

10-29-2001



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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks

and the attached original documents or copy thereof.

1. Name of conveying party(ies):

Pierre Germain
Philippe Nicolai

10-1801

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

2. Name and address of receiving party(ies)

Name: BMC Software, Inc.

Internal Address: _____

Street Address: 2101 City West Boulevard

City: Houston State: TX ZIP: 77042

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

3. Nature of conveyance:

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

Execution Date: July 31, 2001

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)

09/923,567

B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: F. William McLaughlin

Internal Address: _____

Wood, Phillips, VanSanten, Clark
& Mortimer

Street Address: 500 West Madison Street
Suite 3800

City: Chicago State: IL ZIP: 60661

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:

23-0785

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

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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.

Nora T. Wesley

Name of Person Signing

1537.00001

Nora T. Wesley

Signature

October 15, 2001

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

PATENT

REEL: 012279 FRAME: 0553

ASSIGNMENT

Serial No. 09/923,567

Filed August 7, 2001

In consideration of One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned inventor, or each inventor if more than one, hereby assigns to BMC Software, Inc., its successors and assigns (hereinafter called "said assignee"), the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States entitled A Performance and Flow Analysis Method for Communication Networks

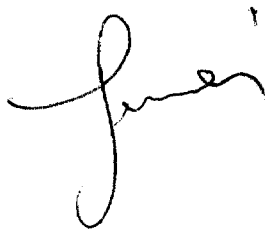
executed by the undersigned on the 31 day of July, 2001, and in said application and any and all other applications for United States Letters Patent, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States which may be obtained on any of said applications, and in any reissue or extension thereof.

The undersigned hereby authorizes and requests the Commissioner for Patents to issue said Patent to said assignee.

The undersigned hereby authorizes and requests the attorneys of record in said application to insert in this assignment the date and serial number of said application.

For said consideration, the undersigned hereby agrees, upon the request and at the expense of said assignee, to execute any divisional, continuation or substitute application for said invention or improvements, and any oath, declaration or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and, in the event of any application or Letters Patent assigned herein becoming involved in Interference, to cooperate to the best of the ability of the undersigned in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof. The undersigned agrees to perform, upon request, any affirmative acts to obtain said Letters Patent of the United States and vest in said assignee all rights therein, whereby said Letters Patent will be held and enjoyed by said assignee, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same should have been held and enjoyed by the undersigned if this assignment had not been made.

And for said consideration, the undersigned hereby assigns to said assignee the entire right, title and interest in said invention or improvements for all foreign countries, including all priority rights under the International Convention, and agrees to execute, at the request of said assignee, all documents in connection with any application for foreign letters patent therefor.



PATENT

REEL: 012279 FRAME: 0554

Germain

Pierre Germain

Nicolaï

Philippe Nicolaï

Le Août, 2001
STATE OF FRANCE
COUNTY OF Aix en Provence

LE NOTAIRE SOUSSIGNÉ
CERTIFIE VÉRITABLE
LA SIGNATURE APOSÉE
~~et dessous~~ / ci-contre
PAR M. Pierre Germain et Philippe Nicolaï
Aix-en-Provence, le *Le Août 2001*



Pièce d'Identité présentée :

Before me, a Notary Public in and for the County and State aforesaid, appeared _____

to me personally known to be the signer, or signers, of the foregoing instrument, and acknowledged execution of said instrument as a free and voluntary act for the uses and purposes therein expressed.

Notary Public

WOOD, PHILLIPS, VanSANTEN, CLARK & MORTIMER
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Chicago, Illinois 60661-2511