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3 PATENT AND TRADEMARK OFFICE

Applicant: LOUISE E. MOSER; PETER M. MELLIAR-SMITH
Serial No.: 10/651,755
Filed: 08/30/2003
Title: CONSISTENT GROUP MEMBERSHIP FOR SEMI-ACTIVE AND PASSIVE REPLICATION
Group:
Examiner:
Docket No.: ETE5342.10A2

MAIL STOP ASSIGNMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

**ASSIGNMENT RECORDATION COVER LETTER
(PATENT OR PATENT APPLICATION)**

1. NAMES OF PARTY(IES) MAKING TRANSFER

Name 1: LOUISE E. MOSER

Name 2: PETER M. MELLIAR-SMITH

2. IDENTITY OF PARTY(IES) TO WHOM TRANSFER IS MADE

This transfer is being made to:

Name: ETERNAL SYSTEMS, INC.
Address: 5290 OVERPASS ROAD, BUILDING D
SANTA BARBARA, CA 93111

3. INTENTION OF DOCUMENT

A brief description of what the accompanying document intends to accomplish is that it is an:

- ☒ Assignment
- ☐ License
- ☐ Security Interest
- ☐ Other

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4. **IDENTIFICATION OF PATENT OR APPLICATION**

Particulars of the patent or application to which the accompanying document applies are:

Inventor(s):

LOUISE E. MOSER; PETER M. MELLIAR-SMITH

For (title):

CONSISTENT GROUP MEMBERSHIP FOR SEMI-ACTIVE AND PASSIVE
REPLICATION

- (a) ☐ U.S. patent application filed herewith.
(b) ☒ U.S. patent application serial no. 10/651,755 filed on 08/30/2003.
(c) ☐ U.S. patent no. _____ issued ~~_____~~.

5. **NAME AND ADDRESS TO WHICH CORRESPONDENCE SHOULD BE MAILED**

Please address all correspondence and return the recorded document to:

John P. O'Banion
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814

6. **NUMBER OF APPLICATIONS OR PATENTS IDENTIFIED AND TOTAL FEE DUE**

The number of applications or patents identified herein is: 1

Total Fee Due \$ 40.00

7. **DATE DOCUMENT WAS EXECUTED**

The accompanying document was executed on 21 January 2004.

8. **FEE PAYMENT**

Fee payment is provided for as follows:

X Attached is a check in the sum of \$40.00

X Charge Account No. 07-1137 if any additional fee is due.

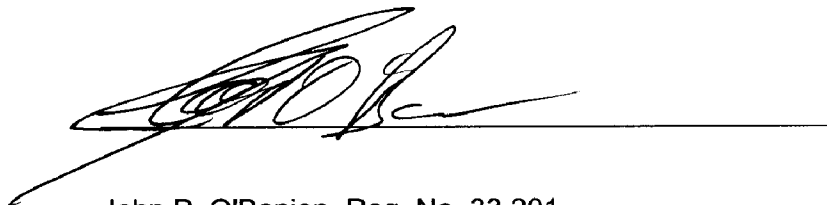
 Charge Account No. in the sum of A duplicate of this transmittal is attached.

9. **STATEMENT OF AUTHENTICITY**

The undersigned certifies that, to the best of his or her knowledge and belief, the information contained in this cover sheet is true and correct, and any copy of the document submitted for recording is a true copy of the original document.

10. **SIGNATURE**

Dated: 2/9/04



John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010

Attorney Docket No.: ETE5342.10A2

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

Name: LOUISE E. MOSER
Address: P.O. BOX 13963
SANTA BARBARA, CA 93107

Nationality: UNITED STATES

Name: PETER M. MELLIAR-SMITH
Address: P.O. BOX 13963
SANTA BARBARA, CA 93107

Nationality: UNITED STATES

hereby sell(s), assign(s) and transfer(s) to ASSIGNEE:

Name: ETERNAL SYSTEMS, INC.
Address: 5290 OVERPASS ROAD, BUILDING D
SANTA BARBARA, CA 93111

and the successors, assigns and legal representatives of the ASSIGNEE, the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

CONSISTENT GROUP MEMBERSHIP FOR SEMI-ACTIVE AND PASSIVE REPLICATION

and which is found in

- (a) ☐ U.S. provisional patent application filed herewith and listing the above named person(s) as inventor(s).
- (b) ☐ U.S. patent application filed herewith listing the above named person(s) as inventor(s).
- (c) ☒ U.S. patent application serial no. 10/651,755, filed on 08/30/2003.
- (d) ☐ U.S. Patent No.: _____, issued _____.

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenant(s) that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said Invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal

representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) request(s) the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE.

Date: January 21, 2004 Inventor:

Louise E. Moser
LOUISE E. MOSER

Date: January 21, 2004 Inventor:

P. M. Melliar-Smith
PETER M. MELLIAR-SMITH