

10-10-2002

Docket No.:

ET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Re-10/7/0



To the Honorable Commissioner of Pa.

102246525

attached original documents or copy thereof.

1. Name of conveying party(ies):

MICHAEL D. JENKINS

Record As of
7.16.02

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

Name: XYBERNAUT CORPORATION

Address: HYATT PLAZA SUITE 550

12701 FAIR LAKES CIRCLE

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

City: FAIRFAX

State/Prov.: VA

Country: USA

ZIP: 22033

Execution Date: MAY 2, 2002

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: JULY 16, 2002

Patent Application No.

Filing date

B. Patent No.(s)

10/195,952

Additional numbers

☐ Yes ☒ No

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

Name: JAMES J. RALABATE

Registration No. 19,211

Address: 5792 MAIN ST.

6. Total number of applications and patents involved:

1

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

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

18-0080

City: WILLIAMSVILLE

State/Prov.: NY

Country: USA

ZIP: 14221

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.

JAMES J. RALABATE

Name of Person Signing

James J. Ralabate

Signature

SEPT. 30, 2002

Date

Total number of pages including cover sheet, attachments, and

PATENT

REEL: 013357 FRAME: 0744

Tab settings → → → ▼ ▼

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

1. Name of conveying party(ies):
MICHAEL D. JENKINS
PHILIP D. MANCINI

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

Name: **XYBERNAUT CORPORATION**

Internal Address: **HYATT PLAZA, SUITE 550**

Street Address: **12701 FAIR LAKES CIRCLE**

City: **FAIRFAX**

State: **VA**

ZIP: **22033**

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: **MAY 2, 2002**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: **JULY 16, 2002**

A. Patent Application No.(s)

B. Patent No.(s)

10/195952

Additional numbers attached? ☐ Yes ☐ No

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

Name: **JAMES J. RALABATE**

Internal Address:

07/26/2002 TDI071 00000120 10195952

01 FC:581

40.00 DP

Street Address: **5792 MAIN STREET**

City: **WILLIAMSVILLE**

State: **NY**

ZIP: **14221**

6. Total number of applications and patents involved: **1**

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

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☐ Authorized to be charged to deposit account

8. Deposit account number:

18-0080

(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.

JAMES J. RALABATE

Name of Person Signing

James J. Ralabate

Signature

JULY 16, 2002

Date

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

2

ASSIGNMENT

Whereas, we, **MICHAEL D. JENKINS**, residing at 6507 Burke Woods Drive, Burke, VA 22015 and **PHILLIP D. MANCINI**, residing at 5615 Gosling Drive, Clifton, VA 20124, having invented certain new and useful Improvements in "System and Method of Accessing and Recording Messages at Coordinate Way Points", (hereinafter "invention"), on which an application for United States Letters Patent was executed on May 2, 2002; and

Whereas, **XYBERNAUT CORPORATION**, a Delaware corporation having a place of business at Hyatt Plaza, Suite 550, 12701 Fair Lakes Circle, Fairfax, VA 22033, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

Now, Therefore, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, the receipt whereof is hereby acknowledged, and other good and valuable consideration, we, **MICHAEL D. JENKINS and PHILLIP D. MANCINI**, have sold, assigned and transferred and by these presents do sell, assign and transfer unto the said **XYBERNAUT CORPORATION**, the full and exclusive right to the invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations and extensions thereof.

We hereby authorize and request the Patent and Trademark Office Officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said **XYBERNAUT CORPORATION**, as the assignee of the entire right, title and interest in and to the same, for the sole use and enjoyment of said **XYBERNAUT CORPORATION**, its successors and assigns.

Further, we agree that we will communicate to said **XYBERNAUT CORPORATION**, or its representatives any facts known to us respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all divisions, continuation, substitution, renewal and reissue applications, execute all necessary assignment papers to said **XYBERNAUT CORPORATION**, to make all rightful oaths and generally do everything necessary or desirable to aid said **XYBERNAUT CORPORATION**, its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.



MICHAEL D. JENKINS

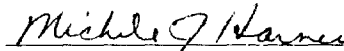
Date: May 2, 2002

PHILLIP D. MANCINI

Date: May , 2002

Commonwealth of Virginia)
County of Fairfax)

On the 2nd day of May in the year 2002, before me, the undersigned, a Notary Public in and for the State, personally appeared **MICHAEL D. JENKINS**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within/attached instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual (or the person on behalf of which the individual acted), executed the instrument.



Notary Public

Commonwealth of Virginia)
County of Fairfax)

On the ____ day of May in the year 2002, before me, the undersigned, a Notary Public in and for the State, personally appeared **PHILLIP D. MANCINI**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within/attached instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual (or the person on behalf of which the individual acted), executed the instrument.

Notary Public

As proof of the pertinent facts of this petition, on May 2, 2002, a letter was sent was sent to Mr. Mancini along with the above-entitled application, Declaration for Patent Application, and Assignment for his signature (Appendix A). A follow-up email was sent on May 29, 2002 to Mr. Mancini regarding the unsigned Declaration and Assignment (Appendix B). A final attempt to secure Mr. Mancini's signature was made on June 24, 2002 in which another copy of the application, Declaration, and Oath were sent along with a pre-paid return Federal Express envelope with a deadline of June 28, 2002 (Appendix C). As further evidence, Appendix D is an employment agreement signed by Mr. Mancini, then Mr. Grout, on February 21, 2000 upon his employment with Xybernaut Corporation. This agreement in section (B) clearly explains that any inventions discovered or improvements conceived or reduced to practice during Mr. Mancini's period of employment are assigned to Xybernaut Corporation.

The last known which may also be current address of Mr. Phillip Mancini is 5615 Gosling Drive Clifton, VA 20124.

Your petitioner therefore believes that Mr. Mancini has refused to join the above-entitled application by failure to respond to repeated request to join and therefore for the reasons set out herein respectfully petitions that an order be issued directing the above application be granted 37 CFR 1.47(a) status, and said application be properly signed by the joint inventor Michael D. Jenkins. The required fee under 37 CFR 1.17(h) is enclosed herewith, i.e. \$130.00.