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10-06-1998



IEET

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To the Honorable Commissioner of Patents

100844499

Attached original documents or copy thereof.

9-25-98

1. Name of conveying party(ies):

Rupert Mayenberger, Pedro Morales and
Dieter Weisshaupt

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

3. Nature of conveyance:

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

Execution Date: August 31, 1998

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

Name: Aesculap AG & Co. KG

Internal Address: _____

Street Address: Am Aesculap-Platz

D-78532

City: Tuttlingen Federal Rep. of Germany

Additional name(s) & address(es) attached? Yes No

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

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/107,005

B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: Barry R. Lipsitz

Internal Address: _____

Street Address: 755 Main Street

City: Monroe State: CT ZIP: 06468

6. Total number of applications and patents involved: 1

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

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

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.

Barry R. Lipsitz

Name of Person Signing

Signature

September 22, 1998

Date

Total number of pages comprising cover sheet: 2

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I/we the undersigned,

Rupert Mayenberger, Pedro Morales and Dieter Weisshaupt

who, has/have created a certain invention for which an application for United States Letters Patent has been filed on June 30, 1998 and assigned application no. 09/107,005, and is entitled

SURGICAL TUBULAR-SHAFTED INSTRUMENT

Do hereby sell, assign and transfer to: **Aesculap AG & Co. KG**
whose address is: **Am Aesculap-Platz**
D-78532 Tuttlingen
Federal Republic of Germany

its successors, assigns, and legal representatives, the full and exclusive right to said invention and said application and to any and all inventions described in said application for the United States, its territorial possessions and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States, its territorial possessions and all foreign countries; and in and to any and all continuations-in-part, continuations, divisions, substitutes, reissues, extensions thereof, and all other applications for Letters Patent relating thereto which have been or shall be filed in the United States, its territorial possessions and/or any foreign countries, and all rights, together with all priority rights, under any of the international conventions, unions, agreements, acts, and treaties, including all future conventions, unions, agreements, acts, and treaties;

Agree that **AESCULAP AG & CO. KG** hereinafter referred to as Assignee, may apply for and receive in its own name Letters Patent for said invention and said inventions, hereinafter referred to as said invention, in the United States, its territorial possessions, and all foreign countries; and that, when requested to carry out in good faith the intent and purpose of this assignment at the expense of said Assignee, its successors, assigns and legal representatives, the undersigned will execute all continuations-in-part, continuations, divisions, substitutes, reissues, and extensions thereof, execute all rightful oaths, assignments, powers of attorney and other papers, testify in any legal or quasi legal proceedings; communicate to said Assignee, its successors, assigns, and legal representatives all facts known to the undersigned relating to said invention and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or legal representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said invention and for vesting title to said invention and all applications for patents on said invention in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Elke Eilber
Witness - Signature

Elke Eilber
Name of Witness Printed

Elke Eilber
Witness - Signature

Elke Eilber
Name of Witness Printed

Elke Eilber
Witness - Signature

Elke Eilber
Name of Witness Printed

Rupert Mayenberger
Rupert Mayenberger

Date: August 31st, 1998

Pedro Morales (L.S.)
Pedro Morales

Date: August 31st, 1998

Dieter Weisshaupt (L.S.)
Dieter Weisshaupt

Date: August 31st, 1998