

08-02-2000

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(Rev. 6-93) 6.26.00  
OMB No. 0651-0011 (exp. 4/94)



U.S. DEPARTMENT OF  
COMMERCE  
Patent and Trademark Office

Tab settings ▾

101420691

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

1. Name of conveying party(ies):  
 1) Heinz Redl  
 2) Günther Schlag  
 3) Johann Eibl

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

2. Name and address of receiving party(ies)  
 Name: Baxter Aktiengesellschaft  
Industriestrasse 67  
A-1221 Vienna, AUSTRIA

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

3. Nature of conveyance:  
 (X) Assignment ( ) Merger  
 ( ) Security Agreement ( ) Change of Name  
 ( ) Other

Execution Date: (1) February 18, 2000, (2) March 15, 2000, (3) February 18, 2000

4. Application number(s) or patent number(s):  
 A. Patent Application No.(s)  
09/486,516, 45,590, filed Feb. 28, 2000

B. Patent No.(s)

Additional numbers attached?  Yes  No

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

Name: Beth E. Arnold  
 Telephone: (617) 832-1000  
 Internal Address: Foley, Hoag & Eliot LLP  
 Street Address: One Post Office Square  
 City: Boston State: MA ZIP: 02109

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: 06-1448  
 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.*

Beth E. Arnold  
 Name of Person Signing

[Signature]  
 Signature

June 20, 2000  
 Date

Total number of pages including cover sheet, attachments, and document: 14

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

( 08/01/2000 NTHRI1 00000250 09486516  
 01 FC:581 40.00 GP )

PATENT  
 REEL: 010955 FRAME: 0280

# ASSIGNMENT

WHEREAS, we,

- 1) Heinz REDL of Vienna, Austria
- 2) Günther SCHLAG of Vienna, Austria
- 3) Johann EIBL of Vienna, Austria

International Patent  
, filed on 26/August/1998 and having ~~KKS~~ Application No. PCT/AT98/00202 having full right to convey their entire right, title and interest, both legal and equitable, in and to said inventions, free from all prior assignments, agreements, licenses, mortgages, security interests, or other encumbrances whatsoever; and

WHEREAS, **Baxter Aktiengesellschaft** ("Assignee"), of **Vienna, Austria**, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;


NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the undersigned, the undersigned do hereby sell, assign, transfer and set over unto said Assignee, its successors and assigns, their entire right, title and interest throughout the world in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any application filed in any foreign country based thereon, including the right to file said foreign applications and claim priority under the provisions of any international convention or treaty; also the entire right, title and interest throughout the world in and to any and all patents or reissues or extensions thereof to be obtained in this or any foreign country upon said invention or inventions and any divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention or inventions in this or any foreign country; and the undersigned hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Assignee or its successors and assigns.

The undersigned further agree, without any further payment or compensation by said Assignee or its successors and assigns, to communicate to said Assignee, its representatives or agents or its successors and assigns, any facts relating to said invention or inventions including evidence for interference purposes or for other legal proceedings whenever requested; testify in any interference or other legal proceedings, whenever requested; execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective; and generally do everything possible to aid said Assignee, its successors or assigns and nominees to secure, obtain and enforce proper patent protection for said invention or inventions in this or any foreign country.

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seals on the date after their signatures.

(L.S.) , 18/February/2000  
Heinz REDL (Date)

On this the 18th day of February, ~~2000~~ before me personally appeared Heinz REDL to me personally known, and known to me to be the persons who signed the foregoing assignment, and acknowledged the signing of same as their free act and deed.

  
Renate MOLDAN

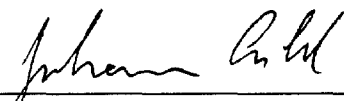
IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seals on the date after their signatures.

(L.S.) \_\_\_\_\_, \_\_\_\_\_  
Günther SCHLAG (Date)


On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ before me personally appeared \_\_\_\_\_ to me personally known, and known to me to be the persons who signed the foregoing assignment, and acknowledged the signing of same as their free act and deed.

\_\_\_\_\_

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seals on the date after their signatures.

(L.S.) , 18/February/2000  
Johann EIBL (Date)

On this the 18th day of February, ~~19~~2000 before me personally appeared Johann EIBL to me personally known, and known to me to be the persons who signed the foregoing assignment, and acknowledged the signing of same as their free act and deed.

