



Tab settings

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original documents or copy thereof.

To the Honorable Commissioner of

1. Name of conveying party(ies):  
Lucent Technologies Inc.

Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation-State  
 Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
 Name: Avaya Inc.  
 Internal Address:  
 Street Address: 211 Mount Airy Road  
Basking  
 City: Ridge State: NJ Zip: 07920

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Delaware  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
 (Designations must be a separate document from assignment)  
 Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:  
 Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: 09252000

4. Application number(s) or registration number(s):  
 A. Trademark Application No.(s)  
75/930338

Additional number(s) attached  Yes  No

B. Trademark Registration No.(s)  
2369048

5. Name and address of party to whom correspondence concerning document should be mailed:  
 Name: Joan T. Pinaire, Esq.  
 Internal Address: Avaya Inc. & Copyrights  
Trademarks  
Suite 300

Street Address: 150 Allen Road  
Liberty  
 City: Corner State: NJ Zip: 07938

6. Total number of applications and registrations involved: .....  2

7. Total fee (37 CFR 3.41).....\$ 65.00<sup>E</sup>  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
501601

(Attach duplicate copy of this page if paying by deposit account)

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.*

Joan T. Pinaire  
 Name of Person Signing

[Signature]  
 Signature

6/26/01  
 Date

Total number of pages including cover sheet, attachments, and document:  10

## TRADEMARK AND SERVICE MARK ASSIGNMENT

THIS TRADEMARK AND SERVICE MARK ASSIGNMENT AGREEMENT (this "Assignment"), effective as of September 30, 2000 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, ("LUCENT"), and Avaya Inc., a Delaware corporation, with offices at 211 Mount Airy Road, Basking Ridge, New Jersey 07920 ("Avaya").

### RECITALS

A. WHEREAS, the Board of Directors of LUCENT has determined that it is in the best interests of LUCENT and its stockholders to separate LUCENT's existing businesses into two independent businesses;

B. WHEREAS, in order to effectuate the foregoing, LUCENT and Avaya have entered into a Contribution and Distribution Agreement dated as of September 30, 2000, which provides, among other things, subject to the terms and conditions thereof, for the contribution by LUCENT of the former Enterprise Networks Group of Lucent ("EN") assets to Avaya and the assumption by Avaya of the EN liabilities and the execution and delivery of certain other agreements in order to facilitate and provide for the foregoing;

C. WHEREAS, this Assignment transfers to Avaya certain trademark and service mark assets and related goodwill that have been developed by Avaya's business units; and

D. WHEREAS, in furtherance of the foregoing separation, LUCENT desires to transfer, assign, convey, deliver and vest all of its right, title and interest in and to the Assigned Marks (as defined below) and all of the goodwill associated therewith and all other rights LUCENT may have with respect to such Assigned Marks.

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration of at least \$100, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

1. "Assigned Marks" means those trademarks and service marks and trademark and service mark applications and registrations set forth on Schedules A, B, and C to this Assignment.

2. LUCENT hereby transfers, conveys and assigns to Avaya all of its rights, title and interest in and to the Assigned Marks in the United States and throughout the world, any common law rights relating to the Assigned Marks, together with all of the assets and the goodwill of the business represented by the Assigned Marks, and the right to sue for past infringements of the Assigned Marks.

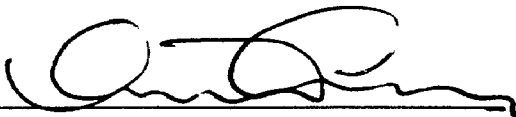
3. LUCENT will neither use nor attempt to register any Assigned Mark or any confusingly similar mark for so long as said Assigned Mark has not been abandoned by Avaya.

LUCENT shall execute any and all documents reasonably requested by Avaya to effect transfer and recording of the Assigned Marks to Avaya.

