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Form PTO-1595

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U.S. DEPARTMENT OF COMMERCE

U.S. Patent And Trademark Office

(Rev. 03/01) (modified)

OMB No. 0651-0027 (exp 5/31/2002)

102146390

To the Honorable Commissioner For Patents, please record the attached original documents or copy thereof:

## 1. Name of conveying party(ies):

Paul M. Lundquist, Richard J. Frost and Marc Levesque

7-2-02

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

☐ Yes☒ No

## 3. Nature of Conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other: \_\_\_\_\_Execution Date: Lundquist 6/6/02; Frost 6/10/02;  
Levesque 6/4/02

## 2. Name and address of receiving party(ies):

Name: ONI Systems Corp.

Internal Address:

Street Address: 5965 Silver Creek Valley Road

City: San Jose

State: CA Zip: 95138

Additional name(s) &amp; 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: \_\_\_\_\_

A. Patent Application No.(s):

10/153,230

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

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

Name: Eileen A. Lehmann, Esq.

Internal Address: Fenwick &amp; West LLP

Street Address: Two Palo Alto Square

City: Palo Alto State: CA Zip Code: 94306

## 6. Total number of applications and patents involved: [1]

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

☒ Check Enclosed☐ Fee Transmittal Enclosed☐ Charge the indicated fees to the below mentioned deposit account.

## 8. Deposit Account No.:

07/05/2002 LMUELLER 00000201 10153230

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## 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.*

Eileen A. Lehmann, 39,272

Name of Person Signing

*Eileen A. Lehmann*

Signature

6/26/02

Date

Total number of pages including cover sheet, attachments, documents: [4]

Mail documents to be recorded with required cover sheet information to: Box Assignment, Commissioner For Patents and Trademarks, Washington, D.C. 20231

Case Docket No.: 21216-06825 21216/06825/DOCS/1278359.1

PATENT  
REEL: 013047 FRAME: 0936

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 Corp., 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 Use Of A Variable Optical Attenuator In An Optical Network** ("APPLICATION"), which:

- ☐ is to be filed herewith  
☒ was filed on May 20, 2002,  
now bearing U.S. application number 10/153,230; 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.

Title of Document: **ASSIGNMENT**

Re:

Title:

**System and Method For Use Of A Variable Optical Attenuator In An Optical Network**

Filed: (if applicable)

**May 20, 2002**

Application No.: (if applicable)

Name and Signature \_\_\_\_\_

Date of  
SignatureDate Declaration  
Executed By This Person6-6-02, 20026-6-02, 2002**Paul M. Lundquist**

State of \_\_\_\_\_ } S.S.

County of \_\_\_\_\_ }

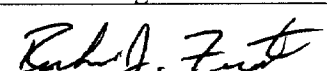
On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
[DATE] [NOTARY PUBLIC]appeared \_\_\_\_\_ personally known to me or proved to me on the basis of  
[INVENTOR]

satisfactory evidence to 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.

Notary Seal

\_\_\_\_\_  
Notary

Name and Signature \_\_\_\_\_

Date of  
SignatureDate Declaration  
Executed By This Person6/10, 20026/10, 2002**Richard J. Frost**

State of \_\_\_\_\_ } S.S.

County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
[DATE] [NOTARY PUBLIC]appeared \_\_\_\_\_ personally known to me or proved to me on the basis of  
[INVENTOR]

satisfactory evidence to 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.

Notary Seal

\_\_\_\_\_  
Notary

Title of Document: ASSIGNMENT

Re:

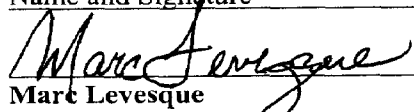
Title:

System and Method For Use Of A Variable Optical Attenuator In An  
Optical Network

Filed: (if applicable)

May 20, 2002

Application No.: (if applicable)

Name and Signature	Date of Signature	Date Declaration Executed By This Person
 Marc Levesque	June 4 <sup>th</sup> , 2002	June 4 <sup>th</sup> , 2002

State of \_\_\_\_\_ } S.S.  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
[DATE] [NOTARY PUBLIC]  
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Notary

21216/06825/DOCS/1269982.1