

02-27-2002

1171/39624/92-CIP



FORM PTO-1595
1-31-92

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PATENTS ONLY

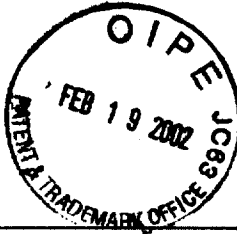
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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

1. Name of conveying party(ies)

- 1. Daniel John Smith
- 2. Hussein Kadhum
- 3. Malcolm David Smith

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



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

Name: FISHER & PAYKEL HEALTHCARE LIMITED

Internal Address: 78 SPRINGS ROAD, EAST TAMAKI

AUCKLAND, NEW ZEALAND

Street Address: SAME AS ABOVE

City: _____ State: _____ Zip: _____

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

3. Nature of conveyance:

- Assignment Merger
- Securing Agreement Change of Name
- Other _____

2-19-02

Execution Date: 1. October 19, 2001; 2. October 19, 2001; 3. October 19, 2001

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)

09/956,723 September 20, 2001

B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: RAIFORD A. BLACKSTONE, JR., ESQ.

Internal Address: **TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 West Adams Street
Chicago, IL 60603-6299**

Street Address: SAME AS ABOVE

City: _____ State: _____ Zip: _____

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41)..... **\$ 40.00**

Enclosed

Authorized to be charged to deposit account if check is missing or insufficient.

8. Deposit account number:

20-1495

(Attach duplicate copy of this page if paying by deposit account)

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.

Linda L. Palomar
Signing

Linda L. Palomar
Signature

January 23, 2002
Date

Total number of pages including cover sheet, attachments, and document: **2**

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TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. • 105 W. ADAMS ST. • CHICAGO, ILLINOIS 60603 • (312) 704-1890

PATENT
REEL: 012599 FRAME: 0476

ASSIGNMENT

WHEREAS, we Daniel John Smith of 6A Preston Avenue, Mt. Albert, Auckland, New Zealand, Hussein Kadhum of 2D Bel Air Drive, Hillsborough, Auckland, New Zealand and Malcolm David Smith of 29 Fernleigh Avenue, Royal Oak, Auckland, New Zealand, respectively, have invented certain new and useful improvements in Humidified Gases Delivery Apparatus for which we have executed an application for Letters Patent of the United States on the 19 day of October, 2001; and

WHEREAS, FISHER & PAYKEL HEALTHCARE LIMITED a corporation organized and existing under the laws of New Zealand having its principal place of business at 78 Springs Road, East Tamaki, Auckland, New Zealand hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the entire right, title and interest in and to said invention, said application, and in, to and under all Letters Patent of the United States and foreign countries that may be granted therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid by said ASSIGNEE, the receipt of which is hereby acknowledged, we, said Daniel John Smith, Hussein Kadhum and Malcolm David Smith, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over to and unto said ASSIGNEE, its successors and assigns, for, within and throughout the United States and the territories thereof, and all foreign countries, the entire right, title and interest in and to said invention, and in, to and under said application, and all Letters Patent of the United States and foreign countries (including all priority rights that we may have or acquire under any International Convention or treaty) that may be granted for said invention and improvements, including divisions, reissues, subdivisions, continuations and prolongations of such applications and Letters Patent, to have and to hold for the sole and exclusive use and benefit of said ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patents for said invention may issue.

We do hereby covenant and agree, for ourselves, our heirs and our legal representatives, that we will assist said ASSIGNEE in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that said ASSIGNEE may elect to make covering the invention herein identified, as hereinbefore set forth; in vesting in said ASSIGNEE like exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patent herein contemplated; and that we will execute and deliver to said ASSIGNEE any and all additional papers that may be requested by said ASSIGNEE to fully carry out the terms of this assignment.

We do hereby authorize and request our attorneys, Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd., of 105 West Adams Street, Chicago, Illinois 60603, to insert here in parentheses (Serial No. 09/956,723, filed September 20, 2001) the date and serial number of said application when officially known.

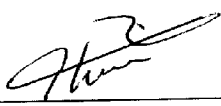
And we do hereby authorize and request the Commissioner of Patents to issue all Letters Patent of the United States that may be granted pursuant to the application aforesaid, or for said invention, to said ASSIGNEE, its successors and assigns, in accordance with this assignment.



Daniel John Smith

19-10-01

DATE



Hussein Kadhum

19-10-01

DATE



Malcolm David Smith

19-10-01

DATE

PATENT

RECORDED: 02/19/2002