IN WITNESS WHEREOF, the parties have caused this TRADEMARK AND SERVICE MARK ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

[SEAL]

**LUCENT TECHNOLOGIES INC.**

By: 

Name: Daniel P. McCurdy

Title: President – Intellectual Property Business

**AVAYA INC.**

By: 

Name: Maurice M. de Picciotto

Title: Vice President-Law, Intellectual Property

STATE OF NEW JERSEY )  
 ) ss.  
COUNTY OF SOMERSET )

I CERTIFY that on this 25<sup>th</sup> day of September, 2000, Daniel P. McCurdy personally appeared before me and Daniel P. McCurdy acknowledged under oath, to my satisfaction that:

- a) this person signed, sealed and delivered the attached Trademark and Service Mark Assignment as President – Intellectual Property Business of Lucent Technologies Inc., and had the authority to do so; and
- b) the proper corporate seal was affixed; and
- c) this Trademark and Service Mark Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.

Tamora Anne Hanna

Name: ~~Maureen Dunn~~

TAMORA ANNE HANNA  
Notary Public of New Jersey  
Registered in Hunterdon County  
My Commission Expires March 25, 2002

[Notarial Seal]

STATE OF NEW JERSEY )  
 ) ss.  
COUNTY OF SOMERSET )

I CERTIFY that on this 27<sup>th</sup> day of September, 2000, Maurice M. de Picciotto personally appeared before me and Maurice M. de Picciotto acknowledged under oath, to my satisfaction that:

- a) this person signed the attached Trademark and Service Mark Assignment as Vice President-Law, Intellectual Property of Avaya Inc., and had the authority to do so.

Brenda Miller  
Name: Brenda Miller

BRENDA MILLER  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 7/20/2005

[Notarial Seal]

**SCHEDULE A**  
**UNITED STATES TRADEMARKS AND SERVICE MARKS**  
**Registrations and Pending Applications**

Trademark	Country	Application No.	Filing Date	Registration No.	Registration Date
... BEYOND COMPARE	United States	75328912	7/22/1997		
@WORK STUDIO	United States	75424061	1/27/1998		
A NETWORK OF EXPERTISE	United States	75063121	2/26/1996	2143220	3/10/1998
A REVOLUTION IN SIGHT	United States	371563	3/24/1993	1917436	9/5/1995
ACCESS MESSENGER	United States	75510277	6/29/1998		
AGENT DIRECTOR	United States	75/950710	3/2/2000		
AMONMASTER	United States	75/930388	2/14/2000		
AUDIX	United States	161029	4/26/1991	1689940	6/2/1992
BCMS VU	United States	75045570	1/18/1996	2111238	11/4/1997
BST DIRECT	United States	490123	2/15/1994	1879617	2/21/1995
BST DIRECT	United States	328932	11/5/1992	1851725	8/30/1994
CAJUN	United States	75329084	7/23/1997		
CAJUNDOCS	United States	75573238	10/20/1998		
CAJUNVIEW	United States	75480716	5/7/1998		
CALL CENTER INSTITUTE AND DESIGN	United States	75314705	6/25/1997		
CALL CENTER INSTITUTE AND DESIGN	United States	75303287	6/4/1997		
CALL CENTER PARTNERSHIP	United States	75314721	6/25/1997	2231520	3/16/1999
CALLMASTER	United States	775146	1/17/1989	1583412	2/20/1990
CALLVISOR	United States	192475	8/7/1991	1820466	2/8/1994
CENTREU ADVOCATE	United States	75644013	2/22/1999		
CLASSIC MAIL	United States	440012	9/24/1993	1940202	12/5/1995
CLASSIC VALUES	United States	75265349	3/27/1997	2185532	9/1/1998
CLEARTRAC	United States	78019042	7/31/2000		
COM KEY	United States	580700	1/31/1986	1435336	4/7/1987
COMMUNICORE	United States	74688815	6/15/1995	2037835	2/11/1997
COMMUNICORE	United States	74410845	7/8/1993	1971609	4/30/1996
COMPAS	United States	78027182	9/22/2000		
CONVERSANT INTRO	United States	74644102	3/9/1995	1960129	3/5/1996
COSMIC	United States	630477	11/17/1986	1447287	7/14/1987
CRM CENTRAL	United States	78000602	3/23/2000		
CRM PERFORMANCE ANALYST	United States	78009603	5/24/2000		
CRMBA	United States	75746275	7/12/1999		
CRMBA	United States	75748276	7/12/1999		
CSL LIGHTSPLICE	United States	049803	4/13/1990	1684815	4/28/1992

