

FORM PTO-1619A

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PATENT

12-04-2000



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Conveyance Type

☒ Assignment ☐ Security Agreement

☐ License ☐ Change of Name

☐ Merger ☐ Other

U.S. Government
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☐ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) RICE, TODD M.

Execution Date
Month Day Year
10122000

Name (line 2)

Second Party

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) Lamarck, Inc.

Name (line 2)

Address (line 1) 171 Newbury Street

Address (line 2)

Address (line 3) Boston

MA

02116

City

State/Country

Zip Code

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REEL: 011282 FRAME: 0660

Correspondent Name and Address

Area Code and Telephone Number **202-942-8400**

Name **Scott M. Alter, Esq.**

Address (line 1) **c/o Hale and Dorr LLP**

Address (line 2) **1455 Pennsylvania Avenue, N.W.**

Address (line 3) **Suite 1000**

Address (line 4) **Washington, DC 20004**

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

2

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

09570610

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number

only if a U.S. Application Number
has not been assigned.

PCT

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PCT

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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ **40.00**

Method of Payment:
Deposit Account

Enclosed ☐

Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

08-0219

Authorization to charge additional fees:

Yes

☒

No

☐

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. Charges to deposit account are authorized, as indicated herein.

Scott M. Alter, Esq., Reg. No. 32,879

Scott alter

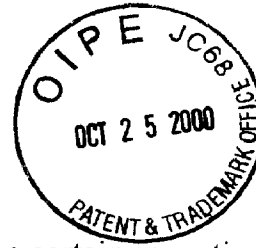
10/24/00

Name of Person Signing

Signature

Date

ASSIGNMENT FOR APPLICATION FOR PATENT
(Worldwide Rights)



WHEREAS

Todd M. RICE.

the undersigned (hereinafter referred to as Assignor), has invented a certain invention entitled:

**TOGGLING SOFTWARE CHARACTERISTICS IN A FAULT TOLERANT AND
COMBINATORIAL SOFTWARE ENVIRONMENT SYSTEM, METHOD AND MEDIUM**

for which application for Letters Patent in the United States

[] is attached hereto

[X] was filed on 12 May 2000, and assigned Serial No. 09/570,610; and

WHEREAS, Lamarck, Inc., a Massachusetts corporation having a place of business at 171 Newbury Street, Boston, Massachusetts 02116 (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 Assignor, 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 Assignor to have been received in full from said Assignee:

1. Said Assignor hereby sells, assigns, transfers and conveys 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, extension or reexamination of any of said Patents.

2. Said Assignor hereby covenants and agrees 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 Assignor 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 or reexamination of any of said Patents; (e) for interference or other priority proceedings involving said Invention; and (f) for legal proceedings involving without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Assignor in providing such cooperation shall be paid for by said Assignee.

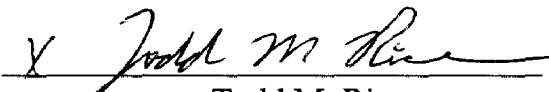
3. The term and covenants of this agreement shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Assignor, its respective heirs, legal representatives and assigns.

4. Said Assignor hereby warrants and represents that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

5. The undersigned hereby grants Scott M. Alter, Reg. No. 32,879; Henry N. Wixon, Reg. No. 32,073; Yeh, Luke J., Reg. No. 43,296; Discher, Gregory S., Reg. No. 42,488; Maebius, Maria, Reg. No. 42,967; Hollie L. Baker, Reg. No. 31,321; James B. Lampert, Reg. No. 24,564; Michael J. Bevilacqua, Reg. No. 31,091; Wayne M. Kennard, Reg. No. 30,271; Donald R. Steinberg, Reg. No. 37,241; Wayne A. Keown, Reg. No. 33,923 and Irah H. Donner, Reg. No. 35,120; of HALE and DORR LLP, 1455 Pennsylvania Avenue, N.W., Washington, D.C. 20004, power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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

4 October 12, 2000


Todd M. Rice