

05-07-2003



Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

U.S. DEPARTMENT OF COMMERCE  
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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

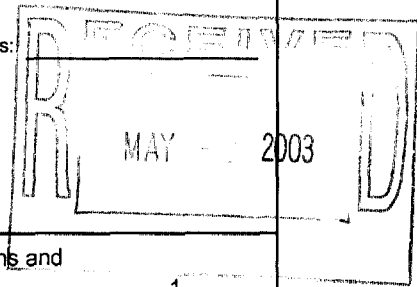
<p>1. Name of conveying party(ies): Next Level Communications, a California corporation</p> <p style="text-align: right; font-size: 1.2em;">5-2-03</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies) Next Level Communications, L.P., a Name: <u>Delaware limited partnership</u></p> <p>Internal Address: _____</p> <p>Street Address: Next Level Communications, Inc. 6085 State Farm Drive</p> <p>City: <u>Rohnert Park</u></p> <p>State: <u>CA</u> Zip: <u>94928</u></p> <p>Additional name(s) &amp; address(es) attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of Conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger</p> <p><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: <u>January 13, 1998</u></p>	

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

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

A. Patent Application No.(s): \_\_\_\_\_ B. Patent No.(s): D404,018

Additional numbers attached?  Yes  No



<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: <u>COVINGTON &amp; BURLING</u></p> <p>Internal Address: <u>Patent Docketing</u></p> <p>Street Address: <u>1201 Pennsylvania Avenue, N.W.</u></p> <p>City: <u>Washington</u> State: <u>DC</u> Zip: <u>20004-2401</u></p>	<p>6. Total number of applications and patents involved: <u>1</u></p> <p>7. Total fee (37 CFR 3.41) \$ <u>40.00</u></p> <p><input checked="" type="checkbox"/> Enclosed</p> <p><input type="checkbox"/> Authorized to be charged to deposit account</p> <p><input type="checkbox"/> Authorized to be charged to credit card (Form 2038 enclosed)</p> <p>8. Deposit account number: <u>50-0740</u> (Attach duplicate copy of this page if paying by deposit account)</p>
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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.*

Anthony S. Yoo, Reg. No. 45,540 [Signature] April 25, 2003  
Name of Person Signing Signature Date

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

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DC: 819734-1

PATENT  
REEL: 014022 FRAME: 0661

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**AFFIDAVIT OF KEITH A. ZAR, ESQ.**

1. My name is Keith A. Zar, Esq. I am Senior Vice President, General Counsel and Secretary for Next Level Communications, Inc., a Delaware corporation. I have been General Counsel for Next Level Communications, Inc., since its formation in November 1999.

2. I was also General Counsel for Next Level Communications, L.P., formerly a Delaware limited partnership, from its formation in January 1998 until its merger into Next Level Communications, Inc., in November 1999.

3. I was also General Counsel for Next Level Communications, formerly a California corporation, from before January 1998 until its merger into Next Level Communications, Inc., in November 1999.

4. On or about January 13, 1998, Next Level Communications assigned and transferred certain assets to Next Level Communications, L.P., pursuant to a Contribution Agreement. The assets assigned to Next Level Communications, L.P., by Next Level Communications included, among other things, the entire right, title, and interest in and to the patents and patent applications identified in Schedule A, attached to this Affidavit, each of which patents and patent applications had previously been assigned to Next Level Communications, and its successors and assigns, by the respective inventors.

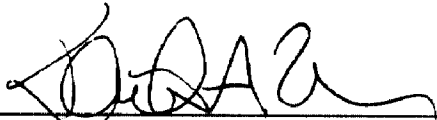
5. At the time of the assignment of these patents and patent applications to Next Level Communications, L.P., I was General Counsel of both Next Level Communications, L.P., and Next Level Communications.

6. When Next Level Communications, L.P., merged into Next Level Communications, Inc., in November 1999, Next Level Communications, Inc., became the owner of, among other things, the entire right, title, and interest in and to the patents and patent

applications identified in Schedule A, attached to this Affidavit.

I hereby declare that all statements made herein are of my own knowledge and are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and may jeopardize the validity or enforceability of any patent identified in Schedule A or resulting from any patent application identified in Schedule A.

Dated: April 15, 2003

  
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Keith A. Zar, Esq.

County of Sonoma )

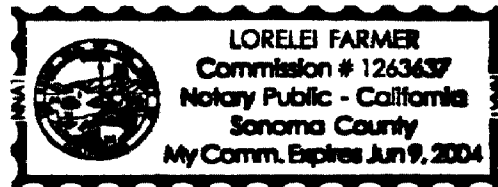
)  
State of California )

ss.

Subscribed and Sworn to before me this 15 day of April 2003



\_\_\_\_\_  
Notary Public



## SCHEDULE A

### 1. Patent Applications

United States Patent Application No. 09/437,575

United States Patent Application No. 09/442,870

United States Patent Application No. 09/454,249

United States Patent Application No. 08/915,467

United States Patent Application No. 08/794,791

United States Patent Application No. 08/775,665

United States Patent Application No. 09/336,007

### 2. Patents

United States Patent No. D391,263 (from U.S. Application No. 29/059,667)

United States Patent No. D389,840 (from U.S. Application No. 29/053,819)

United States Patent No. D390,235 (from U.S. Application No. 29/053,798)

United States Patent No. D404,018 (from U.S. Application No. 29/071,581)

United States Patent No. 5,828,807 (from U.S. Application No. 08/647,436)

United States Patent No. 5,982,972 (from U.S. Application No. 08/920,926)

United States Patent No. 6,078,593 (from U.S. Application No. 08/795,184)

United States Patent No. 5,850,400 (from U.S. Application No. 08/430,730)

United States Patent No. 6,084,852 (from U.S. Application No. 08/728,947)

United States Patent No. 6,064,652 (from U.S. Application No. 08/749,913)

United States Patent No. 5,907,552 (from U.S. Application No. 08/706,573)

United States Patent No. 6,081,519 (from U.S. Application No. 08/621,573)

United States Patent No. 6,094,464 (from U.S. Application No. 08/728,949)

United States Patent No. 5,991,912 (from U.S. Application No. 08/856,674)

United States Patent No. 5,935,209 (from U.S. Application No. 08/711,027)