

05-03-2002

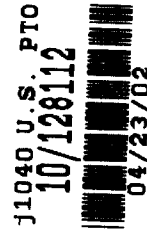
HEET



To the Honorable Commission

the attached original documents or copy thereof.

<p>1. Name of conveying party(ies):</p> <p>Michael G Smith 13772 Fairmont Way Tustin, CA 92780</p> <p>04/23/02</p> <p>Additional names of conveying party(ies) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no</p> <p>3. Nature of Conveyance</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>February 21, 2002</u></p>		<p>102077895</p> <p>and address of receiving party(ies):</p> <p>Name: GATEWAY, INC.</p> <p>Internal Address:</p> <p>14303 Gateway Place Poway, CA 92064</p> <p>Street Address:</p> <p>Same as above</p> <p>Additional name(s) & address(es) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no</p>
<p>4. Application number(s) or patent number(s):</p> <p>Title: <u>Drive Activity Sampling and Notification</u></p> <p>If this document is being filed together with a new application, the execution date of the application is: <u>February 21, 2002</u></p> <p>A. Patent Application No(s):</p> <p>B. Patent No(s):</p> <p>Additional numbers attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no</p>		
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: Mark S. Walker</p> <p>Internal Address:</p> <p>Gateway, Inc. 14303 Gateway Place Poway, CA 92064</p> <p>Street Address:</p> <p>Same as above</p>	<p>6. Total number of applications and patents involved: <u>1</u></p> <p>7. Total fee (37 CFR 3.41): \$ <u>40.00</u></p> <p><input type="checkbox"/> Enclosed</p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p><input checked="" type="checkbox"/> Total fee due</p> <p><input checked="" type="checkbox"/> Any deficiencies in the enclosed fees</p> <p>8. Deposit account number:</p> <p><u>50-0439</u> (A duplicate copy of this page is enclosed.)</p>	
<p>DO NOT USE THIS SPACE</p>		
<p>9. Statement and signature</p> <p>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.</p> <p>Mark S. Walker _____</p> <p>Name of Person Signing _____ Signature _____ Date <u>4-22-02</u></p> <p>Registration No. 30,699</p> <p>Total number of pages including cover sheet, attachments, and documents: <u>4</u></p>		



05/02/2002 TDIAZ1 00000155 500439 10128112

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ASSIGNMENT

WHEREAS, I, Michael G. Smith, a citizen of the USA, residing at 13772 Fairmont Way, Tustin, CA 92780, (hereinafter referred to as "ASSIGNOR"), have invented and own a certain invention entitled "Drive Activity Sampling and Notification", for which application for Letters Patent of the United States of America has been executed on even date herewith;

WHEREAS, **GATEWAY, INC.**, 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 610 Gateway Drive, North Sioux City, SD 57049 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers and sets over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto, to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a

foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNOR hereby authorize and requests the Commissioner of Patents and Trademarks to issue said Letters Patent and any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon request of ASSIGNEE, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or legal proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its designated legal representative any and all papers, instruments, declarations or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Lake Forest (city), CA (state), this
21st day of February, 2002.

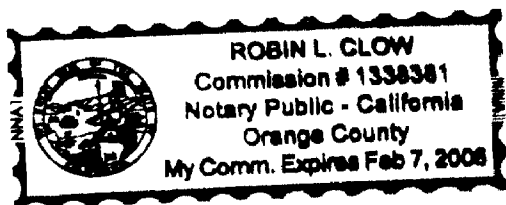


Assignor: Michael G. Smith

The State of CA)
County of Orange)

BEFORE ME, the undersigned authority, on this day personally appeared
Michael G. Smith, known to me to be the person whose name is subscribed to the
foregoing instrument, and acknowledged to me that he executed the same for the
purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st day of
February, 2002.



(SEAL)

Robin L. Glow
Notary Public

In the alternative:

WITNESSED:

Name

By: _____ Date: _____