

PATENTS ONLY

05-10-2002



document or copy 102085894

JC978 U.S. PTO
10/03/01



1. Name of party or parties conveying an interest:

Daniel Francis Tell
William S. Pierce
Kaveh Vessal

12/28/01

2. Name and address of party or parties receiving an interest:

Name: Motorola, Inc. (a Delaware corporation)
Address: 1303 E. Algonquin Road
City: Schaumburg
State: Illinois
Zip: 60196

3. Description of the interest conveyed:

☒ Assignment
☐ Merger
☐ Change of Name
☐ Security Agreement

Other:

Execution Date: December 11 and 17, 2001

10/634890

4. Application number(s) or patent number(s). Additional sheet attached?
YES _____ NO X

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

A. Patent Application Serial No. to be assigned; filed December __, 2001, (concurrently herewith)

B. Patent no.(s):

5. Name and address of party to whom correspondence concerning this cover sheet should be mailed:

Name: Michael R. Hull
Reg. No. 35,902
MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN
Address: 6300 Sears Tower,
233 South Wacker Drive
City: Chicago
State: Illinois
Zip: 60606-6357

6. Number of applications and/or patents identified on this cover sheet: 1

7. Amount of fee enclosed or authorized to be charged: \$ 40.00

8. Any additional required fee may be charged, or any overpayment credited to our deposit account: 13-2855

9. To the best of my knowledge and belief, the information contained on this cover sheet is true and correct and any copy submitted is a true copy of the original document.

Date: December 28, 2001

Michael R. Hull
Reg. No. 35,902

Total number of pages including cover sheet, attachments, and document: 11

2002 MAR04 0000034 132855

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PATENT
REEL: 012877 FRAME: 0087

ASSIGNMENT AND AGREEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, we, **DANIEL FRANCIS TELL, LAKE FOREST, ILLINOIS; WILLIAM S. PIERCE, ALGONQUIN, ILLINOIS; AND KAVEH VESSAL, SCHAUMBURG, ILLINOIS;** have sold, assigned and transferred, and do hereby sell, assign and transfer, unto MOTOROLA, INC., a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, and its successors, assigns, and legal representatives, the entire right, title and interest for the United States of America in and to certain inventions relating to improvements in **METHOD AND APPARATUS FOR TRANSMITTING WIRED DATA VOICE OVER IP DATA AND WIRELESS DATA THROUGH A COMMON IP CORE NETWORK** (Docket No. 29250/CE03957R), described, illustrated and claimed in an application for Letters Patent of the United States of America executed by us on the dates indicated by our signatures below, together with the entire right, title and interest in and to the application, and in and to Letters Patent which may be issued upon the application, and upon any division, extension, continuation or reissue thereof.

We hereby also sell, assign and transfer unto MOTOROLA, INC., the entire right, title and interest in and to the invention and in and to applications for Letters Patent therefore in all countries foreign to the United States of America, including all rights under any and all international conventions and treaties in respect of the invention and the applications for Letters Patent in foreign countries, and we further authorize MOTOROLA, INC. to apply for Letters Patent in foreign countries directly in its own name, and to claim priority of the filing date of the application for Letters Patent of the United States of America under the provisions of any and all international conventions and treaties.

We hereby authorize and request the Commissioner of Patents of the United States of America to issue Letters Patent upon the aforesaid application, division, extension, continuation or reissue, to MOTOROLA, INC., for the sole use and benefit of MOTOROLA, INC., its successors, assigns and legal representatives, to the full end of the term for which Letters Patent may be granted, the same as they would have been held and enjoyed by me had this assignment not been made, and we hereby authorize and request the equivalent authorities in foreign countries to issue the patents of their respective countries to MOTOROLA, INC.

We agree that, when requested, we will, without charge to MOTOROLA, INC., but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for the inventions in any and all countries and for vesting title thereto in MOTOROLA, INC., its successors, assigns and legal representatives or nominees.

29250/CE03957R

1

We covenant with MOTOROLA, INC., its successors, assigns and legal representatives, that the interest and property hereby conveyed is free from all prior assignment, grant, mortgage, license or other encumbrance.

We grant to MOTOROLA, INC., its successors, assigns and legal representatives the power to insert on this assignment any further identification, including the application number and filing date, which 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.

