

09-19-2001

FORM PTO-1596



EET

U.S. DEPARTMENT OF COMMERCE

1-31-92

Patent and Trademark Office

Docket No.: 52637-0027

101849347

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

1. Name of Conveying Party(ies):
HONGBING GAN, BIJAN TREISTER and
EFSTRATIOS SKAFIDAS
Additional name(s) of conveying party(ies) attached? Yes

2. Name and address of receiving party(ies):
Name: Bandspeed, Inc.
Internal Address: _____

3. Nature of Conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____
Execution Date: 4 September 2001

Street Address: 7000 West William Cannon Drive
Suite 2220
City: Austin State/Country TX ZIP: 78735
Additional name(s) & address(es) attached? Yes

4. Application number(s) or patent number(s): 09/1945488
If the document is being filed together with a new application, the execution date of the application is: 4 September 2001

A. Patent Application No(s).
Additional numbers attached? Yes

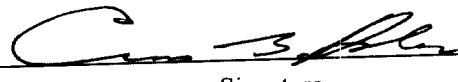
B. Patent No(s).

5. Name and address of party to whom correspondence concerning Document should be mailed:
Name: HICKMAN PALERMO TRUONG & BECKER, LLP
Internal Address: _____
Street Address: 1600 Willow Street
City: San Jose State: CA Zip: 95125-5106

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:
50-1302

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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.

Craig G. Holmes, Registration No. 44,770  September 6, 2001
Name and Registration No. of Person Signing Signature Date
Total number of pages comprising cover sheet: 1

CMB No. 0851-0011 (exp. 4/94)

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PATENT
REEL: 012164 FRAME: 0057

ASSIGNMENT

WHEREAS WE, HONGBING GAN, of Carlton North, Victoria, Australia, BIJAN TREISTER, of Kew, Victoria, Australia, and EFSTRATIOS SKAFIDAS of Coburg, Victoria, Australia have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled APPROACH FOR SELECTING COMMUNICATIONS CHANNELS BASED ON PERFORMANCE, executed by us on the date of execution of this document, as shown below, and filed concurrently herewith;

AND WHEREAS, Bandspeed, Inc., a corporation of the State of Delaware and having an address of 7000 West William Cannon Drive, Suite 2220, Austin, Texas 78735 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, we do hereby sell, assign, transfer and set over unto Bandspeed, Inc., its legal representatives, successors, and assigns ("Assignee"), the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, we hereby agree with the said Assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration but at the expense of said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and Assignee;

AND we request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Assignee, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

4th. sept., 2001

Date


HONGBING GAN

4/9/2001

Date


BIJAN TREISTER

4/9/2001

Date


ESTRATIOS SKAFIDAS