

PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Declaration Under MPEP 323.01(c) to correct an error made in a previously recorded document that erroneously affects the identified patent that was recorded at Reel/Frame 024244/0499
CONVEYING PARTY DATA	
Name	Execution Date
Avaya Inc.	02/10/2011
RECEIVING PARTY DATA	
Name:	Avaya Inc.
Street Address:	211 Mount Airy Road
City:	Basking Ridge
State/Country:	NEW JERSEY
Postal Code:	07920
PROPERTY NUMBERS Total: 1	
Property Type	Number
Patent Number:	5801597
CORRESPONDENCE DATA	
Fax Number:	(303)538-5867
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	303-538-4600
Email:	denveriplaw@avaya.com
Correspondent Name:	Kimberly Croft, Avaya Inc.
Address Line 1:	1300 W. 120th Avenue
Address Line 2:	Room B1-F53
Address Line 4:	Westminster, COLORADO 80234
ATTORNEY DOCKET NUMBER:	CARTER 1-2-1 -CORRECTION3
NAME OF SUBMITTER:	Douglas M. Grover
Total Attachments: 12 source=CARTER_1_2_1_DECLARATION_UNDER_MPEP_323_01C#page1.tif source=CARTER_1_2_1_DECLARATION_UNDER_MPEP_323_01C#page2.tif	

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PATENT
REEL: 025781 FRAME: 0279

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent

Inventors:	Galen L. CARTER David A. NORTE Woong K. YOON	Docket No.:	Carter 1-2-1 (274991-US-NP)
Patent No.:	5,801,597	Group Art Unit:	2817
Issue Date:	September 1, 1998	Confirmation No.:	7796
Serial No.:	795,431	Primary Examiner:	Seungsook Ham
Filing Date:	February 5, 1997		
Title:	PRINTED-CIRCUIT BOARD-MOUNTABLE FERRITE EMI FILTER		

Attn: ASSIGNMENT SERVICES DIVISION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

SIR:

Enclosed herewith please find a *Declaration of Patent Owner Under MPEP 323.01©
Regarding Assignments and Security Interest Improperly Filed by Third Parties Against
Owner's Patent.*

Patent Owner hereby respectfully requests that the Examiner correct the erroneous
recordations identified in the Declaration of Patent Owner's Agent, Douglas M. Grover.

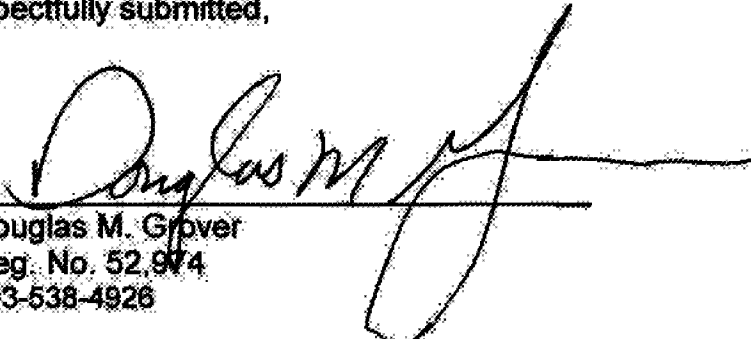
Deposit Account Authorization

Patent Owner hereby authorizes the Commissioner to deduct the appropriate fees from Deposit Account No. 50-1602. In addition, the Commissioner is hereby authorized to deduct any additional fees from, or to credit any overpayment to, Deposit Account No. 50-1602.

Respectfully submitted,

Date: 2-10-2011

By:


Douglas M. Grover
Reg. No. 52,974
303-538-4926

Avaya Inc.
Docket Administrator
1300 W. 120th Avenue, Rm. B1-F53
Westminster, Colorado 80234

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent

Inventors:	Galen L. CARTER David A. NORTE Woong K. YOON	Docket No.:	Carter 1-2-1 (274991-US-NP)
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Title:	PRINTED-CIRCUIT BOARD-MOUNTABLE FERRITE EMI FILTER		

Attn: ASSIGNMENT SERVICES DIVISION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PATENT OWNER UNDER MPEP 323.01(c)
REGARDING ASSIGNMENTS AND SECURITY INTEREST IMPROPERLY FILED
BY THIRD PARTIES AGAINST OWNER'S PATENT

SIR:

I, Douglas M. Grover, acting on behalf of the Patent Owner, Avaya Inc., do hereby declare that the following statements are true and correct to the best of my knowledge.

