

07-15-2002

Form PTO-1594 (Rev. 03/01) 7-10-02
OMB No. 0651-0027 (exp. 5/31/2002)

RE



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

Tab settings

102155288

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

1. Name of conveying party(ies):

Scion Photonics, Inc.

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Limited Partnership

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

3. Nature of conveyance:

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

Execution Date: May 30, 2002

2. Name and address of receiving party(ies)

Name: JDS Uniphase Corporation

Internal Address:

Street Address: 1786 Automation Parkway

City: San Jose State: CA Zip: 95131

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- 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) 78/118683

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: Jeff Klembczyk

Internal Address: JDS Uniphase Corporation

Street Address: 3000 Merivale Road

City: Ottawa State: Ontario Zip: K2G 6N7

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:

50-1465

(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.

Jeff Klembczyk

Name of Person Signing

Signature

June 20, 2002

Date

Total number of pages including cover sheet, attachments, and document: 4

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

TRADEMARK
REEL: 002543 FRAME: 0238

ASSIGNMENT

WHEREAS, Scion Photonics, Inc., a Delaware Corporation having offices at 345 Los Coches Street, Milpitas, California ("SCION") has adopted, used, and owns by common law, assignment, or otherwise all right, title, and interest in the Common Law Trademark and/or Service Mark, and corresponding U.S. Trademark and/or Service Mark Application of Exhibit "A," (collectively "Mark") along with any and all goodwill associated therewith; and

JDS Uniphase Corporation, a Delaware corporation having offices at 1768 Automation Parkway, San Jose, California ("JDSU"), desires to own SCION's entire right, title, and interest in and to this Mark and its associated goodwill, in all countries throughout the world.

NOW THEREFORE, be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, SCION hereby sells, assigns, transfers, and sets over to JDSU, its lawful successors and assigns, SCION's entire right, title, and interest in and to the Mark listed on Exhibit A together with all goodwill associated therewith, and all Registrations that may be granted thereon, and all divisions, renewals and extensions thereof; and all rights to claim priority on the basis of such applications, and all applications that may be filed in any foreign country and all Registrations that may be granted in any foreign country, and all divisions, renewals and extensions thereof; and SCION hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue Registrations on applications as described above, to issue all Registrations to JDSU, its successors and assigns, in accordance with the terms of this Assignment;

AND, SCION HEREBY further covenants that SCION has the full right to convey the interest assigned by this Assignment, SCION will take all action and execute all documents necessary to perfect the interest assigned hereby, and SCION has not executed and will not execute any agreement in conflict with this Assignment;

AND, SCION HEREBY further covenants and agrees that SCION, through its officers and employees, will communicate with JDSU, its successors and assigns, any facts known to SCION and its officers and employees respecting the Mark and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver all papers that may be necessary or desirable to perfect the title to the Mark in JDSU, its successors and assigns, execute all extension, renewal and divisional applications, make all rightful oaths, and generally do everything reasonably necessary to aid JDSU, its successors and assigns, to obtain and enforce proper protection for the Mark in the United States and any foreign country, it being understood that any reasonable expense incident to the execution of such actions shall be borne by JDSU, its successors and assigns.

IN TESTIMONY WHEREOF, SCION has caused its authorized representative to execute this Assignment.

Scion Photonics, Inc.

By: [Signature]

Printed Name: Michael C. Phillips

Title: President, Secretary and Treasurer

Date: 5/30/02

Declaration by Witness

I, Dana C. Skasky, whose full post office address is 1769's Automation Pkwy San Jose CA 95131 say:

That I was personally present and did see Mike Phillip who is personally known to me, duly sign and execute the above Assignment.

[Signature]
Signature of Witness

Executed this 30th day of May, 2002
at San Jose CA.

EXHIBIT A

| Mark | Serial Number | Filing Date |
|-------------|----------------------|--------------------|
| SMARTHERM | 78/118683 | 1 Apr 02 |