

MND  
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04-18-2000



Form PTO-1595  
6-93

101324253  
PATENTS ONLY

U.S. Department of Commerce  
Patent and Trademark Office

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

1. Name of conveying party(ies):

Ian Kenneth Shepherd

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

Name: SWYCHCO INFRASTRUCTURE SERVICES PTY LTD

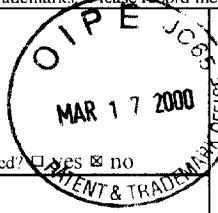
Street Address: Level 40, 368 Bourke Street

City: Melbourne State: Victoria

Zip Code:

Country: Australia

Additional name(s) of conveying party(ies) attached?  yes  no



3. Nature of Conveyance:

- Deed of Assignment
- Security Agreement
- Other Correct Assignment previously recorded at reel 8890, frame 0927, to delete assignee
- Merger
- Change of Name

Additional name(s) & address(es) attached?  yes  no

Execution Date(s):

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

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

A. Patent Application No(s): 08/870,691

B. Patent No(s).

Additional numbers attached?  yes  no

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

Name: **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

Internal Address: c/o Robert Sokohl

Street Address: 1100 New York Ave., N.W.  
Suite 600

City: Washington State: D.C. Zip Code: 20005-3934

6. Total number of applications and patents involved

7. Total fee (37 C.F.R. § 3.41).....\$ 40.00

Enclosed

Authorized to be charged to Deposit Account

8. Deposit Account Number: 19-0036

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.*

Robert Sokohl  
Name of Person Signing  
Registration No. 36,013

Signature

3/17/00

Date

Total number of pages including cover sheet, attachments and document

OMB NO 0651-0011 (exp.4/94)

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents and Trademarks, Box Assignments  
Washington, D.C. 20231

RES/mmb  
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SKGF Rev 4/16/96

04/17/2000 DNGUYEN 00000222 08870691

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40.00 OP

PATENT  
REEL: 010690 FRAME: 0266

**NOTARIAL CERTIFICATE**



I, JOHN GORDON HINDE, Notary Public, of Level 32, 31 Market Street, Sydney, New South Wales, 2000, hereby certify that the annexed is a true copy of the following document, the original of which I have seen:

**DEED OF ASSIGNMENT:**

**BETWEEN**

**IAN KENNETH SHEPHERD** of 6 Hopetoun Road, Toorak in the State of Victoria ("Shepherd")

-and-

**SWYCHCO INFRASTRUCTURE SERVICES PTY LTD** (ACN 069 586 036) of Level 40, 386 Bourke Street, Melbourne, in the State of Victoria ("SIS")

-and-

**SWYCHCO SUPPORT SERVICES PTY LTD** (ACN 003 582 214) (formerly Bonjade Pty Ltd) care of James C Hayward & Co, Level 8, 19 Pitt Street, Sydney, in the State of New South Wales ("SSS").

DATED this Twenty-first Day of November 1997

  
\_\_\_\_\_  
JOHN GORDON HINDE  
Notary Public

JOHN GORDON HINDE  
NOTARY PUBLIC  
LEVEL 32  
31 MARKET ST  
SYDNEY NSW AUSTRALIA

[N:\LIBHH]00582:lam

**PATENT**  
**REEL: 010690 FRAME: 0267**

DEED OF ASSIGNMENT OF PATENTS

THIS DEED is made the *30th* day of *October* 1997

BETWEEN

IAN KENNETH SHEPHERD of 6 Hopetoun Road, Toorak in the State of Victoria ("Shepherd")

AND

SWYCHCO INFRASTRUCTURE SERVICES PTY LTD ACN 069 586 036 of Level 40, 386 Bourke Street, Melbourne in the State of Victoria ("SIS")

AND

SWYCHCO SUPPORT SERVICES PTY LTD (ACN 003 582 214) (formerly Bonjade Pty Ltd) care of James C Hayward & Co, Level 8, 19 Pitt Street, Sydney in the State of New South Wales ("SSS")

WHEREAS:

A. Shepherd has made, and is entitled to the benefit of:

- (i) the basic applications for the protection of inventions;
- (ii) the national applications for the protection of inventions, whether or not proceeding via the Patent Co-operation Treaty signed at Washington on 19 June 1970, as that Treaty is in force in Australia from time to time;
- (iii) the international applications for the protection of inventions filed under the Patent Co-operation Treaty,

set out in the Schedule (in this Deed together and separately called "the Applications", which term includes any national and regional applications made therefrom and any national or regional patents granted therefrom); and

- (iv) letters patent granted in New Zealand as set out in the Schedule (in this Deed together and separately called "the Patent").