The correct Patent Owner of U.S. Patent No. 5,801,597 is Avaya Inc.

Two Assignments Erroneously Recorded by David Hitt Against Patent No. 5,801,597

On or about June 28, 2010, Patent Owner became aware that a third party, Mr. David Hitt of Hitt Gaines, PC, had erroneously filed and recorded two Assignments against U.S.

Patent No. 5,801,597. The first erroneously filed Assignment, from Tyco Electronics Logistics AG to Lineage Overseas Corp., was recorded on February 28, 2008, at Reel/Frame 020609/0580. The second erroneously filed Assignment, from Lineage Overseas Corp. to Lineage Power Corporation, was recorded on February 28, 2008, at Reel/Frame 020582/0184. These previously recorded documents were submitted with erroneous information.

In order to rectify the incorrect Assignment records, on August 30, 2010, the undersigned sent a letter to Mr. David Hitt via certified mail, return receipt requested, requesting that Mr. Hitt take action to correct the Assignment errors in the U.S. Patent Office. A copy of the August 30, 2010, letter is attached hereto as "Exhibit A1." A return receipt indicating that the letter was received was returned to Douglas M. Grover on September 2, 2010 (attached hereto as "Exhibit A2"). Although five (5) months have passed since the letter was mailed, Mr. Hitt has taken no action to correct his erroneous records. Thus, Patent Owner respectfully submits this Declaration and requests that the Examiner correct the errors in the U.S. Patent and Trademark Office Assignment records.

Security Agreement Erroneously Recorded by Goldberg Kohn Against Patent No. 5,801,597

On or about June 28, 2010, Patent Owner became aware that another third party, Sharon Patterson of Goldberg Kohn, had erroneously filed and recorded a Security Agreement against U.S. Patent No. 5,801,597. The erroneously filed Security Agreement, from Lineage Power Corporation to Wells Fargo Capital Finance, LLC (formerly known as Wells Fargo Foothill, LLC), as agent, was recorded on April 16, 2010, at Reel/Frame 024244/0499. This previously recorded document was submitted with erroneous information.

In order to rectify the incorrect Security Agreement recordal, on August 30, 2010, the undersigned sent a letter to Ms. Patterson via certified mail, return receipt requested,

requesting that Ms. Patterson take action to correct the Security Agreement recordal error in the U.S. Patent and Trademark Office. A copy of the August 30, 2010, letter is attached hereto as "Exhibit B1." A return receipt with a recipient signature indicating that the letter was received was returned to the undersigned (attached hereto as "Exhibit B2"). Although five (5) months have passed, Ms. Patterson has taken no action to correct her erroneous recordal. Thus, Patent Owner respectfully submits this Declaration and requests that the Examiner correct the error in the U.S. Patent and Trademark Office Assignment records.

Summary of the True and Correct Chain of Title to U.S. Patent No. 5,801,597

A summary of the true and correct chain of title of the ownership of U.S. Patent No. 5,801,597 is identified below. As the Examiner will see from the below Summary, the incorrectly recorded Assignments and Security Agreement should not be considered to alter the correct ownership of the patent. The last correct Assignee has been, and continues to be, the owner of U.S. Patent No. 5,801,597.

1. Assignment from inventors Galen L. Carter, David A. Norte, and Woong K. Yoon to Lucent Technologies, Inc., recorded on February 5, 1997, at Reel/Frame 008434/0375;
2. Assignment from Lucent Technologies, Inc., to Avaya Technology Corp., recorded on March 26, 2002, at Reel/Frame 012691/0572;
3. Security Agreement from Avaya Technology Corp. to The Bank of New York, recorded on April 9, 2002, at Reel/Frame 012775/0144;
4. Security Agreement from Avaya, Inc., Avaya Technology LLC, Octel Communications LLC, and VPNET Technologies, Inc., to Citibank, N.A., recorded on November 27, 2007, at Reel/Frame 020156/0149;
5. Security Agreement from Avaya, Inc., Avaya Technology LLC, Octel Communications LLC, and VPNET Technologies, Inc., to

Citicorp USA, Inc., recorded on November 28, 2007, at Reel/Frame 020166/0705;

6. Conversion from Corporation to LLC from Avaya Technology Corp. to Avaya Technology LLC, recorded on December 29, 2008, at Reel/Frame 022071/0420; and
7. Assignment from Avaya Technology LLC to Avaya Inc., recorded on June 27, 2008, at Reel/Frame 021158/0300.

