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PATENT OFFICE

IT

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

**1. Name of conveying party(ies)**

Kent Laver  
Matthew Tucker

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

**2. Name and address of receiving party(ies)**

Name: Visual Networks Operations, Inc.

Internal Address: \_\_\_\_\_

Street Address: 2092 Gaither Road

City: Rockville

State: MD

Country: US Zip: 20850

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

**3. Nature of conveyance/Execution Date(s):**

Execution Date(s) 06/27/2005, 07/05/2005

- Assignment  Merger
- Security Agreement  Change of Name
- Joint Research Agreement
- Government Interest Assignment
- Executive Order 9424, Confirmatory License
- Other \_\_\_\_\_

**4. Application or patent number(s):**

This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?  Yes  No

**5. Name and address to whom correspondence concerning document should be mailed:**

Name: Patrick J. Finnan

Internal Address: \_\_\_\_\_

Street Address: 1901 Research Blvd.

Suite 400

City: Rockville

State: MD Zip: 20850

Phone Number: 301/424-3640

Fax Number: 301/762-4056

Email Address: usiplaw.com

**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 05-0460

Authorized User Name \_\_\_\_\_

**9. Signature:**

Signature

09/02/2005

Date

Patrick J. Finnan

Name of Person Signing

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

3

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:

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**PATENT**  
**REEL: 016988 FRAME: 0508**

## ASSIGNMENT

WHEREAS, WE, Kent Laver, residing at 27 Kingsford Crescent, Kanata, Ontario Canada, K2K 1T5; and Matthew Tucker, residing at 8528 Plum Creek Drive, Gaithersburg, Maryland, 20882 have invented certain new and useful improvements in *Methods and Apparatus for Identifying Chronic Performance Problems on Data Networks*, for which a patent application for United States Letters Patent

  X   is attached hereto, assigned attorney docket number 2212.0093C  
\_\_\_\_\_ was filed on \_\_\_\_\_ as United States Application Serial No. \_\_\_\_\_.

WHEREAS, Visual Networks Operations, Inc, a corporation of the State of Maryland and located at 2092 Gaither Road, Kockville, Maryland 20850, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and in any and all foreign countries.

NOW, THEREFORE, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto Visual Networks Operations, Inc. the full and exclusive right to said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted thereon in the United States and its territorial possessions and in any and all foreign countries, and in and to any and all non-provisional applications, divisions, reissues, continuations and extensions thereof pertaining to said invention.

We hereby authorize and request the Patent and Trademark Office officials in the United States and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said Visual Networks Operations, Inc., as the assignee of the entire interest in and to the same, for the sole use and behalf of Visual Networks Operations, Inc., its successors and assigns.

FURTHER, we agree that we will communicate to Visual Networks Operations, Inc., or its representatives, any facts known to us respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all non-provisional, divisional, continuation, substitution, renewal and reissue applications pertaining to said invention, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to Visual Networks, Operations, Inc., make all rightful oaths and generally do everything possible to aid Visual Networks Operations, Inc., its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, we have hereunto set our hands.

June 27/2005  
Date

Kent Laver  
Kent Laver

05 JUL 05  
Date

Matthew G. Tucker  
Matthew Tucker