



01-22-2002

ION FORI

01-25-2002

D

U.S. Patent & TMOs/TM Mail Rpt Dt. #76

TRAI



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101959472

Y

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

1. Name of conveying party(ies):

ViaGate Technologies, Inc.

1/22/02

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

Add'l name(s) of conveying party(ies) attached?  Yes  No

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

Name: Tut Systems, Inc.

Internal Address: \_\_\_\_\_

Street Address: 5964 West Positas Boulevard

City: Pleasanton State: California ZIP: 94588

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation - 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: September 17, 2001

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2,345,558

Additional numbers attached?  Yes  No

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

Name: Dax Alvarez, Esq.

Internal Address:

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Street Address: 12400 Wilshire Boulevard

Seventh Floor

City: Los Angeles State: CA ZIP: 90025

6. Total number of applications and registrations involved: Six (6)

7. Total fee (37 CFR 3.41) .....\$ 165.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

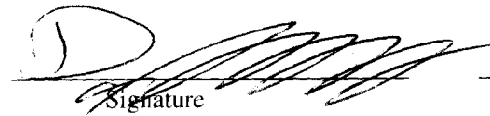
02-2666

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.

Dax Alvarez, Esq.  
Name of Person Signing

  
Signature

January 14, 2002  
Date

Total number of pages including cover sheet, attachments, and documents 4

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on 1/16/02.

Candace Baker  
Candace Baker  
1/16/02  
Date

01/25/2002 LWEILLER 00000015 2345558  
40.00 OP  
125.00 OP  
01 FC:401  
02 FC:402

mf

VIAPORT	Reg. No. 2,477,195
VIAGATE	Serial No. 75/743,993
VIAWAY	Serial No. 75/743,994
VIAJET	Serial No. 75/744,050
VIAGATE TECHNOLOGIES & Design	Serial No. 76/262,211

## ASSIGNMENT (Trademarks, Etc.)

WHEREAS, ViaGate Technologies, Inc., a Texas corporation, located and having its principal office at 745 Route 202/206, Suite 101, Bridgewater, New Jersey 08807 (hereinafter referred to as "ASSIGNOR"), is the owner of certain trademarks, identified in Exhibit A, attached hereto and made a part hereof by this reference, and the goodwill associated therewith and all applicable U.S. Certificates of Registration;

WHEREAS, Tut Systems, Inc., a Delaware corporation having an address of 5964 West Positas Boulevard, Pleasanton, California 94588 (hereinafter referred to as "ASSIGNEE") desires to obtain all right, title and interest in and to the trademarks identified in Exhibit A, their associated goodwill and U.S. Certificates of Registration, as applicable; and

WHEREAS, the parties desire to reflect the assignment to ASSIGNEE of the trademarks identified in Exhibit A hereto, their associated goodwill and U.S. Certificates of Registration (as applicable), effective as of September 17, 2001;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to ASSIGNOR, the sufficiency and the receipt of which by ASSIGNOR from ASSIGNEE are hereby acknowledged, ASSIGNOR sells, assigns, transfers, and sets over to ASSIGNEE, and has sold, assigned, transferred, and set over to ASSIGNEE, effective September 17, 2001, all of ASSIGNOR's legal right, title and interest in and to the trademarks and Applications for Registration of Trademark(s) identified in Exhibit A hereto, together with the goodwill of the business symbolized by such trademarks and the U.S. Certificates of Registration (as applicable) for such Trademarks, as well as all rights and interests, both legal and equitable, in and to, and appurtenant to, such Trademarks and said registrations thereof (collectively, "Trademarks").

ASSIGNOR covenants and warrants that it has the right to convey the entire right, title and interest in and to the Trademarks, free and clear of all licenses, encumbrances and liens whatsoever and that it has not previously executed and will not hereafter execute any instrument in conflict herewith.

