

12-03-2001



Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp 5/31/2002)

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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

1. Name of conveying party(ies): Polynkin, Pavel G.; Wilde, Jeffrey P.; Timmons, Michael J. Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies) Name: Capella Photonics, Inc. Internal Address: \_\_\_\_\_

3. Nature of conveyance:  Assignment  Merger  Security Agreement  Change of Name  Other \_\_\_\_\_

Street Address: 19 Great Oaks Boulevard City: San Jose State CA Zip: 95119 Additional name(s) & address(es) attached?  Yes  No

Execution Date: November 9, 2001

4. Application number(s) or patent number(s) Not Yet Assigned If this document is being filed together with a new application the execution date of the application is: November 9, 2001 A. Patent Application No.(s) B. Patent No.(s) Additional numbers attached?  Yes  No 09/992778

5. Name and address of party to whom correspondence concerning document should be mailed: Name: David L. Alberti Internal Address: \_\_\_\_\_ Street address: 1755 Embarcadero Road City: Palo Alto State: CA Zip: 94303

6. Total number of applications and patents involved: 1 7. Total fee (37 CFR 3.41) \$494.335 \$ 40.00  Enclosed  Authorized to be charged to deposit account 8. Deposit account number: 07-1896 (Attach duplicate copy of this page if paying by deposit account)

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. David L. Alberti 43,465 Signature November 12, 2001 Name of Person Signing Reg. No. Date Total number of pages including cover sheet, attachments, and documents: \_\_\_\_\_

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

11/28/2001 MGE BREM1 00000027 09992778 03 FC:581 40.00 DP

Gray Cary\EM\7084585.1 9999998-91056

PATENT REEL: 012325 FRAME: 0315

## ASSIGNMENT

WHEREAS, Pavel G. Polynkin, Jeffrey P. Wilde and Michael J. Timmons made certain inventions or discoveries (or both) set forth in an Application for Letters Patent of the United States of America entitled **SPECTRAL POWER MONITORS WITH ACTIVE ALIGNMENT COMPENSATION**.

       issued as U.S Patent No. \_\_\_\_\_  
       filed as U. S. Serial No. \_\_\_\_\_ on \_\_\_\_\_  
  X   filed herewith

WHEREAS, Capella Photonics, Inc., a Delaware Corporation, whose business address is 19 Great Oaks Blvd., Suite 20, San Jose, California 95119, and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the entire right, title and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, effective as of the date this document is executed, hereby, without reservation;

1. Assign, transfer and convey to Assignee the entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or any other relevant convention or treaty or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein, or otherwise as Assignee may direct;

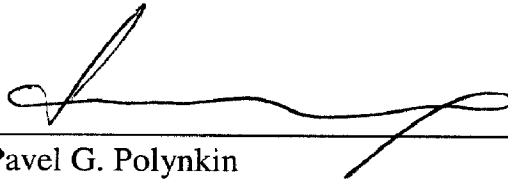
4. Warrant that we have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell

anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

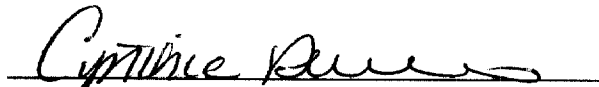
5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing any facts of our conceptions, disclosures, and reduction to practice of said inventions or discoveries.

IN WITNESS WHEREOF

Date 11/09/2001

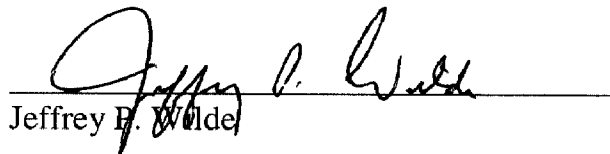


Pavel G. Polynkin



Witness

Date 11-9-01

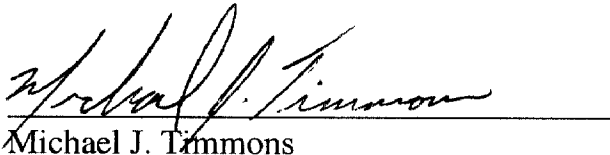


Jeffrey E. Wilde

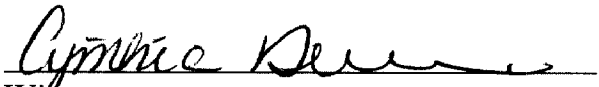


Witness

Date 11/9/01



Michael J. Timmons



Witness

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Santa Clara

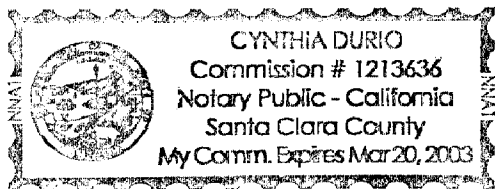
} ss.

On November 9, 2001, before me, Cynthia Durio, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Pavel G. Polynilin, Jeffrey P. Wilde, Michael J. Timmons  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

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(ies) 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.



Place Notary Seal Above

WITNESS my hand and official seal.

Cynthia Durio  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Assignment

Document Date: 11/9/01 Number of Pages: 2

Signer(s) Other Than Named Above: —

**Capacity(ies) Claimed by Signer**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_