

07/21/04

08-02-2004

Atty. Docket No. 4366-198
vaya Ref. No. 404051-A-01-US (Orbach)



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

1. Name of conveying party(ies):

Julian J. Orbach

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

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

Name: Avaya Technology Corp.

Internal Address: _____

Street Address: 211 Mount Airy Road

City: Basking Ridge State: NJ Zip: 07920

Additional name(s) & Address(es) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other _____

Execution Date: 7/16/04

4. Application number(s) or patent number(s): 101897212

If this document is being filed together with a new application, the execution date of the application is: 7/16/04

A. Patent Application No.(s) Not Yet Assigned B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: Bradley M. Knepper
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, CO 80202-5145

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: 50-1602

(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.

Douglas W. Swartz
Reg. No. 37,739

Douglas Swartz
Signature

July 21, 2004
Date

Total number of pages including cover sheet, attachments, and document: 3

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ASSIGNMENT AND AGREEMENT

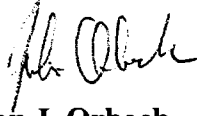
For value received, I, **Julian J. Orbach** of 6/46 Fontenoy Road, Macquarie Park NSW 2113, Australia, hereby sell, assign and transfer to Avaya Technology Corp., a corporation of the State of Delaware, having an office at 211 Mount Airy Road, Basking Ridge, New Jersey 07920, U.S.A., and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to "**METHOD AND APPARATUS FOR MANAGING NETWORK CONGESTION DUE TO AUTOMATIC CONFIGURATION PROCEDURES**" described in an application for Letters Patent of the United States, executed by me of even date herewith, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and I also concurrently hereby sell, assign and transfer to Avaya Technology Corp. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

I authorize Avaya Technology Corp. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from me, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Avaya Technology Corp. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

I request that any and all patents for said inventions be issued to Avaya Technology Corp. in the United States and in all countries foreign to the United States, or to such nominees as Avaya Technology Corp. may designate.

I agree that, when requested, I shall, without charge to Avaya Technology Corp. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

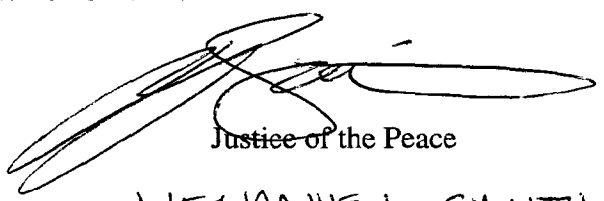


Julian J. Orbach

Date: 16th July 2004

Australia)
) ss.
New South Wales)

On this 16th day of JULY, 2004, before me personally came **Julian J. Orbach**, to me known to be the individual described in, who provided as identification NEW DRIVER'S LIC. number 12507252, expiration date 25 MAR 2007, and who executed the foregoing instrument, and acknowledged execution of the same.



Justice of the Peace

MELANIE L. SMITH
JP. IN NSW.

**Avaya Technology Corp.
211 Mount Airy Road
Basking Ridge, New Jersey 07920**