



101888247

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

1. Name of conveying party(ies):

10/18/01

James Xanthos, Mark McDowel, Graham Stead  
Joseph Khalil, David Helinski & Joseph Kitchell

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

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

Name: Invertix Corporation

Internal Address: \_\_\_\_\_

3. Nature of conveyance:

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

Execution Date: October 15, 2001

Street Address: 7630 Little River Turnpike, Suite 500

City: Annandale State: VA ZIP: 22003

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)

09/899,955

B. Patent No.(s)

Additional numbers attached?  Yes  No

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

Name: Kevin L. Pontius

Internal Address: \_\_\_\_\_

Street Address: Roberts Abokhair & Mardula, LLC

11800 Sunrise Valley Drive, Suite 1000

City: Reston State: VA ZIP: 20191

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:

18/1579

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

10/26/2001 DBYRME 00000173 09899955

01 FC:581

40.00 DP

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.

Kevin L. Pontius

Name of Person Signing

*Kevin L. Pontius*  
Signature

October 18, 2001

Date

Total number of pages including cover sheet: 6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of James XANTHOS, Mark McDOWELL, Graham STEAD, Joseph KHALIL, David HELINSKI, and Joseph KITCHELL

Serial No.: 09/899,955

Group Art Unit: 2684

Filed: 07/06/01

Examiner: Not Yet Assigned

FOR: BITWISE MONITORING OF NETWORK PERFORMANCE

\* \* \* \* \*

**ASSIGNMENT Pursuant to 37 CFR ' 3.56**

\* \* \* \* \*

I, James XANTHOS, residing at 10673 Glen Hannah Drive Laurel, MD 20723, I, Mark McDOWELL, residing at 5008 John Ticer Drive Alexandria, VA 22304, I, Graham STEAD, residing at 124 B North Bedford Street Arlington, VA 22201, I, Joseph KHALIL, residing at 3305 Wyndham Circle, Apt. 155 Alexandria, VA 22302, I, David HELINSKI, residing at 5709 North 15<sup>th</sup> Road Arlington, VA 22205 and I, Joseph KITCHELL, residing at 5413 Sourgum Drive Centerville, VA 20120 for good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby sell, assign and transfer unto Invertix Corporation, a corporation organized under the laws of the State of Delaware and having its principal office at 7630 Little River Turnpike, Suite 500 Annandale, VA 22003 (hereinafter "ASSIGNEE,"), the entire right, title and interest, together with all rights of priority, in and to my invention for a Bitwise Monitoring Of Network Performance, as described and/or claimed in my application for Letters Patent of the United States of America, filed 07/06/01 (appln. # 09/899,955), as well as all foreign counterparts thereof, including any application filed in the Patent Cooperation Treaty (PCT) and any national stage filing resulting from any such PCT filing, together with all Letters Patent issuing on the aforesaid application for Letters Patent, the same to be held and enjoyed by

ASSIGNEE, its successors, assigns or other legal representatives, to the full ends of the terms of all said Letters Patent therefore which may be granted.

**I HEREBY AUTHORIZE ASSIGNEE** to make application for and to receive Letters Patent for said invention in any foreign countries in its own name, or in my name, at its election.

**AND I HEREBY COVENANT AND AGREE** that I will execute or procure any further necessary assurance of title to said invention and any Letters Patent which may issue therefore and that I will, at any time, upon the request and at the expense of ASSIGNEE deliver any testimony in any legal proceedings and execute all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefore in ASSIGNEE, its successors, assigns, or other legal representatives, and that I will, at any time, upon the request and at the expense of the ASSIGNEE execute any continuations, divisions, reissues, or any other additional applications for Letters Patent for said invention or any part or parts thereof, all of which applications and any Letters Patent issuing thereof are hereby assigned to ASSIGNEE, and will make all rightful oaths, and do all lawful acts requisite for procuring the same therein, without further compensation, but at the expense of ASSIGNEE, its successors, assigns or other legal representatives.

**AND I HEREBY AUTHORIZE AND REQUEST** the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States for said invention, resulting from any of the aforesaid application to assignee.

WITNESS MY HAND and seal this 15<sup>th</sup> of OCTOBER, 2001.

