

01-22-2001



by Docket No. 014940-001211US

FORM PTO-1595 (Rev. 6-93)

101589334

U.S. Department of Commerce Patent and Trademark Office

To the Honorable Asst. Commissioner for Patents. Please return the attached original documents or copy thereof

1. Name of conveying party(ies): 1.12.01
Todd Beine, Paul Mitalas, Brian Pfeiffer, Denis Zaccarin, Michael E. Durling, Hon Wah Chin
Additional name(s) of conveying parties attached? Yes No.

2. Name and address of receiving party(ies)
Name: ONI Systems Corp.
Internal Address: 166 Baypointe Parkway
Street Address:
City: San Jose State: CA ZIP: 95134
Additional names and addresses attached? Yes No

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other:
Execution Date: January 2-5, 2001

4. Application Number(s) or Patent Numbers.
If this document is being filed together with a new application, the execution date of the application is:
A. Patent Application No(s): 09/653,628 B. Patent No(s):
Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name:
Daniel D. Tagliaferri
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved: 1
7. Total fee (37 CFR 3.41): -----\$40.00
 Enclosed Charge Fees to Deposit Account
 Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.
8. Deposit account number: 20-1430

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9. Statement and signature.
To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.
Daniel D. Tagliaferri Signature January 8, 2001 Date
Name of Person Signing
Atty Reg. No. 43,178
Total number of pages including cover sheet, attachments and document: 5

10. Change Correspondence Address to that of Part 5? Yes No
Do not detach this portion
Mail documents to be recorded with required cover to:
Asst. Commissioner for Patents
Box: Assignments
Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Todd Beine, of 5126 Selinda Way , Los Gatos, CA 95032, Paul Mitalas, of 1041 Iris Ave, Sunnyvale, CA 94086, Brian Pheiffer, of 171 Kerry Drive, Santa Clara, CA 95050, Denis Zaccarin, of 781 Durshire Way, Sunnyvale, CA 94087, Michael E. Durling, of 311 DeSoto Drive, Los Gatos, CA 95032, Hon Wah Chin, of 3281 Greer Road, Palo Alto, CA 94303, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: OPTICAL POWER MANAGEMENT IN AN OPTICAL NETWORK

Date(s) of execution of Declaration: January 2 - 5, 2001

Filing Date: September 1, 2000

Application No.: 09/653,628

WHEREAS, ONI Systems Corp., a corporation of the state of California, located at 166 Baypointe Parkway, San Jose, CA, 95134, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

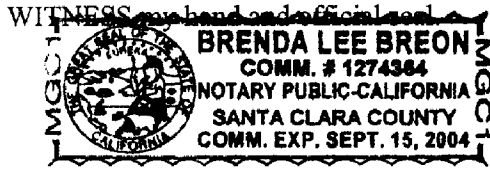
IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: Jan 3, 2001


Todd Beine

STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

On January 3, 2001, before me, Brenda Lee Breon, Notary Public, personally appeared Todd Beine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Brenda Lee Breon
NOTARY PUBLIC

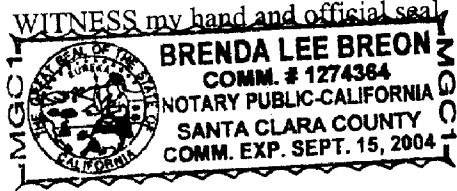
My Commission Expires: Sept. 15, 2004

Dated: 1/4/01

[Signature]
Paul Mitalas


STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

On January 4, 2001, before me, Brenda Lee Breon, Notary Public, personally appeared Paul Mitalas, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Brenda Lee Breon
NOTARY PUBLIC

My Commission Expires: Sept. 15, 2004

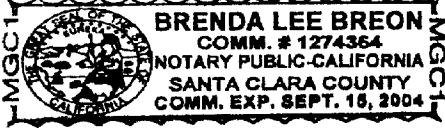
Dated: 1/3/01, _____

Brian Pheiffer

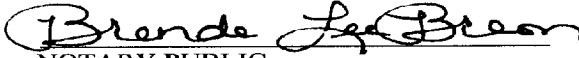
STATE OF CALIFORNIA)
COUNTY OF Santa Clara }

ss.

On January 3, 2001, before me, Brenda Lee Breon, Notary Public, personally appeared Brian Pheiffer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.




NOTARY PUBLIC

My Commission Expires: Sept. 15, 2004

Dated: January 3, 2004, _____

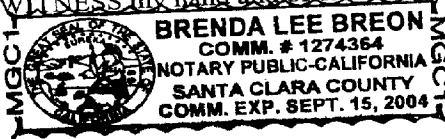
Denis Zaccarin


STATE OF CALIFORNIA)
COUNTY OF Santa Clara }

ss.

On January 3, 2001, before me, Brenda Lee Breon, Notary Public, personally appeared Denis Zaccarin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.




NOTARY PUBLIC

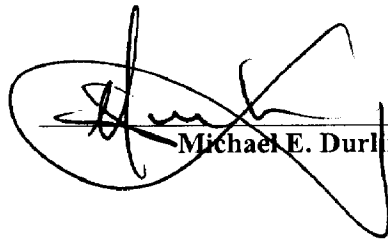
My Commission Expires: Sept. 15, 2004




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My Commission Expires: Sept. 15, 2004

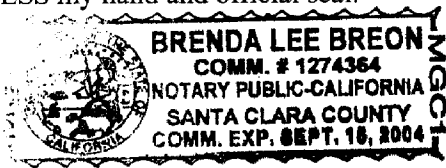
Dated: January 5, 01


Michael E. Durling

STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

On January 5, 2001, before me, Brenda Lee Breon, Notary Public, personally appeared Michael E. Durling, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.




NOTARY PUBLIC

My Commission Expires: Sept. 15, 2004

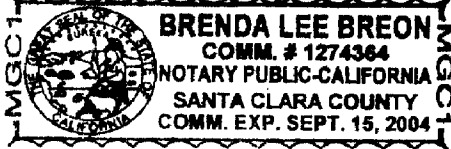
Dated: Jan 2, 2001


Hon Wah Chin

STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

On January 2, 2001, before me, Brenda Lee Breon, Notary Public, personally appeared Hon Wah Chin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.




NOTARY PUBLIC

My Commission Expires: Sept. 15, 2004