

10-06-2005



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PATENTS ONLY

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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.

**1. Name of conveying party(ies)**  
Burkhardt, Roger  
Allen, Anne  
McSweeney, Robert  
Pastina, Louis G.

**2. Name and address of receiving party(ies)**  
Name: New York Stock Exchange  
Internal Address: \_\_\_\_\_

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

**3. Nature of conveyance/Execution Date(s):**  
Execution Date(s) 9/27/05; 9/23/05; 9/26/05; 9/23/05  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Joint Research Agreement  
 Government Interest Assignment  
 Executive Order 9424, Confirmatory License  
 Other \_\_\_\_\_

Street Address: 11 Wall Street  
City: New York  
State: NY  
Country: USA Zip: 10005  
Additional name(s) & address(es) attached?  Yes  No

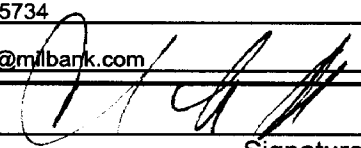
**4. Application or patent number(s):**  This document is being filed together with a new application.  
A. Patent Application No.(s)  
11/183,106

B. Patent No.(s)  
Additional numbers attached?  Yes  No

**5. Name and address to whom correspondence concerning document should be mailed:**  
Name: Chris L. Holm  
Internal Address: Milbank, Tweed, Hadley & McCloy LLP  
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**6. Total number of applications and patents involved:** 2 /  
**7. Total fee (37 CFR 1.21(h) & 3.41) \$40**  
 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 \_\_\_\_\_  
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**9. Signature:**  
  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Chris L. Holm, Esq.  
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 5

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10/05/2005 ECDUPR 00000120 11107106 40.00 DP  
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## ASSIGNMENT OF APPLICATION FOR PATENT

## WHEREAS:

Burkhardt, Roger, 220 Taxter Road, Irvington, New York 10533;  
Allen, Anne E., 205 Watchung Ave., Cranford, N.J. 07105;  
McSweeney, Robert J., 157 Loines Avenue, Merrick, NY 11566; and  
Pastina, Louis G., 171 Beach 130<sup>th</sup> Street, Belle Harbor, NY 11694

(full name(s) and post office address(s) of inventor(s) (including country))

(hereinafter referred to as ASSIGNOR(S)), has made a discovery or invention entitled:

**SYSTEM AND METHOD FOR MANAGING AN IMBALANCE IN A HYBRID AUCTION MARKET**

(title of discovery or invention)

[ ] for which application for Letters Patent of the United States has been executed on even date herewith,

[X] for which application for Letters Patent of the United States has been filed on July 15, 2005, under Serial No. 11/183,106, and

## WHEREAS:

New York Stock Exchange, 11 Wall Street, New York, NY 10005

(name and address of assignee)

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefore in the United States and in any and all foreign countries.

## NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S) hereby sells, assigns and transfers to ASSIGNEE, its successors, legal representatives and assigns, the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

I, SAID ASSIGNOR(S), hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any Official of any country or countries foreign to the United States of America whose duty it is to issue Letters Patent on applications as aforesaid, to issue all such Letters Patent for said discovery or invention to the ASSIGNEE, as assignee of the entire right, title and interest in, to and under the same, for the sole use and behalf of the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I, SAID, ASSIGNOR(S), hereby covenant that I have full right to convey the entire right, title and interest herein sold, assigned, transferred and set over;

AND I, SAID ASSIGNOR(S) hereby further covenant and agree that the ASSIGNEE, its successors, legal representatives, or assigns, may apply for foreign Letters Patent on said discovery or invention and claim the benefits of the International Convention, and that I will, at any time, when called upon to do so by the ASSIGNEE, its successors, legal representatives, or assigns, communicate to the ASSIGNEE, its successors, legal representatives, or assigns, as the case may be, any facts known to me respecting said discover or invention, and execute and deliver and all lawful papers that may be necessary or desirable to perfect the title to the said discovery or invention, the said applications and the said Letters Patent in the ASSIGNEE, its successors, legal representatives and assigns, and that it reissues of the said Letters Patent or disclaimers relating thereto, or divisions, continuations,

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or re-filings of the said applications, or any thereof, shall hereafter be desired by the ASSIGNEE, its successors, legal representatives, or assigns, sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers and all divisional, continuation and reissue applications so desired, and do all lawful acts requisite for the application for such reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention or discover in all countries, and without further compensation but at the expense of the ASSIGNEE, its successors, legal representatives and assigns.

Assignor's signature: [Signature]  
Roger BURKHARDT

Citizenship: United Kingdom

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 27 day of September 2005

STATE OF )  
ss.:

COUNTY OF )

On this 27 day of September, 2005 before me, the undersigned authority, personally appeared to me Roger Burkhardt known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposes therein specified.

Nancy Ginsberg  
Notary Public

NANCY J. GINSBERG  
NOTARY PUBLIC, State of New York  
No. 01G16048899  
Qualified in Richmond County  
Commission Expires October 02, 2006

Assignor's signature: [Signature]  
Anne E. ALLEN

Citizenship: United States

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 23<sup>rd</sup> day of September 2005.

STATE OF NY )  
ss.:

COUNTY OF NY )

On this 23 day of September, 2005 before me, the undersigned authority, personally appeared Anne E. Allen to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposes therein specified.

[Signature]  
Notary Public

**Fier Tiedel**  
Notary Public, State of New York  
No. 0176115336  
Qualified in Queens County  
Commission Expires September 7, 2008

Assignor's signature: *Robert J. McSweeney*  
Robert J. McSWEENEY

Citizenship: United States

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 26<sup>th</sup> day of September 2005

STATE OF NY )

ss.:

COUNTY OF NY)

On this 26<sup>th</sup> day of September, 2005 before me, the undersigned authority, personally appeared Robert J. McSweeney

to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposes therein specified.

*Nancy Ginsberg*  
Notary Public

**NANCY J. GINSBERG**  
NOTARY PUBLIC, State of New York  
No. 016048899  
Qualified in Richmond County  
Commission Expires October 02, 2006

Assignor's signature: *Louis G. Pastina*  
Louis G. PASTINA

Citizenship: United States

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 23<sup>rd</sup> day of September 2005

STATE OF NY )

ss.:

COUNTY OF NY)

On this 23 day of September, 2005 before me, the undersigned authority, personally appeared Louis G. Pastina

to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposes therein specified.

*Pier Tindel*  
Notary Public

**Pier Tindel**  
Notary Public, State of New York  
No. 09716115336  
Qualified in Queens County  
Commission Expires September 7, 2008