

Form PTO-1595
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03-16-2004



U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner 102695634 Attached original documents or copy thereof.

1. Name of conveying party(ies):
Eugene Golovinsky, Zsolt Lukacs, Wesley J. Noonan
3-5-04
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: **BMC Software, Inc.**
Internal Address: _____
Street Address: **2101 CityWest Blvd.**
City: **Houston** State: **TX** Zip: **77042**
Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____
Execution Date: **2/24/04; 2/24/04; 3/2/04**

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: **2-24-04**
A. Patent Application No.(s) B. Patent No.(s)
Additional numbers attached? Yes No **10794090**

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: **Coe Miles**
Internal Address: **Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.**
Street Address: **20333 SH 249, Suite 600**
City: **Houston** State: **TX** Zip: **77070**

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:
501922
(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.
Liangang (Mark) Ye *Liangang Ye* **3/5/2004**
Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and documents: **5**

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

19249 U.S. PTO
10794090

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03/15/2004 EDCOOPER 0000095 501922
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Inventors : Eugene Golovinsky, Zsolt Lukacs, Wesley J. Noonan
Title : Method of Heuristic Determination of Network Interface
Transmission Mode and Apparatus Implementing Such Method
Serial No. : Unknown Docket : 149-0171US
Filed :

Commissioner for Patents
BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8)
The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on _____, 2004.

Joyce Cranford

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which is hereby acknowledged, the undersigned do hereby:

SELL, ASSIGN AND TRANSFER to BMC SOFTWARE, INC., (the "Assignee"), a corporation of Delaware having a place of business at 2101 CityWest Blvd., Houston, TX 77042 the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent identified above, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

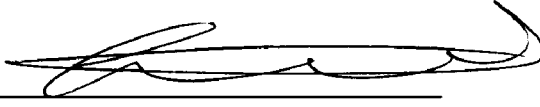
AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on any

and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Executed on Feb. 24, 2004 by 
Date Eugene Golovinsky

STATE OF Texas

COUNTY OF Harris

BEFORE ME, this 24th day of February, 2004 personally appeared the above-named individual, to me known to be the person who is described in and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purposes therein expressed.

SEAL



Beth Ann Roye
Notary or Consular Officer
My Commission Expires: 2-10-05

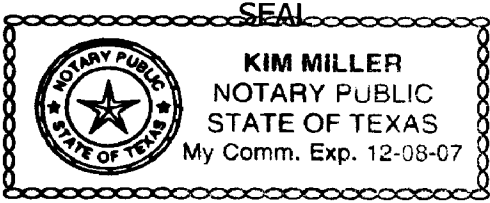
and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Executed on 2/24/04 by *Zsolt Lukacs*
Date Zsolt Lukacs

STATE OF Texas
COUNTY OF Montgomery

BEFORE ME, this 24th day of February personally appeared the above-named individual, to me known to be the person who is described in and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purposes therein expressed.



Kim Miller
Notary or Consular Officer
My Commission Expires: 12-08-07

and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Executed on 3/2/04 by [Signature]
Date Wesley J. Noonan

STATE OF Texas
COUNTY OF Harris

BEFORE ME, this 2 day of March, 2004 personally appeared the above-named individual, to me known to be the person who is described in and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purposes therein expressed.

SEAL

Pamela K. Harris
Notary or Consular Officer
My Commission Expires: 8/31/06

