

02-13-2001

FORM PTO-1595 (Rev. 6-93) OMB No. 0651-0011 (exp. 4/94)



SHEET U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Tab settings

101611785

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

1. Name of conveying party(ies):

FRANCIS CIANFROCCA

Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)

Name: Tempest Software, Inc.

Internal Address:

Street Address: 11 Broadway

16th Floor

City: New York State: NY ZIP: 10004

Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

2-1-01

- Assignment, Merger, Security Agreement, Change of Name, Other

Execution Date: 1/10/01

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)

B. Patent No.(s)

6,088,796

Additional numbers attached?  Yes  No

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

Name: Peter D. Aufrichtig

Internal Address: Aufrichtig Stein & Aufrichtig, P.C.

Street Address: 300 East 42nd Street Fifth Floor

City: New York State: NY ZIP: 10017

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$40.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number:

40E

(Attach duplicate copy of this page if paying by deposit account)

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.

Peter D. Aufrichtig

Name of Person Signing

Signature

1/26/01

Date

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

4

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

(Form PTO-1595-Recordation Form Cover Sheet [16-5]-page 1 of 3)

Signature

Date of Signature: January 26, 2001

02/12/2001 6T0M11 00000062 6088796 40.00 DP 01 FC:581

A S S I G N M E N T

WHEREAS, I, Francis Cianfrocca, hereinafter referred to as ASSIGNOR, citizen of the United States, residing at 41-02 48<sup>th</sup> Avenue, Long Island City, New York 11104, have invented, along with Adam Sohn, certain new and useful improvements in a MIDDLEWARE CONTROL AND SERVER CONTROL SYSTEM, for which we have executed an application for Letters Patent of the United States, Serial No. 09/129,800, filed August 6, 1998, now United States Patent Number 6,088,796.

WHEREAS, Tempest Software, Inc., a Delaware corporation having a principal place of business at 11 Broadway, 16<sup>th</sup> Floor, New York, NY 10004, hereinafter referred to as ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said Assignor, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country

or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States whose duty is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

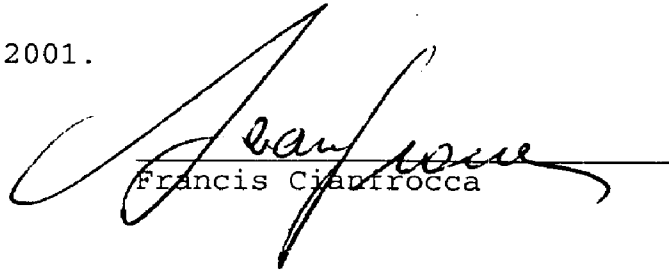
AND I HEREBY covenant that I have full right to convey the interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said Assignee, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I have set my hand and seal to this

Assignment.

January 10, 2001.

  
Francis Cianfrocca

STATE OF NEW YORK )  
COUNTY OF N.Y. ) ss.:

On the 10th day of January, 2001, before me personally came Francis Cianfrocca, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

ANIL M. MUKHATIYAR  
NOTARY PUBLIC, State of New York  
No. 41-4985497  
Qualified in Queens County  
Commission Expires Aug. 19, 2001

  
Notary Public