  
Renate MOLDAN

ASSIGNMENT

WHEREAS, we, Heinz REDL of Vienna, Austria  
Guenther SCHLAG of Vienna, Austria  
Johann EIBL of Vienna, Austria

have developed certain inventions described in a application titled  
Fibrinogen-Based Tissue Adhesive International  
, filed on 08/26/1998 and having ~~US~~ Application No. PCT/AT98/00202 having full right to  
convey their entire right, title and interest, both legal and equitable, in and to said inventions, free from all prior  
assignments, agreements, licenses, mortgages, security interests, or other encumbrances whatsoever; and

WHEREAS, **Baxter Aktiengesellschaft** ("Assignee"), of **Vienna, Austria**, is desirous of acquiring the entire  
right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the  
receipt and sufficiency of which are hereby acknowledged by the undersigned, the undersigned do hereby sell, assign,  
transfer and set over unto said Assignee, its successors and assigns, their entire right, title and interest throughout the  
world in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment  
thereof, and in and to the aforesaid application; and in and to any application filed in any foreign country based  
thereon, including the right to file said foreign applications and claim priority under the provisions of any international  
convention or treaty; also the entire right, title and interest throughout the world in and to any and all patents or  
reissues or extensions thereof to be obtained in this or any foreign country upon said invention or inventions and any  
divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention or  
inventions in this or any foreign country; and the undersigned hereby authorize and request the issuing authority to  
issue any and all patents on said application or applications to said Assignee or its successors and assigns.

The undersigned further agree, without any further payment or compensation by said Assignee or its successors  
and assigns, to communicate to said Assignee, its representatives or agents or its successors and assigns, any facts  
relating to said invention or inventions including evidence for interference purposes or for other legal proceedings  
whenever requested; testify in any interference or other legal proceedings, whenever requested; execute and deliver, on  
request, all lawful papers required to make any of the foregoing provisions effective; and generally do everything  
possible to aid said Assignee, its successors or assigns and nominees to secure, obtain and enforce proper patent  
protection for said invention or inventions in this or any foreign country.

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seals on the date after their  
signatures.

(L.S.) \_\_\_\_\_, \_\_\_\_\_  
Heinz REDL (Date)

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ before me personally appeared  
to me personally known, and known to me to be the persons who signed the foregoing assignment, and acknowledged  
the signing of same as their free act and deed.

\_\_\_\_\_

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seals on the date after their signatures.

(L.S.) X Irmgard Schlag, 15.3.2000  
Signature of Irmgard Schlag, (Date)  
Representative of Guenther Schlag

On this the 15<sup>th</sup> day of March, 192000 before me personally appeared Irmgard Schlag to me personally known, and known to me to be the persons who signed the foregoing assignment, and acknowledged the signing of same as their free act and deed.

[Signature]



Dr. Bernhard Kirchl  
Österreichischer Notar

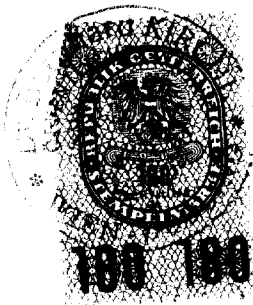
1100 Wien - Gumperturgasse 10  
T +43 (0) 1 47 90 10 10 F +43 (0) 1 47 90 10 10

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seals on the date after their signatures.

(L.S.) \_\_\_\_\_, \_\_\_\_\_  
Johann EIBL (Date)

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ before me personally appeared  
to me personally known, and known to me to be the persons who signed the foregoing assignment, and  
acknowledged the signing of same as their free act and deed.

\_\_\_\_\_



B.R.Z. 568/2000

Die Echtheit der vorstehenden Unterschrift der Frau Irmgard SCHLAG, geboren am 29.5.1943 (neunundzwanzigsten Mai neunzehnhundertdreiundvierzig), Pensionistin, 1190 Wien, Cobenzlgasse 68, wird bestätigt. -----  
W i e n , am 15.3.2000 (fünfzehnten März zweitausend). -----



*Irmgard Schlag*  
öffentlicher Notar

Certified Number 568/2000

I herewith certify, that this is the signature of Mrs. Irmgard SCHLAG, born 29.5.1943 (twentyninth of may one thousand nine hundred forty-three), pensioner, resident in 1190 Vienna, Cobenzlgasse 68, Austria. -----  
Given before me in Vienna on the fifteenth of March two thousand. -----



*Irmgard Schlag*  
Notary Public



# CERTIFICATE

In the Matter of an Application for  
Letters Patent  
In the U.S.A.

