)

11/10/1999 JSHABQZZ 00000024 090464 09430217

01 FC:581

(40.00 CH)

DO NOT USE THIS SPACE

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.

Mitchell S. Bigel, Reg. #29,614

Signature

Date

Total number of pages including cover sheet, attachments and document: 7

ASSIGNMENT

THIS ASSIGNMENT, made by us, **Gordon Taylor Davis**, a citizen of the United States of America, residing at 97603 Franklin Ridge, Chapel Hill, North Carolina; **Ajay Dholakia**, a citizen of India, residing at Obstgartenstrasse 16, Gattikon CH 8136, Switzerland; **Dongming Hwang**, a citizen of Taiwan, residing at 210 Hunters Crossing, Cary, North Carolina; **Malcolm Scott Ware**, a citizen of the United States of America; residing at 4605 Gamelyn Walk, Raleigh, North Carolina; and **Hua Ye**, a citizen of the Republic of China, residing at 3912 Springstop Lane, Durham, North Carolina,

WITNESSETH: That,

WHEREAS, we are the inventors of certain new and useful improvements in **SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR IDENTIFYING DIGITAL IMPAIRMENTS IN MODEMS BASED ON CLUSTERS AND/OR SKIPS IN PULSE CODE MODULATION SIGNAL LEVELS** for which an application for United States Letters Patent has been executed by us concurrently herewith, and

WHEREAS, International Business Machines Corporation (hereinafter referred to as "IBM"), a New York corporation having a principal place of business at Armonk, New York 10504, hereinafter referred to as assignee, is desirous of acquiring the entire right, title, and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as

RAL9-99-0103


fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.


We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 27 day of October, 1999.

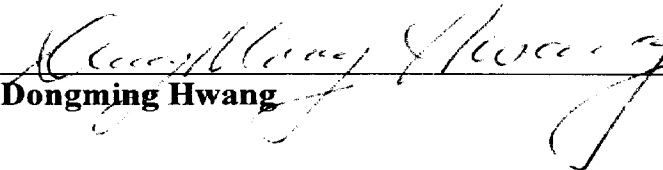
 (SEAL)
Gordon Taylor Davis

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 27th
day of October, 1999.

 (SEAL)
Ajay Dholakia

RAL9-99-0103

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 27
day of October, 1999.


Dongming Hwang (SEAL)

RAL9-99-0103

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 27th
day of October, 1999.

Malcolm Scott Ware (SEAL)
Malcolm Scott Ware

RAL9-99-0103

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 27th
day of Oct., 1999.

Hua Ye (SEAL)
Hua Ye

RAL9-99-0103