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07-31-2001



101794058

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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

1. Name of conveying party(ies):

- a. Burke T. Barrett
b. Mitchell S. Roslin

07/24/01

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

Name: Cyberonics, Inc.

Address: 16511 Space Center Boulevard
Houston, Texas 77058

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

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: a. 07/23/01; b. 07/18/01

Additional name(s) and address(es) attached? ☐ Yes ☒ No

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)

09/753,758

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

BLANK ROME COMISKY & MCCAULEY LLP
THE FARRAGUT BUILDING
SUITE 1000
900 17TH STREET, NW
WASHINGTON, DC 20006

6. Total 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: 23-2185
(Attach duplicate copy of this page if paying by deposit account)

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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.

Donald R. Greene

Name of Person Signing

Donald R. Greene
Signature

July 24, 2001

Date

Registration Number: 22,470

Total number of pages including this cover sheet: 2

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ATTORNEY'S DOCKET: 001031.00084

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BURKE T. BARRETT, ET AL.

Serial No. 09/753,758

Filed: 01/02/2001

Group Art Unit:

Examiner: (not yet designated)


Title: TREATMENT OF OBESITY BY SUB-DIAPHRAGMATIC NERVE STIMULATION

ASSIGNMENT

In consideration of my agreement with CYBERONICS, INC., and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I, a below named inventor, residing in the city listed below my name, hereby assign, transfer, and deliver to CYBERONICS, INC., a Delaware corporation, its successors and assigns (collectively referred to as "CYBERONICS"), all of my right, title and interest in and to all subject matter invented by me, whether alone or jointly with other individuals named herein, disclosed in the above-referenced application for United States patent, and in and to any and all patents and any and all Convention and Treaty rights of all kinds, on counterparts or related applications for patent or similar rights in all countries throughout the world, for all such subject matter. I further agree to sign all documents necessary to secure all such patents and rights, and I request that all such patents and rights be issued to CYBERONICS in accordance with this Assignment.

I confirm that I have not made any agreement in conflict with this Assignment. I further agree that I will provide information within my knowledge or information and belief, and do all other relevant things that CYBERONICS deems necessary or desirable and requests of me in connection with obtaining or maintaining, or in connection with any proceeding, controversy or litigation pertaining to, any such patents and rights, or in order to perfect and/or enforce CYBERONICS' ownership of the right, title and interest conveyed by this Assignment, or in connection with this Assignment, without payment of consideration to me beyond that called for in my agreement with CYBERONICS, on the understanding, however, that CYBERONICS will bear all reasonable expenses actually incurred for or in connection with such matters. This Assignment and the obligations assumed by me in this Assignment shall be binding on my heirs and personal representatives.

In witness whereof, I have executed this document with my signature under seal on the date below.

✓ 
Burke T. Barrett
Residence: Houston, Texas

✓ 7/23/01
Date

✓ 
Mitchell S. Roslin
Residence: New York, New York

✓ 7/18/01
Date

DRG:CYBASNMT.00407161