

02-14-2002



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SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Customer No. 23910

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

## 1. Name of conveying party(ies):

James F. Zucherman      Ken Y. Hsu  
Charles A. Hartjen      Charles J. Winslow  
John Flynn      David Bohrer

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

## 2. Name and address of receiving party:

Name: St. Francis Medical Technologies, Inc.Address: 1900 Bates Avenue, Suite LConcord, California 94520

## 3. Nature of conveyance:

☒ Assignment      ☐ Merger  
☐ Security Agreement      ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: November 29, 2001 and January 15, 2002Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

A. Patent Application No.: 09/999,754B. Confirmation No.: 8760

Title: **INTERSPINOUS PROCESS IMPLANT SIZER  
AND DISTRATOR WITH A SPLIT HEAD  
AND SIZE INDICATOR AND METHOD**

Filed Date: October 31, 2001

## C. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

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

Name: Sheldon R. MeyerAddress: Fliesler Dubb Meyer & Lovejoy LLPFour Embarcadero Center, Fourth FloorSan Francisco, CA 94111Telephone: (415) 362-38006. Total Number of applications and patents involved: 1 X \$40.00 each7. Total fee (37 CFR 3.41).....\$ 40.00☒ Check Enclosed

8. *Fee Authorization.* Authorization is given to charge any additional fees or credit any overpayment to Deposit Account No. 06-1325.

Copy. (A duplicate copy of this authorization is not enclosed.)

## 9. Statement and signature.

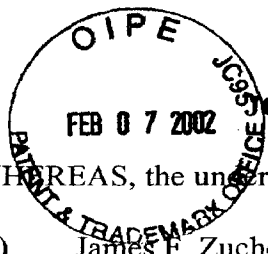
*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Scott D. Sanford  
Attorney (Reg. No.: P51,170)

Signature

January 29, 2002  
Date

10. Total number of pages to be recorded: 11 (1 page cover sheet and 10 page document).



JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned Inventors:

- (1) James F. Zucherman,  
a resident of San Francisco, California; and
- (2) Ken Y. Hsu,  
a resident of San Francisco, California; and
- (3) Charles A. Hartjen,  
a resident of Monkton, Maryland; and
- (4) Charles J. Winslow,  
a resident of Walnut Creek, California; and
- (5) John Flynn,  
a resident of Concord, California; and
- (6) David Bohrer,  
a resident of Barrington, Rhode Island.

have invented certain new and useful improvements in:

INTERSPINOUS PROCESS IMPLANT SIZER AND DISTRACTOR  
WITH A SPLIT HEAD AND SIZE INDICATOR AND METHOD

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

Said United States Patent Application bearing Serial No. \_\_\_\_\_ and filed on October 31, 2001, which was based on a provisional application having SC/Serial Number 60/323,508, and filed on September 18, 2001

WHEREAS St. Francis Medical Technologies, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 1900 Bates Avenue, Suite L, Concord, California 94520, State of California, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention,

including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed this instrument on the date as given below and delivered this instrument to said Assignee:

1. ✓ Said application having SC/Serial Number \_\_\_\_\_ and filed on the 31 day of October, 2001

Date of Execution of Declaration for Patent Application: 11/29/01

(1)   
James F. Zucherman

Date: 11/29/01

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

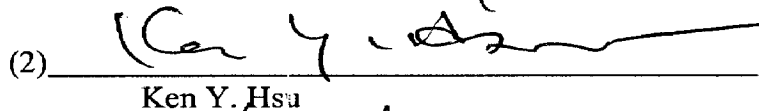
personally appeared James F. Zucherman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: 11/22/2001

(2)   
Ken Y. Hsu

Date: 11/22/2001

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared Ken Y. Hsu, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: \_\_\_\_\_

(3) \_\_\_\_\_  
Charles A. Hartjen

Date: \_\_\_\_\_

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared Charles A. Hartjen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: 11/29/01

(4) Charles J. Winslow  
Charles J. Winslow

Date: 11/29/01

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared Charles J. Winslow, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: 11/29/01

(5) John Flynn

Date: 11/29/01

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,

(name and title of officer)

personally appeared John Flynn, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: 11/29/01

(6) David Bohrer

Date: 11/29/01

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,

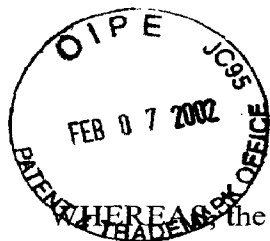
(name and title of officer)

personally appeared David Bohrer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*



Application No.: 09/999,754  
Filing Date: October 31, 2001

## JOINT TO CORPORATE ASSIGNMENT

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a resident of San Francisco, California; and
- (2) Ken Y. Hsu,  
a resident of San Francisco, California; and
- (3) Charles A. Hartjen,  
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- (4) Charles J. Winslow,  
a resident of Walnut Creek, California; and
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including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

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1.     ✓     Said application having SC/Serial Number \_\_\_\_\_ and filed on the 31 day of October, 2001

Date of Execution of Declaration for Patent Application: \_\_\_\_\_

(1) \_\_\_\_\_  
James F. Zucherman

Date: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared James F. Zucherman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.  
Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: \_\_\_\_\_

(2) \_\_\_\_\_  
Ken Y. Hsu

Date: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared Ken Y. Hsu, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.  
Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: 1/15/02

(3) Charles A. Hartjen  
Charles A. Hartjen

Date: 1/15/02

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared Charles A. Hartjen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: \_\_\_\_\_

(4) \_\_\_\_\_  
Charles J. Winslow

Date: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared Charles J. Winslow, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: \_\_\_\_\_

(5) \_\_\_\_\_  
John Flynn

Date: \_\_\_\_\_

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared John Flynn, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\*\*\*\*\*

Date of Execution of Declaration for Patent Application: \_\_\_\_\_

(6) \_\_\_\_\_  
David Bohrer

Date: \_\_\_\_\_

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(name and title of officer)

personally appeared David Bohrer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

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Page 5

Attorney Docket No.: KLYC-01053US1 SRM/SDS  
ssanford/klyc/1053us1/assign.wpd

251.001:060101  
11/29/01-11:42

RECORDED: 02/07/2002

PATENT  
REEL: 012567 FRAME: 0595