

MPD 4.16.99

05-03-1999



101027791

Attorney Docket No.33173-6

FORM PTO-1595
(Rev. 6-93) Patent and Trademark Office
OMB No. 0651-0011

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

PATENTS ONLY

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

10511 U.S. PTD
09/293191
04/16/99

1. Name of conveying party(ies):
David M. Wagner
Additional name(s) of conveying party(ies)
attached? Yes No

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

Metabolic Solutions, Inc.

Internal Address:
23 Thoreau Drive
Nashua, NH 03062

Street Address:
23 Thoreau Drive
Nashua, NH 03062

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other

Execution Date: April 14, 1999

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

4. Application number(s) or patent number(s): 1

If this document is being filed together with a new application, the execution date of the application is April 16, 1999

A. Patent Application No.(s)

B. Patent No.(s)

09/293191

Additional numbers attached? Yes No

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

Tamsen Valoir
Jenkins & Gilchrist, P.C.
1100 Louisiana, Suite 1800
Houston, TX 77002

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:

10-0447/33173.6

04/27/1999 ASELLMAN 00000026 09293191

02 FCI:561

(40.00 DP)

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.

Tamsen Valoir
Name of Person Signing

Tamsen Valoir
Signature

4.16.99
Date

Total number of pages including cover sheet, attachments, and document: 3

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

ASSIGNMENT OF ENTIRE INTEREST

WHEREAS, I, the undersigned inventor, of residence as listed, having invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been filed on the date set forth below; and

WHEREAS, METABOLIC SOLUTIONS, INC., (hereinafter referred to as "Assignee"), with an address of 460 Amherst Street, Nashua, New Hampshire 03063, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issued thereon;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as our interest is concerned, to Assignee.

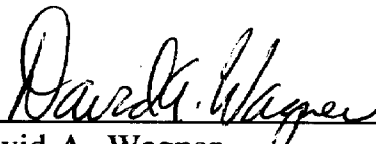
I also assign to Assignee, all right, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything reasonably necessary to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention: Non-Invasive Test for Assessing Bacterial Overgrowth of the Small Intestine
Serial No.: Not Yet Assigned
Date Filed: Concurrently

Signature of Inventor:
Inventor's Name:
Residence:
Date:



David A. Wagner
23 Thoreau Drive
Nashua, New Hampshire 03062

NEW HAMPSHIRE
STATE OF ~~TEXAS~~ §
HILLSBOROUGH §
COUNTY OF ~~HARRIS~~ §

BEFORE ME this 14th day of APRIL, 1999, personally appeared DAVID A. WAGNER, known to me to be the person who is described and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.



Notary Public

SANDRA F. HARPER
Notary Public - New Hampshire
My Commission Expires January 20, 2004