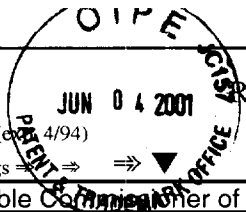


06-11-2001



EET

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OMB No. 0651-0011 (Rev. 4/94)

Tab Settings

101743853

Please record the attached original documents or copy thereof.

To the Honorable Commissioner of Patents and Trademarks

1. Name of Conveying party(ies):

Andrew D. Flockhart
Eugene P. Mathews
John Z. Taylor

G. 4-01

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

3. Nature of conveyance:

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

Execution Date: May 9, 2001; May 14, 2001; May 9, 2001

2. Name and address of receiving party(ies)

Name: Avaya Inc.

Internal Address: _____

Street Address: 211 Mount Airy Road

City: Basking Ridge State: NJ ZIP: 07920

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

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)

09776,937

B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: Docket Administrator

Internal Address: Room 1L-202

Street Address: 101 Crawfords Corner Road

City: Holmdel State: NJ ZIP: 07733-3030

6. Total number of applications and patents involved:

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 501602

(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.

David Volejnicek

Name of Person Signing

David Volejnicek

Signature

June 1, 2001
Date

A.D.FLOCKHART 15-19-1

Total number of pages including cover sheet (in duplicate), attachments, and document: 4

06/08/2001 AAHME1 00000120 501602 09776937

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ASSIGNMENT AND AGREEMENT

For value received, we, Andrew D. Flockhart of Thornton in the County of Adams and the State of Colorado, and Eugene P. Mathews of Barrington in the County of Lake and the State of Illinois, and John Z. Taylor of Bedminster in the County of Somerset and the State of New Jersey, hereby sell, assign and transfer to Avaya Inc., a corporation of the State of Delaware, having an office at 211 Mount Airy Road, Basking Ridge, New Jersey, 07920, U.S.A. and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to **Customized Applet-on-Hold Arrangement** described in an application for Letters Patent of the United States, filed in the United States Patent and Trademark Office on June 17, 1999, as application Serial No. 09/776,937 executed by me of even date herewith, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Avaya Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Avaya Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Avaya Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Avaya Inc. in the United States and in all countries foreign to the United States, or to such nominees as Avaya Inc. may designate.

We agree that, when requested, we shall, without charge to Avaya Inc. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

Andrew D Flockhart
Andrew D. Flockhart

Date: 5/9/01

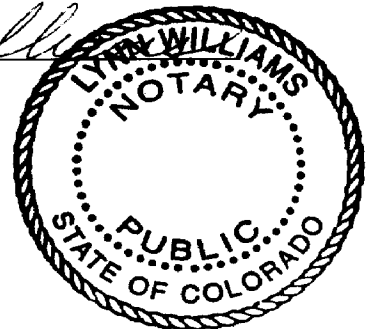
United States of America)

State of Colorado) ss.:

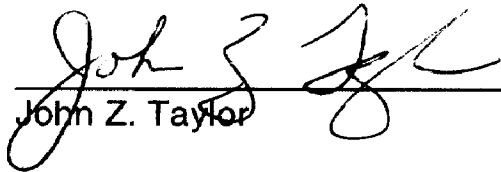
County of Adams)

On this 9th day of May, 2001, before me personally came Andrew D. Flockhart, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Lynn Williams
Notary Public



My Commission Expires 01/12/2003



John Z. Taylor

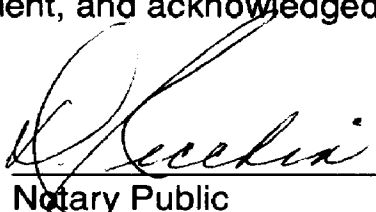
Date: 5-9-2001

United States of America)

State of New Jersey) ss.:

County of Somerset)

On this 9th day of May, 2001, before me personally came John Z. Taylor, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Notary Public

DIANNE RECCHIA
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 2/31/2002

Avaya Inc.
P.O. Box 629
Holmdel, New Jersey 07733-3030

E. P. Mathews

Eugene R. Mathews

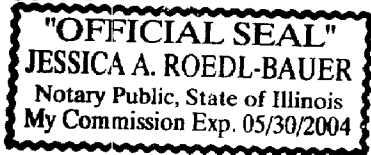
Date: 05-14-01

United States of America)

State of Illinois) ss.:

County of Lake)

On this 14th day of May, 2001, before me personally came Eugene P. Mathews, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Jessica A. Roedl-Bauer
Notary Public