



Y

3-22-01

101671322

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

1. Name of conveying party(ies):

VICTOR T. CHEN, DAVID S. WOOD and MILTON M. MORRIS

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

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

**CARDIAC PACEMAKERS, INC.
4100 Hamline Avenue North
St. Paul, MN 55112-5978**

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

3. Nature of conveyance:

Assignment

Execution Date: October 17 and 20, 2000

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)

09/712,600

B. Patent No.(s)

Additional numbers attached? No

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

**Peter J. Manghera
FOLEY & LARDNER
150 East Gilman Street
Post Office Box 1497
Madison, WI 53701-1497
(608) 258-4265**

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. § 3.41). \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 06-1447

04/09/2001 DBYRNE 00000053 09712600

01 FC:581

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.

Peter J. Manghera

Name of Person Signing

Signature

March 19, 2001

Date

Total number of pages including cover sheet, attachments, and document: **4**

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

ASSIGNMENT AND AGREEMENT

WHEREAS, **Victor T. Chen** of 4380 Trillium Lane W., Minnetrista, MN 55435, and **David S. Wood** of 41245 Via del Toronjo, Temecula, CA 92592, and **Milton M. Morris** of 614 Third Ave. N.E., Minneapolis, MN 55413 (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **METHOD AND APPARATUS FOR USING ATRIAL DISCRIMINATION ALGORITHMS TO DETERMINE OPTIMAL PACING THERAPY AND THERAPY TIMING** (Atty. Dkt. No. 044407:0684) for which an application for United States Letters Patent was filed on November 14, 2000, and assigned application number 09/712,600; and

WHEREAS, **Cardiac Pacemakers, Inc.**, a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at 4100 Hamline Ave. North, St. Paul, MN 55112 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

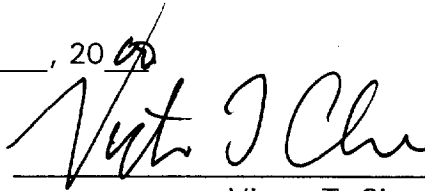
ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful

papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of **Foley & Lardner** do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

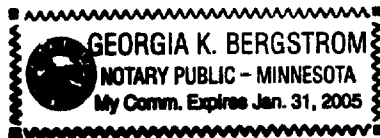
Executed this 17 day of Oct, 2000



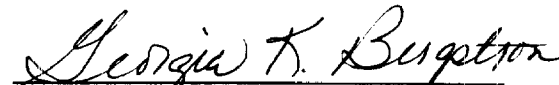
Victor T. Chen

State of Mn)
County of Ramsey)ss.

On this 17 day of October, 2000, before me, a notary public in and for said county, appeared Victor T. Chen, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



(Seal)



Notary Public

My Commission Expires: 1/31/05

Executed this 20 day of October, 2000.

David S. Wood

State of CALIFORNIA)
)ss.
County of RIVERSIDE)

On this 20 day of OCTOBER, 2000, before me, a notary public in and for said county, appeared David S. Wood, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/~~she~~ acknowledged that he/~~she~~ signed, sealed, and delivered the said instrument as his/~~her~~ free and voluntary act for the uses and purposes therein set forth.



(Seal)

Notary Public

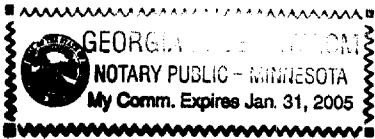
My Commission Expires: AUGUST 14, 2001

Executed this 17 day of October, 2000.

Milton M. Morris

State of Min)
)ss.
County of Ramsey)

On this 17 day of October, 2000, before me, a notary public in and for said county, appeared Milton M. Morris, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/~~she~~ acknowledged that he/~~she~~ signed, sealed, and delivered the said instrument as his/~~her~~ free and voluntary act for the uses and purposes therein set forth.



(Seal)

Notary Public

My Commission Expires: 1/31/05