

09-26-2001

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

RE



ET

101854656

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

1. Name of conveying party(ies): Richard A. Katz SEP 2 2001 Additional names of conveying parties attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 09/24/01		2. Name & Address of receiving party: Name: The United States of America as represented by the Secretary of the Navy Internal Address: CHIEF OF NAVAL RESEARCH OFFICE OF COUNSEL (ATTN: CODE OOCPIP) Street Address: BALLSTON TOWER ONE 800 NORTH QUINCY STREET City: ARLINGTON State: VIRGINIA Zip: 22217-5660	
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Other Execution Date 21 November 2000		4. Application number(s) or patent number(s): Patent Application No.(s) 09/724,402 Attorney Docket No.: 82701 B. Patent No.(s)	
5. Name & Address of party to whom correspondence concerning document should be mailed: Name: Office of Counsel, Bldg 112T Internal Address: Naval Undersea Warfare Center, Division Newport Street Address: City: Newport State: RI Zip: 02841-1708		6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41): \$ <u>40.00</u> 8. Charge to deposit account number: <u>14-0590</u> (Attach a duplicate copy of this page when paying by a deposit account)	

09/25/2001 DBYRME 00000171 140590 09724402
01 FC:581 40.00 CH

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.

Michael J. McGowan

Name of Person signing

Signature

9/19/01
Date

ASSIGNMENT

WHEREAS, I **Richard A. Katz** of **East Lyme, County of New London, State of Connecticut** while employed by the Government of the United States, have invented certain new and useful improvements in **METHOD AND APPARATUS FOR DIAGNOSING SLEEP BREATHING DISORDERS WHILE A PATIENT IS AWAKE** identified as **Navy Case No. 82701** and described in application for Letters Patent of the United States of America executed by me on

November 21, 2000; and

WHEREAS, the Government of the United States, represented by the Secretary of the Navy and hereinafter referred to as the Government, is desirous of acquiring an assignment of the invention disclosed in said application and other rights and benefits herein granted; and

WHEREAS, the conditions under which the invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096, to the entire right, title and interest therein, including foreign rights; and

WHEREAS, as to foreign rights, it is the policy of the Government to obtain an option to exercise such rights;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt of which is hereby acknowledged, I hereby assign and transfer to the Government the entire right, title and interest in and to said invention within the United States of America, its territories and possessions, and the entire right, title and interest in and to said application and any continuation, division, or substitution thereof, and such Letters Patent as may issue therefrom and any reissue or extensions thereof, said invention, application and Letters Patent to be held by the Government to the end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me had this assignment not been made.

I do hereby also grant unto the Government, the option to take the entire right, title and interest in the invention and all patent applications or other forms of protection thereon in all countries foreign to the United States in which the Government may file, or cause to be filed, applications for Letters Patent or other forms of protection, without payment of any consideration; provided, however, that this grant of an option to take foreign rights in the invention, or applications or other forms of protection thereon, shall have force and effect only as to such applications filed in foreign countries within six months of the filing date of any application for United States Letters Patent covering the invention, or within six months from the declassification of the invention, whichever is later, and that all foreign rights not exercised under the option are left to me subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent or other form of protection which may issue on said invention in any foreign country, including the power to issue sub-licenses for use in behalf of the Government and/or in furtherance of the foreign policies of the Government.

I hereby further agree to make, execute, and deliver to the Government, any and all papers, documents, affidavits, statements, or other instruments that may be necessary in the prosecution of the application and of any continuation, division or substitution of the application, or any application for reissue or extension of said Letters Patent, and to assist the Government in every way in protecting the invention as may be requested, provided that any expense arising through such efforts will be paid by the Government.

IN TESTIMONY WHEREOF, I have set my hand and affixed my seal.

November 21, 2000
Date

Richard A. Katz Seal
RICHARD A. KATZ