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Form PTO-1594

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U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks, please return the attached original documents or copy thereof.

1. Name of conveying party(ies):

S-3101

CyberIQ Systems, 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

City: Basking 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: February 8, 2001

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

76/012295

B. Trademark Registration No.(s)

Additional number(s) attached Yes No

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

Name: Joan T. Pinaire, Esq.

Internal Address: Avaya Inc.

Trademark & Copyright Law Group

Suite 300

Street Address: 150 Allen Road

Liberty

City: Corner State: NJ Zip: 07938

6. Total number of applications and registrations involved: _____

1

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

- 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

5/29/01
Date

Total number of pages including cover sheet, attachments, and document: 6

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignments
Washington, D.C. 20231

06/07/2001 6TON11 00000189 501601 76012295

01 FC:481

40.00 CH

TRADEMARK
REEL: 002310 FRAME: 0338

TRADEMARK AND SERVICE MARK ASSIGNMENT

THIS TRADEMARK AND SERVICE MARK ASSIGNMENT (this "Assignment"), effective as of February 8, 2001 (the "Effective Date"), is by and between CyberIQ Systems, Inc., a California corporation, with offices at 225 Baypointe Parkway, San Jose, California 95134, ("CYBERIQ"), and Avaya Inc., a Delaware corporation, with offices at 211 Mount Airy Road, Basking Ridge, New Jersey 07920 ("AVAYA").

RECITALS

- A. WHEREAS CYBERIQ is in the business of marketing certain lines of products ("the Products");
- B. WHEREAS, CYBERIQ and AVAYA have entered into an agreement which provides, among other things, for the transfer by CYBERIQ of certain intellectual property assets relating to the "Products" to AVAYA;
- C. WHEREAS, this Assignment transfers to AVAYA certain trademark and service mark assets and related goodwill that have been developed by CYBERIQ; and
- D. WHEREAS, in furtherance of the foregoing, CYBERIQ 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 CYBERIQ may have with respect to such Assigned Marks.

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, 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 Appendix A to this Assignment.

2. CYBERIQ 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 associated with the Assigned Marks, and the right to sue for past infringements of the Assigned Marks.

3. CYBERIQ 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.

4. CYBERIQ 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]

CYBERIQ SYSTEMS, INC.

By: 

Name:

WILLIAM J. SCHROEDER

Title:

Authorized Agent

AVAYA INC.

By: 

Name: Maurice de Picciotto

Title: Vice President-Law, Intellectual Property

ACKNOWLEDGMENTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I CERTIFY that on this 8th day of February, 2001, William J. Schroeder personally appeared before me and acknowledged under oath, to my satisfaction that:

- a) this person signed the attached Trademark and Service Mark Assignment as authorized agent of CyberIQ Systems, 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 CyberIQ Systems, Inc., as its voluntary act and deed by virtue of authority from its Board of Directors.

[Notary Seal]

Tracy G. Milkovski
Name:
Notary Public
My Commission Expires: 4/12/2003



STATE OF New Jersey)
) ss.
COUNTY OF Somerset)

I CERTIFY that on this 7th day of February, 2001, Maurice de Picciotto personally appeared before me and this person acknowledged under oath, to my satisfaction that:

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

[Notary Seal]

Brenda Miller
Name:
Notary Public
My Commission Expires:

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

APPENDIX A

ASSIGNED MARKS

<u>Trademark</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Registration Number</u>	<u>Registration Date</u>
HYPERCOMMERCE	76/012295	March 29, 2000		
HYPERCONTENT	76/027771	April 17, 2000		

COMMON LAW TRADEMARKS AND SERVICE MARKS

CYBERSSL
MONSTERSSSL