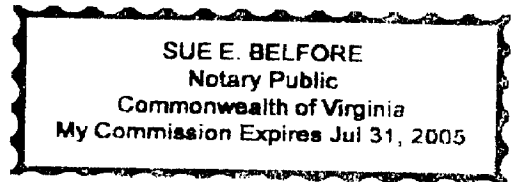
[Signature]  
James Xanthos

STATE OF Virginia )  
 ) ss:  
COUNTY OF Fairfax )

On this 15<sup>th</sup> day of October, 2001 personally appeared before me James Xanthos to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

[Signature]  
Notary Public Sue E Belfore

My Commission Expires: July 31, 2005



WITNESS MY HAND and seal this 15<sup>th</sup> of October, 2001.

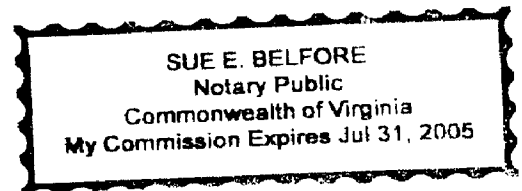
[Signature]  
Mark McDowell

STATE OF Virginia )  
 ) ss:  
COUNTY OF Fairfax )

On this 15<sup>th</sup> day of October, 2001 personally appeared before me Mark McDowell to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

[Signature]  
Notary Public Sue E Belfore

My Commission Expires: July 31, 2005



WITNESS MY HAND and seal this 15<sup>th</sup> of October, 2001.

*[Signature of David Helinski]*

David Helinski

STATE OF Virginia )

COUNTY OF Fairfax )

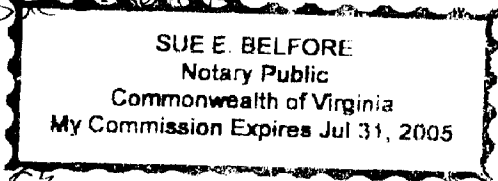
ss:

On this 15<sup>th</sup> day of October, 2001 personally appeared before me David Helinski to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

*[Signature of Sue E. Belfore]* Sue E. Belfore

Notary Public *[Signature]*

My Commission Expires: July 31, 2005



WITNESS MY HAND and seal this 15<sup>th</sup> of October, 2001.

*[Signature of Joseph Kitchell]*

Joseph Kitchell

STATE OF Virginia )

COUNTY OF Fairfax )

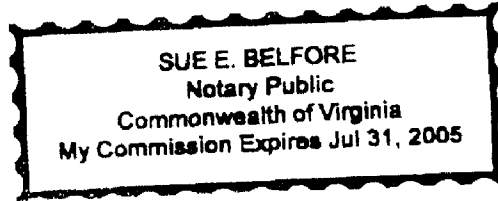
ss:

On this 15<sup>th</sup> day of October, 2001 personally appeared before me Joseph Kitchell to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

*[Signature of Sue E. Belfore]*

Notary Public *[Signature]*

My Commission Expires: July 31, 2005



WITNESS MY HAND and seal this 15<sup>th</sup> of OCTOBER, 2001.

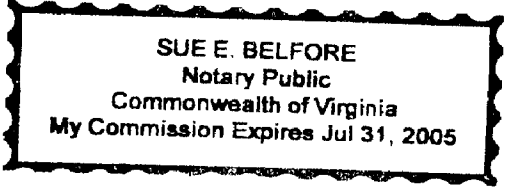
Graham Stead  
Graham Stead

STATE OF Virginia )  
 )  
COUNTY OF Fairfax ) ss:

On this 15<sup>th</sup> day of Virginia, 2001 personally appeared before me Graham Stead to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Sue E. Belfore  
Notary Public Sue E. Belfore

My Commission Expires: July 31, 2005



WITNESS MY HAND and seal this 15<sup>th</sup> of October, 2001.

Joseph Khalil  
Joseph Khalil

STATE OF Virginia )  
 )  
COUNTY OF Fairfax ) ss:

On this 15<sup>th</sup> day of October, 2001 personally appeared before me Joseph Khalil to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Sue Belfore  
Notary Public Sue Belfore

My Commission Expires: July 31, 2005

