Form **PTO-1595** (Rev. 03/01) (modified)

03/27/2002 GTON11 00000136 10037085

01 FC:581

REC

EET	U.S. DEPARTMENT OF COMMERCI
	LIS Patent And Trademark Office

OMB No. 0651-0027 (exp 5/31/2002) To the Honorable Commissioner Fo. 10203	34256 documents or copy thereof:
1. Name of conveying party(ies):	2. Name and address of receiving party(ies):
Kenneth Mark Maxham 3.14.02	Name: ONI Systems Corp.
Additional name(s) of conveying party(ies) attached? Yes No	Internal Address:
3. Nature of Conveyance:	Street Address: 5965 Silver Creek Valley Road
Assignment Merger	
Security Agreement Change of Name	City: San Jose
Other:	State: CA Zip: 95138
	Additional name(s) & address(es) attached?
Execution Date: February 25, 2002	☐ Yes ⊠ No
4. Application number(s) or patent number(s):	F. A. F.
If this document is being filed together with a new application is:	
A. Patent Application No.(s): 10/037,085 Additional numbers a	B. Patent No.(s):
5. Name and address of party to whom correspondence concerning document should be mailed:	6. Total number of applications and patents involved: [1]
Name: Edward A. Van Gieson, Esq.	7. Total fee (37 CFR 3.41): \$40.00
Internal Address: Fenwick & West LLP	Check Enclosed
Street Address: Two Palo Alto Square	Fee Transmittal Enclosed
City: Palo Alto State: CA Zip Code: 94306	Charge the indicated fees to the below mentioned deposit account.
	8. Deposit Account No.:
DO NOT US	E THIS SPACE
9. Statement and signature:	
To the best of my knowledge and belief, the foregoing informative copy of the original document.	nation is true and correct and any attached copy is a
Edward A. Van Gieson, Reg. No. 44,386	Signature Data
Name of Person Signing	Signature Date
Total number of pages including cove	
Mail documents to be recorded with required cover sheet information to: Box As Case Docket No.: 21216-05666	ssignment, Commissioner For Patents and Trademarks, Washington, D.C. 20231

21216/05666/DOCS/1232535.

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to ONI Systems, Inc. a Delaware corporation, having a place of business at 5965 Silver Creek Valley Road, San Jose, CA 95138 ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the provisional application filed under 35 U.S.C. §111(b) or non-provisional application filed under 35 U.S.C. §111(a) and entitled SYSTEM AND METHOD FOR SELECTING THE PLACEMENT OF OPTICAL AMPLIFIERS IN AN OPTICAL NETWORK ("APPLICATION"), which:

	is to be filed herewith
\boxtimes	was filed on December 20, 2001,
	now bearing U.S. application number 10/037,085 and

- 2. The entire worldwide right, title, and interest in and to:
- (a) the APPLICATION; (b) all applications claiming priority from the APPLICATION; (c) all utility, divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; (d) all patents (including reissues and re-examinations) which may be granted on the applications set forth in (a), (b), (c) and (d) above; and (e) all right of priority in the APPLICATION, together with all rights to recover damages for infringement of provisional rights.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has not made and will not hereafter make any assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

Case Docket # 21216-05666 1 of [2]

21216/05666/DOCS/1231378.1

REEL: 012714 FRAME: 0320

Title of Document: ASSIGNMENT

Re: Kenneth M. Maxham

Title: SYSTEM AND METHOD FOR SELECTING THE PLACEMENT OF OPTICAL

AMPLIFIERS IN AN OPTICAL NETWORK

Filed: December 20, 2001 Serial No.: 10/037,085

Name and Signature

Date of Signature

Date Declaration

Executed By This Person

Feb 25 4,2002

December 20, 2001

Kenneth Mark Maxham

State of Colfrenia
County of Santa Claus

1 / 25 300 3 let

_ before me, Brendalee

INOTARY PUBLICI

TÉ] [NOTARY PUBLIC

appeared ____

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

Kenneth Mark Maxham

be the person whose name is subscribed to the within instrument and acknowledged to me that he she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

BRENDA LEE BREON S
COMM. # 1274364
NOTARY PUBLIC-CALIFORNIA O
SANTA CLARA COUNTY O
COMM. EXP. BEFT. 16, 2004

Notary

RECORDED: 03/14/2002