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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------|-----------------------|------------|
| In re Application of: | Cooney, III et al. |) |
| | |) |
| Serial No.: | 09/652,872 |) Art Unit |
| | |) 3738 |
| Filed: | August 31, 2000 |) |
| | |) |
| For: | RADIAL IMPLANT SYSTEM |) |
| | |) |
| Examiner: | Unknown |) |
| | |) |
| Attorney Docket: | 11137.16 |) |

TRANSMITTAL OF ASSIGNMENT

Box Assignments
Commissioner of Patents
and Trademarks
Washington, D. C. 20231

FEB 01 2001

Sir:

Please record the enclosed original patent Assignment in the United States Patent and Trademark Office.

1. Name of conveying party(ies):

William P. Cooney, III
1085 Orchard Acres Lane SW
Rochester, Minnesota 55902

PATENT
REEL: 011550 FRAME: 0431

Bernard F. Morrey
1319 7th Street SW
Rochester, Minnesota 55902

Shawn W. O'Driscoll
166 Lachenview Lane NW
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Ronald L. Linscheid
2120 Merrihills Drive SW
Rochester, Minnesota 55902

David A. Leibel
32189 Helium Street NW
Princeton, Minnesota 55371

Fredrick M. Schultz
2446 Northern Hills Court NE
Rochester, Minnesota 55906

FEB 21 2001

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

Mayo Foundation for Medical Education and Research
200 First Street, SW
Rochester, Minnesota 55905-0001

3. Nature of conveyance: Assignment

Execution Date: October 3, 2000; November 6, 2000; November 7, 2000;
November 17, 2000; December 22, 2000; December 26, 2000

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

Patent Application No. 09/652,872

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

NEIL K. NYDEGGER
NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300

6. Total number of applications and patents involved: 1

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

Enclosed Check No. 13126

Authorized to be charged to deposit account

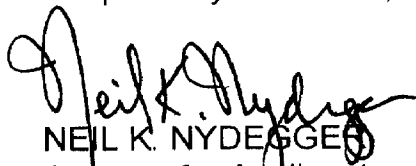
8. Deposit account number: 14-1519

9. Statement and signature.

The undersigned declares that, to his best knowledge and belief, the information contained in this Transmittal of Assignment is correct, and that any attached copy of the Assignment is a true copy of the original document.

DATED this 16TH day of February, 2001.

Respectfully submitted,


NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300

ASSIGNMENT

We, William P. Cooney, III, residing at 1085 Orchard Acres Lane SW, Rochester, Minnesota 55902; Bernard F. Morrey, residing at 1319 7th Street SW, Rochester, Minnesota 55902; Shawn W. O'Driscoll, residing at 166 Lachenvue Lane NW, Rochester, Minnesota 55901; Ronald L. Linscheid, residing at 2120 Merrihills Drive SW, Rochester, Minnesota 55902; David A. Leibel, residing at 32189 Helium St. NW, Princeton, Minnesota 55371; and Fredrick M. Schultz, residing at 2446 Northern Hills Court NE, Rochester, Minnesota 55906; have invented a method and apparatus entitled RADIAL IMPLANT SYSTEM, hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application executed heretofore by us and now identified as File No. 11137.16 of the law firm of Nydegger & Associates, 348 Olive Street, San Diego, California 92103, and filed in the United States Patent and Trademark Office as Serial No. 09/ 652,872 on August 31, 2000. (We hereby authorize the attorneys of Nydegger & Associates to insert said serial number and filing date when known.)

The Assignee, Mayo Foundation for Medical Education and Research, a tax exempt organization, having a principal place of business at 200 First Street SW, Rochester, Minnesota 55905-0001, desires to secure the entire right, title and interest in said invention.

For good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which we hereby acknowledge, we HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions and continuations of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications which may be filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

We hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

William P. Cooney, III
William P. Cooney, III

ACKNOWLEDGMENT

STATE OF Minnesota)
COUNTY OF Ortved) ss.

On Nov. 6, 200, before me, William P. Cooney, Notary Public, personally appeared and, 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/they executed the same in his/her/their authorized capacity, and that by his/her/their 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.

Rose M. Garmers (Seal)



Bernard F. Morrey
Bernard F. Morrey

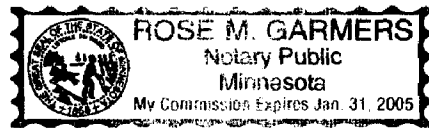
ACKNOWLEDGMENT

STATE OF Minnesota)
COUNTY OF Ortved) ss.

On 12-26-200, before me, ROSE M GARMERS, Notary Public, personally appeared BERNARD F MORREY, 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/they executed the same in his/her/their authorized capacity, and that by his/her/their 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.

Rose M. Garmers (Seal)



(Signatures Continued on Page 4)

David A. Leibel
David A. Leibel

ACKNOWLEDGMENT

STATE OF MN)
) ss.
COUNTY OF ANOKA)

On Oct 3, 2002, before me, Catherine A. Fugere Notary Public, personally appeared David A. Leibel, 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/they executed the same in his/her/their authorized capacity, and that by his/her/their 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.
 (Seal)

Fredrick M. Schultz
Fredrick M. Schultz

ACKNOWLEDGMENT

STATE OF MN)
) ss.
COUNTY OF Almsted)

On Nov 7, 2000, before me, Rose M. Garmers Notary Public, personally appeared Fredrick Schultz, 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/they executed the same in his/her/their authorized capacity, and that by his/her/their 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.
Rose M. Garmers (Seal)

assign:ddb
Docket: 11137.16

