

7-25-01 RE

07-26-2001

OMB No. 0651-0027 (exp. 5/31/2002)



Tab settings

101787168

To the Honorable Commissioner of Patents and Trademarks  
Send original documents or copy thereof.

1. Name of conveying party(ies) EM 7-25-01  
Fertility Acoustics Inc.  
Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
Name: Spencer-Virnoche, Inc.  
Internal Address: \_\_\_\_\_  
Street Address: 1735 West Genesee St.  
City: Syracuse State: NY Zip: 13204  
Additional name(s) & address(es) attached?  Yes  No

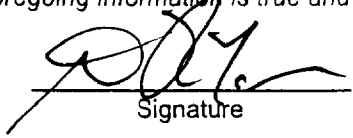
3. Nature of conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other Judgment  
Execution Date: June 15, 2001

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) \_\_\_\_\_  
B. Patent No.(s) 6,146,333  
Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: George R. McGuire  
Internal Address: Hancock & Estabrook, LLP  
Street Address: 1500 MONY Tower 1  
P.O. Box 4976  
City: Syracuse State: NY Zip: 13221-4976

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  
Any deficiency in the fee amount  
8. Deposit account number: 500576  
(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.*  
George R. McGuire  7/25/01  
Name of Person Signing Signature Date

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

07/27/2001 DBYRNE 00000001 6146333

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

01 FC:581 40.00 OP  
02 FC:584 120.00 OP

TRANSCRIPT OF JUDGMENT

Date of Docketing 6-15-01

JUDGMENT AGAINST:  
FERTILITY ACOUSTICS INC

INDEX: 2001-3188

Return To:  
M. ANN CIARPELLI  
Onondaga County Clerk  
Court House Room 200  
Syracuse, New York 13202-2171

Onondaga County Clerk's Office  
TRANSCRIPT OF JUDGMENT

JUDGMENT AGAINST:  
FERTILITY ACOUSTICS INC  
836 MAIN ST 2ND FL  
BUFFALO NY  
JUDGMENT FOR:  
SPENCER-VIRNOCHE INC  
1735 W GENESEE ST  
SYRACUSE NY

INDEX: 2001-3188

WHERE	TAX WARRANT	DISCHARGE DATE:
PERFECTED: ONONDAGA	OR COURT: SUPREME	
PERFECTED:	TIME:	
FILED: 06152001	TIME: 09:32	
DAMAGES: \$47,000.00	COST: \$435.00	JUDG AMT: \$47,435.00
ATTY: HANCOCK & ESTABROOK	1500 MONY TOWER 1 SYRACUSE NY 13202	
REMARKS:	EXECUTION:	
R1: ISSUE 1 TRANSCRIPT		
R2:		
R3:		

State of New York  
County of Onondaga

I, M. ANN CIARPELLI, Clerk of the County of Onondaga, hereby certify that the above is a correct transcript from the docket of judgments in my office.

In testimony whereof, I have hereunto set my name and affixed my official seal this 15 day of JULY, 2001

M. ANN CIARPELLI By M. Ann Ciarpelli  
County Clerk County Clerk

PATENT  
REEL: 011783 FRAME: 0670

SPENCER-VIRNOCHE, INC.,  
Plaintiff,

Index No. 2001-3188

STATEMENT FOR JUDGMENT

v.  
FERTILITY ACOUSTICS, INC.,

Defendant.

Amount claimed in Complaint (Notice)		\$47,000.00
Total Claim		\$ 47,000.00
Costs by Statute	\$200.00	
Service of Summons and Complaint	\$40.00	
Transcript and Docketing	15.00	
Sheriff's Fees on Execution	\$ 10.00	
Fees for Index Number	\$170.00	
Attorneys Fees		
Total Costs	<u>\$435.00</u>	<u>\$ 435.00</u>
	Total	\$47,435.00

Costs and Disbursements taxed at \$435.00  
this 14 day of June, 2001

MALCOLM M. MERRILL  
DEPUTY COUNTY CLERK Clerk

STATE OF NEW YORK, COUNTY OF ONONDAGA

ATTORNEY'S AFFIRMATION

The undersigned, attorney at law of the State of New York associated with and appearing of counsel for the attorneys of record for the plaintiff herein, states that the disbursements above specified are correct and true and have been or will necessarily be made or incurred herein and are reasonable in amount; that the time for the defendant FERTILITY ACOUSTICS, INC. to appear or answer herein has expired and that the said defendant FERTILITY ACOUSTICS, INC. is not in the military or naval service of the United States.

The undersigned affirms this statement to be true under the penalties of perjury.

DATED: June 14, 2001

  
R. John Clark

JUDGMENT entered the 14 day of June, 2001

The summons and verified complaint in this action having been duly served on the defendant FERTILITY ACOUSTICS, INC. through the Secretary or State on the 24<sup>th</sup> day of May, 2001 and the time of the defendant FERTILITY ACOUSTICS, INC. to appear or answer having expired, and the said defendant not having appeared or answered herein within the time required pursuant to CPLR 320,

NOW, ON MOTION OF HANCOCK & ESTABROOK, attorneys for the plaintiff, it is

ADJUDGED that SPENCER-VIRNOCHE, INC., the plaintiff, with an office for the transaction of business located at 1735 West Genesee Street, Syracuse, New York 13202, do recover of the defendant Fertility Acoustics, Inc., 836 Main Street, 2<sup>nd</sup> Floor, Buffalo, New York 14202, the sum of \$47,000.00, with \$435.00 costs and disbursements, amounting in all to the sum of \$47,435.00, and that plaintiff have execution therefor.

MALCOLM M. MERRILL  
Clerk DEPUTY COUNTY CLERK