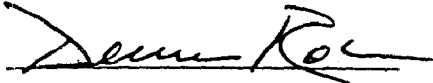
ASSIGNOR does hereby covenant and agree that it will do all lawful acts and execute all further documents as may be required to or necessary in this or any country or territory to effectuate, secure or vest in the ASSIGNEE, all right, title and interest in and to the Trademarks and/or the Application and hereby appoints the Secretary of the ASSIGNEE as the ASSIGNOR's attorney-in-fact to execute

the same on behalf of the ASSIGNOR in the event that the ASSIGNOR is unable or unwilling to do so.

ASSIGNOR hereby appoints Elliott J. Stein, counsel to ASSIGNEE as the ASSIGNOR's attorney-in-fact to prepare, execute and file all documents with the United States Patent & Trademark Office as may be required or necessary to effectuate the terms of this Assignment.

IN WITNESS WHEREOF, ASSIGNOR has caused this Assignment to be executed, by its duly authorized officer, and effective September 17, 2001.

ViaGate Technologies, Inc.

By: 

Name: DENNIS ROTH

Title: CEO & PRESIDENT

State of New Jersey )  
  ) SS:  
County of Mercer )

I am an Attorney at Law (NJ), an officer authorized to take acknowledgements and proofs in this State.

On September 17, 2001, Michael Cavanaugh (the "Witness") personally appeared before me. The Witness was duly sworn by me according to law under oath and stated and proved to my satisfaction that:

- a. The Witness is the \_\_\_\_\_ Secretary of ViaGate Technologies, Inc., a Texas corporation (the "Corporation");
- b. Denny Roth, the person who signed the foregoing instrument on behalf of the corporation (the "Corporate Officer") is the CEO & President of the Corporation;
- c. The making, signing, sealing and delivery of the foregoing instrument have been duly authorized;
- d. The Corporate Officer signed and delivered the foregoing instrument as and for the voluntary act and deed of the Corporation;
- e. The corporate seal of the Corporation is affixed.

Michael T. Cavanaugh  
Secretary

Sworn and signed before me  
On this 17<sup>th</sup> day of September,  
2001:

Christina M. Scumell  
Attorney at Law of the State  
of New Jersey

EXHIBIT A  
TO THE ASSIGNMENT OF TRADEMARKS, THE ASSOCIATED  
GOODWILL AND U.S. CERTIFICATES OF REGISTRATION BETWEEN  
VIAGATE TECHNOLOGIES, INC. AND TUT SYSTEMS, INC.

Trademarks, Servicemarks, Etc.

a. U.S. Registered Marks and Applications:

- “VIAVIEW” Reg. No. 2,345,558, (registered April 25, 2000); Int’l Classes 009; US Classes 021, 023, 026, 036 & 038; Secured party indicated.
- “VIAPORT” Reg. No. 2,477,195, (registered August 14, 2001); Int’l Classes 009; US Classes 021, 023, 026, 036 & 038; Secured party indicated.
- “VIAGATE” Serial No.75/743,993; (filed July 6, 1999); Int’l Classes 009; US Classes 021, 023, 026, 036 & 038; Secured party indicated.
- “VIAWAY” Serial No. 75/743,994, (filed July 6, 1999); Int’l Classes 009; US Classes 021, 023, 026, 036 & 038; Secured party indicated.
- “VIAJET” Serial No. 75/744,050, (filed July 6, 1999); Int’l Classes 009; US Classes 021, 023, 026, 036 & 038; Secured party indicated.
- “VIAGATE TECHNOLOGIES & Design” Serial No. 76/262,211; (filed May 24, 2001); Int’l Classes 009; US Classes 021, 023, 026, 036 & 038; No security party indicated.

b. Unregistered Marks:

- (i) AE 200 / AE400
- (ii) Element Management System
- (iii) VG4000
- (iv) VG4160
- (v) ViaView 4000

VIAPORT	Reg. No. 2,477,195
VIAGATE	Serial No. 75/743,993
VIAWAY	Serial No. 75/743,994
VIAJET	Serial No. 75/744,050
VIAGATE TECHNOLOGIES & Design	Serial No. 76/262,211