

RECOR

10-27-2004

EET



102868646

To the Honorable Commissioner of Patents

Record the attached original documents or copy thereof.

1. Name of conveying party(ies)
 Henry Houh
 Jeff Stern
 10-19-04

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

2. Name and address of receiving party(ies)
 Name: Empirix, Inc.
 Internal Address: _____
 Street Address: 20 Crosby Drive
 City: Bedford State: MA ZIP: 01730

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

22264 U.S. PTO
10/19/04 10968246

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: October 19, 2004 and October 8, 2004

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: October 19, 2004 and October 8, 2004

A. Patent Application No.(s) _____ B. Patent No.(s) 10968246

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
 Name: David W. Rouille, Esq.
 Internal Address: _____
CHAPIN & HUANG, L.L.C.
 Street Address: Westborough Office Park
1700 West Park Drive
 City: Westborough State: MA ZIP: 01581

6. Total number of applications and patents involved: 1

7. Total Fee (37 C.F.R. 3.41)..... \$ 40.00
 Enclosed with application filing fee
 Authorized to charge any deficiencies or credit any overpayment to deposit account
 Authorized to be charged to deposit account

8. Deposit account number:
50-0901
 (Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

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.

David W. Rouille, Esq. David W. Rouille October 19, 2004
 Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and document: [5]

2004 MWCLBEE1 00000040 10968246

Attorney Docket No.: EMP04-94
Joint

ASSIGNMENT

WHEREAS, we, Henry Houh and Jeff Stern, have invented a certain improvement in **Computer Language Interpretation and Optimization for Server Testing** described in an application for Letters Patent of the United States, the specification of which:

- is being executed on even date herewith and is about to be filed in the United States Patent Office;
- was filed on _____ as U.S. Application No. _____;
- was patented under U.S. Patent No. _____ on _____.

WHEREAS, Empirix Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware and having a usual place of business at 20 Crosby Drive, Bedford, MA 01730 desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal

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representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and the date set forth below.

Inventor: Henry Houh
Henry Houh

Dated: 10/19/04

Inventor: _____
Jeff Stern

Dated: _____

Attorney Docket No.: EMP04-94
Joint

ASSIGNMENT

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- is being executed on even date herewith and is about to be filed in the United States Patent Office;
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- was patented under U.S. Patent No. _____ on _____.

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Attorney Docket No.: EMP04-94

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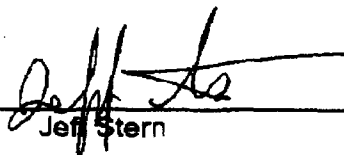
representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

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IN TESTIMONY WHEREOF, we have hereunto set our hands and the date set forth below.

Inventor: _____
Henry Houh

Dated: _____

Inventor:  _____
Jeff Stern

Dated: 10/8/04