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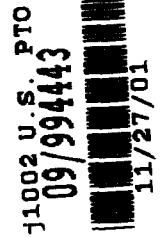
Execution Date:

Brian D. HERR
Joseph J. KAVAKY

November 20, 2001
November 26, 2001

2. Name and address of receiving party:

INTERNATIONAL BUSINESS MACHINES CORPORATION
New Orchard Road
Armonk, New York 10504



Additional name(s) & address(es) attached?

Yes No

3. Nature of conveyance: Assignment

4. Application or patent number(s):

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor: November 20, 2001

A. Patent Application No.(s): 09/994443 Patent No.(s):

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

Customer No. 23334
Jose Gutman
FLEIT, KAIN, GIBBONS, GUTMAN & BONGINI P.L.
One Boca Commerce Center
551 Northwest 77th Street, Suite 111
Boca Raton, Florida 33487

6. Total number of applications and patents involved: 1

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

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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.

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12/05/2001 6TON11 00000063 090463 09994443

01 FC:581 40.00 CH

11-27-01

PATENT

ASSIGNMENT

Whereas, we,

(1)* Brian D. HERR of Rhinebeck,
County of Dutchess and State of New York

(2)* Joseph J. KAVAKY of Red Hook,
County of Dutchess and State of New York

have invented certain improvements in

DYNAMIC SELF-TUNING MEMORY MANAGEMENT METHOD AND SYSTEM

and executed a United States patent application therefor on the following date(s):

(1)* 11/20/2001 (2)* 11/26/2001

and

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby acknowledge our prior existing obligation and hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of the United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on the invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed and sealed:

* PLEASE CHECK OR FILL IN ALL SECTIONS WITH AN ASTERISK
DATE SIGNATURE

LOCATION

(City and State you are in when signing this document)

(1)* POUGHKEEPSIE, NEW YORK 11/20/2001

Brian D. Herr
Brian D. HERR

(2)* Red Hook NY 11/26/2001

Joseph J Kavaky
Joseph J. KAVAKY