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Trademark	Country	Application No.	Filing Date	Registration No.	Registration Date
CTELITE	United States	75595033	11/14/1998		
DECODEMASTER	United States	74531322	5/31/1994	1950220	1/23/1996
DEFINITY	United States	771999	12/23/1988	1560615	10/17/1989
DEFINITY ONE	United States	75641058	2/16/1999		
DEFINITY PROLOGIX	United States	75677909	4/8/1999		
DEFINITY REMOTE MAX	United States	75/950786	3/2/2000		
DESIGN PARTNER	United States	75516478	7/9/1998		
DIVER DESIGN	United States	75534431	8/11/1998		
ENGAGE	United States	75945467	2/25/2000		
EXCHANGE CALLMANAGER	United States	75690841	4/26/1999		
EXCHANGEADMINISTRATOR	United States	75690840	4/26/1999		
EXCHANGEMAX	United States	316887	9/23/1992	1849070	8/9/1994
EXOPLANE	United States	75139880	7/25/1996	2207463	12/1/1998
EZROUTE	United States	75781716	8/20/1999		
FIRE	United States	75352404	9/5/1997		
FLEXTERM	United States	088819	8/17/1990	1692631	6/9/1992
FLEXXWORD	United States	398415	6/3/1993	1931957	10/31/1995
GIGASPEED	United States	75256346	3/12/1997	2185062	8/25/1998
GUESTWORKS	United States	75025906	11/30/1995	2116743	11/25/1997
GUIDE BUILDER	United States	75417676	1/14/1998		
HELPING PEOPLE MANAGE A BUSINESS	United States	370881	3/23/1993	1895557	5/23/1995
HIGH-5	United States	74376182	4/2/1993	1975144	5/21/1996
HOME AGENT	United States	137149	2/7/1991	1719390	9/22/1992
HOMESTAR	United States	74577398	9/23/1994	2044285	3/11/1997
HYPERBID	United States	75251058	3/4/1997	2188515	9/8/1998
ICOSM	United States	75930088	2/11/2000		
IMON	United States	75788105	8/30/1999		
INNERCIRCLE	United States	75837865	11/1/1999		
INTUITY	United States	74410846	7/8/1993		
IP EXCHANGE TELCONNECT	United States	75759917	7/26/1999		
IP EXCHANGEADAPTER	United States	75586503	10/7/1998		
IP EXCHANGECOMM	United States	75586502	10/7/1998		
IP EXCHANGELINK	United States	75571085	10/19/1998		
IPATCH	United States	78/020592	8/10/2000		

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Trademark	Country	Application No.	Filing Date	Registration No.	Registration Date
LANNET	United States	75351844	7/20/1998	2269681	8/10/1999
LANSTACK	United States	74422886	8/10/1993	1890850	4/25/1995
LAZRSPEED	United States	75408017	12/18/1997	2377944	8/15/2000
LIGHT FORCE	United States	229501	12/5/1991	1786102	8/3/1993
MAGIC ON HOLD	United States	75006797	10/17/1995	2054241	4/22/1997
MAGIC ON HOLD	United States	536216	5/6/1985	1372962	11/26/1985
MAGIC ON HOLD EXPRESS	United States	75228644	1/2/1997	2147430	3/31/1998
MAILPATH	United States	78007684	5/11/2000		
MAXUM	United States	75926871	2/23/2000		
MERITAGE	United States	75139881	7/25/1996	2204296	11/17/1998
MERLIN	United States	426711	5/19/1983	1367349	10/29/1985
MERLIN LEGEND	United States	129533	1/11/1991	1737522	12/1/1992
MERLIN MAGIX	United States	75667868	3/24/1999		
MERLIN MAIL	United States	210506	10/4/1991	1740991	12/22/1992
MESSAGE CARE	United States	75401731	12/9/1997		
MESSAGE SEND PLUS	United States	75609107	12/21/1998		
MLS-12	United States	202740	9/12/1991	1742654	12/29/1992
MLS-12D	United States	202741	9/12/1991	1744344	1/5/1993
MLS-6	United States	202746	9/12/1991	1742855	12/29/1992
MLX-10	United States	053450	4/27/1990	1816659	1/18/1994
MLX-10D	United States	053445	4/27/1990	1817754	1/25/1994
MLX-10DP	United States	602749	11/23/1994	1938467	11/28/1995
MLX-16DP	United States	74602748	11/23/1994	1974364	5/14/1996
MLX-20L	United States	053446	4/27/1990	1816658	1/18/1994
MLX-26D	United States	053447	4/27/1990	1815705	1/11/1994
MOBILEPATH	United States	75945237	2/24/2000		
NAMES	United States	74639601	2/27/1995	1983710	7/2/1996
NETASSIST	United States	75804081	9/21/1999		
OCTAPLANE	United States	75746707	7/8/1999		
OPTISPEED	United States	75369497	10/7/1997		
P550	United States	75329085	7/23/1997	1369048	7/18/2000
PARTNER	United States	034476	3/1/1990	1646475	5/28/1991

