



12-10-2001
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To the Hon. Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof, and return the recorded document to the undersigned attorney.

1. Name of conveying party(ies): Burke T. Barrett, Reese S. Terry, Jr.

2. Name and address of receiving party(ies):
 Name: Cyberonics, Inc.
 Street Address: 16511 Space Center Blvd., Ste 600
 City: Houston State: TX Zip: 77058

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

Additional name(s) & addresses attached?
 Yes No

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date 10/16/01 and 10/17/01

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) 09/917,602

B. Patent No.(s) _____

Additional numbers attached? Yes No

Title of Application: Treatment of Movement Disorders by Near-Diaphragmatic Nerve Stimulation

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

6. Total number of applications and patents involved: one

Name: Donald R. Greene
 Address: Blank Rome Comisky & McCauley LLP
900 17th Street, N.W., Suite 1000
Washington, D.C. 20006
 Telephone: (202) 530-7400

7. Total Fee (37 CFR 3.41) \$40.00
 Enclosed
 Charge deficiency to:

8. Deposit Account No. 23-2185
Duplicate of this page is attached

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9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct, and the original document is attached.

Donald R. Greene
Name of Person Signing

[Signature]
Signature

10/23/2001
Date

Total number of pages submitted: 2

DRG/CYBASRBB 082/10231

12/07/2001 ANNED1 0000066 232185 09917602
 01 FC:581 (40.00 CH)

PATENT
REEL: 012341 FRAME: 0230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
: :
BURKE T. BARRETT, ET AL. :
: : Group Art Unit: 3762
Serial No.: 09/917,602 :
: : Examiner: (not yet designated)
Filed: 07/28/2001 :


Title: TREATMENT OF MOVEMENT DISORDERS
BY NEAR-DIAPHRAGMATIC NERVE STIMULATION

ASSIGNMENT

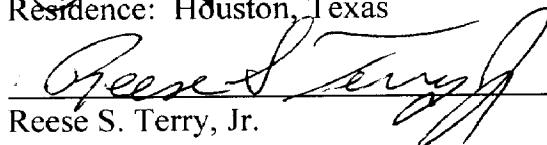
In consideration of my agreement with CYBERONICS, INC., and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I, a below named inventor, residing in the city listed below my name, hereby assign, transfer, and deliver to CYBERONICS, INC., a Delaware 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.

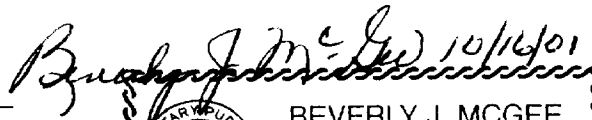
In witness whereof, I have executed this document with my signature under seal on the date below.



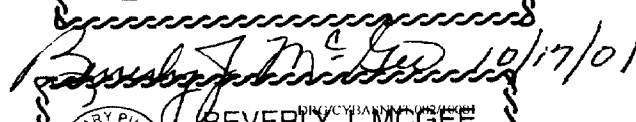
Burke T. Barrett
Residence: Houston, Texas
10/16/01 Date



Reese S. Terry, Jr.
Residence: Houston, Texas
10/17/01 Date



BEVERLY J. MCGEE
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
JUNE 25, 2004



BEVERLY J. MCGEE
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
JUNE 25, 2004

PATENT