Daniel Francis Tell

Daniel Francis Tell

DATE: 12-11-01

STATE OF ILLINOIS

SS:

COUNTY OF COOK

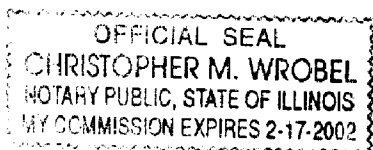
The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Daniel Francis Tell whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11 day of December, 2001.

My commission expires: 2-17-2002

Christ M. Wrobel
Notary Public Signature

Christopher M. Wrobel
Printed Name of Notary Public



29250/CE03957R

William S. Pierce

DATE: _____

STATE OF

ss:

COUNTY OF

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that William S. Pierce whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this __ day of _____, 2001.

My commission expires:

Notary Public Signature

Printed Name of Notary Public

29250/CE03957R

4

PATENT
REEL: 012877 FRAME: 0091

Kaveh Vessal

DATE: _____

STATE OF

SS:

COUNTY OF

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Kaveh Vessal whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this ___ day of _____, 2001.

My commission expires:

Notary Public Signature

Printed Name of Notary Public

29250/CE03957R

5

PATENT
REEL: 012877 FRAME: 0092

ASSIGNMENT AND AGREEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, we, **DANIEL FRANCIS TELL, LAKE FOREST, ILLINOIS; WILLIAM S. PIERCE, ALGONQUIN, ILLINOIS; AND KAVEH VESSAL, SCHAUMBURG, ILLINOIS;** have sold, assigned and transferred, and do hereby sell, assign and transfer, unto MOTOROLA, INC., a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, and its successors, assigns, and legal representatives, the entire right, title and interest for the United States of America in and to certain inventions relating to improvements in **METHOD AND APPARATUS FOR TRANSMITTING WIRED DATA VOICE OVER IP DATA AND WIRELESS DATA THROUGH A COMMON IP CORE NETWORK** (Docket No. 29250/CE03957R), described, illustrated and claimed in an application for Letters Patent of the United States of America executed by us on the dates indicated by our signatures below, together with the entire right, title and interest in and to the application, and in and to Letters Patent which may be issued upon the application, and upon any division, extension, continuation or reissue thereof.

We hereby also sell, assign and transfer unto MOTOROLA, INC., the entire right, title and interest in and to the invention and in and to applications for Letters Patent therefore in all countries foreign to the United States of America, including all rights under any and all international conventions and treaties in respect of the invention and the applications for Letters Patent in foreign countries, and we further authorize MOTOROLA, INC. to apply for Letters Patent in foreign countries directly in its own name, and to claim priority of the filing date of the application for Letters Patent of the United States of America under the provisions of any and all international conventions and treaties.

We hereby authorize and request the Commissioner of Patents of the United States of America to issue Letters Patent upon the aforesaid application, division, extension, continuation or reissue, to MOTOROLA, INC., for the sole use and benefit of MOTOROLA, INC., its successors, assigns and legal representatives, to the full end of the term for which Letters Patent may be granted, the same as they would have been held and enjoyed by me had this assignment not been made, and we hereby authorize and request the equivalent authorities in foreign countries to issue the patents of their respective countries to MOTOROLA, INC.

We agree that, when requested, we will, without charge to MOTOROLA, INC., but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for the inventions in any and all countries and for vesting title thereto in MOTOROLA, INC., its successors, assigns and legal representatives or nominees.

29250/CE03957R

1

We covenant with MOTOROLA, INC., its successors, assigns and legal representatives, that the interest and property hereby conveyed is free from all prior assignment, grant, mortgage, license or other encumbrance.

We grant to MOTOROLA, INC., its successors, assigns and legal representatives the power to insert on this assignment any further identification, including the application number and filing date, which 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.

DATE: _____

Daniel Francis Tell

STATE OF

SS:

COUNTY OF

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Daniel Francis Tell whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this __ day of _____, 2001.

My commission expires:

Notary Public Signature

Printed Name of Notary Public

29250/CE03957R

3

PATENT
REEL: 012877 FRAME: 0095

William S. Pierce

William S. Pierce

DATE: 12/17/01

STATE OF

SS:

COUNTY OF

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that William S. Pierce whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 17 day of DECEMBER, 2001.

My commission expires:

2/26/02

Cynthia Mary Bolda
Notary Public Signature

CYNTHIA MARY BOLDA
Printed Name of Notary Public



Kaveh Vessal

DATE: _____

STATE OF

ss:

COUNTY OF

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Kaveh Vessal whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this ____ day of _____, 2001.

