

FORM PTO-1595

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REC'D

04-28-2004

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and

Original documents or copy thereof.

1. Name and Address of Conveying Party(ies):

DPS, Inc.
11739 N. 114th Way
Scottsdale, Arizona 85259-2607

Country: United States of America

Additional name(s) of conveying party(ies) attached?

Yes ☒ No

3. Nature of conveyance:

☒

Assignment

☐ Merger☐ Security Agreement☐ Change of Name☐ Other

102731408

Name and Address of receiving Party(ies):

Name: Cantor Index LLC
Street Address: 135 East 57th Street
City: New York
State: NY Zip: 10022
Country: United States of America
State of Organization: Delaware

Effective Date/Execution Date: October 21, 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:

A. Patent Application No(s) 10/616,779

B. Patent No(s) 6,309,307 and 6,331,148

Additional Numbers attached?

Yes

☒ No

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

Name: Jay B. Johnson
Internal Address: Baker Botts L.L.P.
Street Address: 2001 Ross Avenue, Suite 600
City: Dallas
State: Texas Zip: 75201-2980

6. Total number of applications and patents involved:

7. Total Fee (37 CFR 3.41): \$120.00

☒

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

02-0384

(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.

Samir A. Bhavsar Reg. No. 41,617

Name of Person Signing

Signature

Date

4/21/04

Total number of pages including cover sheet

2

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U.S. Patent and Trademark Office

EXHIBIT ACONFIRMATORY PATENT ASSIGNMENT

WHEREAS, DPS, Inc., a corporation organized and existing under the laws of the state of Wisconsin, having a place of business at 11739 N. 114th Way, Scottsdale, Arizona 85259-2607 (hereafter called "DPS"), is the assignee of all right, title and interest in and to United States Patent No. 6,309,307 directed to "Casino/Lottery/Sports Styled Wagers And Games For Pari-mutuel Racing Operations,"; United States Patent No. 6,331,148 directed to "Casino/Lottery/Sports Styled Wagers And Games For Pari-mutuel Operation"; and United States Patent Application No. 10/616,779 directed to "Simulcast Pari-mutuel Gaming Machine With Casino And Lottery Styled Wagers For Continuous Play" (the "Assigned Patents"), by virtue of assignments dated August 12, 2003 from the inventors, Kenneth Scott and Lawrence Krause to DPS (submitted concurrently herewith for recording, with copy attached hereto);

WHEREAS, Cantor Index LLC, a limited liability company organized and existing under the laws of the state of Delaware, having a place of business at 135 East 57th Street, New York, New York, 10022 (hereinafter called "Cantor") is desirous of acquiring all right, title and interest in and to the Assigned Patents;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration the receipt of which is hereby acknowledged, it is hereby agreed as follows:

DPS hereby confirms that, pursuant to a certain Agreement entered into between DPS and Cantor, it has assigned and transferred to Cantor the entire right, title and interest in and to the Assigned Patents, together with rights to sue and to recover for past and future infringements of the Assigned Patents, the same to be held and enjoyed by Cantor, and each of its successors and assigns.

IN WITNESS WHEREOF, DPS has caused this Assignment to be duly executed as of the date of execution of this Confirmatory Patent Assignment.

DPS, Inc.

By: Kenneth A. Scott

Date: October 21, 2003

Attest: Lawrence A. Krause

HardDrive:Docs from OldHD:DPS:Cantor-Fitzgerald:Final Agree:DPS Patent Assi...ement (v.8).doc