

05-29-2001

Commissioner of Patents and Trademarks

Washington, D.C. 20231

FORM PTO-1619A

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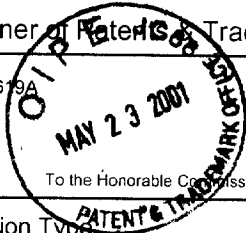


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U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

(Rev. 6-99)



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

1. Submission Type

New

5-23-01

Document ID # \_\_\_\_\_

Correction of PTO Error

Reel # \_\_\_\_\_

Corrective Document

Reel # \_\_\_\_\_

2. Name of Conveying Party(ies):

**Berkshire Research and Development**

**59 Bartlett Avenue  
Pittsfield, MA 01202-1405**

Additional Name(s) of conveying party(s) attached?  Yes  No

3. Name and Address of Receiving Party(ies):

Names: **James S. Ditello and Thomas J. Ditello**

Street Address: **90 North Street**

City: **Pittsfield**

State/Country: **MA 01202**

Additional name(s) & address(es) attached?

4. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other: **Assignment Nunc Pro Tunc**

Execution Date: **April 19, 2001**

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

If this document is being filed together with a new application,

the first execution date of the application is : \_\_\_\_\_

the filing date of the application is : \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s) **5,049,154, issued: 09/17/91; and 5,133,725, issued: 07/28/92; and see Schedule A attached for additional information**

6 Name and address of party to whom correspondence concerning this matter should be mailed:

**CUSTOMER NUMBER 00136**

or

**JACOBSON HOLMAN, PLLC  
400 Seventh Street, N.W.  
Washington, DC 20004  
Tel. 202-638-6666**

Attorney Docket No. **P65611US0/P65611US1**

7. Number of applications and patents **2**

8. Total fee (37 CFR 3.41) ..... \$ **80.00**

Enclosed

Any deficiencies in enclosed fees are authorized to be charged to deposit account **06-1358**

800

DO NOT USE THIS SPACE

10. 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.

Allen A. Melser, Reg. No. 27,215

Signature

Date **05/23/01**

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**ASSIGNMENT  
NUNC PRO TUNC**

WHEREAS prior to December 28, 2000, BERKSHIRE RESEARCH AND DEVELOPMENT, was located at 59 Bartlett Avenue, Pittsfield, Massachusetts 01202-1405 (hereinafter Assignor, a Massachusetts corporation) and owned U.S. Letters Patent No. 5,049,154, issued September 17, 1991, entitled: ADJUSTABLE INTRA-LUMINAL VALVULOTOME by virtue of an Assignment recorded February 27, 1991 on Reel: 5612 and Frame: 0615; and U.S. Letters Patent No. 5,133,725, issued July 28, 1992, entitled: ADJUSTABLE INTRA-LUMINAL VALVULOTOME by virtue of an Assignment recorded March 27, 1991 on Reel: 5640 and Frame: 0990; and

WHEREAS on or about December 28, 2000, JAMES S. DITELLO and THOMAS J. DITELLO (hereinafter Assignees), acquired by assignment in equal shares the entire right, title and interest in said above Letters Patents;

NOW, THEREFORE, in conformity with the actual transfer, assignment and sale on or about December 28,2000, from the Assignor to the Assignees in equal shares, the Assignor does hereby, nunc pro tunc, sell, assign and transfer unto said Assignees, their successors, legal representatives, heirs and assigns the entire right, title and interest in the United States to said invention as described in Letters Patents Nos. 5,049,154; and 5,133,725; and all re-issues, or extensions of said Letters Patents to be held and enjoyed by said Assignees for their own use, or for their legal representatives, successors, heirs, and assigns to the full end of the term for which said Letters Patents are granted, and any extensions thereof, as fully and entirely as the same would have been held by said Assignor had this assignment and sale not been made.

The Assignor also hereby, nunc pro tunc, sells and assigns to the Assignees in equal shares, there successors and assigns, its foreign rights to the invention disclosed in the said patents in all patent-granting countries of the world including those listed in Schedule A, attached hereto, and the Assignor agrees to execute any and all patent applications, assignments, affidavits and any other papers in connection therewith necessary to perfect such patent rights.

Assignor hereby further assigns to the Assignees in equal shares all claims and causes of action for infringement of the patent rights assigned herein, including the right to sue for, and collect damages for, any and all acts of past and future infringement.

Assignor hereby grants the law firm of Jacobson, Price, Holman & Stern, PLLC, 400 Seventh Street, N.W., Washington, D.C. 20004, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

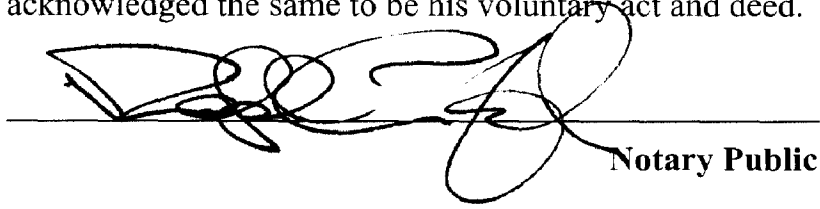
In witness whereof, the Assignor has caused this Assignment to be signed this 19<sup>TH</sup> day of ~~March~~ APRIL, 2001.

BERKSHIRE RESEARCH AND DEVELOPMENT

By: Thomas J. Ditello  
Name: Thomas J. Ditello  
Title: Treasurer

Commonwealth of Massachusetts  
County of Berkshire

Personally appeared before me the above- named Thomas J. Delle, to  
me well known, who signed the foregoing Assignment in my presence on the date thereof and  
acknowledged the same to be his voluntary act and deed.

  
\_\_\_\_\_  
Notary Public

My commission to expire on 11/27/2003.

## **SCHEDULE A**

1. German Patent No. 0511323, issued: October 15, 1997; entitled: "Adjustable Intra-Luminal Valvulotome;"
2. European Patent No. 0511323, issued: October 15, 1997; entitled: "Adjustable Intra-Luminal Valvulotome;"
3. French Patent No. 0511323, issued: October 15, 1997; entitled: "Adjustable Intra-Luminal Valvulotome;"
4. Japanese Patent No. 2031206, issued: March 19, 1996; entitled: "Adjustable Intra-Luminal Valvulotome;"
5. United States Patent No. 5,049,154, issued: September 17, 1991; entitled: "Adjustable Intra-Luminal Valvulotome;"
6. United States Patent No. 5,133,725, issued: July 28, 1992; entitled: "Adjustable Intra-Luminal Valvulotome;" and
7. WIPO, Serial No. PCT/US90/06541, filed November 16, 1990.