

08-29-2001

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Patent Application Number(s)

Patent Number(s)

09/155,569

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number as not been assigned.

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1

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John P. Isacson, Reg. No. 33,715

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Signature

August 24, 2001

Date



26633

05-25-2001

10 Rec'd PCT/PTO 08 SEP 1999

09/155569



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FORM PTO-1595 (modified)
(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

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

1. Name of conveying party(ies):

Mrs. Irmgard Schlag on behalf of Günther Schlag

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

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

Name: IMMUNO AKTIENGESELLSCHAFT

Internal Address:

Street Address: 67 Industriestrasse

City: A-1221 Vienna, Country: AUSTRIA

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

3. Nature of conveyance:

☒ Assignment☐ Security Agreement☐ Other

Execution Date: April 24, 1999

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: N/A

A. Patent Application No.(s)

(09/155,569)

B. Patent No.(s)

Additional numbers attached? No

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

Name: FOLEY & LARDNER

Internal Address: John P. Isacson

Street Address: 3000 K Street, N.W., Suite 500

City: Washington, State: D.C. ZIP: 20007

6. Total number of applications and patents involved: 1

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

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John P. Isacson

Name of Person Signing

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Date

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09/14/1999 PVLPE 00000018 09155569

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ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

name and
address of
assignee

IMMUNO AKTIENGESELLSCHAFT
67 Industriestrasse
A-1221 Vienna, Austria

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to his invention relating to

title of
invention

HEMOSTATIC SPONGE BASED ON COLLAGEN

as set forth in his United States Patent Application

check one

☐ executed concurrently herewith

☐ executed on _____

☒ Serial No. PCT/EP97/01662 Filed 02/April/1997

in and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives 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 the undersigned had this Assignment not be made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him relating to said invention or patent application and that he will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER** the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

names and
signatures
of
inventors

Name: Wolfgang BIERING date _____ Name: Hamza MANSOUR date _____

Wolfgang Biering, Feb. 29 5.43 date 21.04.1999 Name: Günther SCHLAG date _____ Name: Thomas SEELICH date _____

Name: Edgar SCHEEL date _____ Name: Georg HABISON date _____

names and
signatures
of
witnesses

Name: _____ date _____ Name: _____ date _____

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PATENT

REEL: 012104 FRAME: 0627



B.R.Z.: 689/1999

Die Echtheit der vorstehenden Unterschrift der **Frau Irmgard SCHLAG**, geboren am 29. (neunundzwanzigsten) Mai 1943 (neunzehnhundertdreißig), Pensionistin, 1190 Wien, Cobenzlgasse 68, wird hiemit bestätigt. -----

WIEN, am einundzwanzigsten April neunzehnhundertneunundneunzig. -----



[Signature]
Dr. Georg FELDBACHER
 als Substitut des öffentlichen Notars
Dr. Helmut SCHEUBREIN
 Wien-Alsergrund

CERTIFICATE

In the Matter of an Application for
Letters Patent
In the U.S.A.

I, Felicia Marchardt of Riemergasse 14, A-1010 Vienna, Austria

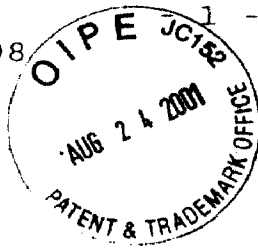
do hereby declare that I am conversant with the German and
English languages and that to the best of my knowledge and belief
the following document is a true and correct translation made by
me.

Signed this 6th day of May, 1999.

.....Felicia Marchardt.....

(Stamp) December 3, 1998

REPUBLIC OF AUSTRIA
District Court Döbling



K 165/98/-biri

1A 174/98 w-19

DECISION

Matter of inheritance after Dr. Günther Schlag, born on Nov. 14, 1924, deceased on August 21, 1998, having last resided at 1190 Vienna, Cobenzlgasse 68.

1. The declaration of inheritance made by the bequeather's widow Irmgard Schlag, born on May 29, 1943, employee, 1190 Vienna, Cobenzlgasse 68, represented by Dr. Walter Riedl, attorney at law, 1010 Vienna, Franz Josefs Kai 5, relating to the entire inheritance without the legal benefit of the inventory, on the basis of the last will and testament dated July 30, 1998, and thus made unconditionally, is accepted by the court, and the right of inheritance is considered proven on the basis of the documents before the court.

