



12-14-1998



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U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

MRD 12.7.98

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

1. Name of conveying party(ies): Peter Ehlers Knut Andersen Additional name(s) of conveying party(ies) attached? [] Yes [X] No

2. Name and address of receiving party(ies): Name: Hayes Medical, Inc. Street Address: 819 Striker Avenue, Suite 10 City: Sacramento, California 95834-1129 Additional name(s) & address(es) attached? [] Yes [X] No

3. Nature of conveyance: [X] Assignment [] Merger [] Security Agreement [] Change of Name [] Other Execution Date: November 26, 1998

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): 09/079,502 B. Patent No.(s): Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed: Name: John J. Bruckner Internal Address: 1117-1 Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304-1050

6. Total number of applications and patents involved: [1] 7. Total fee (37 CFR 3.41) \$40.00 [] Enclosed [X] Authorized to be charged to deposit account 8. Deposit account number: 23-2415 (Attorney Docket No.: 13928-707)

DO NOT USE THIS SPACE

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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.

John J. Bruckner Name of Person Signing

Signature (Handwritten)

Dec 1, '98 Date

Total number of pages including cover sheet, attachments and document: 10

12/11/1998 ZABDALLA 00000054 232415 09079502

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URKUNDE



errichtet vor dem

Notar Alfred Mack

beim Notariat Tuttlingen

Bahnhofstraße 103

78532 Tuttlingen

Telefon: 0 74 61 / 9 83 84

Telefax: 0 74 61 / 9 83 58

**JOINT TO CORPORATE
ASSIGNMENT**

WHEREAS, the undersigned,

DESPRES III, Alfred S.
2313 Muir Woods Place
Davis, CA 95616

EHLERS, Peter
Zum Walzenberg 15
D-78476 Allensbach
Germany

ANDERSEN, Knut
Schlossberg Strasse 32A
D-78476 Allensbach-Hegne
Germany

hereinafter termed "Inventors", have invented certain new and useful improvements in

IMPLANT WITH COMPOSITE COATING

and have filed an application for a United States patent disclosing and identifying the above invention on May 14, 1998 as Application U.S. Ser. No. 09/079,502 (hereinafter termed "application"); and

WHEREAS, Hayes Medical, Inc., a corporation of the State of California having a place of business at 819 Striker Avenue, Suite 10, Sacramento, California 95834-1129, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee their entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications,

declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below.

State of California)
)
County of _____)

Alfred S. Despres, III

On _____, 1998, before me, _____
personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

Date

WITNESS my hand and official seal.

(Notary Public)

State of Germany)
)
County of _____)

On 26.11.98, 1998, before me, Notar A. MACK,
personally appeared _____

personally known to me or proved to me on the basis
of satisfactory evidence, to be the person whose name is
subscribed to the within instrument and acknowledged to me
that he/she executed the same in his/her authorized capacity,
and that by his/her signature on the instrument the person or
the entity upon behalf of which the person acted, executed
the instrument.

WITNESS my hand and official seal.

Mack

(Notary Public)

State of Germany)
)
County of _____)

On 26.11.98, 1998, before me, NOTAR A. MACK,
personally appeared _____

personally known to me or proved to me on the basis of
satisfactory evidence, to be the person whose name is subscribed to
the within instrument and acknowledged to me that he/she executed
the same in his/her authorized capacity, and that by his/her
signature on the instrument the person or the entity upon behalf of
which the person acted, executed the instrument.

WITNESS my hand and official seal.

Mack

(Notary Public)

Peter Ehlers X
Peter Ehlers

26.11.98
Date



Knut Andersen X
Knut Andersen

26.11.98
Date



**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPLANT WITH COMPOSITE COATING

the specification of which

_____ is attached hereto.

X was filed on May 14, 1998 as Application No. 09/079,502.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section... The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John J. Bruckner	35,816
Charles C. Cary	36,764
David J. Weitz	38,362
Kent R. Richardson	39,443
U.P. Peter Eng	39,666
George A. Willman	41,378

Address all correspondence to:

John J. Bruckner
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Direct all telephone calls to John J. Bruckner at (650) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Alfred S. Despres, III

Inventor's signature: _____

Date: _____

Citizenship: U.S.A.

Residence: Davis, California

Post Office Address: 2313 Muir Woods Place, Davis, CA 95616

Full name of second joint inventor, if any: Eugene J. Elwood

Inventor's signature: _____

Date: _____

Citizenship: U.S.A.

Residence: Cedar Knolls, NJ 07927

Post Office Address: 100 Grand Avenue, Cedar Knolls, NJ 07927

Full name of third joint inventor, if any: Robert R. Aharonov

Inventor's signature: _____

Date: _____

Citizenship: U.S.A.

Residence: Rockaway, NJ 07866

Post Office Address: 5 Cayuga Avenue, Rockaway, NJ 07866

Full name of fourth joint inventor, if any: Peter Ehlers

Inventor's signature: *P. Ehlers* X

Date: 26.11.98

Citizenship: Federal Republic of Germany

Residence: Allensbach, Germany

Post Office Address: Zum Walzenberg 15, D-78476 Allensbach, Germany

Full name of fifth joint

inventor, if any:

Knut Andersen

Inventor's signature:

Knut Andersen X

Date:

26. 11. 96

Citizenship:

Federal Republic of Germany

Residence:

Allensbach-Hegne, Germany

Post Office Address:

Schlossberg Strasse 32A, D-78476 Allensbach-Hegne, Germany

Notariat Tuttlingen (III)
Urkundenrolle Nr.2050/1998

Unterschriftsbeglaubigung

Die vorstehenden, vor mir vollzogene Unterschriften
von

1. Herrn Dr. Peter E h l e r s , Arzt,
Zum Walzenberg 15, 78476 Allensbach, geb.17.3.1936,
2. Herrn Dr. Knut A n d e r s e n , Arzt,
Schloßbergstraße 32, A, 78476 Allensbach-Hegne,
geb.26.1.1947

- alle ausgewiesen durch Personalausweis -

beglaubige ich hiermit.

Tuttlingen, den 26.11.1998

Notariat Tuttlingen (III)

N o t a r


(Mack)