- B SIS is entitled to the legal and beneficial ownership of the Patent and the Applications by virtue of:
- (i) the option granted by Shepherd to SIS pursuant to clause 10 of a Supplemental Investment Agreement dated 9 December 1996 between Ian Kenneth Shepherd, SSS, NAB, SIS and The Partnership Group Pty Ltd; and
  - (ii) the holding by Shepherd of certain Applications on constructive trust in favour of SIS, in circumstances where SIS is and has always been the beneficial owner of the Applications.
- C. Shepherd has agreed to assign the Patent and the Applications to SIS on the following terms.

**NOW THIS DEED WITNESSES:**

1. In consideration for the assignment by Shepherd to SIS of Shepherd's whole reversionary or residual right, title and interest in and to the Patent and the Applications, SIS shall pay to Shepherd the sum of \$250 which the parties acknowledge and agree is the fair value of those rights.
2. Shepherd hereby assigns to SIS absolutely his whole reversionary or residual right, title and interest in and to:
  - (a) the Patent and the Applications;
  - (b) the inventions described in the said Patent and Applications from time to time;
  - (c) any patents issuing on the Applications;

- (d) all rights, liberties and immunities arising or to arise from the Patent, Applications and any patents issuing on such Applications (as far as the same would but for this Assignment arise or accrue to the benefit of Shepherd) including without limiting the foregoing, the right to sue for infringement occurring prior to the date of this Assignment;
  - (e) The right to apply for or obtain corresponding letters patent for the inventions the subject of the Patent in any country in the world claiming priority from the Patent and any divisionals, continuations and continuations-in-part of the Patent so far as the same may be recognised, and the right to make further applications in all parts of the world in respect of the inventions described in the Applications and in connection therewith to claim the same priority date as is claimed in the Applications and any divisionals, continuations or continuations-in-part;
  - (f) All right, title and interest in such corresponding letters patent and further applications.
3. Shepherd hereby undertakes at the expense of SIS to do all acts and execute all documents necessary or desirable for further assuring the title of SIS in the benefit of the Patent and the Applications to the intent that in the case of the Applications, any letters patent which would have issued out of the said Applications in the name of Shepherd shall issue in the name of SIS. Shepherd will do all acts, execute all documents and procure the making of any declarations or oaths necessary or required by law and will comply with any other matter or thing in order to confer title to the Patent and any letters patent granted on the Applications to SIS or to ensure that such Application shall proceed in the name of SIS and in the case of default, Shepherd hereby appoints the nominee of SIS its attorney for such purpose.
4. SSS hereby consents to the assignment by Shepherd to SIS of Shepherd's whole reversionary or residual right, title and interest in the Patents and the Applications, and assigns to SIS, SSS's whole reversionary or residual right, title and interest in the Patents and the Applications.

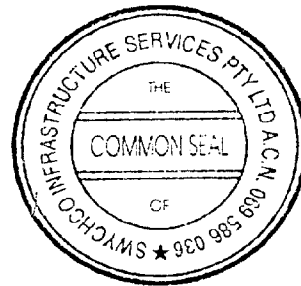
IN WITNESS WHEREOF the parties have executed this Deed the date and year hereinbefore written.

SIGNED, SEALED AND DELIVERED )  
by IAN KENNETH SHEPHERD in the )  
presence of: )

*[Handwritten signature]*  
.....

*[Handwritten signature]*  
.....  
Witness

THE COMMON SEAL of SWYCHCO )  
INFRASTRUCTURE SERVICES PTY )  
LTD ACN 069 586 036 was hereunto )  
affixed in accordance with its Articles of )  
Association in the presence of: )



*[Handwritten signature]*  
.....  
Director

*[Handwritten signature]*  
.....  
Director/Secretary

THE COMMON SEAL of SWYCHCO )  
SUPPORT SERVICES PTY LTD ACN )  
003 582 214 was hereunto affixed in )  
accordance with its Articles of Association )  
in the presence of: )

