

04-28-2003



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REGISTRATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

Docket No. 18721-7061

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

1. Name of conveying party(ies):
Andrew Jeung
Hassan Mostafavi
Majid L. Riaziat
Robert M. Sutherland
George Zdasiuk

4-23-03

Individual(s) Association
 General Partnership Limited Partnership
 Corporation-State Other

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

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

Name: **Varian Medical Systems, Inc.**
Address: **3100 Hansen Way**
City: **Palo Alto** State: **CA**
Zip Code: **94304-1038**

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

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other:

Execution Dates: **03/07/03; 03/06/03; 03/28/03; 03/06/03; 3/07/03**

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

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

A. Patent Application No.(s): 10/327,603 B. Patent No.(s):

Additional numbers attached? Yes No

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FINANCE SECTION

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

Peter C. Mei
Bingham McCutchen LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067

6. Total number of applications and patents involved: **1**

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

Enclosed
 Authorized to be charged to deposit account, referencing **billing no. 7012094002**

8. Deposit account number: **50-2518**

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 50-2518

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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.

Name: **Peter C. Mei** Date: 4/18/03
Registration No. **39,768** Signature

Total number of pages comprising cover sheet, attachments and document: **8**

Mail documents to be recorded with required cover sheet information to:
U.S. Patent and Trademark Office
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Box Assignments
Crystal Gateway 4, Room 335
Washington, D.C. 20231

04/25/2003 LMUELLER 00000102 502518 10327603
01 FC:8021 40.00 CH

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, **ANDREW JEUNG**, a citizen of the United States of America, **HASSAN MOSTAFAVI**, a citizen of the United States of America, **MAJID L. RIAZIAT**, a citizen of the United States of America, **ROBERT M. SUTHERLAND**, a citizen of the United States of America, and **GEORGE ZDASIUK**, a citizen of the United States of America (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled **METHOD AND SYSTEM FOR MONITORING BREATHING ACTIVITY OF A SUBJECT** for which application for Letters Patent of the United States of America was filed on **December 20, 2002**, assigned Serial No. **10/327,603**; and

WHEREAS, **VARIAN MEDICAL SYSTEMS, INC.**, a corporation organized and existing under and by virtue of the laws of the state of **DELAWARE** and having its place of business at **3100 Hansen Way, Palo Alto, California 94304-1038** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefore in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent

thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the United States Commissioner of Patents and Trademark and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Agreement.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign county, which may be necessary or desirable to carry out the purpose thereof.

WITNESS my hand at PALO ALTO, CALIFORNIA,

this 7th day of MARCH, 2003.

Andrew Jeung
ANDREW JEUNG

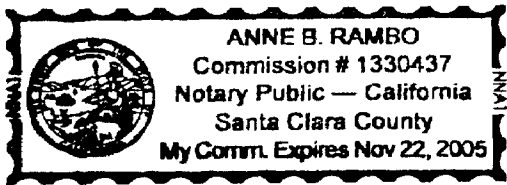
STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

On MAR 7, 2003 before me, *Anne B. Rambo*, Notary Public, personally
appeared Andrew Jeung

~~I 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.

Anne B. Rambo
Notary Public



WITNESS my hand at Palo Alto, California

this Sixth day of March, 2003.

[Signature]
HASSAN MOSTAFAVI

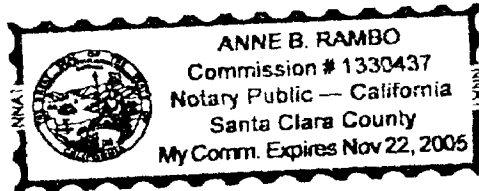
STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

On MAR 6, 2003 before me, ANNE B. RAMBO ^{NOTARY PUBLIC}, personally
appeared Hassan Mostafavi

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]
Notary Public in and for said County and State



WITNESS my hand at Palo Alto, California,

this 28th day of March, 2003.

Majid L. Riazat
MAJID L. RIAZIAT

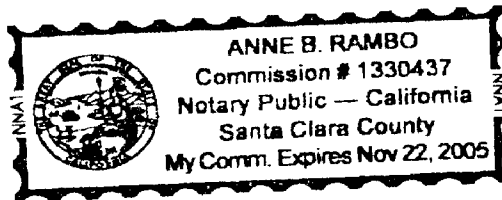
STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

On MAR 28, 2003 before me, ANNE B. RAMBO, NOTARY PUBLIC, personally appeared Majid L. Riazat

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.

Anne B. Rambo
Notary Public in and for said County and State



WITNESS my hand at Palo Alto California,
this 6th day of March, 2003.

Robert M. Sutherland
ROBERT M. SUTHERLAND

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

On MARCH 6, 2003 before me, ANNE B. RAMBO, ^{NOTARY PUBLIC}, personally
appeared Robert M. Sutherland

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.

Anne B. Rambo

Notary Public in and for said County and State

