

08-20-2003

Atty. Dkt. No. 38349-0103E



102529154

RECORDATION FORM COVER SHEET
PATENTS ONLY

Form PTO-1595

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

1. Name of Conveying party(ies):
THE FOUNDRY, LLC
8.18.03
Additional name(s) of conveying party(ies) attached? ___ Yes X No

2. Name and address of receiving Party(ies)
Emphasys Medical, Inc.
2686 Middlefield Road
Suite A
Redwood City, California 94063
Additional name(s) & address(es) attached? ___ Yes X No

3. Nature of conveyance:
X Assignment ___ Merger
___ Security Agreement ___ Change of name
___ Other
Execution Date: August 14, 2000

2003 AUG 18 11:58
OPR/FINANCE

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):
10/303,318

B. Patent No.(s)

Additional numbers attached? ___ Yes X No

5. Name and address of party to whom correspondence concerning document should be mailed:
Stephanie L. Seidman
HELLER EHRMAN WHITE & MCAULIFFE LLP
4350 La Jolla Village Drive
7th Floor
San Diego, CA 92122-1246

6. Total number of Applications and patents involved: 1
7. Total fee (37 CFR 3.41) \$ 40.00
X Enclosed
X Authorized to charge any underpayment to deposit account

8. Deposit account Number: 50-1213

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.

Fred C. Hernandez
Name of Person Signing
Registration No. 41,832

[Signature]
Signature

August 14, 2003
Date

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

08/19/2003 LMUELLER 00000124 10303318

01 FC:8021

40.00 DP

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, MARK E. DEEM, HANSON S. GIFFORD, III, RONALD FRENCH and DOUGLAS SUTTON, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES

Filing date: March 4, 2000

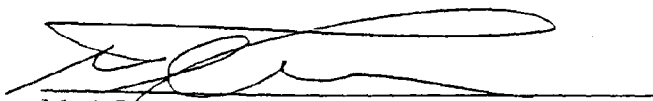
Application No.: 09/519,735

WHEREAS, THE FOUNDRY, a Delaware corporation, located at 604-D Fifth Avenue, Redwood City, California 94063, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same:

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interests to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.


IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.



 Mark E. Deem

6/21/00

 Date



 Hanson S. Gifford, III

6/21/00


 Date



 Ronald French

6-21-00

 Date



 Douglas Sutton

6.22.00

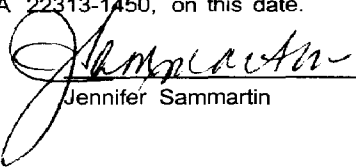
 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Deem *et al.*
Serial No.: 10/303,318
Customer No.: 24961
Filed: November 22, 2002
For: **METHODS AND DEVICES FOR USE
IN PERFORMING PULMONARY
PROCEDURES**
Art Unit: 3743
Examiner: Not yet assigned

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Assignment Recordation Services
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on this date.

08/14/03
Date


Jennifer Sammartin


TRANSMITTAL LETTER

Mail Stop Assignment Recordation Services
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed for recording are Assignments of the above-identified patent application to **The Foundry and Emphasys Medical, Inc.** Included are the following:

- 1) Two (2) Recordation Form Cover Sheets;
- 2) Copy of two (2) executed Assignments by inventors Mark E. Deem, Hanson S. Gifford, III, Ronald French and Douglas Sutton and assignor The Foundry, LLC;
- 3) Check in the amount of \$80.00 for the recordation fees;
- 4) Return postcard.
- The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE

By: 
Fred C. Hernandez
Registration No. 41,832

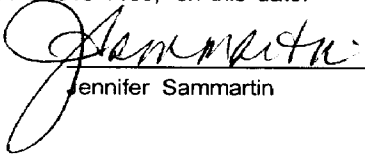
FCH:jl
Attorney Docket 38349-0103C
Address all correspondence to:
Stephanie L. Seidman, Esq.
HELLER EHRMAN WHITE & McAULIFFE
4350 La Jolla Village Drive, 7th Floor
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Serial No.: 10/303,318
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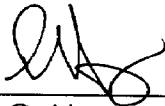
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Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE

By: 
Fred C. Hernandez
Registration No. 41,832

FCH:jls
Attorney Docket 38349-0103C
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