My commission expires:

Notary Public Signature

Printed Name of Notary Public

29250/CE03957R

5

PATENT
REEL: 012877 FRAME: 0097

**MOTOROLA**

Cellular Infrastructure Group

DISCLOSURE FOR PATENT COMMITTEE
Submitted Pursuant to Employment AgreementFor Instructions for Completion Refer to Disclosure
Instruction Procedure

Motorola Confidential Proprietary Upon Completion

Inventor(s) will not fill in Operation *Thode*

Disclosure No.

CE03957R

Date

11-10-98

Patent Committee Action

Inventor(s) Name(s)

*Tell, Dan
Pierce, Bill**Oessal, Kevin**Mike Hall*

Inventor must fill in items 1 through 13. Items 2 to 7 may require extra sheets. BE SURE that all pages are signed and dated by both the inventor(s) and two witnesses.

1. Name of the invention. (Limit to ten words.)

Method and apparatus for Wired/Wireless Integration

312-474-6650

2. State the problem(s) solved by the invention.

See Attached

3. Describe the invention, including its operation, purpose and environment. (Use separate sheets as required)

See Attached

4. List the closest known technology (attach article, patent, catalog sheet or other documentation).

See Attached

5. Improvement(s) over known technology.

See Attached

6. What new elements (e.g. components, circuits, process steps) or combination of known elements or software algorithm produced the improvement?

See Attached

7. What are the potential applications for use of this invention?

See Attached

8. Conception date? *10/14/1998* (Attach earliest log sheets, drawings, etc., to support dates)9. To whom did you first disclose this invention? Name: *Larry Svec* Date: _____

10. Date the device was first build and tested: _____

Present location of device? _____

DETERMINATION OF LEGAL INVENTORSHIP WILL BE MADE BY THE PATENT DEPARTMENT.

Inventor's signature (IMPORTANT --YOU MUST USE YOUR FULL NAME)--NO INITIALS--

11. Inventor's Full Name:

Daniel Francis Tell

Signature

Daniel Francis Tell

Date

11-4-98

Social Security No. & Commerce ID

350-42-1127 10039680

Home Address: Street

1533 Bowling Green

City

Lake Forest

State

IL

Country

USA

Zip Code

60045

Citizen of (i.e. U.S., Germany, etc.)

U.S.

Dept. No.

BD966

Phone

2-5301

Mail drop & Post no.

IL27 3-5C

Employee Status

Permanent

Contractor

Inventor's Immediate Supervisor

John Thode

Dept. No.

BD908

Phone

2-5322

Social Security No.

10045518

Motorola Confidential Proprietary Upon Completion

*Mike**Marshall O'Toole**6300 Sears Tower**Chicago, IL 60606**John B. Hall 6-10-98**Larry Svec 4-10-98**Will S. Kim 11/4/98**Will S. Kim 11/4/98**John S. Tell 11/4/98*

PATENT

REEL: 012877 FRAME: 0098

12. Inventor's Full Name: (Type)

William S. Pierce

Signature

Date

11/4/98

Social Security No. & Commerce ID

340-66-5315

10034733

Home Address: Street

8 Dryden Court

City

Algonquin

State

IL

Country

USA

Zip Code

60102

Citizen of (i.e. U.S., Germany, etc.)

US

Dept. No.

BC568

Phone

632-7413

Mail drop & Post No.

IL27-34C

Employee Status

Permanent

Permanent Contractor

Inventor's Immediate Supervisor

Dan Tell

Dept. No.

BC568

Phone

632-5301

Social Security No. & Commerce ID

350-42-1127

10039680

13. Inventor's Full Name: (Type)

Kaveh Vessal

Signature

Date

11/4/98

Social Security No. & Commerce ID

329-70-3161

10029160

Home Address: Street

1665 Lincoln Meadows #1021

City

Schaumburg

State

IL

Country

USA

Zip Code

60173

Citizen of (i.e. U.S., Germany, etc.)

US

Dept. No.

BC568

Phone

632-4141

Mail drop & Post no.

IL27-1441

Employee Status

Permanent

Permanent Contractor

Inventor's Immediate Supervisor

Dan Tell

Dept. No.

BC568

Phone

632-5301

Social Security No. & Commerce ID

350-42-1127

10039680

Witnesses signatures (TWO WITNESSES ARE REQUIRED). Witness must sign and date this form and all attachments. THE WITNESSES IN SIGNING THIS FORM ATTEST TO THE FACT THAT THEY UNDERSTAND THE INVENTION.