2. Upon making the declaration of inheritance and submitting proof of right to inherit, handling and administration of the inheritance are left to Irmgard Schlag in accordance with Section 145, Act on Extra-Litigious Matters and Section 810, Civil Code.

3. The declared heir is given a term for presenting a verified statement of assets as well as for concluding arguments, expiring January 31, 1999.

4. It is noted that the bequeather's son, Wolfgang Schlag, born on December 15, 1958, journalist, 1030 Vienna, Kölblgasse 18, and the bequeather's daughter, Evelyn Lichtenschopf, born on December 22, 1952, author, A-3340 Waidhofen/Ybbs, Ederstraße 11, have filed an application for the setting up of an inventory according to Section 92, Para. 1, Act of Extra-Litigious

Matters, and in particular also for an appraisal and stock-taking of the bequeather's real estate property (102 Para. 2, Act on Extra-Litigious Matters).

5. The Court Commissioner, Dr. Ulrich Klimscha, Notary Public, 1190 Vienna, Döblinger Hauptstraße 7, is ordered to set up the inventory of the estate as a consequence of the application filed by the persons entitled to a compulsory portion in the estate.

6. Irmgard Schlag is called upon to grant the Court Commissioner and the expert access to the bequeather's place of residence (condominium in 1190 Vienna, Cobenzlgasse 68, house 2/3) at the appraisal hearing date scheduled January 14, 1999, 9:00 a.m., under penalty of an administrative fine of ATS 3,000.- .

7. The Court Commissioner, Dr. Ulrich Klimscha, is authorized to directly arrange for this stock-taking at the District Court Retz, together with a presentation of the required documents and information on the estate property to be appraised, of the parties to be called in at such appraisal and stock-taking, after December 31, 1998, unless the request by the bequeather's children according to item 4 of this decision has been withdrawn by then.

8. The documents are transmitted to the Court Commissioner, Dr. Ulrich Klimscha, in terms of item 5 of this Decision, to be resubmitted by January 31, 1999.

Reasons

ad item 5.:

The bequeather's children, Wolfgang Schlag and Evelyn Lichtenschopf, on September 23, 1998 and September 25, 1998, respectively, have each requested the appraisal and stock-taking of the estate in accordance with Section 92, Para. 1, Act on Extra-Litigious Matters, together with the further application for appraisal and stock-taking also of the bequeater's real

estate property (Section 102, Para. 2, Act on Extra-Litigious Matters) in a hearing with the Court Commissioner.

Furtheron, on October 12, 1998, in accordance with the application, the Court Commissioner has called for a hearing for October 29, 1998, at 1190 Vienna, Cobenzlgasse 68, for an appraisal of the assets.

This date has been and had to be called off upon request of the heir's representative because the bequeather's widow were not present in Vienna at that date.

Thus, the Court Commissioner had to schedule another hearing, this time with a writ of summons dated October 23, 1998, for November 25, 1998,

In fact, the Court Commissioner could not hold the hearing on November 25, 1998 because access was not granted by the bequeather's widow and there was no access despite the proven summons and notice.

ad item 6.:

The refusal to grant access on the part of the bequeather's widow on November 25, 1998, constitutes a neglect of duty, for which reason, to enable a swift execution of the estate proceedings and implementation of the necessary steps and legal actions on the part of the Court Commissioner, the threat of an administrative fine had to be issued if access again would not be granted at the newly scheduled hearing.

ad item 7.:

In this context, reference is made to Section 94, Act on Extra-Litigious Matters (in combination with Section 12 (4) Act on Court Commissioners).

Thus, the decision had to be made according to the verdict.

District Court Döbling
1190 Vienna, Obersteinergerasse 20-22
Court Dpt. 1, on December 3, 1998

Dr. Gabriela Thoma-Twaroch

For the correctness of the office copy
head of the department:

Revenue Stamp: ATS 50.-

Republic of Austria

(with rubber stamp: NOTARY PUBLIC

DR. HELMUT SCHEUBREIN

....VIENNA, WÄHRINGERSTRASSE 16

Tel....840-0 SERIES, TELEFAX EXTENSION 25

This photocopy is completely identical with the original before
me.---

Vienna, April 21, 1999.

