

12-21-2005

FORM PTO-1595

1-31-92

11-8-03



103083446

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To the Honorable Commissioner of Patents and Trademarks

original documents or copy thereof.

1. Name of conveying party(ies):
See attached list.

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

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

Internal Address: _____

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

Execution Date: August 12, 2003

Street Address 201 3rd Street, 2nd Floor

City: San Francisco State: CA ZIP: 94103

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

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: _____

A. Patent Application No.(s)

10/240,614

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence
Concerning document should be mailed:
Name: Ria Farrell Schalnat

Internal Address: FROST BROWN TODD LLC

Street Address: 2200 PNC CENTER
201 East Fifth Street
City: Cincinnati State: OH ZIP: 45202

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41)... \$ 40.00
Enclosed
Authorized to be charged to deposit account
06-2226
8. Deposit Account Number

(Attach duplicate copy of this page if paying by deposit count)

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.

Ria Farrell Schalnat, Reg. No. 47,058
Name of Person Signing, Registration Number

Ria Farrell Schalnat 10-10-03
Signature Date

Total number of pages including cover sheet, attachments, and document

I hereby certify that this correspondence is being deposited with the United States Postal Service.

First class mail in an envelope addressed to:
Commissioner of Patents and Trademarks,
Washington, D.C. 20231 on the date indicated below

[Signature]
Date 10/13/03

Serial No. 10/240,614

Name(s) of Conveying Parties:

Kevin Elmore
Vince Hooser
David Hom
Linda Horne
Charles Kaake
Kevin Kelly
Mark Mabel
Hal Rodriguez
Paul Stephens
Vadim Pokotylo
Girish Bakhru

Attorney Docket No. CYC_0001

ASSIGNMENT

WHEREAS, We, Kevin ELMORE, Vince HOESER, David HOM, Linda HORNE, Charles KAAKE, Kevin KELLY, Mark MABEL, Hal RODRIGUEZ, Paul STEPHENS, Vadim POKOTYLO, and Girish BAKHRU, hereinafter referred to as "ASSIGNORS", have invented certain new and useful improvements, as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: System and Method for Establishing Electronic Business Systems for Supporting Communications Services Commerce

U.S. Serial No. Filed

WHEREAS, Cygent, Inc., doing business at 201 3rd Street, 2nd Floor, San Francisco, California 94103, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title, and interest in the said invention and application and in any Letters Patent which may be granted with regard to the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for One Dollar (\$1.00) and other good and valuable consideration, ASSIGNORS have sold, assigned, and transferred, and by these presents does sell, assign, and transfer unto the said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title, and interest in and to said invention, said application for United States Letters Patent and any Letters Patent which may be hereafter granted on the same in the United States and all countries throughout the world, including any divisions, renewals, continuations in whole or part, substitutions, conversions, reissues, revivals, prolongation, or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNORS had this assignment and transfer not been made, for all time.

ASSIGNORS further agree that they will, without charge to said ASSIGNEE, but at ASSIGNEE'S expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications, execute, verify, acknowledge, and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as ASSIGNEE may lawfully request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE'S successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to the assignment on the date indicated below.

Kevin Elmore

Aug 2, 2002 Date

Vince Hoenser

8/28/02 Date

David Hom

Date

Linda Horne

9/27/02 Date

Charles Kaake

Date

Attorney Docket No. CYC 0001

ASSIGNMENT

WHEREAS, We, Kevin ELMORE, Vince HOESER, David HOM, Linda HORNE, Charles KAAKE, Kevin KELLY, Mark MABEL, Hal RODRIGUEZ, Paul STEPHENS, Vadim POKOTYLO, and Girish BAKHRU, hereinafter referred to as "ASSIGNORS", have invented certain new and useful improvements, as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **System and Method for Establishing Electronic Business Systems for Supporting Communications Services Commerce**

U.S. Serial No. _____ Filed _____

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NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for One Dollar (\$1.00) and other good and valuable consideration, ASSIGNORS` have sold, assigned, and transferred, and by these presents does sell, assign, and transfer unto the said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title, and interest in and to said invention, said application for United States Letters Patent and any Letters Patent which may be hereafter granted on the same in the United States and all countries throughout the world, including any divisions, renewals, continuations in whole or part, substitutions, conversions, reissues, revivals, prolongation, or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE` as fully and exclusively as it would have been held and enjoyed by said ASSIGNORS had this assignment and transfer not been made, for all time.

ASSIGNORS further agree that they will, without charge to said ASSIGNEE`, but at ASSIGNEE'S` expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications, execute, verify, acknowledge, and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as ASSIGNEE` may lawfully request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE`, or ASSIGNEE'S successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to the assignment on the date indicated below.

