

05-14-2003

FORM PTO-1591  
(Rev. 11-03)  
MB No. 0651-0011 (exp. 4/94)

U.S. Department of Commerce  
Patent and Trademark Office



102447131

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

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

David S. Ebsen  
Todd R. Burkey  
Steven M. Howe  
Randal S. Rysavy

5.5.03

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

## 3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: April 10, 2003; April 21, 2003

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

Name: Xiotech Corporation

Internal Address: \_\_\_\_\_

Street Address: 6455 Flying Cloud Drive

City: Eden Prairie State: MN Zip: 55344-3305

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

PTO  
10/430607  
05/15/03

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

10430607

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_ (Date of Filing)

A. Patent Application No.(s) \_\_\_\_\_

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

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

Name: Edward P. Heller

Internal Address: Moser, Patterson & Sheridan, LLP

Street Address: 350 Cambridge Avenue, Suite 250

City: Palo Alto State: California Zip: 94306

6. Total number of applications and patents involved: 17. Total fee (37 C.F.R. 3.41) \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number: 20-0782

Please debit underpayment or credit any overpayment to the above deposit account.

Our Order No. XIO-6012

(Attach duplicate 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.

Edward P. Heller, Reg. No. 29,075  
Name of Person Signing

*E. P. Heller*

Signature

5/15/03

Date

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

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

05/13/2003 TBI/21 00000094 200782 10430607  
01 FC:0021 40.00 CH

PATENT  
REEL: 014052 FRAME: 0913

Attorney Docket No. : XIO-6012

### ASSIGNMENT

WHEREAS WE, David S. Ehsen of 1434 E. Lake Drive, Chaska, MN, 55318 USA, Todd R. Burkey of 14963 Dufferin Court, Savage, MN, 55378 USA, Steven M. Howe of 2951 Mayowood Common Circle, Rochester, MN 55902, USA and Randal S. Rysavy of 900 3<sup>rd</sup> Street N.E., Kasson, MN 55944 USA, respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled, **METHOD FOR UPDATING MEMORY RESIDENT FIRMWARE AS A BACKGROUND OPERATION** for which an application for United States Letters Patent was filed on \_\_\_\_\_, and identified by United States Serial No. \_\_\_\_\_;

AND WHEREAS, Xiotech Corporation, a corporation of the State of Minnesota, and having an address of 6455 Flying Cloud Drive, Eden Prairie, MN 55344-3305 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto Xiotech Corporation, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including the right of priority and including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND We request the Commissioner for Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Xiotech Corporation, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

4/10/03

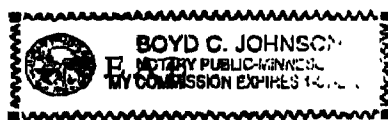
Date



Inventor Name: David S. Ebsen

STATE OF Minnesota)COUNTY OF Hennepin) SS:

On this 10<sup>th</sup> day of April, 2003, before me personally appeared **David S. Ebsen**, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

  
Notary PublicMy commission expires 1-31-05

4/10/03

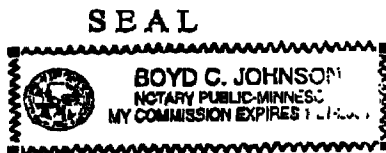
Date



Inventor Name: Todd R. Burkey

STATE OF Minnesota)COUNTY OF Hennepin) SS:

On this 10<sup>th</sup> day of April, 2003, before me personally appeared **Todd R. Burkey**, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

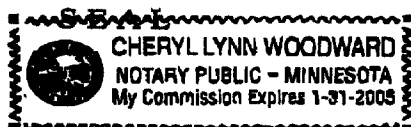
  
Notary PublicMy commission expires 1-31-2005

4/21/2003  
Date

Steven M. Howe  
Inventor Name: Steven M. Howe

STATE OF Minnesota )  
COUNTY OF Goodhue ) SS:

On this 21st day of April, 2003, before me personally appeared **Steven M. Howe**, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



Cheryl L. Woodward  
Notary Public

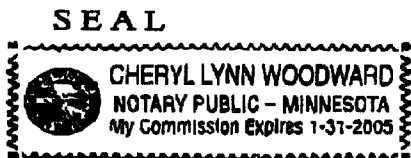
My commission expires 1/31/2005

4/21/2003  
Date

Randal S. Rysavy  
Inventor Name: Randal S. Rysavy

STATE OF Minnesota )  
COUNTY OF Goodhue ) SS:

On this 21st day of April, 2003, before me personally appeared **Randal S. Rysavy**, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



Cheryl L. Woodward  
Notary Public

My commission expires 1/31/2005