

05-01-2002

ATTORNEY DOCKET: 062891.0642



Sheet 1 of 2

FORM PTO 1595  
1-31-92102074011  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Resubm

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

## 1. Name and Address of Conveying Party(ies) INDIVIDUAL:

Shmuel (nmi) Shaffer  
1211 Cowper Street  
Palo Alto, Santa Clara County, California 94301

4-18-02

Individual Citizenship: United States of America

Additional name(s) of conveying party(ies) attached?

☒ Yes ☐ No

## 3. Nature of conveyance:

☒ X  
☐  
☐

Assignment

Security Agreement

Other

☐  
☐  
☐

Merger

Change of Name

Execution Date: December 20, 2001

## 2. Name and Address of receiving Party(ies):

Name: Cisco Technology, Inc.  
Internal Address: 170 West Tasman Drive  
Street Address: 170 West Tasman Drive  
City: San Jose  
State: California Zip: 95134Additional name(s) &  
Address(es) attached?☐

Yes

☒

No

## 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: December 20, 2001

A. Patent Application No.(s):

10,047 389

B. Patent No.(s):

Additional Numbers

☐

Yes

☒

No

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

Name: Barton E. Showalter  
Internal Address: BAKER BOTTS L.L.P.  
Street Address: 2001 Ross Avenue, Suite 600  
City: Dallas  
State: Texas Zip: 75201-2980

## 6. Total number of application and patents involved: One

## 7. Total Fee (37C.F.R. 3.41): \$40.00

☒ X  
☐

Enclosed

Authorized to be charged to deposit account

40.00

## 8. Deposit Account Number:

(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.

Barton E. Showalter

Signature

April 9, 2002

Date

Total number of pages including cover sheet

5

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

FORM PTO-1595  
ATTACHMENT

1. Name of Conveying Parties – Continued – ALL INDIVIDUALS

Mark (nmi) Skrzynski  
1800 42nd Avenue  
Capitola, Santa Cruz County, California 95010

Individual Citizenship: United States of America  
Execution Date: December 20, 2001

Tejbans (nmi) Chadha  
919 Mowry Avenue #4  
Fremont, Alameda County, California 94536

Individual Citizenship: India  
Execution Date: December 20, 2001

Steven L. Christenson  
1162 Bucknam Avenue  
Campbell, Santa Clara County, California 95008

Individual Citizenship: United States of America  
Execution Date: December 20, 2001



01-24-2002

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PATENTS ONLYATTORNEY DOCKET 062891.0632  
FORM PTO 1595  
1-31-92

Sheet 1 of 2

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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

## 1. Name and Address of Conveying Party(ies) INDIVIDUAL:

Shmuel (nmi) Shaffer  
1211 Cowper Street  
Palo Alto, Santa Clara County, California 94301

Individual Citizenship: United States of America

Additional name(s) of conveying party(ies) attached?

☒ Yes ☐ No

1-15-02

## 2. Name and Address of receiving Party(ies):

Name: Cisco Technology, Inc.  
Internal Address: 170 West Tasman Drive  
Street Address: 170 West Tasman Drive  
City: San Jose  
State: California Zip: 95134Additional name(s) &  
Address(es) attached?☐

Yes

☒

No

## 3. Nature of conveyance:

☒  
☐  
☐Assignment  
Security Agreement  
Other☐  
☐Merger  
Change of Name

Execution Date: November 14 and 15, 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: November 14 and 15, 2001.

A. Patent Application No.(s):

B. Patent No.(s):

Additional Numbers

☐

Yes

☐

No

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

Name: Barton E. Showalter  
Internal Address: BAKER BOTTS L.L.P.  
Street Address: 2001 Ross Avenue, Suite 600  
City: Dallas  
State: Texas Zip: 75201-2980

## 6. Total number of application and patents involved: One

## 7. Total Fee (37C.F.R. 3.41): \$40.00

☒  
☐

Enclosed

Authorized to be charged to deposit account

## 8. Deposit Account Number:

(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.*

Barton E. Showalter

Signature

Nov. 16, 2001  
Date

Total number of pages including cover sheet

5

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information:

01/23/2002 TDIAZ1 00000237 B.E. SHOWALTER  
01 FEB 2001 40.00 DPCommissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

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PATENT  
REEL: 012834 FRAME: 0065

DAL01:640941.1

FORM PTO-1595  
ATTACHMENT

1. **Name of Conveying Parties – Continued – ALL INDIVIDUALS**

Robert T. Bell  
576 S. Brentwood Lane  
Bountiful, Utah 84010  
Davis County  
Citizenship: United States of America

**ASSIGNMENT**

**WHEREAS**, I, the undersigned inventor (or one of the undersigned joint inventors), of residence as listed, having invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been executed on the date set forth below; and

**WHEREAS**, Cisco Technology, Inc. (hereinafter referred to as "Assignee"), a California Corporation, with an address of 170 West Tasman Drive, San Jose, California 95134, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

**NOW, THEREFORE**, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to Assignee.

I also assign to Assignee, all right, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention:

METHOD AND APPARATUS FOR  
CUSTOMIZING A DEVICE BASED  
ON A FREQUENCY RESPONSE FOR  
A HEARING-IMPAIRED USER

Signature of Inventor:

Inventor's Name:

Shmuel Shaffer  
Shmuel (nmi) Shaffer

Residence (City, County, State)

Palo Alto, Santa Clara County, California

Date:

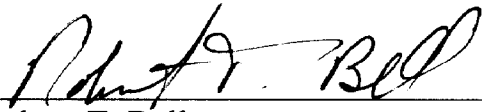
11/14/01

Date Application Executed:

11/14/01

Signature of Inventor:

Inventor's Name:

  
\_\_\_\_\_  
Robert T. Bell

Residence (City, County, State)

Bountiful, Davis County, Utah

Date:

15 Nov 2001

Date Application Executed:

15 Nov 2001

2

signed by Mr. Jiles, the U.S. Postal Service (USPS) refused to accept the package for Express Mail delivery to the U.S. Patent Office.

