

# PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	<b>CORRECTIVE ASSIGNMENT</b>										
<b>NATURE OF CONVEYANCE:</b>	Corrective Assignment to correct the Patent Application No. previously recorded on Reel 014098 Frame 0562. Assignor(s) hereby confirms the Patent Application No. should be 09/671,974 not 09/671,971.										
<b>CONVEYING PARTY DATA</b>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Name</th> <th style="width: 30%;">Execution Date</th> </tr> </thead> <tbody> <tr> <td>Corning Incorporated</td> <td>07/31/2003</td> </tr> <tr> <td>Corning Photonic Technologies, Inc.</td> <td>07/31/2003</td> </tr> <tr> <td>Corning Lasertron, Inc.</td> <td>07/31/2003</td> </tr> <tr> <td>Corning O.T.I. S.R.L.</td> <td>07/31/2003</td> </tr> </tbody> </table>		Name	Execution Date	Corning Incorporated	07/31/2003	Corning Photonic Technologies, Inc.	07/31/2003	Corning Lasertron, Inc.	07/31/2003	Corning O.T.I. S.R.L.	07/31/2003
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<b>RECEIVING PARTY DATA</b>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"><b>Name:</b></td> <td>Avanex Corporation</td> </tr> <tr> <td><b>Street Address:</b></td> <td>40919 Encyclopedia Circle</td> </tr> <tr> <td><b>City:</b></td> <td>Fremont</td> </tr> <tr> <td><b>State/Country:</b></td> <td>CALIFORNIA</td> </tr> <tr> <td><b>Postal Code:</b></td> <td>94538</td> </tr> </table>		<b>Name:</b>	Avanex Corporation	<b>Street Address:</b>	40919 Encyclopedia Circle	<b>City:</b>	Fremont	<b>State/Country:</b>	CALIFORNIA	<b>Postal Code:</b>	94538
<b>Name:</b>	Avanex Corporation										
<b>Street Address:</b>	40919 Encyclopedia Circle										
<b>City:</b>	Fremont										
<b>State/Country:</b>	CALIFORNIA										
<b>Postal Code:</b>	94538										
<b>PROPERTY NUMBERS Total: 1</b>											
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Application Number:	09671974										
<b>CORRESPONDENCE DATA</b>											
<p>Fax Number: (650)493-6811</p> <p><i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i></p> <p>Phone: (650) 493-9300</p> <p>Email: jaltman@wsgr.com</p> <p>Correspondent Name: Wilson Sonsini Goodrich &amp; Rosati</p> <p>Address Line 1: 650 Page Mill Road</p> <p>Address Line 4: Palo Alto, CALIFORNIA 94304</p>											
<b>ATTORNEY DOCKET NUMBER:</b>	1000-050										
<b>NAME OF SUBMITTER:</b>	Jennifer Altman										

CH \$40.00 09671974

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**PATENT**  
**REEL: 026146 FRAME: 0649**

**Total Attachments: 7**

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FORM PTO-1595

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

1-31-92

## PATENTS ONLY

Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Corning Incorporated  
Corning Photonic Technologies, Inc.  
Corning Lasertron, Inc.  
Corning O.T.I. S.r.l.

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Name: Avanex Corporation

Street Address: 40919 Encyclopedia Circle

City/State/Zip: Fremont, California 94538

Additional name(s) &amp; address(es) attached?

☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Security Agreement☐ Other☐ Merger☐ Change of NameExecution Date: 7/31/03

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

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s): 09/671,971

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: U.P. Peter Eng  
Internal Address: FH 1-2  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304-1050

## 6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41) ..... \$40.00

☐ Enclosed☒ Authorized to be charged to deposit account8. Deposit account number: 23-2415  
(Attorney Docket No.: 20397.700)

## DO NOT USE THIS SPACE

## 9. 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.



U.P. Peter Eng, Reg. No. 39,666

Name of Person Signing

Signature

10/31/03

Date

Total number of pages including cover sheet, attachments, and document: [ 7 ]

## PATENT ASSIGNMENT

This Patent Assignment ("Assignment") is made as of July 31, 2003 by Corning, Incorporated a New York Corporation, having a place of business at One Riverfront Plaza, Corning New York ("Corning") and its subsidiaries identified in signature blocks below (collectively referred to as "Assignors"), to Avanex Corporation, a Delaware corporation having a place of business at 40919 Encyclopedia Circle, Fremont, California 94538, United States of America ("Assignee").

### RECITALS

A. Corning, Assignee and Alcatel have entered into a Share Acquisition and Asset Purchase Agreement dated as of May 12, 2003 (the "Purchase Agreement") and an Intellectual Property Rights Agreement Between Corning Incorporated and Avanex Corporation Relating to Photonics executed on even date herewith (the "Intellectual Property Rights Agreement").

B. Assignors owns the patent(s) issued by the United States Patent and Trademark Office and certain foreign patent and trademark offices, as well as patent applications filed with the United States Patent and Trademark Office and certain foreign patent and trademark offices, as set forth on Schedule A hereto (the "Patents").

C. Pursuant to the Purchase Agreement and the Intellectual Property Rights Agreement, Corning desires to assign and to have its subsidiaries assign to Assignee all of Assignors' right, title and interest in and to the Patents.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants and agreements contained in the Purchase Agreement, the Intellectual Property Rights Agreement and the covenants and agreements in this Assignment and to induce Assignee to consummate the transactions contemplated by the Purchase Agreement, Assignor agrees as follows:

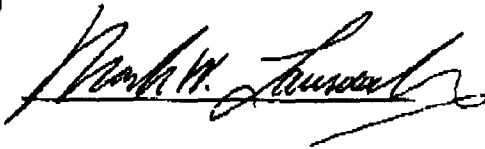
1. Each Assignor does hereby irrevocably sell, transfer, convey, assign and deliver to Assignee all of Assignor's right, title and interest in and to the Patents (and regarding Patents that are patent applications, any patents that may issue therefrom), including any foreign counterparts, divisionals, continuations in whole or in part, reexaminations, reissues or extensions thereof, and the right to claim priority to any of the preceding, the same to be held by Assignee for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns and other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past infringements of the Patents, along with the right to sue for and collect such damages for the use and benefit of Assignee and its successors, assigns and other legal representatives, such claims and right to sue being subject, however, to the obligation to remit to Corning recovery attributable to acts of infringement prior to execution of the Intellectual Property Rights Agreement (Section 2.2).

2. Each Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any officer of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of intellectual property protection or applications as aforesaid, to issue the same to Assignee and its successors, assigns and other legal representatives in accordance with the terms of this instrument.

IN WITNESS WHEREOF, each Assignor has executed this Assignment on the date first above written.

**Corning Incorporated**

By:



Printed Name:

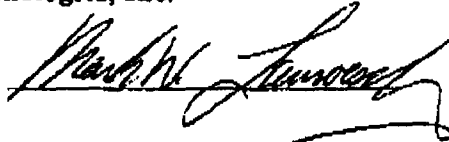
Mark W. Laureosch

Title:

Assistant Secretary

**Corning Photonic Technologies, Inc.**

By:



Printed Name:

Mark W. Laureosch

Title:

Assistant Secretary

**Acknowledgment by Notary Public**

Country of USA

State of New York

County / City of New York

On this 31st day of July, 2003 before me, the undersigned Notary Public, personally appeared Mark W. Laureosch, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Seal:

Signature:



Name: Ronald Carlton, Notary Public

RONALD CARLTON  
Notary Public, State of New York  
No. 01CA4843882  
Qualified in Kings County  
Commission Expires June 30, 2007

-2-

Corning Lasertron, Inc.

By:

William L. Juan

Printed Name:

William L. Juan

Title:

Clerk

**Acknowledgment by Notary Public**

Country of USA

State of New York

County / City of New York

On this 31st day of July, 2003 before me, the undersigned Notary Public, personally appeared William L. Juan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Seal:

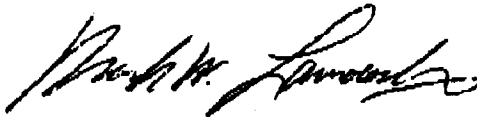
Signature: Ronald Carlton

Name: Ronald Carlton, Notary Public

RONALD CARLTON  
Notary Public, State of New York  
No. 01CA4841982  
Qualified in Kings County  
Commission Expires June 30, 2007

Corning O.T.I. S.r.l.

By:



Printed Name:

MARK W. LAUROESCH

Title:

ASSISTANT SECRETARY

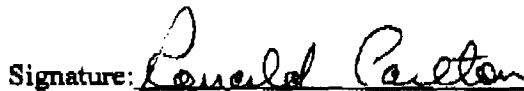
## Acknowledgment by Notary Public

Country of USAState of New YorkCounty / City of New York

On this 31st day of July, 2003 before me, the undersigned Notary Public, personally appeared Mark W. Lauroesch, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Seal:

Signature:



Name:

Ronald Carlton, Notary Public

RONALD CARLTON  
Notary Public, State of New York  
No. 01CA4841982  
Qualified in Kings County  
Commission Expires June 30, 2007

PATENT

REEL: 014098 FRAME: 0566

PATENT

REEL: 026146 FRAME: 0655

Oct.31. 2003 11:20AM WILSON SONSINI

No.6890 P. 6

**REDACTED**

**Patent Assignment  
Schedule A**

Conring Case Name	Title	Pat/Pub No.
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Page

*Wilson*

**PATENT**  
**REEL: 014094 FRAME: 0567**  
**REEL: 026146 FRAME: 0656**



**REDACTED**

Optical Amplifying Unit and Optical Transmission System

unpublished app.



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RECORDED: 10/31/2003  
RECORDED: 04/18/2011

**PATENT**  
REEL: 014098 FRAME: 0568  
**PATENT**  
REEL: 026146 FRAME: 0657