

Atty. Docket No.: ICP-001

PATENT

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- ☐ Departmental File ☐ Secret File

Conveying Party(ies)☐ Mark if additional names of conveying parties attachedName Richard TestardiName Name Name Name Execution Date
Month Day Year December 29, 2005**Receiving Party**☐ Mark if additional names of receiving parties attachedName (line 1) Incipient, Inc.Name (line 2) Address (line 1) 230 Third Avenue, 4th FloorAddress (line 2) Address (line 3) Waltham

City

 MA

State/Country

 02451

Zip Code

- ☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment)

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Area Code and Telephone Number (617) 526-9600

Name Patent Administrator

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Address (line 3) 22nd Floor

Address (line 4) Boston, MA 02110-2600

Pages Enter the total number of pages of the attached conveyance document including any attachments.

2

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached
Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

11/067,453

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT

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PCT

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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment:

Enclosed ☐Deposit Account ☒

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account)

Deposit Account Number

50-3081

Authorization to charge additional fees:

Yes ☒No ☐

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. Charges to deposit account are authorized, as indicated herein.

David G. Miranda, Reg. No. 42,898

Name of Person Signing

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Attorney Docket No. ICP-001

ASSIGNMENT

WHEREAS, I, Richard Testardi, have invented one or more inventions described in an application (or provisional application) for Letters Patent of the United States entitled:

DISTRIBUTED ASYNCHRONOUS ORDERED REPLICATION

and identified by

☐ Attorney Docket No. ICP-001, and/or executed by me on even date herewith and about to be filed in the United States Patent Office;

☒ Serial No. 11/067,453 filed in the United States Patent Office on February 25, 2005, and

WHEREAS, Incipient, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, and having a usual place of business at 230 Third Avenue, 4th Floor, Waltham, Massachusetts 02451, desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, My entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the invention(s) described in said application, together with my entire right, title and interest in and to said application and such Letters Patent as may issue thereon or claim priority under United States law or international convention, including but not limited to non-provisionals, continuations, divisionals, reissues, reexaminations, extensions, and substitutions of said application or such Letters Patent, and any right, title and interest I may have in provisional applications to which said application claims priority; said invention(s), applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made; I hereby convey all of my rights arising under or pursuant to any and all United States laws and international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent, including but not limited to any cause(s) of action and damages accruing prior to this assignment. I hereby acknowledge that this assignment, being of my entire right, title and interest in and to said invention(s), carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE in its own name as assignee of my entire right, title and interest therein;

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AND, I hereby further agree for myself and my executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention(s) to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including the execution of non-provisional, substitution, continuation, divisional, reissue, reexamination, or corresponding foreign or international patent applications;

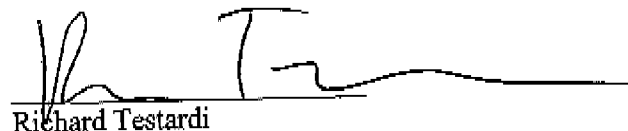
AND, I hereby further agree to provide statements or testimony in any interference or other proceeding in which said invention(s) or any application or patent directed thereto may be involved;

AND, I hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on the date of my execution of this assignment;

AND, I hereby authorize and request the Director of the United States Patent and Trademark Office to issue such Letters Patent as shall be granted upon said application, or applications based thereon, to said ASSIGNEE, its successors, assigns, or legal representatives.

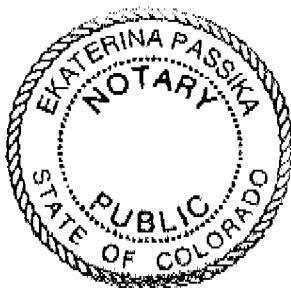
IN TESTIMONY WHEREOF, I have hereunto set my hands-and affixed my seals on the date(s) set forth below.

Inventor:


Richard Testardi

State of Colorado)
County of) ss

On this 29th day of December, 2005, before me, the undersigned notary public, personally appeared Richard Testardi, proved to me through satisfactory evidence of identification, which were Driver License, to be the person whose name is signed on the preceding or attached document in my presence.




Notary Public
My Commission Expires: 05/27/2007