

PATENT ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT						
NATURE OF CONVEYANCE:	ASSIGNMENT						
CONVEYING PARTY DATA							
<table border="1"><thead><tr><th>Name</th><th>Execution Date</th></tr></thead><tbody><tr><td>Winston I. Way</td><td>04/17/2003</td></tr><tr><td>Chao Xiang Shi</td><td>05/20/2003</td></tr></tbody></table>	Name	Execution Date	Winston I. Way	04/17/2003	Chao Xiang Shi	05/20/2003	
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Winston I. Way	04/17/2003						
Chao Xiang Shi	05/20/2003						
RECEIVING PARTY DATA							
Name:	OpVista Incorporated						
Street Address:	870 N. McCarthy Blvd.						
City:	Milpitas						
State/Country:	CALIFORNIA						
Postal Code:	95035						
PROPERTY NUMBERS Total: 1							
<table border="1"><thead><tr><th>Property Type</th><th>Number</th></tr></thead><tbody><tr><td>Application Number:</td><td>10338088</td></tr></tbody></table>	Property Type	Number	Application Number:	10338088			
Property Type	Number						
Application Number:	10338088						
CORRESPONDENCE DATA							
Fax Number:	(877)769-7945						
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>							
Phone:	(858) 678-4327						
Email:	mas@fr.com						
Correspondent Name:	Bing Ai						
Address Line 1:	FISH & RICHARDSON P.C.						
Address Line 2:	P.O.BOX 1022						
Address Line 4:	MINNEAPOLIS, MINNESOTA 55440-1022						
ATTORNEY DOCKET NUMBER:	14723-009001						
NAME OF SUBMITTER:	Michelle Sympson						
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PATENT
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ASSIGNMENT OF APPLICATION

Docket Number 39239-0725

Whereas, the undersigned:

Winston Way
Irvine, CAChao Xiang Shi
Cupertino, CA

hereinafter termed "Inventors", have invented certain new and useful improvements in

Fully Protected Broadcast and Select All Optical Network

- ☒ for which an application for United States Patent was filed on 01/06/2003, Application No. 10/338,088
☐ for which an application for a United States Patent was executed on _____, and

WHEREAS, OpVista, Inc., a corporation having a place of business at 25A Technology Drive, Irvine, CA 92618, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing, or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below:

Date:

4-17-'03

Date:

May 20, 03

Winston Way

Chao Xiang Shi