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To the Honorable Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office

1. Name of conveying party(ies): Steven A. Rogers



2. Name and address of receiving party(ies) Name: Rivulet Communications, Inc.

3. Nature of conveyance: [X] Assignment [] Merger [] Security Agreement [] Change of Name [] Other

Internal Address: Street Address: Box 1245 City: Portsmouth State: NH Zip: 03801

4. Application number(s) or patent number(s): A. Patent Application No.(s) 10/663,378

B. Patent No.(s) Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence concerning this document should be mailed: Name: Banner & Witcoff, Ltd. Street Address: 1001 G Street, N.W., 11th Floor

6. Total number of applications and patents involved: [1] 7. Total fee (37 CFR 3.41) \$ 40 [X] Authorized to be charged to 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. Bradley C. Wright, Reg. No. 38,061

Signature: [Handwritten Signature] Date: September 8, 2004

006389.00002

Total number of pages including cover sheet, attachments, and documents: [4]

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

09/10/2004 ECCOPER 00000048 190733 10663378 01 FC:8021 40.00 DA

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ASSIGNMENT

WHEREAS, I Steven A. Rogers, residing in Portsmouth, NH (ASSIGNOR), am the inventor of certain inventions and improvements described in a U.S. patent application identified by Attorney Docket No. 006389.00002 and having the title

EMPIRICAL SCHEDULING OF NETWORK PACKETS

which application was

filed on September 17, 2003 assigned application serial number 10/663,378;

and WHEREAS

Rivulet Communications Inc.,
Box 1245
Portsmouth, NH 03801

ASSIGNEE, desires to acquire the entire right, title and interest in and to the said application, inventions and improvements and any patents that may be granted on or as a result thereof in the United States of America (U.S.) and in any and all foreign countries;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged,

I hereby assign, to the above named ASSIGNEE, its successors, assigns and legal representatives (NOMINEES) the entire right, title and interest in and to said application, inventions and improvements throughout the world and to any and all patents, petty patents and utility model patents which may be granted therefor, and all continuations, continuations-in-part, divisions, reissues, extensions, renewals, and any non-provisional based on a provisional thereof (LETTERS PATENT).

And I covenant that I have full right to convey the entire interest herein assigned, and that I have not executed and will not execute any agreement or do anything in conflict herewith;

And I further covenant and agree that I will without undue delay execute without further consideration all such papers as may be necessary to perfect the title to said application, inventions and improvements, and LETTERS PATENT in the ASSIGNEE or its NOMINEES, and I agree to communicate to said ASSIGNEE or its NOMINEES all known facts respecting said application, inventions, improvements, and LETTERS PATENT, to testify in any legal proceedings, to sign all lawful papers, and generally to do all things necessary to aid ASSIGNEE or its NOMINEES to obtain and enforce for their own benefit patent protection for said application, inventions and improvements in any and all countries, all at the expense, however, of the ASSIGNEE or its NOMINEES;

And I authorize the ASSIGNEE or its NOMINEES to file in my name or their own, as appropriate, application for LETTERS PATENT in any and all countries of the world, and I authorize and request the Commissioner of Patents and Trademarks of the United States, and any proper official of any country, to


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Assignment
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issue to said ASSIGNEE or its NOMINEES any and all LETTERS PATENT for said application, inventions and improvements, for their sole use, to the full end of the term for which such LETTERS PATENT may be granted;

And I hereby grant my attorneys at the law firm of Banner & Witcoff the power to insert into this document information sufficient to identify the patent application to which this assignment pertains.

Date: 1 Sept 2004 Inventor:



Steven A. Rogers

Note: No legalization or other witness required.

LAW OFFICES
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