(Round rubber stamp:) DR. Helmut SCHEUBREIN

Notary Public

Vienna-Alsergrund

(Signature)

DR. GEORG FELDBACHER

AS SUBSTITUTE FOR THE NOTARY PUBLIC

DR. HELMUT SCHEUBREIN

VIENNA-ALSERGRUND

Seal: Helmut SCHEUBREIN

NOTARY PUBLIC

Vienna-Alsergrund



K 165/98-blfd

1A 174/98 w-19

BESCHLUSS

Verlassenschaftssache nach Dr. Günther Schlag, geboren am 14.11.1924, verstorben am 21.8.1998, zuletzt wohnhaft gewesen in 1190 Wien, Cobenzlgasse 68

1. Die aufgrund des Testamentes vom 30.7.1998 von der erbl. Witwe Irmgard Schlag, geb. 29.5.1943, Angestellte, 1190 Wien, Cobenzlgasse 68, vertreten durch Dr. Walter Riedl, Rechtsanwalt, 1010 Wien, Franz Josefs Kai 5, zum gesamten Nachlaß ohne der Rechtswohlthat des Inventars, somit unbedingt abgegebene Erbserklärung wird zu Gericht angenommen, und das Erbrecht aufgrund der Aktenlage als ausgewiesen angesehen.

2. Über Abgabe der Erbserklärung und erbrachten Erbrechtsausweises wird Irmgard Schlag die Besorgung und Verwaltung des Nachlasses gemäß §§ 145 AußStrG und 810 ABGB, überlassen.

3. Der erbserklärten Erbin wird zur Vorlage des Eidesstättigen Vermögensbekenntnisses sowie zur Stellung der Schlußanträge eine Frist bis zum 31.1.1999 eingeräumt.

4. Es dient zur Kenntnis, daß der erbl. Sohn Wolfgang Schlag, geb. 15.12.1958, Journalist, 1030 Wien, Kölblgasse 18, und die erbl. Tochter Evelyn Lichtenschopf, geb. 22.12.1952, Schriftstellerin, 3340 Waidhofen/Ybbs, Ederstraße 11, die Errichtung eines Inventars gem. § 92 Abs. 1 AußStrG. und insbesondere auch die Schätzung und Inventierung des erbl. Liegenschaftsvermögens beantragt haben. (102 Abs. 2 AußStrG.)

5. Dem Gerichtskommissär Dr. Ulrich Klimscha, öffentlicher Notar, 1190 Wien, Döblinger Hauptstraße 7, wird zufolge Antrages der Noterben der Auftrag zur Errichtung des Nachlaßinventars erteilt.

6. Irmgard Schlag wird unter Androhung einer Ordnungsstrafe von S 3.000,-- aufgefordert, zu der am 14.1.1999 um 9.00 Uhr anberaumten Schätzungstagsatzung dem Gerichtskommissär und den Sachverständigen den Zutritt zum erbl. Wohnort (Eigentumswohnung in 1190 Wien, Cobenzlgasse 68, Haus 2/3) zu gewähren.

7. Der Gerichtskommissär Dr. Ulrich Klimscha wird ermächtigt, nach dem 31.12.1998, sofern der Antrag der erbl. Kinder laut Punkt 4. dieses Beschlusses nicht bis dahin zurückgezogen ist, beim Bezirksgericht Retz unter Anschluß der erforderlichen Unterlagen und Informationen über das zu schätzende Nachlaßvermögen der zur Schätzung und Inventarserrichtung hinzuzuziehenden Parteien, diese Inventarserrichtung direkt zu veranlassen.

8. Die Akten werden dem Gerichtskommissär Dr. Ulrich Klimscha im Sinne des Punktes 5. dieses Beschlusses gegen Wiedervorlage bis 31.1.1999 übermittelt.

Begründung

zu Punkt 5.:

Die erbl. Kinder Wolfgang Schlag und Evelyn Lichtenschopf haben am 23.9.1998 bzw. 25.9.1998, je in einer Tagsatzung beim Gerichtskommissär, die Schätzung und Inventierung des Nachlasses gem. § 92 Abs. 1 AußStrG. beantragt, dies mit dem weiteren Antrag auf Schätzung und Inventierung auch des erbl. Liegenschaftsvermögens (§ 102 Abs. 2 AußStrG).

In weiterer Folge hat der Gerichtskommissär antragsgemäß zur Schätzung des Vermögens am 12.10.1998 eine Tagsatzung für den 29.10.1998 in 1190 Wien, Cobenzlgasse 68, ausgeschrieben.