14. Witness Name: (Type)

ARMY P.S. cc

Signature

Date

4-22-98

Phone

847-632-5252

15. Witness Name: (Type)

Thomas Hart

Signature

Date

6-11-98

Phone

847-632-5261

Items 16 through 24 are to be filled in by the ENGINEERING/PRODUCT MANAGER or above.

THE MANAGER IN SIGNING THIS FORM ATTESTS TO THE FACT THAT HE UNDERSTANDS THE INVENTION.

16. What product will this invention be used in? (No code names—use brief description if necessary)

17. When (was) (will) the first offer for sale of a product incorporating this invention (be) made? Date:

18. When is the estimated shipping date?

19. When (was) (will) the first disclosure outside of Motorola (be) made? How and to whom? Nondisclosure agreement signed? State title and date of publication, if any.

20. What is the market for products incorporating this invention? Be specific and quantitative. See attached.

21. Who are the potential competitors? What is the possibility this invention will be used by competitors? Which ones?

22. Did this invention result from work on a development Contract? NO Contract no. _____ Who was the contracting party?

23. Discuss the business impact that this invention will have on Motorola. Be specific and quantitative.

24. Manager's Name (Type)

Dan Tell

Signature

Date

11-4-98

Dept. No.

BD966

Phone

2-5301

Motorola Confidential Proprietary Upon Completion

9/96

6-11-98

4-22-98

11/4/98

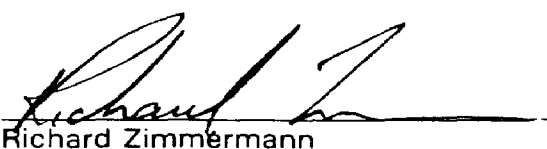
11/4/98

11/4/98

PATENT

REEL: 012877 FRAME: 0099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel F. Tell et al.	)	I hereby certify that this paper and the
	)	documents referred to as enclosed
Serial No.: To be assigned	)	therewith are being deposited with the
	)	United States Postal Service on
Filed: December __, 2001	)	December 28, 2001 in an envelope
(concurrently herewith)	)	addressed to the Commissioner for
	)	Patents, Washington, D.C. 20231
For: Method and Apparatus for	)	utilizing the "Express Mail Post Office to
Transmitting Wired Data Voice	)	Addressee" service of the United States
Over IP Data and Wireless Data	)	Postal Service under Mailing Label No.
Through a Common IP Core	)	EL564465368US
Network)	
)	
Group Art Unit: To be assigned	)	Richard Zimmermann
)	
Examiner: To be assigned)	

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY PERSON AUTHORIZED BY
ASSIGNEE TO SIGN ON BEHALF OF INVENTOR KAVEH VESSAL
WHO CANNOT BE FOUND (37 C.F.R. §1.47(b))**

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, Michael R. Hull, Attorney Reg. No. 35,902, respectfully submits that I am authorized to act on behalf of the assignee of the above-referenced patent application, Motorola, Inc., a corporation of the state of Delaware, having its principle office in Schaumburg, Illinois. Motorola, Inc. is the assignee of the above-referenced patent application, an assignment executed by inventors William S. Pierce and Daniel Francis Tell is in the process of being recorded in the U.S. Patent and Trademark Office, a copy of which is attached to the accompanying statement of facts in support of filing on behalf of inventor Vessal who can not be found. By virtue of

Motorola's proprietary interest, and by virtue of my authorization to sign on behalf of Motorola (I am listed as one of the registered attorneys authorized to act on behalf on Motorola under customer number 29978), I signed this declaration on behalf of, and as agent for Kaveh Vessal, whose current whereabouts and residence are unknown, but whose last known address is 1665 Lincoln Meadows #1021, Schaumburg, Illinois, 60173, USA. Inventor Vessal's whereabouts are unknown and I and representatives of Motorola have not been able to locate him.

Upon information and belief, I aver those facts that inventor Vessal is required to state under 37 C.F.R. § 1.64(b). I am a citizen of the United States, my residence is 2229 North Orchard, Unit G, Chicago, Illinois 60614, USA and my mailing address is Marshall, Gerstein & Borun, 6300 Sears Tower, 233 S. Wacker Drive, Chicago, Illinois 60606-6357.

Accompanying this declaration is a statement of facts and support of filing on behalf of non-signing inventor, Vessal, who cannot be found. These documents are filed to establish the proof of pertinent facts, and show that such action is necessary to preserve the rights of Motorola, Inc. and to prevent irreparable damage. The requisite petition fee of \$130.00 (37 C.F.R. § 1.17(i)) is submitted herewith.