I, Felicia Marchardt of Riemergasse 14, A-1010 Vienna, Austria

do hereby declare that I am conversant with the German and  
English languages and that to the best of my knowledge and belief  
the following document is a true and correct translation made by  
me.

Signed this 17th day of April, 2000 .

*Felicia Marchardt*  
.....

- 1 -

(Stamp) This copy is legally binding regarding 1-5,  
and 7, and enforceable.

REPUBLIC OF AUSTRIA  
District Court Döbling

District Court Döbling  
1198 Vienna, Obersteinerger.18-24  
Dept. 1, on 12/14/1999

K 165/98/-biri

1A 174/98 w-19

(Stamp) Dr. Gabriela Thoma-Twaroch  
For the correctness of the copy  
the head of the department:  
(signature)

#### DECISION

Matter of inheritance after **Dr. Günther Schlag**, born on **Nov. 14, 1924**, deceased on August 21, 1998, having last resided at 1190 Vienna, Cobenzlgasse 68.

1. The declaration of inheritance made by the bequeather's widow **Irmgard Schlag**, born on **May 29, 1943**, employee, 1190 Vienna, Cobenzlgasse 68, represented by Dr. Walter Riedl, attorney at law, 1010 Vienna, Franz Josefs Kai 5, relating to the entire inheritance without the legal benefit of the inventory, on the basis of the last will and testament dated July 30, 1998, and thus made unconditionally, is accepted by the court, and the right of inheritance is considered proven on the basis of the documents before the court.

2. Upon making the declaration of inheritance and submitting proof of right to inherit, handling and administration of the inheritance are left to Irmgard Schlag in accordance with Section 145, Act on Extra-Litigious Matters and Section 810, Civil Code.

3. The declared heir is given a term for presenting a verified statement of assets as well as for concluding arguments, expiring January 31, 1999.

4. It is noted that the bequeather's son, Wolfgang Schlag,



born on December 15, 1958, journalist, 1030 Vienna, K lblgasse 18, and the bequeather's daughter, Evelyn Lichtenschopf, born on December 22, 1952, author, A-3340 Waidhofen/Ybbs, Ederstra e 11, have filed an application for the setting up of an inventory according to Section 92, Para. 1, Act of Extra-Litigious Matters, and in particular also for an appraisal and stock-taking of the bequeather's real estate property (102 Para. 2, Act on Extra-Litigious Matters).

5. The Court Commissioner, Dr. Ulrich Klimscha, Notary Public, 1190 Vienna, D blinger Hauptstra e 7, is ordered to set up the inventory of the estate as a consequence of the application filed by the persons entitled to a compulsory portion in the estate.

6. Irmgard Schlag is called upon to grant the Court Commissioner and the expert access to the bequeather's place of residence (condominium in 1190 Vienna, Cobenzlgasse 68, house 2/3) at the appraisal hearing date scheduled January 14, 1999, 9:00 a.m., under penalty of an administrative fine of ATS 3,000.- .

7. The Court Commissioner, Dr. Ulrich Klimscha, is authorized to directly arrange for this stock-taking at the District Court Retz, together with a presentation of the required documents and information on the estate property to be appraised, of the parties to be called in at such appraisal and stock-taking, after December 31, 1998, unless the request by the bequeather's children according to item 4 of this decision has been withdrawn by then.

8. The documents are transmitted to the Court Commissioner, Dr. Ulrich Klimscha, in terms of item 5 of this Decision, to be resubmitted by January 31, 1999.

#### Reasons

ad item 5.:

The bequeather's children, Wolfgang Schlag and Evelyn

Lichtenschopf, on September 23, 1998 and September 25, 1998, respectively, have each requested the appraisal and stock-taking of the estate in accordance with Section 92, Para. 1, Act on Extra-Litigious Matters, together with the further application for appraisal and stock-taking also of the bequeater's real estate property (Section 102, Para. 2, Act on Extra-Litigious Matters) in a hearing with the Court Commissioner.

Furtheron, on October 12, 1998, in accordance with the application, the Court Commissioner has called for a hearing for October 29, 1998, at 1190 Vienna, Cobenzlgasse 68, for an appraisal of the assets.

This date has been and had to be called off upon request of the heir's representative because the bequeather's widow were not present in Vienna at that date.