Dieser Termin wurde und mußte über Ersuchen des Erbenvertreters abberaumt werden, da die erbl. Witwe zu diesem Zeitpunkt nicht in Wien sei.

Sohin mußte der Gerichtskommissär neuerlich eine Tagsatzung anberaumen, diesmal mit Ladungsschreiben vom 23.10.1998 für den 25.11.1998.

Die Tagsatzung am 25.11.1998 konnte der Gerichtskommissär tatsächlich nicht verrichten, da seitens der erbl. Witwe der Zutritt nicht gewährt wurde bzw. trotz ausgewiesener Ladung und Verständigung nicht gegeben war.

zu Punkt 6.:

Die Nichtgewährung des Zutrittes durch die erbl. Witwe am 25.11.1998 stellt eine Pflichtverletzung dar, weshalb zur Gewährleistung einer zügigen Durchführung des

Verlassenschaftsverfahrens und Vornahme der erforderlichen Schritte und Rechtshandlungen durch den Gerichtskommissär die Androhung einer Ordnungsstrafe, für den Fall, als zur neuerlich anberaumten Tagsatzung der Zutritt wieder nicht gewährt würde, auszusprechen war.

zu Punkt 7.:

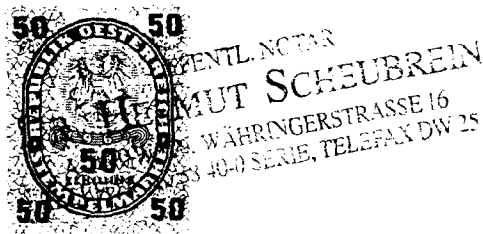
Hiezu wird verwiesen auf § 94 AußSirG (in Verbindung mit § 12 Z. 4 GerKoärG).

Es war sohin spruchgemäß zu entscheiden.

Bezirksgericht Döbling
1190 Wien, Obersteingasse 20-22

Gerichtsabt. 1, am 3.12.1998

Dr. Gabriela Thoma-Twaroch
Für die Ausfertigung
der Leiter der Geschäftsverteilung:



Diese Fotokopie stimmt mit dem mir vorliegenden Original vollständig überein.-----

WIEN, am einundzwanzigsten April neunzehnhundertneunundneunzig.



DR. GEORG FELDBACHER
ALS SUBSTITUT DES ÖFFENTLICHEN NOTARS
DR. HELMUT SCHEUBREIN
WIEN-ALSERGRUND

DISCUSSION

On 13 November 1999, a decision refusing the 37 CFR 1.42 papers and dismissing the petition under 37 §1.47(a) was mailed. The declaration submitted on 08 September 1999 did not identify IRMGARD SCHLAG as the legal representative for Günther Schlag and was not in compliance with 37 CFR 1.497(b)(2). Further, the submission under 37 CFR 1.44 did not provide adequate proof of authority because the signature of the official signing the document was not authenticated by a consular officer of the United States or accompanied by an appropriate apostille.

As for the petition under 37 CFR 1.47(a), the letters of Dr. Mansour did not constitute insufficient proof his refusal to sign a combined declaration and power of attorney but indicated his request for a complete copy of the application as filed and refusal to transfer rights of ownership.

The declaration filed 29 March 2000 signed by Irmgard Schlag as the legal representative for Günther Schlag is in compliance with 37 CFR 1.42 and 37 CFR 1.497(a) and (b).

Applicants submitted a copy of a decision of the District Court of Döbling, Vienna, Austria regarding Mr. Schlag's estate and an English translation thereof. This submission does provide adequate proof of authority under 37 CFR 1.44 because the signature of the official signing the document is now accompanied by an appropriate apostille. The Court document and English translation thereof are acceptable proof of authority under 37 CFR 1.44.

The papers filed 29 March 2000 under 37 CFR 1.42 and 37 CFR 1.44 are ACCEPTED. No issues remain for consideration under 37 CFR 1.42 and 1.44.

Further, the filing of declaration on 29 March 2000, signed by inventor Dr. Mansour, renders applicants' petition under 37 CFR 1.47(a) moot as to his unavailability to sign.

CONCLUSION

The papers filed under 37 CFR 1.42 are GRANTED.

The petition under 37 CFR 1.47(a) is rendered MOOT.

The application has an international filing date of 02 April 1997 under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371 date of 29 March 2000.