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Trademark	Country	Application No.	Filing Date	Registration No.	Registration Date
PARTNER ENDEAVOR	United States	75477942	5/1/1998		
PARTNER II	United States	144889	3/6/1991	1769142	5/4/1993
PARTNER MAIL	United States	271152	4/30/1992	1795697	9/28/1993
PARTNER MAIL VS	United States	541618	6/23/1994	1911212	8/15/1995
PASSAGEWAY	United States	371830	3/25/1993	1864214	11/22/1994
PASSAGEWAY DESIGN	United States	532771	6/3/1994	1905462	7/18/1995
PATCHMAX	United States	74562815	8/18/1994	2051177	4/8/1997
PMON	United States	75768106	8/30/1999		
PORTAL PATHWAY	United States	78007681	5/11/2000		
POWERHOUSE	United States	75723462	6/7/1999		
QMON	United States	75788103	8/30/1999		
QUORUM	United States	345671			
QWIKCRIMP	United States	75930122	8/20/1982	1224064	1/18/1983
REALWORLD	United States	75719463	2/11/2000		
REEL TOTE	United States	75226829	6/2/1999		
RMONMASTER	United States	74531323	1/16/1997	2132393	1/27/1998
SAFER TECHNOLOGY	United States	75520092	5/31/1994	2179763	8/11/1996
SECURITYWORKS	United States	75336674	7/16/1998		
SERVICESPAN	United States	75371893	8/6/1997	2195523	10/13/1998
SILENT SENTRY	United States	74530684	10/13/1997	1968898	4/16/1996
SIMPLY MAGIC PRODUCTIONS	United States	75006798	5/27/1994	2013588	11/5/1996
SIMPLY MAGIC PRODUCTIONS	United States	489896	10/17/1995	1869918	12/27/1994
SMONMASTER	United States	74687049	2/14/1994	2086798	8/12/1997
SNAPCONNECTIONS	United States	75415010	6/12/1995		
SO-NIX	United States	76017286	1/7/1998		
SOUND MARK	United States	75595047	7/18/2000		
SPIRIT	United States	630466	11/14/1996	1450491	8/4/1987
SYSTEMAX	United States	001018	11/17/1986	1644744	5/14/1991
SYSTEMAX	United States	819444	8/15/1989	1605354	7/10/1990
TERRANOVA	United States	74058624	5/14/1980	1670081	12/31/1991
THE SHORTEST DISTANCE BETWEEN YOUR PHONE AND YOUR DATABASE	United States	532770	6/3/1994	1900499	6/20/1995
TRANSTALK	United States	74402044	6/11/1993	2067414	6/3/1997



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VISAGE	United States	75095905	4/29/1996	2157389	5/12/1998
VISIPATCH	United States	75721302	6/4/1999		
VISUAL SOLUTIONS	United States	379490	4/12/1993	1877212	1/31/1995
VMON	United States	75920468	2/7/2000		
VOICE DIRECTOR	United States	75841065	2/16/1999		
VOICE POWER	United States	199214	8/29/1991	1906195	8/1/1995
VOICE @WORK	United States	78003940	3/13/2000		
VOICEWIRE	United States	75612376	12/28/1998		
WE BRING THE AGENT TO THE CALL	United States	75296841	5/17/1997		
WE TOTE	United States	597130	5/5/1986	1418255	11/25/1986
WELCOME TO YES I CAN	United States	75328911	7/22/1997		
WIRE WIZARD	United States	75286915	5/5/1997		