Thus, the Court Commissioner had to schedule another hearing, this time with a writ of summons dated October 23, 1998, for November 25, 1998,

In fact, the Court Commissioner could not hold the hearing on November 25, 1998 because access was not granted by the bequeather's widow and there was no access despite the proven summons and notice.

**ad item 6.:**

The refusal to grant access on the part of the bequeather's widow on November 25, 1998, constitutes a neglect of duty, for which reason, to enable a swift execution of the estate proceedings and implementation of the necessary steps and legal actions on the part of the Court Commissioner, the threat of an administrative fine had to be issued if access again would not be granted at the newly scheduled hearing.

**ad item 7.:**

In this context, reference is made to Section 94, Act on Extra-Litigious Matters (in combination with Section 12 (4) Act on Court Commissioners).

Thus, the decision had to be made according to the verdict.

**District Court Döbling**

1190 Vienna, Obersteinerergasse 20-22

Court Dpt. 1, on December 3, 1998

Stamp: Dr. Gabriela Thoma-Twaroch

For the correctness of the office copy

head of the department:

(signature)



REPUBLIK ÖSTERREICH  
Bezirksgericht Döbling

Diese Ausfertigung ist rechtskräftig  
und vollstreckbar. Pünktlich. Pkt 1, 5 und 7  
Bezirksgericht Döbling  
1190 Wien, Oberthurng. 18-24  
Abt. 1 am 14.12.99

K 165/98-biri

Dr. Gabriele Thoma-Twaroch 1A 174/98 w  
Für die Ausfertigung  
der Leiter der Geschäftsabteilung:  
VB Umragl Anker

**BESCHLUSS**

Verlassenschaftssache nach Dr. Günther Schlag, geboren am 14.11.1924, verstorben am 21.8.1998, zuletzt wohnhaft gewesen in 1190 Wien, Cobenzlgasse 68

1. Die aufgrund des Testamentes vom 30.7.1998 von der erbl. Witwe Irmgard Schlag, geb. 29.5.1943, Angestellte, 1190 Wien, Cobenzlgasse 68, vertreten durch Dr. Walter Riedl, Rechtsanwalt, 1010 Wien, Franz Josefs Kai 5, zum gesamten Nachlaß ohne der Rechtswohlthat des Inventars, somit unbedingt abgegebene Erbserklärung wird zu Gericht angenommen, und das Erbrecht aufgrund der Aktenlage als ausgewiesen angesehen.

2. Über Abgabe der Erbserklärung und erbrachten Erbrechtsausweises wird Irmgard Schlag die Besorgung und Verwaltung des Nachlasses gemäß §§ 145 AußStrG und 810 ABGB, überlassen.

3. Der erbserklärten Erbin wird zur Vorlage des Eidesstättigen Vermögensbekenntnisses sowie zur Stellung der Schlußanträge eine Frist bis zum 31.1.1999 eingeräumt.

4. Es dient zur Kenntnis, daß der erbl. Sohn Wolfgang Schlag, geb. 15.12.1958, Journalist, 1030 Wien, Kölblgasse 18, und die erbl. Tochter Evelyn Lichtenschopf, geb. 22.12.1952, Schriftstellerin, 3340 Waidhofen/Ybbs, Ederstraße 11, die Errichtung eines Inventars gem. § 92 Abs. 1 AußStrG. und insbesondere auch die Schätzung und Inventierung des erbl. Liegenschaftsvermögens beantragt haben. (102 Abs. 2 AußStrG.)

5. Dem Gerichtskommissär Dr. Ulrich Klimscha, öffentlicher Notar, 1190 Wien, Döblinger Hauptstraße 7, wird zufolge Antrages der Noterben der Auftrag zur Errichtung des Nachlaßinventars erteilt.

6. Irmgard Schlag wird unter Androhung einer Ordnungsstrafe von S 3.000,-- aufgefordert, zu der am 14.1.1999 um 9.00 Uhr anberaumten Schätzungstagsatzung dem Gerichtskommissär und den Sachverständigen den Zutritt zum erbl. Wohnort (Eigentumswohnung in 1190 Wien, Cobenzlgasse 68, Haus 2/3) zu gewähren.