As is apparent from the above summary of title, neither Tyco Electronics Logistics AG, Lineage Overseas Corp., nor Lineage Power Corporation has any rights to U.S. Patent No. 5,801,579. The true and correct owner of U.S. Patent No. 5,801,579 has been, and continues to be, Avaya Inc. Nor does Wells Fargo have a right to file a Security Interest based on ownership of the patent by Lineage Power Corporation.

Patent Owner therefore respectfully requests that the Examiner correct the three erroneous recordings in the chain of title, indicated below:

1. Erroneous Assignment from Tyco Electronics Logistics AG to Lineage Overseas Corp., recorded on February 28, 2008, at Reel/Frame 020609/0580;
2. Erroneous Assignment from Lineage Overseas Corp. to Lineage Power Corporation, recorded on February 28, 2008, at Reel/Frame 020582/0184; and
3. Erroneous Security Agreement from Lineage Power Corporation to Wells Fargo Capital Finance, LLC (Formerly Known as Wells Fargo Foothill, LLC), as agent, recorded on April 16, 2010, at Reel/Frame 024244/0499.

Deposit Account Authorization

Patent Owner hereby authorizes the Commissioner to deduct the appropriate fees from Deposit Account No. 50-1602. In addition, the Commissioner is hereby authorized to deduct any additional fees from, or to credit any overpayment to, Deposit Account No. 50-1602.

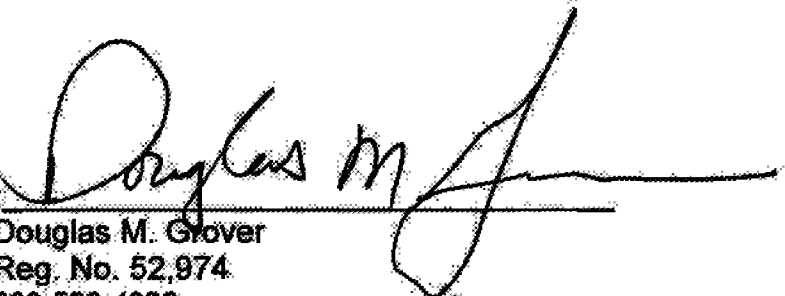
Patent No.: 5,801,597

Declaration of Patent Owner Under MPEP 323.01(C)
Regarding Assignment Improperly Filed and
Recorded by Another Party Against Owner's
Application/Patent Filed 02/10/2011

All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Date: 2-10-2011

By:


Douglas M. Grover
Reg. No. 52,974
303-538-4926



INTELLIGENT COMMUNICATIONS

VIA CERTIFIED MAIL
Return Receipt Requested

August 30, 2010

David Hitt, Esq.
Hitt Gaines, PC
P.O. Box 832570
Richardson, Texas 75083-2570

Douglas M. Grover
Corporate Counsel
Intellectual Property Law
1300 W. 120th Avenue
Westminster, CO 80234
Tel: +1-303-538-4926
Fax: +1-303-538-5867
E-mail: dmgrover@avaya.com

Exhibit A1

Re: U.S. Patent No. 5,801,597 for
PRINTED-CIRCUIT BOARD-MOUNTABLE FERRITE EMI FILTER
Inventors: Carter et al.
Avaya Reference: Carter 1-2-1 US

Dear Mr. Hitt,

As you are aware, with regard to the above-referenced U.S. patent, it has come to our attention that your firm has erroneously recorded two Assignment documents against this patent. A copy of the Patent Assignment Abstract of Title downloaded from the USPTO for this patent is enclosed for your reference.

As indicated in item 8, you erroneously recorded an Assignment from Tyco Electronics Logistics AG to Lineage Overseas Corp. on February 28, 2008, at reel/frame 020609/0580.

In addition, as indicated in item 7, you erroneously recorded an Assignment from Lineage Overseas Corp. to Lineage Power Corporation on February 28, 2008, at reel/frame 020582/0184.

As you are aware, none of the entities identified in items 7 and 8 (i.e., Tyco Electronics Logistics AG, Lineage Overseas Corp., and Lineage Power Corporation) have any rights to U.S. Patent No. 5,801,597.

I hereby request that you immediately correct the title record of this patent by filing corrective Assignments relative to items 7 and 8 and indicating to the U.S. Patent and Trademark Office Assignments Branch that they were erroneously filed by your office.

If you do not take action to correct this issue, we will take action to correct the Assignment Branch records under MPEP Section 323.01(c) (copy enclosed).