Kevin Elmore

Date

Vince Hoëser
David Hom

David Hom

Date
2 AUG 02

Date

Linda Horne

Date

Charles Kaake

Date

Attorney Docket No. CYGE0001

ASSIGNMENT

WHEREAS, We, Kevin ELMORE, Vince HOESER, David HOM, Linda HORNE, Charles KAAKE, Kevin KELLY, Mark MABEL, Hal RODRIGUEZ, Paul STEPHENS, Vadim POKOTYLO, and Girish BAKHRU, hereinafter referred to as "ASSIGNORS", have invented certain new and useful improvements, as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: System and Method for Establishing Electronic Business Systems for Supporting Communications Services Commerce

U.S. Serial No. _____ Filed _____

WHEREAS, Cygent, Inc., doing business at 201 3rd Street, 2nd Floor, San Francisco, California 94103, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title, and interest in the said invention and application and in any Letters Patent which may be granted with regard to the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for One Dollar (\$1.00) and other good and valuable consideration, ASSIGNORS have sold, assigned, and transferred, and by these presents does sell, assign, and transfer unto the said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title, and interest in and to said invention, said application for United States Letters Patent and any Letters Patent which may be hereafter granted on the same in the United States and all countries throughout the world, including any divisions, renewals, continuations in whole or part, substitutions, conversions, reissues, revivals, prolongation, or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNORS had this assignment and transfer not been made, for all time.

ASSIGNORS further agree that they will, without charge to said ASSIGNEE, but at ASSIGNEE'S expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications, execute, verify, acknowledge, and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as ASSIGNEE may lawfully request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE'S successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to the assignment on the date indicated below.

Kevin Elmore

Date

Vince Hoëser

Date

David Horn

Date

Linda Horne

Date



Charles Kaake

Aug 12, 2002

Date

Attorney Docket No. CY 0001

Kevin Kelly
[Signature]
Mark Mabel

Date
8/9/02
Date

Hal Rodriguez

Date

Paul Stephens
[Signature]
Vadin Pokotylo

Date
7/25/2002
Date

[Signature]
Girish Bakhru

7/25/2002
Date

On this _____ day of _____, in the year of _____, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

STATE OF _____)
COUNTY OF _____) ss.

NOTARY
PUBLIC

Attorney Docket No. CY 0001

Kevin Kelly

Date

Mark Mabel

Date

8/4/2002

Hal Rodriguez

Date

Paul Stephens

Date

7/25/2002

Vadin Pokotylo

Date

Grish Bakhru

7/25/2002

Date

On this _____ day of _____, in the year of _____, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

STATE OF _____)
COUNTY OF _____)

ss.

NOTARY
PUBLIC

Attorney Docket No. CY. 0001

Kevin Kelly

Date

Mark Mabel

Date

Hal Rodriguez

Date

Paul Stephens

8/8/2002

Paul Stephens

Date

Vadim V. Pokotylo

7/25/2002

Vadim Pokotylo

Date

Girish Bakhru

7/25/2002

Girish Bakhru

Date

On this _____ day of _____, in the year of _____, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

STATE OF _____)

COUNTY OF _____)

ss.

NOTARY
PUBLIC

Attorney Docket No. CYGE0001

Kevin Kelly _____

_____ Date

Mark Mabel _____

_____ Date

Hal Rodriguez _____

_____ Date

Paul Stephens _____

_____ Date

Vadim V. Pokotylo
Vadim Pokotylo _____

7/25/2002
_____ Date

Girish Bakhru
Girish Bakhru _____

7/25/2002
_____ Date

On this _____ day of _____, in the year of _____, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

STATE OF _____)
) ss.
COUNTY OF _____)

NOTARY
PUBLIC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Elmore et al.)	Attorney Docket No. CYGE0001
)	
Serial No.)	Group Art Unit: Unassigned
)	
Filed: September 30, 2002)	Examiner: Unassigned
)	
For: System and Method for Establishing)	
Electronic Business Systems for Supporting)	
<u>Communications Services Commerce</u>)	

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION OF SHEILA LEUNIG

Sir:

I, Sheila Leunig, declare the following:

1. I am Corporate Counsel for Cygent, Inc. I am responsible for obtaining inventor's signatures on all patent applications for the company.
2. Cygent, Inc. employed the inventor, Kevin O. Kelly, at the time the invention was made and reduced to practice. As a condition of his employment, Mr. Kelly was required to execute an employment agreement with Cygent, Inc. in which all inventions were assigned to Cygent, Inc. A copy of the executed Employee Agreement is attached. Accordingly, Cygent, Inc. has appropriate interest in pursuing this patent application.
3. Diligent effort was made to reach to Mr. Kelly. In particular, emails (dated September 6, 9, and 19, 2002) were sent to Mr. Kelly. A phone call (to 303-778-6300) was made on September 30, 2002 at 11 am PST in an attempt to reach Mr. Kelly. During this conversation, Mr. Kelly stated that he did not want to sign anything, now, or ever, in regards to the Cygent, Inc. patent application.

4. Mr. Kelly's last known address is 470 S. Ogden Street, Denver, Colorado 80209. A copy of the subject application has been sent to Mr. Kelly at this address with a cover letter asking Mr. Kelly to review same and to execute a declaration as an inventor of the subject matter claimed therein. As discussed above, Mr. Kelly has refused to cooperate with Cygent, Inc. in this regard.

5. At the time the application was filed, Applicant had a good faith belief that the inventor would be available and would therefore sign the Declaration and the Assignment. Subsequent attempts to communicate with the inventor and to obtain the inventor's signature have proved fruitless. Accordingly, Applicant has made a bona fide attempt to comply with the provisions of 37 CFR § 1.47.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 10/9/02


SHEILA LEUNIG