

09-27-2001

Form PTO-1595

RECORD



U.S. DEPARTMENT OF COMMERCE

U.S. Patent And Trademark Office

(Rev. 03/01) (modified)

OMB No. 0651-0027 (exp 5/31/2002)

101857181

To the Honorable Commissioner For Patents. Please record the attached original documents or copy thereof:

1. Name of conveying party(ies): **9-2401**  
 David A. Pechner, Laurence J. Newell, Mark D. Konezny

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other: \_\_\_\_\_

Execution Date: 08/27/2001, 09/04/2001,  
 09/17/2001

2. Name and address of receiving party(ies):

Name: Kestrel Solutions, Inc.

Internal Address:

Street Address: 2495 Leghorn Street

City: Mountain View

State: CA Zip: 94043

Additional name(s) &amp; 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):

09/816,242

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

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

Name: Michael W. Farn, Esq.

Internal Address: Fenwick &amp; West LLP

Street Address: Two Palo Alto Square

City: Palo Alto State: CA Zip Code: 94306

6. Total number of applications and patents involved: 1

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

- ☒ Check Enclosed  
☐ Fee Transmittal Enclosed  
☐ Charge the indicated fees to the below mentioned deposit account.

8. Deposit Account No.:

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.*

Michael W. Farn  
 Name of Person Signing

Signature

September 20, 2001  
 Date

Total number of pages including cover sheet, attachments, documents: 4

Mail documents to be recorded with required cover sheet information to: Box Assignment, Commissioner For Patents and Trademarks, Washington, D.C. 20231

Case Docket No.: 20052-05747

PATENT  
 REEL: 012191 FRAME: 0594

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to **Kestrel Solutions, Inc.**, a California corporation, having a place of business at 2495 Leghorn Street, Mountain View, CA 94043 ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the provisional application filed under 35 U.S.C. §111(b) or non-provisional application filed under 35 U.S.C. §111(a) and entitled Through-timing of data transmitted across an optical communications system utilizing frequency division multiplexing ("APPLICATION"), which:

- ☐ is to be filed herewith  
☒ was filed on March 23, 2001,  
now bearing U.S. serial number 09/816,242; and

2. The entire worldwide right, title, and interest in and to:  
(a) the APPLICATION; (b) all applications claiming priority from the APPLICATION;  
(c) all divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world;  
(d) all patents (including reissues and re-examinations) which may be granted on the applications set forth in (a), (b), (c) and (d) above; and (e) all right of priority in the APPLICATION, together with all rights to recover damages for infringement of provisional rights.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has not made and will not hereafter make any assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

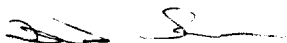
Title of Document: **ASSIGNMENT**

Re:

Title: Through-timing of data transmitted across an optical communications system  
utilizing frequency division multiplexing

Filed: (if applicable) March 23, 2001

Serial No.: (if applicable) 09/816,242

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
 David A. Pechner	<u>8-27</u> , 2001	<u>8-27</u> , 2001

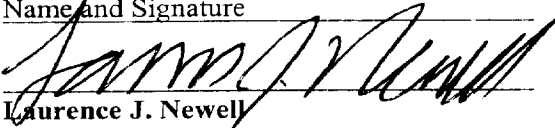
State of \_\_\_\_\_ } S.S.  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
[DATE] [NOTARY PUBLIC]

appeared David A. Pechner 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 executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
 Laurence J. Newell	<u>9/4</u> , 2001	<u>9/4</u> , 2001

State of \_\_\_\_\_ } S.S.  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
[DATE] [NOTARY PUBLIC]

appeared Laurence J. Newell 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 executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

Title of Document: **ASSIGNMENT**

Re:  
Title: Through-timing of data transmitted across an optical communications system  
utilizing frequency division multiplexing  
Filed: (if applicable) March 23, 2001  
Serial No.: (if applicable) 09/816,242

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<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
<u>Mark D. Konezny</u> Mark D. Konezny	<u>9/17</u> , 2001	<u>9/17</u> , 2001

State of \_\_\_\_\_ } S.S.  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
[DATE] [NOTARY PUBLIC]

appeared Mark D. Konezny 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 executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

\_\_\_\_\_  
Notary