

In place of Form PTO-1595

Docket No. AUS920040420US1

### RECORDATION FORM COVER SHEET PATENTS

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

<b>1. Name of conveying party(ies):</b> (1) Bryan Christopher Chagoly (2) Xiaoping Chen (3) Andrew Jason Lavery (4) Howard Milton McKinney (5) Kirk Malcolm Sexton Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Execution Date:</b> <u>10/22/2004</u> <u>10/22/2004</u> <u>10/22/2004</u> <u>10/21/2004</u> <u>10/22/2004</u>
<b>2. Name and address of receiving party(ies):</b> International Business Machines Corporation New Orchard Road Armond, New York 10504	<b>3. Nature of conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____
<b>4. Application number(s) or patent number(s):</b> If this document is being filed together with a new application, the execution date of the application is (1) _____ (2) _____ (3) _____ (4) _____ (5) _____ A. Patent Application No.(s) <u>10/971,472</u> B. Patent No.(s) _____	

<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b>  Jeffrey S. LaBaw IBM Corporation Intellectual Property Law 11400 Burnet Road Austin, TX 78758	<b>6. Total number of applications and patents involved:</b> <u>1</u> <b>7. Total fee (37 CFR 3.41) \$</b> <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account <b>8. Deposit account number:</b> <u>09-0447</u>
---	--

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.

Martha Acosta  
 Name of Person Signing

Martha Acosta  
 Signature

5/18/05  
 Date

Total number of pages including cover sheet: 5

CH \$40.00 090447 10971472

IBM DOCKET NO. AUS920040420US1

**A S S I G N M E N T**

Whereas, we,

(1) Bryan Christopher Chagoly of Austin  
County of Williamson and State of Texas

and

(2) Xiaoping Chen of Austin  
County of Travis and State of Texas

and

(3) Andrew Jason Lavery of Austin  
County of Travis and State of Texas

and

(4) Howard Milton McKinney of Austin  
County of Travis and State of Texas

and

(5) Kirk Malcolm Sexton of Austin  
County of Travis and State of Texas

have invented certain improvements in

**INTELLIGENT PERFORMANCE MONITORING BASED ON USER TRANSACTIONS**

and executed, respectively, a United States patent application therefore on  
(Dates Inventors Signed Declaration) (1) Oct. 22, 2004, 2004,  
(2) Oct. 22, 2004, 2004, (3) Oct. 22, 2004, 2004,  
(4) Oct. 21, 2004, 2004, and (5) Oct. 22, 2004, 2004.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefore;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

IBM DOCKET NO. AUS920040420US1

(1) Signed at <sup>Austin</sup> ~~By Bryan Christopher Chagoly~~ on Oct. 22, 2004.

Bryan Christopher Chagoly  
Bryan Christopher Chagoly

and (2) Signed at Austin, TX on Oct. 22, 2004.

Xiaoping Chen  
Xiaoping Chen

and (3) Signed at Austin, TX on Oct. 22, 2004.

Andrew Jason Lavery  
Andrew Jason Lavery

and (4) Signed at Austin on Oct. 21, 2004.

Howard Milton McKinney  
Howard Milton McKinney

and (5) Signed at Austin on Oct. 22, 2004.

Kirk Malcolm Sexton  
Kirk Malcolm Sexton