Respectfully submitted,


MARSHALL, GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-9577

December 18, 2001

By:


Michael R. Hull
Reg. No. 35,902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel F. Tell et al.	)	I hereby certify that this paper and the
	)	documents referred to as enclosed
Serial No.: To be assigned	)	therewith are being deposited with the
	)	United States Postal Service on
Filed: December 27, 2001	)	December 28, 2001 in an envelope
(concurrently herewith)	)	addressed to the Commissioner for
	)	Patents, Washington, D.C. 20231
	)	utilizing the "Express Mail Post Office
For: Method and Apparatus for	)	to Addressee" service of the United
Transmitting Wired Data Voice	)	States Postal Service under Mailing
Over IP Data and Wireless Data	)	Label No. EL564465368US
Through a Common IP Core)	
Network)	
)	
Group Art Unit: To be assigned	)	Richard Zimmermann
)	
Examiner: To be assigned)	

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF
NON-SIGNING INVENTOR VESSAL (37 C.F.R. §1.47)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the non-signing inventor Vessal for the above-identified patent application before deposit thereof in the U.S. Patent and Trademark Office.

I, Michael R. Hull, Attorney Reg. No. 35,902, residing at 2229 North Orchard, Unit G, Chicago, Illinois, USA, a citizen of the United States, makes this statement of facts on behalf of Motorola, Inc., as I am authorized to act on behalf of Motorola, Inc. (I am listed as an attorney of record under customer no. 29978) and I have first hand knowledge of the efforts to contact non-signing inventor Kaveh Vessal.

The inventions claimed in the above-referenced patent application are the result of the collaborative efforts of Daniel Tell, William Pierce and Kaveh Vessal. The invention disclosure was recorded in the form of a document entitled "Disclosure for Patent Committee," dated November 10, 1998, a copy of which is attached hereto. At that time, Daniel Tell, William Pierce and Kaveh Vessal were all employees of Motorola, Inc. All three inventors, as a part of their employment contract with Motorola, agreed to assign all inventions created during the course and scope of their employment to Motorola, Inc. Thus, Daniel Tell and William Pierce have executed an Assignment of this application to Motorola, Inc.

However, in late 1999, inventor Kaveh Vessal left the employment of Motorola, Inc. His departure from Motorola occurred before the undersigned began to prepare the present patent application. Thus, the present application was prepared by the undersigned, with the assistance of inventors Tell and Pierce. After the application was approved by inventors Tell and Pierce for filing in the Patent Office, inventors Tell and Pierce informed me that Kaveh Vessal had left Motorola in late 1999 and allegedly secured employment at 3Com Corporation, at their facilities in Mount Prospect, Illinois. However, a telephone call to 3Com's facilities in Mount Prospect, Illinois resulted in the undersigned learning that Mr. Vessal had left the employment of 3Com and his current employment status is unknown.

Without a business telephone number in order to contact inventor Vessal, I searched for a home telephone number in Illinois. There is no listed telephone number for inventor Vessal, either at his last known address of 1665 Lincoln Meadows, #1021, Schaumburg, Illinois, 60173 or any other address in the state of Illinois. I also did numerous Internet searches using the YAHOO, WORLD PAGES, BIG FOOT INFOSPACE search engines. I could not find any telephone number, residence or email address for inventor Kaveh

Vessal. Further, I telephoned 3Com Corporation in an attempt to obtain a forwarding address for inventor Vessal. A representative of 3Com Corporation told me that they would not furnish such information, but would only confirm that inventor Vessal was a former employee of 3Com and they would not provide any forwarding address information for any former employee of 3Com.

Thus, I can state that I diligently attempted to locate Mr. Vessal. Further, I can also state that representatives of the assignee Motorola, Inc. have also attempted to locate inventor Vessal, without success. A copy of a November 29, 2001 email from Leo Donlin, an employee of Motorola, Inc. to Lisa Richard, an employee of the undersigned's law firm, clearly indicates that representatives of Motorola have attempted to locate their former employee, inventor Vessal. I personally have also solicited the help of inventors Tell and Pierce to locate their former colleague and co-inventor Vessal. Both inventors Tell and Pierce have been unable to locate inventor Vessal and they indicated directly to me that their attempts were unsuccessful.

Nonetheless, a copy of the application, declaration and assignment was sent by certified mail to Inventor Vessal's last known address. The documents were returned. A copy of the returned envelope is attached hereto.