

Attorney Docket No: **ONI-111** 

### RECORDATION COVER SHEET FOR ASSIGNMENT OF PATENT

To the Hon. Commissioner of Patents and Trademarks:

Please record the enclosed copy of an assignment document. Relevant assignment data are as follows:

1. Assignors:

Kenneth Mark Maxham

3619 Hillcrest Belmont, CA 94002 10-11-2001

101870840

2. Assignee:

**ONI Systems Corporation** 

5965 Silver Creek Valley Road San Jose, CA 95138

3. Execution Date of Assignment of Entire Interest in Patent Application:

4. Execution Date of Declaration for Patent Application: 9/25/2001

Not Yet Assigned 4A.Patent Application No.:

Not Yet Assigned 4B.Patent Number:

Marek Alboszta 5. Correspondence address:

LUMEN

45 Cabot Avenue, Suite 110 Santa Clara, CA 95051

6. Total Number of applications and Patents involved: 1

7. Total fee (37 CFR 3.41): \$40

8. Statement and signature:

To the best of my knowledge and belief, the information contained herein is true and correct, and any attached copy is a true copy of the original document.

Anthony G. Dervan

Reg. No. 38,676

Authory & Denjan

Date: 28 Sept 2001 telephone: (408) 260-7300

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

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Attorney Docket No: ONI-111

#### ASSIGNMENT

THIS ASSIGNMENT, by

#### KENNETH MARK MAXHAM

(hereinafter referred to as the Assignor), residing at Belmont, CA; witnesseth:

WHEREAS, said Assignor has invented certain new and useful improvements in

## METHOD FOR IN-SERVICE RAM TESTING

for which application for Letters Patent has been executed on  $\frac{9/25/91}{}$ , and is attached hereto.

WHEREAS,

### **ONI Systems Corporation**

(hereinafter referred to as the Assignee), a body having corporate powers under the laws of the state of CALIFORNIA, SAN JOSE, CALIFORNIA 95138, is desirous of obtaining the entire right, title and interest in and to said inventions and said application for Letters Patent, and in and to any Letters Patent, United States or foreign, to be obtained therefor and thereon;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and for other good and sufficient considerations, the receipt of which is hereby acknowledged:

- 1. The Assignor has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over unto said Assignee, the entire right, title and interest in, to and under: said inventions; said application for Letters Patent; any Letters Patent which may be granted for said inventions in the United States of America and any foreign country; any division, continuation, and continuation-in-part of said application; any reissue or extension of said Letters Patent; and all rights under the International Convention for the Protection of Industrial Property; said right, title and interest to be held and enjoyed by said Assignee for its own use and behoof to the full end of the term for which Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by the Assignor, had this sale and assignment not been made.
- 2. Said Assignor hereby warrants and represents that, at the time of execution and delivery of these presents, said Assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and said application for Letters Patent, and that the same has not entered into any assignment, contract or understanding in conflict herewith.
- 3. Said Assignor hereby covenants and agrees to assist and cooperate with said Assignee, whereby said Assignee may enjoy to the fullest extent said right, title and interest herein conveyed, provided, however, that the entire expense which may be incurred by said Assignor in lending such assistance and cooperation be paid by Assignee. Such cooperation shall include: (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed

Assignment, Page 1 of 2

PATENT REEL: 012227 FRAME: 0313 necessary or desirable by Assignee to perfect said right, title and interest herein conveyed, (b) prompt execution of all petitions, oaths, specifications, declarations and other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for filing or prosecuting in the United States or any foreign country said application, any application which is a division, continuation, or continuation-in-part of said application, any reissue application for any Letters Patent granted on said application, or for any interference proceeding involving said application or Letters Patent granted thereon; and (c) prompt assistance and cooperation in the prosecution of all legal proceedings involving said inventions, said application, or Letters Patent granted thereon, including oppositions, cancellation proceedings, priority contests, public use proceedings and court actions.

- 4. The terms, convenants and conditions of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignor, his heirs, legal representatives and assigns.
- 5. Said Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States to said Assignee as the assignee of said inventions.

IN WITNESS WHEREOF said Assignor has executed and delivered this instrument on the date noted below.

Date: 9/25/01	X. Mak Maxkam  Kenneth Mark Maxkam
State: County: Subscribed and sworn to before me of	on this day of chrowled So
50	Notary Public

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California	)
County of Santa Clar	ss.
On Sept. 25,200, before me, I personally appeared Henneth	Name and Title of Officer (e.g., "Jape Doe. Notary Public")  Name(s) of Signer(s)  Personally known to me
	proved to me on the basis of satisfactory evidence
BRENDA LEE BREON S COMM. # 1274364 NOTARY PUBLIC-CALIFORNIA D SANTA CLARA COUNTY () COMM. EXP. SEPT. 15, 2004	to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
	WITNESS my hand and official seal.
Place Notary Seal Above	Blenda Se Brewn Spipeture of Noverly Public
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Signer Is Representing:	Jesting)
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**RECORDED: 09/28/2001** 

**PATENT REEL: 012227 FRAME: 0315**