Please contact me at your earliest convenience, and in any event not later than **September 20, 2010**, to discuss this matter further. If I do not hear from you by that date, we will proceed to correct the Assignment records as indicated above.

Sincerely,

Douglas M. Grover
Corporate Counsel
Intellectual Property Law

DMG:kcc

Encl: Copy of Patent Assignment Abstract of Title from USPTO for USPN 5,801,597
Copy of MPEP Section 323.01(c)

PATENT
REEL: 025781 FRAME: 0288

Exhibit A2

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>J. Grulliet</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>J. Grulliet</i> C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: David Hitt, Esq. Hitt Games, PC P.O. Box 832570 Richardson, Texas 75083-2570	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Signature Required
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) ☐ Yes
7001 0320 0004 1520 2142	
PS Form 3811, August 2001 Domestic Return Receipt 102505-02-M-1540	



INTELLIGENT COMMUNICATIONS

VIA CERTIFIED MAIL
Return Receipt Requested

August 30, 2010

Ms. Sharon Patterson
Paralegal
Goldberg Kohn
55 E. Monroe Street
Suite 3300
Chicago, Illinois 60603

Exhibit B1

Douglas M. Grover
Corporate Counsel
Intellectual Property Law
1300 W. 120th Avenue
Westminster, CO 80234
Tel: +1-303-538-4926
Fax: +1-303-538-5867
E-mail: dmgrover@avaya.com

Re: U.S. Patent No. 5,801,597 for
PRINTED-CIRCUIT BOARD-MOUNTABLE FERRITE EMI FILTER
Inventors: Carter et al.
Avaya Reference: Carter 1-2-1 US

Dear Ms. Patterson,

With regard to the above-referenced U.S. patent, it has come to our attention that your firm has erroneously recorded a Security Agreement document against this patent. A copy of the Patent Assignment Abstract of Title downloaded from the USPTO for this patent is enclosed for your reference.

As indicated in item 10 of the Abstract of Title, you recorded a Security Agreement from Lineage Power Corporation to Wells Fargo Capital Finance, LLC (Formerly Known as Wells Fargo Foothill, LLC), as Agent, on April 16, 2010, at reel/frame 024244/0499 that erroneously included U.S. Patent No. 5,801,597.

Prior to your recordation of the Security Agreement, another party, David Hitt, erroneously recorded two Assignment documents in this U.S. Patent, as follows:

1. Assignment from Tyco Electronics Logistics AG to Lineage Overseas Corp., recorded on February 28, 2008, at reel/frame 020609/0580 (Item 8 on the enclosed Abstract of Title from the USPTO); and
2. Assignment from Lineage Overseas Corp. to Lineage Power Corp., recorded on February 28, 2008, at reel/frame 020562/0184 (Item 7 on the enclosed Abstract of Title from the USPTO).

Please note that none of the entities identified in items 7, 8, or 10 (i.e., Tyco Electronics Logistics AG, Lineage Overseas Corp., Lineage Power Corporation, and Wells Fargo Capital Finance, LLC) have any rights to U.S. Patent No. 5,801,597.

I hereby request that you immediately correct the title record of this patent by either expunging this Security Agreement from the title record under MPEP Section 323.01(d), or filing a corrective Security Agreement indicating that the Security Agreement filed by you erroneously included U.S. Patent No. 5,801,597, and that Wells Fargo Capital Finance, LLC, has no rights to the patent (MPEP Section 323.01(c)).

Ms. Sharon Patterson
August 30, 2010
Page 2

If you do not take action to correct this issue, we will take action under MPEP Section 323.01(c) to correct the Assignment Branch records. A copy of the page from the MPEP covering both Sections 321.01(c) and 323.01(d) is enclosed for your review.

Please contact me at your earliest convenience, and in any event not later than **September 20, 2010**, to discuss this matter further. If I do not hear from you by that date, we will proceed to correct the Assignment records as indicated above.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas M. Grover", followed by a long horizontal line.

Douglas M. Grover
Corporate Counsel
Intellectual Property Law

DMG:kcc

Encl.: Copy of Patent Assignment Abstract of Title from USPTO for USPN 5,801,597
Copy of MPEP Section 323.01(c) & 323.01(d)

Exhibit B2

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☐ Agent  ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Ms. Sharan Patterson Paralegal Goldberg Kohn 55 E. Monroe Street Suite 3300 Chicago, Illinois 60603	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) 7001 0320 0004 1520 2159	

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540