


Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. 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): SHELTON, Frederick E. IV SETSER, Michael Earl WEISENBURGH, William Bruce II Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party(ies) Name: Ethicon, Inc. Internal Address: _____ Street Address: 4545 Creek Road City: Cincinnati State: OH Zip: 45242 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: 08/28/2003, 08/29/2003, 08/29/2003			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) 10/441,580 B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: David E. Franklin Internal Address: Frost Brown Todd LLC 2200 PNC Center Street Address: 201 East Fifth Street City: Cincinnati State: OH Zip: 45202			6. Total number of applications and patents involved: 1 7. Total fee (37 CFR 3.41): \$ 40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 06-2226		
DO NOT USE THIS SPACE					
9. Signature. David E. Franklin Name of Person Signing  Signature 25 Sep 03 Date Total number of pages including cover sheet, attachments, and documents: 5					

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

CH \$40.00 062226 10441580

ASSIGNMENT

DOCKET NO. END-906

Serial No. 10/441,580Filed May 20, 2003

WHEREAS, Frederick E. Shelton IV, a citizen of the United States, residing at 245 East Main Street, Hillsboro 45133, County of Highland, and State of Ohio; Michael Earl Setser, a citizen of the United States, residing at 2538 Flagstone Court, Burlington 41005, County of Boone, and Commonwealth of Kentucky, and William Bruce Weisenburgh II, a citizen of the United States, residing at 974 Airymeadows Drive, Maineville 45039, County of Warren, and State of Ohio, (hereinafter referred to as "ASSIGNORS"), have made certain new and useful inventions or discoveries relating to a SURGICAL STAPLING INSTRUMENT HAVING A FIRING LOCKOUT FOR AN UNCLOSED ANVIL, for which they have this day executed an application for Letters Patent of the United States; and

WHEREAS, Ethicon, Inc., a corporation formed under the laws of the State of Ohio, (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring Assignors' entire right, title, and interest therein:

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to them moving, the receipt of which is hereby acknowledged, Assignors have sold, assigned, and transferred, and do hereby sell, assign and transfer unto said Assignee their entire right, title and interest in and to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignees, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignors if this Assignment and sale had not been made;

And Assignors hereby authorize and request the Commissioner of Patents of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, Assignors covenant and agree with said Assignee that he has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title they warrant unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignors further covenant and agree that they will, whenever requested, but without cost to them promptly communicate to said Assignee or its representatives any facts known to them relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives,

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successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 28th day of August, 2003.

(L.S.) Frederick E. Shelton IV
Frederick E. Shelton IV

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

BE IT REMEMBERED, That on this 28th day of August, 2003, before me, a Notary Public, personally appeared FREDERICK E. SHELTON IV who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Kimberly Mellissa Moses
KIMBERLY MELLISSA MOSES
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 09-23-06

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IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 29th day of August, 2003.

(L.S.) Michael Earl Setser
Michael Earl Setser

STATE OF OHIO)
COUNTY OF HAMILTON) ss:

BE IT REMEMBERED, That on this 29th day of August, 2003, before me, a Notary Public, personally appeared Michael E. Setser, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Kimberly Mellissa Moses
Notary Public
KIMBERLY MELLISSA MOSES
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 09-23-06

END-906

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 29th day of August, 2003.

(L.S.)

W. Bruce Weisenburgh II
William Bruce Weisenburgh II

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

BE IT REMEMBERED, That on this 29th day of August, 2003, before me, a Notary Public, personally appeared William B. Weisenburgh II who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Kimberly Melissa Moses
Notary Public
KIMBERLY MELLISSA MOSES
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 09-23-06

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