More specifically, USPS personnel told Mr. Jiles that, earlier the same day, they had received a Notice from USPS authorities which contained instructions specifying that Express Mail service to certain zip codes had been suspended, including service to the 20231 zip code used by the Patent Office. The USPS personnel gave Mr. Jiles a copy of the Notice, which is attached to the enclosed Declaration as Exhibit B.

Since it was clear that the USPS would refuse to accept the package containing the patent application for delivery by Express Mail on November 16, 2001, Mr. Jiles promptly pursued the next best option available from the USPS. In particular, and as discussed in the accompanying Declaration, he promptly modified the Certificate of Express Mailing in the correspondence, so as to convert it to a Certificate of First Class Mailing, and then he initialed and dated this change. He then re-submitted the package containing the correspondence to the USPS on November 16, 2001, for delivery by first class mail service to the U.S. Patent Office.

While en route by first class mail, the package was apparently held by the USPS for sanitation as part of the anthrax-related decontamination activities discussed in the PTO website Notice which appears at:

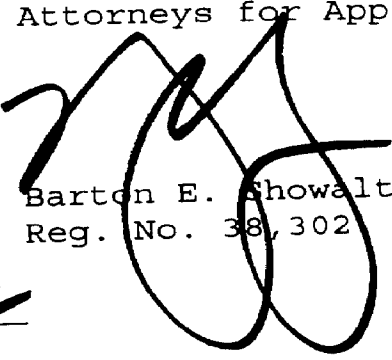
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/maildelays.htm>

Consequently, although the package was mailed by first class mail on November 16, 2001, it was not received by the PTO until January 15, 2002 (almost two months later). In this regard, Applicants are enclosing a copy of the acknowledgment post card for this application, which was transmitted to the

PTO with the application on November 16, 2001, and which was returned with a PTO mailroom date stamp of January 15, 2002.

In an Official Gazette Notice at 1253 OG 103-104, the U.S. PTO has designated the USPS interruption in Express Mail Service on November 16, 2001 as a postal service interruption within the meaning of 35 U.S.C. §21(a) and 37 CFR § 1.6(e). Accordingly, although the PTO tentatively awarded the present application a filing date of January 15, 2002, Applicants respectfully submit that the present application is entitled to an earlier filing date of November 16, 2001, which is the date on which the application was presented to the USPS for filing by Express Mail but was refused acceptance by the USPS. For the foregoing reasons, Applicants respectfully request that the present application be awarded a filing date of November 16, 2001.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
Barton E. Showalter  
Reg. No. 38,302

Date: March 25, 2002  
BAKER BOTTS, L.L.P.  
2001 Ross Avenue  
Suite 600  
Dallas, TX 75201-2980  
(214) 953-6509

Enclosures: Copy of Acknowledgment Post Card  
bearing PTO Mailroom Date Stamp  
Declaration by Willie Jiles, with  
listed enclosures  
Acknowledgement Post Card

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shmuel Shaffer, et al.  
Serial No.: 10/047,389  
Filing Date: January 15, 2002 (Error - Should be  
November 16, 2001)  
Group No.: 2643  
Examiner Unknown  
Title: METHOD AND APPARATUS FOR CUSTOMIZING  
A DEVICE BASED ON A FREQUENCY  
RESPONSE FOR A HEARING-IMPAIRED USER  
Attorney Docket No.: 062891.0632

BOX FILING DATE  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

**DECLARATION REGARDING REFUSAL OF U.S.**  
**POSTAL SERVICE TO ACCEPT EXPRESS MAIL**

I, Willie Jiles, hereby declare that:

1. I am a mail clerk employed by the law firm of Baker Botts L.L.P., 2001 Ross Avenue, Dallas, Texas. As part of my job, I regularly deposit mail with the U.S. Postal Service (USPS), including packages which are being sent to the U.S. Patent and Trademark Office by Express Mail under 37 C.F.R. §1.10.

2. On Friday, November 16, 2001, I appeared at the United States Post Office located at 401 DFW Turnpike, Dallas,

Texas 75260, and attempted to deposit with the USPS a package containing the above-identified patent application. A copy of the correspondence which was in that package is attached hereto as Exhibit A.

3. The USPS refused to accept the package for Express Mail delivery. USPS personnel told me that, earlier in the day, they had received a Notice containing instructions from USPS authorities, specifying that Express Mail service to certain zip codes had been suspended, including service to the 20231 zip code used by the Patent Office. The USPS personnel gave me a copy of the Notice, which is attached hereto as Exhibit B.

4. Since it was clear on November 16, 2001 that the USPS would not accept the package for delivery to the PTO by Express Mail service, I promptly pursued the next best available option. In particular, I promptly modified the Certificate of Express Mailing in the correspondence, so as to convert it to a Certificate of First Class Mailing, and then I initialed and dated this change, as evident from the copy of the mailing certificate in the correspondence in Exhibit A.

5. I then re-submitted the package containing the correspondence to the USPS on November 16, 2001, for delivery by first class mail service to the U.S. Patent Office.