



102130796

To the Honorable Commissioner of

the attached original documents or copy thereof.

1. Name of Conveying party(ies):

CyberIQ Systems, Inc.

6-14-02

2.

Name and address of receiving party(ies)

Name: Avaya Inc.

Internal Address:

Street Address: 211 Mount Airy Road

City: Basking Ridge State: NJ ZIP: 07920

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

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

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other _____

Execution Date: October 17, 2001 and October 22, 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:

A. Patent Application No. 08/994,405

B. Patent No. 5,963,540

Additional numbers attached? Yes No

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

Name: Docket Administrator

Internal Address: Room 1L-202

Street Address: 101 Crawford's Corner Road

06/20/2002 TDIAZ1 00000162 501602 08994405

01 FC:581 40.00 CH

City: Holmdel State: NJ ZIP: 07733-3030

6. Total number of applications and patents involved: 1

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 501602

(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.

David Volejnicek

Name of Person Signing

David Volejnicek

Signature

5 June 2002
Date

Total number of pages including cover sheet (in duplicate), attachments, and document. : 6

PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of _____, 2001 (the "Effective Date"), is by and between CyberIQ Systems, Inc., a California corporation, with offices at 225 Baypointe Parkway, San Jose, California 95134, United States of America ("ASSIGNOR"), and Avaya Inc., a Delaware corporation, with offices at 211 Mount Airy Road, Basking Ridge, New Jersey 07920, United States of America ("ASSIGNEE").

10-22-20
10-17-01
its last business address at

RECITALS

A. WHEREAS, ASSIGNOR and ASSIGNEE have entered into an agreement for the sale to ASSIGNEE of certain of ASSIGNOR's intellectual property assets;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents and patent applications, listed in the attached Appendix A (hereinafter "TRANSFERRED PATENTS"); and

C. WHEREAS, in furtherance of the foregoing sale of intellectual property assets, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in ASSIGNEE.

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

Pursuant to the Order of the United States District Court, Northern District of California, San Jose Division, dated Oct. 3, 2001 for ASSIGNOR's MOTION TO SELL CERTAIN OF DEBTOR'S ASSETS OTHER THAN IN THE ORDINARY COURSE OF BUSINESS (11 U.S.C. § 363(b)) AND FREE AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES, AND INTERESTS (11 U.S.C. § 363(f)), ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to ASSIGNEE, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver.

ASSIGNOR agrees that, upon request it will, at any time without charge to ASSIGNEE but at ASSIGNEE's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED

PATENTS in ASSIGNEE, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents to said inventions in any and all countries and for vesting title thereto in ASSIGNEE, its successors, assign and legal representatives or nominees.

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

CYBERIQ SYSTEMS, INC.

By: 

Name: William J. Schroeder

Title: PRESIDENT

AVAYA INC.

By: 

Name: Matrice de Picciotto

Title: Vice President-Law, Intellectual Property

ACKNOWLEDGMENTS

STATE OF _____)
COUNTY OF _____)

ss. *see Attached*

I CERTIFY that on this _____ day of _____, 2001, _____ personally came before me and this person acknowledged under oath, to my satisfaction that:

- a) this person signed, sealed and delivered the attached Patent Assignment as _____ of CyberIQ Systems, Inc. and had the authority to do so; and
- b) this Patent Assignment was signed and made by CyberIQ Systems, Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.

Name:
Notary Public
My Commission Expires:

[Notarial Seal]

STATE OF *New Jersey*)
COUNTY OF *Somerset*)

ss.

I CERTIFY that on this *22nd* day of *October*, 2001, Maurice de Picciotto personally came before me and this person acknowledged under oath, to my satisfaction that:

- a) this person signed, sealed and delivered the attached Patent Assignment as Vice President-Law, Intellectual Property of Avaya Inc.; and
- b) this Patent Assignment was signed and made by Avaya Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.

Ann Marie Tedesco

Name:
Notary Public
My Commission Expires:

ANNMARIE TEDESCO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 5, 2005

[Notarial Seal]

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA)

ss

On October 17, 2001, before me Priscilla Teague personally appeared William F. Schroeder, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument to be the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Priscilla Teague
Priscilla Teague, Notary Public



APPENDIX A

TRANSFERRED PATENTS

U.S. Patents

1. U.S. Patent No. 6,266,335, entitled "Cross-Platform Server Clustering Using a Network Flow Switch," issued July 24, 2001.
2. U.S. Patent No. 5,963,540, entitled "Router Pooling in a Network Flow Switch," issued October 5, 1999.

U.S. Patent Applications

Attorney Reference No.	Inventors	Patent Application Title
M-4969	Abraham R. Matthews Sajit Bhaskaran	Dynamic Load Balancer for Multiple Network Servers
M-7717	Srinivas Chaganty Vijay Jaswa Akbal Karicut	Active-Passive Flow Switch Failover Technology
M-8402	Satish Bommaredy Makarand Kale Srinivas Chaganty	Router Clustering for Multiple Networks
M-8403	Srinivas Chaganty Makarand Kale Satish Bommaredy	Firewall Pooling in a Network Flowswitch
M-8404	Satish Bommaredy Makarand Kale Srinivas Chaganty	Firewall Clustering for Multiple Network Servers
M-9434	Satish Bommaredy Makarand Kale Srinivas Chaganty	VPN Device Clustering for Multiple Networks
LNXN3000	...	System and Method of Network Independent Remote Configuration

CHANGE OF CORRESPONDENCE ADDRESS <i>Application</i> Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	08/994,405 Patent No. 5,963,540
	Filing Date	December 19, 1997
	First Named Inventor	S. Bhaskaran
	Group Art Unit	2733
	Examiner Name	Melvin Marcelo
	Attorney Docket Number	M-4971 US (Bhaskaran)

Please change the Correspondence Address for the above-identified application to:

Customer Number →
Type Customer Number here

Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Avaya Inc.				
Address	P.O. Box 629				
Address					
City	Holmdel	State	NJ	ZIP	07733
Country	United States of America				
Telephone	303-538-4154	Fax	303-538-5867		

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :

- Applicant.
- Assignee of record of the entire interest.
Certificate under 37 CFR 3.73(b) is enclosed.
- Attorney or agent of record .

Typed or Printed Name	David Volejnicek
Signature	<i>David Volejnicek</i>
Date	<i>4 June 2002</i>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.