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Atty. Dkt. No. 072346/0102

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

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

1. Name of conveying party(ies):

Duracell Inc.

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

PowerSmart
One Research Drive
Shelton, CT 06484

Additional conveying party(ies)

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

January 13, 1998

Additional name(s) & address(es) attached? NO

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

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

A. Patent Application Number(s):

B. Patent Number(s):

5,633,573

Additional numbers attached? NO

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

Johnny A. Kumar
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109

6. Total number of applications/patents involved: 1

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

☒ Check Enclosed

Charge to deposit account

8. Deposit account number: 19-0741

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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. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Johnny A. Kumar

Name of person signing

Signature 34,649

7/7/2000

Date

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Total number of pages including cover sheet, attachments, and document: 6

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 072346/0102

In re patent application of

VAN PHUOC et al.

Application No. 08/336,945

U.S. Patent No. 5,633,573

Filed: November 10, 1994

For: BATTERY PACK HAVING A PROCESSOR CONTROLLED BATTERY
OPERATING SYSTEM

ASSIGNMENT OF U.S. PATENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged per the attached documents that:

DURACELL INC.

owner of the rights in the United States of America and its territories and possessions to the below listed U.S. Patents and applications, as evidenced in the Assignment records in the U.S. Patent and Trademark Office, by the attached documents has hereby sold and assigned, unto:

POWERSMART, INC.

(hereinafter ASSIGNEE) all right, title and interest for the United States of America, its territories and possessions, in and to the invention(s) and patent therefor, identified as follows:

<u>PATENT NUMBER</u>	<u>ISSUE DATE</u>	<u>TITLE</u>
5,633,573	May 27, 1997	BATTERY PACK HAVING A PROCESSOR CONTROLLED BATTERY OPERATING SYSTEM

including any reissue and extensions of Letters Patent granted for said inventions; this assignment being under covenant, not only that full power to make the same is had but also that such assigned right is not encumbered by any grant, license, or other right heretofore given, such that the Letters Patent shall be held and enjoyed by Powersmart, Inc. as fully and entirely as the same could have been held and enjoyed by Duracell, Inc. if this assignment had not been made.

PowerSmart, Inc. hereby grants the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

AGREEMENT

This Agreement ("Agreement") dated as of January 13, 1998, by and between DURACELL INC., a Delaware corporation ("Duracell"), and POWERSMART, INC., a Delaware corporation ("PowerSmart").

WITNESSETH:

WHEREAS, Duracell presently possesses certain equipment, inventory and other physical assets related to, and technology and experience with respect to, the design, manufacture and sale of modular smart battery system charge and discharge monitoring and safety devices for use with so-called smart rechargeable batteries ("DBOS Modules"), individually and jointly with others;

WHEREAS, Duracell desires to exit from direct involvement in the manufacture and sale of smart rechargeable batteries for use in computers but to maintain access to smart battery technology;

WHEREAS, PowerSmart desires to enter into the smart rechargeable battery electronics business and to apply smart battery technology to all types of batteries, such as electric vehicle, cellular, medical, industrial and others (the "Business");

NOW, THEREFORE, in consideration of the mutual representations, warranties, covenants and agreements herein contained and on the terms and subject to the conditions herein set forth, the parties hereto hereby agree as follows:

ARTICLE I

- (c) All right, title and interest of Duracell in and to Duracell's DBOS Module patents listed in Exhibit 1.2 (c) annexed hereto and their foreign counterparts, if any, and any divisionals or continuations therefrom and any related DBOS Module pending patent applications identified on Exhibit 1.2(c) (the "DBOS Module Patents"); but subject to a license under said Patents granted back to Duracell, as set forth in Section 2.1; and including all material records, documents, applications and correspondence (and relevant advice of counsel) which, to the best of the knowledge of Duracell, Duracell possesses relating to the DBOS Module Patents;

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14939-00000
January 13, 1998 5:20 pm

IN WITNESS WHEREOF, this Agreement is executed as of the date and year first written above.

POWERSMART, INC.

By: *Norman Allen*

Name: *J. Norman Allen*

Title: *President & CEO*

DURACELL INC.

By: *Kevin Loftus*

Name: *KEVIN LOFTUS*

Title: *ASSISTANT SECRETARY*

BOST01-50088947-8
34939-00030
January 13, 1998 6:31 pm

<u>DOCKET NUMBER</u>	<u>COUNTRY</u>	<u>APP. NO.</u>	<u>APP. DATE</u>	<u>PATENT NUMBER</u>	<u>PAT. DATE</u>	<u>STATUS</u>	<u>TITLE</u>
M-4641	U.S.A.	08/336,945	11/10/1994	5,633,573	5/27/1997	G	SMART BATTERY DEVICE