

11-15-2004

PATENT

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- ☐ Mark if additional names of conveying parties attached

Name NETSCOUT SERVICE LEVEL CORPORATIONExecution Date
Month Day Year

11/05/2004

Name Name Name Name Name

Receiving Party

- ☐ Mark if additional names of receiving parties attached

Name (line 1) NETSCOUT SYSTEMS, INC.Name (line 2) Address (line 1) 310 Littleton RoadAddress (line 2) Address (line 3) Westford

City

 Massachusetts

State/Country

 01556-4105

Zip Code

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name Address (line 1) Address (line 2) Address (line 3) Address (line 4)

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Correspondent Name and Address

Area Code and Telephone Number (617) 248-7000

Name Patent Administrator

Address (line 1) Testa, Hurwitz & Thibault, LLP

Address (line 2) High Street Tower

Address (line 3) 125 High Street

Address (line 4) Boston, MA 02110

Pages Enter the total number of pages of the attached conveyance document including any attachments.

4

Application Number(s) or Patent Number(s)

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Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

09/409483

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT

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PCT

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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment:

Enclosed ☒Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account)

Deposit Account Number

20-0531

Authorization to charge additional fees:

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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. Charges to deposit account are authorized, as indicated herein.

Jason P. Fiorillo 52,892

Name of Person Signing

Signature

11/08/2004

Date

Atty. Docket No. FSD-002

ASSIGNMENT

WHEREAS, NetScout Service Level Corporation, hereinafter "ASSIGNOR", is owner and assignee of all interest in:

U.S. Patent Application No. 09/409,483 filed September 30, 1999 and entitled "Managing Computer Resources"; and

WHEREAS, NetScout Systems, Inc., hereinafter "ASSIGNEE", desires to acquire ASSIGNOR's interest therein;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred and by these presents does hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, ASSIGNOR's entire right, title and interest in and throughout the United States of America and its territories, in and to the invention(s) described in said patent, together with ASSIGNOR's entire right, title and interest in and to said patent and such Letters Patent that may claim priority thereto under United States law or international convention, including but not limited to non-provisionals, continuations, divisionals, reissues, reexaminations, extensions, and substitutions of said patent or such Letters Patent; said invention(s), patent 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 patent and Letters Patent may be granted as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made; ASSIGNOR hereby conveys all of ASSIGNOR's rights arising under or pursuant to any and all United States laws and international agreements, treaties or laws relating to the protection of industrial property by filing any applications for such patent or Letters Patent, including but not limited to any cause(s) of action and damages accruing prior to this assignment. ASSIGNOR hereby acknowledges that this assignment, being of ASSIGNOR's entire right, title and interest in and to said invention(s), carries with it the right in ASSIGNEE to apply for and obtain any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE for its own name as assignee of ASSIGNOR's entire right, title and interest therein.

AND, ASSIGNOR hereby further agrees for itself and its successors, assigns and legal representatives 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(s) to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including the execution of non-provisional, substitution, reissue, reexamination, divisional or continuation applications or proceedings;

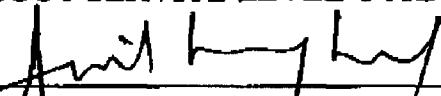
Assignment
Page 2 of 3

AND, ASSIGNOR hereby further agrees to provide statements or testimony in any interference or other proceeding in which said invention(s) or any application or patent directed thereto may be involved;

AND, ASSIGNOR hereby authorizes and requests the Director of the United States Patent and Trademark Office to issue such Letters Patent as shall be granted upon said patent, or other patent applications based thereon, to said ASSIGNEE, its successors, assigns, or legal representatives.

IN TESTIMONY WHEREOF, the parties hereto have caused this Assignment to be duly executed and set our hands and affixed our seals on the date set forth below.

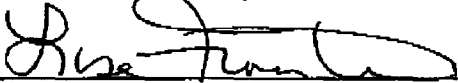
NETSCOUT SERVICE LEVEL CORPORATION

By: 

Name: ANIL SINGH

Title: VICE PRESIDENT

NETSCOUT SYSTEMS, INC.

By: 

Name:

Title: Lisa Fiorentino
Vice President, Finance and Administration

3139657

TOTAL P.03