*[Handwritten signature]*  
.....  
Director

*[Handwritten signature]*  
.....  
Director/Secretary

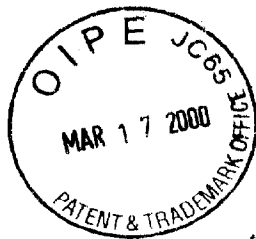
SCHEDULE

Country	Application No.	Patent No.	Filing Date	Priority Date(s)	Applicant/ Patentee
Australia	PM9922		07.12.94		Ian Kenneth Shepherd
Australia	PM9923		07.12.94		Ian Kenneth Shepherd
Australia	PN4060		07.07.95		Ian Kenneth Shepherd
Australia	PN9636		02.05.96		Ian Kenneth Shepherd
International App'n **	PCT/AU93/00250		28.05.93	28.05.93	Ian Kenneth Shepherd
International App'n **	PCT/AU95/00827		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd
International App'n **	PCT/AU96/00420		05.07.96	07.07.95 + 02.05.96	Ian Kenneth Shepherd
Australia <sup>1</sup>	677004 (formerly 40544/93)		28.05.93	28.05.93	Ian Kenneth Shepherd
Australia <sup>2</sup>	41679/96		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd
Canada <sup>1</sup>	2,163,768		28.05.93	28.05.93	Ian Kenneth Shepherd
Canada <sup>2</sup>	unknown		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd
European Patent Office* <sup>1</sup>	93909697.0		28.05.93	28.05.93	Ian Kenneth Shepherd
European Patent Office* <sup>2</sup>	95940080.5		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd
United Kingdom <sup>1</sup>	9524330.9		28.05.93	28.05.93	Ian Kenneth Shepherd
Japan <sup>1</sup>	500004/1995		28.05.93	28.05.93	Ian Kenneth Shepherd
Japan <sup>2</sup>	unknown		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd
New Zealand <sup>1</sup>	252066	252066	28.05.93	28.05.93	Ian Kenneth Shepherd
New Zealand <sup>2</sup>	unknown		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd
Singapore <sup>1</sup>	9600703-4		28.05.93	28.05.93	Ian Kenneth Shepherd
Singapore <sup>2</sup>	unknown		07.12.95	07.12.94 + 07.07.95	Ian Kenneth Shepherd

Country	Application No.	Patent No.	Filing Date	Priority Date(s)	Applicant/Patentee
United States <sup>1</sup>	08/070,136		28.05.93	29.05.92 + 30.06.92	Ian Kenneth Shepherd
United States <sup>3</sup>	unknown		06.06.97	29.05.92 + 30.06.92 + 07.12.94 + 07.07.95	Ian Kenneth Shepherd

- \* designating all EPC states available at filing date
  - \*\* designating all PCT states available at International filing date
  - <sup>1</sup> national or regional phase of PCT/AU93/00250
  - <sup>2</sup> national or regional phase of PCT/AU95/00827
  - <sup>3</sup> continuation-in-part of US 08/070,136 and national phase of PCT/AU95/00827
- Dates are in "dd.mm.yy" format





**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 ASSISTANT SECRETARY AND COMMISSIONER  
 OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

FEBRUARY 25, 1998

STERNE, KESSLER, GOLDSTEIN & FOX  
 C/O ROBERT SOKOHL  
 1100 NEW YORK AVE., N.W.  
 SUITE 600  
 WASHINGTON, D.C. 20005-3934

RECEIVED  
 MAR - 2 1998  
 STERNE KESSLER GOLDSTEIN & FOX  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/12/1998

REEL/FRAME: 8890/0927  
 NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SHEPHERD, IAN KENNETH

DOC DATE: 10/30/1997

ASSIGNEE:

SWYCHCO INFRASTRUCTURE SERVICES PTY LTD.  
 LEVEL 40, 368 BOURKE STREET  
 MELBOURNE, VICTORIA, AUSTRALIA

ASSIGNEE:

SWYCHCO SUPPORT SERVICES PTY LTD (FORMERLY BONJADE PTY LTD)  
 LEVEL 8, 19 PITT STREET  
 C/O JAMES C. HAYWARD & CO.  
 SYDNEY, NEW SOUTH WALES, AUSTRALIA

SERIAL NUMBER: 08070136

FILING DATE: 05/28/1993

PATENT NUMBER:

ISSUE DATE:

SERIAL NUMBER: 08870691

FILING DATE: 06/06/1997

PATENT NUMBER:

ISSUE DATE:

DIANE RUSSELE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS