

PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Doug Palmer	02/14/2012
RECEIVING PARTY DATA	
Name:	The Toro Company
Street Address:	8111 Lyndale Avenue South
City:	Bloomington
State/Country:	MINNESOTA
Postal Code:	55420-1196
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	12091272
CORRESPONDENCE DATA	
Fax Number:	(310)327-3466
Phone:	(310) 755-7800
Email:	khinckley@inskeeplaw.com
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>	
Correspondent Name:	Charles E. Fredericks, Esq.
Address Line 1:	Inskeep Intellectual Property Group, Inc
Address Line 2:	2281 W. 190th Street, Suite 200
Address Line 4:	Torrance, CALIFORNIA 90504
ATTORNEY DOCKET NUMBER:	TORO 1506-550
NAME OF SUBMITTER:	Charles E. Fredericks, Esq.
Total Attachments: 3 source=Toro_550_2012-02-16_Decl_of_Randy_Pearson_with_Ex1#page1.tif source=Toro_550_2012-02-16_Decl_of_Randy_Pearson_with_Ex1#page2.tif source=Toro_550_2012-02-16_Decl_of_Randy_Pearson_with_Ex1#page3.tif	


OP \$40.00 12091272

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CERTIFICATE OF TRANSMITTAL

I hereby certify that on **February 16, 2012**, this paper (along with any paper referred to as being attached or enclosed) is being transmitted through the EFS system via the United States Patent and Trademark Office website at <http://www.uspto.gov>.


Kathy Hinckley

Applicant: Doug Palmer et al.

Serial No.: 12/091,272

Filed: January 12, 2009

Title: **COMPUTER-OPERATED
LANDSCAPE IRRIGATION AND
LIGHTING SYSTEM**

Examiner: Stevens, Thomas H.

Group Art Unit: 2121

Confirmation No.: 1281

Atty. Docket No.: 1506-550

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF RANDY PEARSON UNDER 37 C.F.R. SECTION 1.132

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

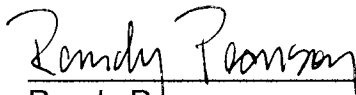
I, Randy Pearson, state as follows:

1. I am over the age of 18 years and am competent to make this Declaration. This Declaration is made upon personal knowledge setting forth facts I believe to be true.
2. I am the Director of Technical Operations at The Toro Company's Irrigation Division in Riverside, California and have been at this position since 1997.
3. Doug Palmer, an inventor on the present Application No. 12/091,272, is personally known to me. During several years in the 2000s, Doug worked for the Toro Company as an independent consultant via his personal corporation, Novique Interactive, on matters relating to irrigation software development. A 1099 tax form for Doug and Novique Interactive from the year 2006 is attached in Exhibit 1 and is presented in support of Doug's consulting work.
4. As with all such contracting consultants at The Toro Company, Doug's consulting agreement included an obligation to assign all new inventions and other

intellectual property he created during and as part of his employment to The Toro Company.

5. During Doug's employment with The Toro Company, Doug was assigned to develop PC software having a user interface for controlling an irrigation controller. I personally monitored and reviewed Doug's development of this PC software during his contractual employment. During this time, he and Alex Korol (the other named inventor on the present Application) invented and developed the inventions shown and described in the present Application.
6. In this respect, the inventors of the present Application were both under an obligation to assign their invention to The Toro Company, which is also the owner of U.S. Pat. No. 7,010,395 and is cited in the most recent Office Action dated May 19, 2011.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made 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 so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 02.14.12


Randy Pearson

The Toro Company
8111 Lyndale Avenue South
Bloomington, MN 55420-1196
(952) 887-8601

DOUG PALMER
NOVIQUE INTERACTIVE
1310 ELIZABETH STREET
REDLANDS, CA 92373

☐ CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no. The Toro Company 8111 Lyndale Avenue South Bloomington, MN 55420-1196 (952) 887-8601		1 Rents	OMB No. 1545-0115		2006 Miscellaneous Income
		2 Royalties	Form 1099-MISC		
PAYER'S federal identification number [REDACTED]	RECIPIENT'S identification number [REDACTED]	3 Other income	4 Federal income tax withheld	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
RECIPIENT'S name, street address, city, state, and ZIP code DOUG PALMER NOVIQUE INTERACTIVE 1310 ELIZABETH STREET REDLANDS, CA 92373		5 Fishing boat proceeds	6 Medical and health care payments		
		7 Nonemployee compensation \$ [REDACTED]	8 Substitute payments in lieu of dividends or interest		
Account number (optional) [REDACTED]		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds		
		11	12		
15a Section 409A deferrals	15b Section 409A income	13 Excess golden parachute payments	14 Gross proceeds paid to an attorney		
		16 State tax withheld	17 State/Payer's state no.	18 State income	

Form 1099-MISC

(keep for your records)

Department of the Treasury - Internal Revenue Service

1099-MISC Instructions for Recipient

Recipient's identification number. For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS and, where applicable, to state and/or local governments.

Account number. May show an account or other unique number the payer assigned to distinguish your account.

Amounts shown may be subject to self-employment (SE) tax. If your net income from self-employment is \$400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub. 334 for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments, see Form 1040-ES. Individuals must report these amounts as explained in the box 7 instructions on this page. Corporations, fiduciaries, or partnerships must report the amounts on the proper line of their tax returns.

Form 1099-MISC incorrect? If this form is incorrect or has been issued in error, contact the payer. If you cannot get this form corrected, attach an explanation to your tax return and report your income correctly.

Boxes 1 and 2. Report rents from real estate on Schedule E (Form 1040). However, report rents on Schedule C (Form 1040) if you provided significant services to the tenant, sold real estate as a business, or rented personal property as a business. Report royalties from oil, gas, or mineral properties, copyrights, and patents on Schedule E (Form 1040). However, report payments for a working interest as explained in the box 7 instructions. For royalties on timber, coal, and iron ore, see Pub. 544.

Box 3. Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525. If it is trade or business income, report this amount on Schedule C or F (Form 1040).

Box 4. Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold if you did not furnish your taxpayer identification number. See Form W-9 and Pub. 505 for more information. Report this amount on your income tax return as tax withheld.

Box 5. An amount in this box means the fishing boat operator considers you self-employed. Report this amount on Schedule C (Form 1040). See Pub. 334.

Box 6. For individuals, report on Schedule C (Form 1040).

Box 7. Shows nonemployee compensation. If you are in the trade or business of catching fish, box 7 may show cash you received for the sale of fish. If the amount in this box is SE income, report it on Schedule C or F (Form 1040), and complete Schedule SE (Form 1040). You received this form instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax or social security and Medicare tax. If you believe you are an employee and cannot get the payer to correct this form, report the amount from box 7 on Form 1040, line 7 (or Form 1040NR, line 8). You must also complete Form 8919 and attach it to your return. If you are not an employee but the amount in this box is not SE income (for example, it is income from a sporadic activity or a hobby), report it on Form 1040, line 21 (or Form 1040NR, line 21).

Box 8. Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Form 1040.

Box 9. If checked, \$5,000 or more of sales of consumer products was paid to you on a buy-sell, deposit-commission, or other basis. A dollar amount does not have to be shown. Generally, report any income from your sale of these products on Schedule C (Form 1040).

Box 10. Report this amount on Schedule F (Form 1040).

Box 13. Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for where to report.

Box 14. Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

Box 15a. May show current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A, plus any earnings on current and prior year deferrals.

Box 15b. Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 15a that is currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" in the Form 1040 instructions.

Boxes 16-18. Shows state or local income tax withheld from the payments.

EXHIBIT 1

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RECORDED: 06/20/2012

REEL: 028411 FRAME: 0365