

05-01-2002



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Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings

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

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

1. Name of conveying party(ies):

Finisar Corporation

- Individual(s), Association, General Partnership, Limited Partnership, Corporation-Delaware, Other

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

3. Nature of conveyance:

- Assignment, Merger, Security Agreement, Change of Name, Other

Execution Date: February 21, 2001

2. Name and address of receiving party(ies)

Name: ONI Systems Corp.

Street Address: 5965 Silver Creek Valley Road

City: San Jose State: CA Zip: 95138

- 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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2480703

Additional number(s) attached Yes No

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

Name: Linda G. Henry, Esq.

Street Address: Fenwick & West LLP Two Palo Alto, Square

City: Palo Alto State: CA Zip: 94306

6. Total number of applications and registrations involved: One

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

- Enclosed and if necessary, Authorized to be charged to deposit account

8. Deposit account number:

# 50-0261

(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.

Linda G. Henry, Esq. Name of Person Signing

Signature of Linda G. Henry

Date: April 15, 2002

EL935813999US 6

Express Mail mailing label No.

Date of Deposit 4/16/02

Mail documents to be recorded with required cover sheet information to:

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademark, 2900 Crystal Dr., Arlington, VA 22202-3513.

LARISA BURSHTEYN

(Type or Print Name of Person Mailing Paper or Fee)

(Signature of Person Mailing Paper or Fee)

21216/00070/DOCS/1261498.1

TRADEMARK REEL: 002495 FRAME: 0770

## ASSIGNMENT OF TRADEMARKS

THIS ASSIGNMENT OF TRADEMARKS, dated February 26, 2001, is entered into by FINISAR CORPORATION, a Delaware corporation ("*Assignor*") for the benefit of ONI SYSTEMS CORP., a Delaware corporation ("*Assignee*").

WHEREAS, Assignee and Assignor have entered into that certain Asset Acquisition Agreement, dated as of February 12, 2001 (the "*Agreement*"), pursuant to which Assignor has agreed to sell and assign, and Assignee has agreed to buy and acquire the Purchased Assets, as defined in the Agreement;

WHEREAS, pursuant to Section 2.01 of the Agreement, Assignor desires to assign to Assignee all of Assignor's right, title and interest in and to those trademarks, trademark registrations and applications therefor, trade dress rights, trade names, service marks, service mark registrations and applications therefor, and Internet domain names which are a part of the Purchased Assets (the "*Marks*"), including without limitation those set forth on Exhibit A attached hereto.

NOW, THEREFORE, in consideration of entering into the Agreement and other good and valuable consideration paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns, transfers and conveys to Assignee, its successors, assigns and other legal representatives, all right, title and interest worldwide, including common law rights, in and to the Marks, and agrees to assign, transfer and convey to Assignee, its successors, assigns and other legal representatives, all right, title and interest worldwide, including common law rights, in and to the Marks that are in existence as of closing date, including without limitation the U.S. Registration, together with the goodwill symbolized thereby and the goodwill of the business in connection with which the Marks are used, and further including all claims for damages by reason of past infringement of the Marks, with the right to sue for and collect the same for Assignee's own use and benefit.

[REST OF PAGE IS INTENTIONALLY BLANK.]

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TRADEMARK  
REEL: 002495 FRAME: 0771

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed, by its duly authorized corporate officer effective this 26 day of February, 2001.

FINISAR CORPORATION

By: Frank H. Levison  
Name: Frank H. Levison  
Title: Chairman and Chief Technology Officer

STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

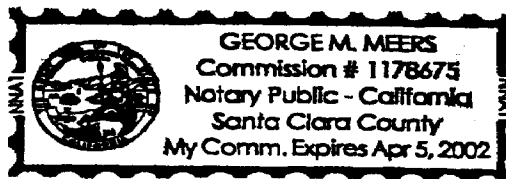
On this 26 day of February, 2001, before me, a Notary Public in and for said State, personally appeared FRANK H. LEVISON, personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS, my hand and official seal.

George M. Meers  
Notary Public

Acknowledged and agreed to by:

ONI SYSTEMS CORP.



By: \_\_\_\_\_  
Name:  
Title:

Date: February \_\_, 2001

1060441-900000

21216/00204/DOCS/1143496.2  
Gray Cary/PA/10122393.2

TRADEMARK  
REEL: 002495 FRAME: 0772

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed, by its duly authorized corporate officer effective this 26<sup>th</sup> day of February, 2001.

FINISAR CORPORATION

By: \_\_\_\_\_

Name:

Title:

STATE OF California  
COUNTY OF Santa Clara

On this 26<sup>th</sup> day of February, 2001, before me, a Notary Public in and for said State, personally appeared Michael Dileo personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS, my hand and official seal.

Brenda Lee Breon  
Notary Public

Acknowledged and agreed to by:

ONI SYSTEMS CORP.



By: Michael A. Wilson  
Name: Michael A. Wilson  
Title: VP + secretary

Date: February 26, 2001

Exhibit A

1.	Opticity	40-2000-0007871	2-24-00
2.	Opticity	826004	5-4-00
3.	Opticity	Unknown	2-18-00
4.	Opticity	001529726	2-22-00
5.	Opticity	001529726	2-25-00
6.	Opticity	2000-015964	2-24-00
7.	Opticity	1048681	3-1-00
(8.)	Opticity	75/791783 (2480702)	9-2-99

1060441-900000

21216/00204/DOCS/1143496.2  
Gray Cary/PA/10122393.2