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(Rev. 10/02)

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U.S. DEPARTMENT OF COMMERCE
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OMB No. 0651-0027 (exp. 6/30/2005)

102352155

Tab settings

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

1. Name of conveying party(ies):

Ronald S. Niles

2. Name and address of receiving party(ies)

Name: Falconstor Software, Inc

Internal Address: Suite 140

Street Address: 125 Baylis Road

City: Melville State: New York Zip: 11747

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

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other

Execution Date: January 16, 2003

Additional name(s) & 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: 01/22/2003

A. Patent Application No.(s)

B. Patent No.(s)

10/348834

Additional numbers attached? Yes No

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

Name: Gregory P. Silberman

Internal Address: Kaye Scholer LLP

Street Address: 425 Park Avenue

City: New York State: NY Zip: 10022

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:

50-0988

(Attach duplicate copy of this page if paying by deposit account)

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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.

Robert L. Greenfeld U.S.P.T.O Reg. No. 41,802

Robert L. Greenfeld
Signature

January 22, 2003

Date

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 1

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

10/348834
01/22/03

01/29/2003 ECDOPER 00000103 500700

01 FC:8021

40.00 CH

PATENT
REEL: 013695 FRAME: 0970

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

34826-1013

Whereas, I/We, Ronald S. Niles of Teaneck, New Jersey, hereafter referred to as applicant, have invented certain new and useful improvements in SYSTEM AND METHOD FOR BACKING UP DATA.

Whereas, FALCONSTOR SOFTWARE, INCORPORATED of MELVILLE, NEW YORK herein referred to "assignee" whose mailing address is 125 Baylis Road, Suite 140, Melville New York 11747 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of ONE Dollars (\$ 1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I/We, the applicant(s), by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and throughout the entire world and the entire right, title and interest in and to any and all Patents which may be granted therefor, I/We hereby authorize and request the Commissioner of Patent and Trademarks to issue said United States Patent to said assignee, of the entire right, title and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 16 day of January, 2003 at 125 Baylis Road Melville NY 11747.

Ronald S. Niles
(Signature)
Ronald Steven Niles

State of New York
County of Suffolk

SS:

Before me personally appeared said Ronald Steven Niles

and acknowledged the foregoing instrument to be his free act and deed this 16th day of January, 2003

Seal

SETH R. HOROWITZ
Notary Public of New York
No. 02H05011290
Qualified in Nassau County
Commission Expires April 19, 2003

[Signature]
(Notary Public)

Note: Signatures of all the inventors of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below*.

* Total of 2 forms are submitted.

This form offers a sample or suggested format for an assignment document. This sample form is not an OMB officially approved form.