

03-13-2002



To the Honorable Commissioner of Patents and Trademarks

102013599

copy thereof.

1. Name of conveying party(ies):

Yiping Ding and Kenneth Newman

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

*2/28/02*

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

Name: BMC Software

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

Street Address: 2101 CityWest Blvd.

City Houston State TX ZIP 77042

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

3. Nature of Conveyance:

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

Execution Date: January 31, 2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of this application is:

A. Patent Application No.(s) 10/014,337 Filed December 10, 2001

B. Patent No.(s)

Additional numbers attached?  Yes  No

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

Name: Jeffrey C. Hood

Internal Address: Conley, Rose & Tayon, P.C.

Street Address: P.O. Box 398

City Austin State TX ZIP 78767-0398

6. Total number of applications and patents involved: 1

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

- Fee authorization enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 501505/5253-04002/JCH  
(Attach a duplicate copy of this page if paying by deposit account)

03/12/2002 DBYRNE 00000131 501505 10014337

01 FC:581 40.00 CH

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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.*

Jeffrey C. Hood  
Name of Person Signing  
Reg. No. 35,198

*[Signature]*  
Signature

2/13/2002  
Date

Total number of pages comprising cover sheet: 1

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned does hereby:

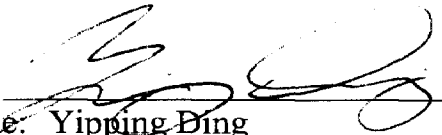
SELL, ASSIGN AND TRANSFER to BMC SOFTWARE (the "Assignee"), a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having its principal place of business at 2101 CityWest Blvd., Houston, TX 77042 the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, which was filed December 10, 2001, Serial No. 10/014,337, and is entitled SYSTEM AND METHOD FOR AUTOMATIC WORKLOAD CHARACTERIZATION, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

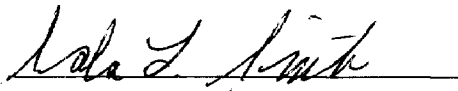
WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

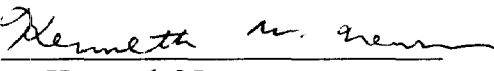
COVENANT AND AGREE that the above is and will be binding on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assigns.

(Signature)   
Name: Yipping Ding


Date: Jan 31, 2002

Witness:   
Notary Public

Date: Jan 31, 2002

(Signature)   
Name: Kenneth Newman

Date: January 31, 2002

Witness:   
Notary Public

Date: Jan. 31, 2002

Jeffrey C. Hood  
Conley, Rose & Tayon, P.C.  
P.O. Box 398  
Austin, TX 78767-0398