

07-11-2005



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To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

6-28-05

1. Name of conveying party(ies)  
Marc Mermelstein  
Andrew D. Yablon

2. Name and address of receiving party(ies)  
Name: Fitel USA Corp.  
Internal Address: \_\_\_\_\_

11/16/04 U.S. PTO  
11/169998



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

3. Nature of conveyance/Execution Date(s):  
Execution Date(s) 06/20/2005, 06/20/2005  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Joint Research Agreement  
 Government Interest Assignment  
 Executive Order 9424, Confirmatory License  
 Other \_\_\_\_\_

Street Address: 2000 Northeast  
Expressway  
City: Norcross  
State: Georgia  
Country: USA Zip: 30071  
Additional name(s) & address(es) attached?  Yes  No

4. Application or patent number(s):  
A. Patent Application No.(s)  
Additional numbers attached?  Yes  No

This document is being filed together with a new application.  
B. Patent No.(s)

5. Name and address to whom correspondence concerning document should be mailed:  
Name: Wendy W. Koba  
Internal Address: \_\_\_\_\_  
Street Address: PO Box 556  
City: Springtown  
State: PA Zip: 18081  
Phone Number: 610-346-7112  
Fax Number: 610-346-8189  
Email Address: wendykoba@usa.net

6. Total number of applications and patents involved: 1  
7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00  
 Authorized to be charged by credit card  
 Authorized to be charged to deposit account  
 Enclosed  
 None required (government interest not affecting title)

8. Payment Information  
a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_  
b. Deposit Account Number 50-2074  
Authorized User Name Fitel USA Corp.

9. Signature: Wendy W. Koba Date: 6/28/2005

07/08/2005 DBYRNE 00000119 502074 11169998  
01 FC: 8021

Wendy W. Koba  
Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

## ASSIGNMENT AND AGREEMENT

For value received, we, **Marc Mermelstein**, of **Highland Park** in the County of **Middlesex** and the State of **New Jersey**, and **Andrew D. Yablon**, of **Livingston** in the County of **Essex** and the State of **New Jersey**, hereby sell, assign and transfer to **Fitel USA Corp.**, a corporation of the State of Delaware, having an office at 2000 Northeast Expressway, Norcross, Georgia, 30071, 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 **Suppression Of Stimulated Brillouin Scattering (SBS) In High Power Fiber Amplifiers** described in an application for Letters Patent of the United States, executed by us 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 we also concurrently hereby sell, assign and transfer to **Fitel USA 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.

We authorize **Fitel USA 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 us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We 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 **Fitel USA Corp.** to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to **Fitel USA Corp.** in the United States and in all countries foreign to the United States, or to such nominees as **Fitel USA Corp.** may designate.

We agree that, when requested, we shall, without charge to Fitel USA 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.

Marc Mermelstein  
Marc Mermelstein

Date: June 20, 2005

United States of America )

State of New Jersey ) ss.:

County of Somerset )

On this 20<sup>th</sup> day of June, 2005, before me personally came, **Marc Mermelstein** to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Patricia H. Wolfe  
Notary Public

Andrew D. Yablon  
Andrew D. Yablon

Date: 6/20/05

United States of America )

State of New Jersey ) ss.:

County of Somerset )

On this 20<sup>th</sup> day of June, 2005, before me personally came, **Andrew D. Yablon** to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Patricia H. Wolfe  
Notary Public