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Patent and Trademark Office

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

10-20-03

1. Name of conveying party(ies)
DANIEL JOHN SMITH; NATHAN LEE GRAY and BLAIR VICTOR SKELTON

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: 15 Maurice Paykel Place, 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 _____

Execution Date: September 10, 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)

10/656,574 September 5, 2003

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)

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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.

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Paige A. Kitzinger
Signing

Paige A. Kitzinger
Signature

10/16/03
Date

ASSIGNMENT

WHEREAS, we **Daniel John Smith of 6A Preston Avenue, Mt. Albert, Auckland, New Zealand; Nathan Lee Gray of 67A Wellington Street, Howick, Auckland, New Zealand and Blair Victor Skelton of 864C Main Waiuku Road, RD3, Pukekohe, New Zealand**, have invented certain new and useful improvements in **CONDUIT AND METHOD OF FORMING** for which we have executed an application for Letters Patent of the United States on the fifth day of September, 2003; and

WHEREAS, **FISHER & PAYKEL HEALTHCARE LIMITED**, a corporation organized and existing under the laws of **New Zealand** having its principal place of business at **15 Maurice Paykel Place, 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 and each of us in hand paid by said ASSIGNEE, the receipt of which is hereby acknowledged, we, said **Daniel John Smith, Nathan Lee Gray and Blair Victor Skelton** 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. 10/656,574 filed 9/5/2003) 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.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

Date: 9-10-03



DANIEL JOHN SMITH

Date: 9/10/03



NATHAN LEE GRAY

Date: 9/10/03



BLAIR VICTOR SKELTON