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Name (line 1) McKenna, Daniel B.

Execution Date  
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12 07 2000

Name (line 2)

Second Party

Name (line 1) Graziano, James M.

Execution Date  
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12 13 2000

Name (line 2)

Receiving Party

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Name (line 1) Vesuvius, Inc.

Name (line 2)

Address (line 1) 1252 Pintail Circle

Address (line 2)

Address (line 3) Boulder

City

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State/Country

80303

Zip Code

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Name James M. Graziano

Address (line 1) Duft, Graziano & Forest, P.C.

Address (line 2) P.O. Box 270930

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Address (line 4) Louisville, CO 80027

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REEL: 011417 FRAME: 0489

**Correspondent Name and Address**

Area Code and Telephone Number

303-379-1113

Name James M. Graziano

Address (line 1) Duft, Graziano & Forest, P.C.

Address (line 2) P. O. Box 270930

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Address (line 4) Louisville, CO 80027-5015

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James M. Graziano

**Name of Person Signing**

James M. Graziano  
**Signature**

13 December 2000  
**Date**

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12/19/2000 MABD11

03 FC:581

40.00 DP

For: U.S. Rights and Foreign Rights  
For: U.S. Application  
By: Inventors

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNORS:**

Daniel B. McKenna  
2650 Windward Way  
Steamboat Springs, CO 80487  
Nationality: United States

James M. Graziano  
4662 Weld Country Road 34  
Platteville, CO 80651  
Nationality: United States

hereby sell, assign and transfer to

**ASSIGNEE:**

Vesuvius, Inc.  
1252 Pintail Circle  
Boulder, CO 80303

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

**COMMUNIQUE SYSTEM WITH DYNAMIC BANDWIDTH ALLOCATION IN CELLULAR  
COMMUNICATION NETWORKS**

and which is found in (37 C.F.R. Section 3.21) U.S. patent application executed on even date herewith and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

(Assignment of Invention--page 1 of 2)

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

Date: December 7, 2000

  
\_\_\_\_\_  
Signature of Daniel B. McKenna

Date: 13 DECEMBER 2000

  
\_\_\_\_\_  
Signature of James M. Graziano

(Assignment of Invention—page 2 of 2)