7. Der Gerichtskommissär Dr. Ulrich Klimscha wird ermächtigt, nach dem 31.12.1998, sofern der Antrag der erbl. Kinder laut Punkt 4. dieses Beschlusses nicht bis dahin zurückgezogen ist, beim Bezirksgericht Retz unter Anschluß der erforderlichen Unterlagen und Informationen über das zu schätzende Nachlaßvermögen der zur Schätzung und Inventarserrichtung hinzuzuziehenden Parteien, diese Inventarserrichtung direkt zu veranlassen.

8. Die Akten werden dem Gerichtskommissär Dr. Ulrich Klimscha im Sinne des Punktes 5. dieses Beschlusses gegen Wiedervorlage bis 31.1.1999 übermittelt.

### Begründung

#### **zu Punkt 5.:**

Die erbl. Kinder Wolfgang Schlag und Evelyn Lichtenschopf haben am 23.9.1998 bzw. 25.9.1998, je in einer Tagsatzung beim Gerichtskommissär, die Schätzung und Inventierung des Nachlasses gem. § 92 Abs. 1 AußStrG. beantragt, dies mit dem weiteren Antrag auf Schätzung und Inventierung auch des erbl. Liegenschaftsvermögens (§ 102 Abs. 2 AußStrG).

In weiterer Folge hat der Gerichtskommissär antragsgemäß zur Schätzung des Vermögens am 12.10.1998 eine Tagsatzung für den 29.10.1998 in 1190 Wien, Cobenzlgasse 68, ausgeschrieben.

Dieser Termin wurde und mußte über Ersuchen des Erbenvertreters abberaumt werden, da die erbl. Witwe zu diesem Zeitpunkt nicht in Wien sei.

Sohin mußte der Gerichtskommissär neuerlich eine Tagsatzung anberaumen, diesmal mit Ladungsschreiben vom 23.10.1998 für den 25.11.1998.

Die Tagsatzung am 25.11.1998 konnte der Gerichtskommissär tatsächlich nicht verrichten, da seitens der erbl. Witwe der Zutritt nicht gewährt wurde bzw. trotz ausgewiesener Ladung und Verständigung nicht gegeben war.

#### **zu Punkt 6.:**

Die Nichtgewährung des Zutrittes durch die erbl. Witwe am 25.11.1998 stellt eine Pflichtverletzung dar, weshalb zur Gewährleistung einer zügigen Durchführung des

Verlassenschaftsverfahrens und Vornahme der erforderlichen Schritte und Rechts-  
handlungen durch den Gerichtskommissär die Androhung einer Ordnungsstrafe, für den  
Fall, als zur neuerlich anberaumten Tagsatzung der Zutritt wieder nicht gewährt würde,  
auszusprechen war.

zu Punkt 7.:

Hiezu wird verwiesen auf § 94 AußStrG (in Verbindung mit § 12 Z. 4 GerKoärG).

Es war sohin spruchgemäß zu entscheiden.

**Bezirksgericht Döbling**  
1190 Wien, Obersteingasse 20-22

Gerichtsabt. 1, am 03. Dez. 1999

**Dr. Gabriele Thoma-Twaroch**  
Für die ~~Handlung~~ Ausfertigung  
der Leiter der Geschäftsabteilung:  
*VB Umrogl Anida*

**Apostille**  
(Convention de La Haye du 5 octobre 1961)

1. Land: **ÖSTERREICH**  
Pays: .....

Diese öffentliche Urkunde / Le présent document officiel

2. ist unterzeichnet von *der Verhandlungsbekanntgeben Anida Umrogl*  
a été signé par .....

3. in seiner Eigenschaft als *Leiter der Geschäftsabteilung*  
agissant en qualité de .....

4. ist versehen mit dem Siegel/Stempel des (der) *Bezirksgerichtes*  
le sceau/timbre qui y figure est celui de *Döbling*

Bestätigt / Ainsi fait

5. in **WIEN**  
à (lieu) .....

6. am **12. April 2000**  
le (date) .....

durch / par (autorité d'attestation)  
7. den Präsidenten des Landesgerichtes *Bezirksgerichtes*  
für ZRS Wien, 1016 Wien, Schmelzingplatz 11  
sous No du registre

8. unter Zl. **1207-1/00**  
sous No du registre

9. Siegel/Stempel *DER PRÄSIDENT DES LANDESGERICHTES FÜR ZRS WIEN*  
Sceau ou timbre .....

10. Unterschrift *Umrogl*  
Signature **Für den Präsidenten:**  
FOL PARSITS

