

12/10/03

12-19-2003

Attorney Docket No. AXM-6666

FORM PTO-1595
(Rev. 6-93)
OMB No. 0651-0011(exp. 4/94)

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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

102627899

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

1. Name of conveying party(ies):
Lee Strnad
James M. Kuras
Keith Duke
Kari Zimmers
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: Axiomed Spine Corporation
Internal Address: _____
Street Address: Commerce Park IV
23240 Chagrin Blvd.
City: Beachwood State: OH ZIP: 44122
Additional name(s) & address(es) attached? Yes No

19270 U.S. PTO
10/731942
121003

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____
Execution Date: December 5, 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: December 2, 2003
A. Patent Application No.(s)
101731942
B. Patent No.(s)
Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: James L. Tarolli
Internal Address: _____
Street Address: 526 Superior Avenue, Suite 1111
City: Cleveland State: OH ZIP: 44114

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
8. Deposit account number: _____
(Attach duplicate copy of this page if paying by deposit account)

12/18/2003 LMUELLER 00000261 10731942
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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.
James L. Tarolli Name of Person Signing
James L. Tarolli Signature
12/10/03 Date

Total number of pages including cover sheet, attachments, and document: 6

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

PATENT
REEL: 014796 FRAME: 0829

ASSIGNMENT

WHEREAS, we, Edward C. Benzel, of Gates Mills, County of Cuyahoga, and State of Ohio, Isador H. Lieberman, of Pepper Pike, County of Cuyahoga, and State of Ohio, Lee Strnad, of Broadview Heights, County of Cuyahoga, and State of Ohio, James M. Kuras, of Macedonia, County of Summit, and State of Ohio, Raymond S. Ross, of 9 Gresham Way, Sale M33 3UY, England, Charles F. Birchall, Jr., of Mentor, County of Lake, and State of Ohio, Keith Duke, of Cleveland, County of Cuyahoga, and State of Ohio, and Kari Zimmers of Solon, County of Cuyahoga, and State of Ohio, have made new and useful improvements in METHOD AND APPARATUS FOR REPLACING A DAMAGED SPINAL DISC;

WHEREAS, AxioMed Spine Corporation, a corporation duly organized and existing under the laws of the State of Ohio, having a place of business at Beachwood, County of Cuyahoga, State of Ohio, is desirous of acquiring the entire right, title and interest in and to the said improvements and all patents therefor to be obtained in the United States of America and countries foreign to the United States;

NOW THEREFORE, BE IT KNOWN that for valuable considerations to me paid, the receipt whereof is hereby acknowledged, we, the said, Edward C. Benzel, Isador H. Lieberman, Lee Strnad, James M. Kuras, Raymond S. Ross, Charles F. Birchall, Jr., Keith Duke and Kari Zimmers do hereby assign, sell and set over unto the said AxioMed Spine Corporation its successors or assigns, the entire right, title and interest in and to the said improvements and any and all inventions pertaining thereto, the application for United States patent executed by us on the _____ day of _____ 2003, the _____ day of _____ 2003, the 5th day of December 2003, the 5th day of December 2003, the _____ day of _____ 2003, the _____ day of _____ 2003, the 5th day of December 2003, and the 5th day of December 2003, all patents granted therefor in the United States of America and elsewhere, and the right to apply for patents therefor in all countries foreign to the United States and to claim for such applications the priority of United States applications, and we hereby request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents, to issue such patents to the said AxioMed Spine Corporation its successors or assigns; and we further agree to execute such other applications and other instruments and do all other acts as may be deemed necessary by the said AxioMed Spine Corporation its successors or assigns in order to fully secure, protect and preserve its rights to the said improvements and to obtain patents therefor in the United States of America and all countries foreign to the United States, all without further consideration but at the expense of the said AxioMed Spine Corporation its successors or assigns.

Signed at _____

County of _____ and State of _____

this _____ day of _____, 2003.

Edward C. Benzel

STATE OF

} SS:

COUNTY OF

On this ___ day of _____, 2003, personally appeared before me Edward C. Benzel to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Notary Public

Signed at _____

County of _____ and State of _____

this _____ day of _____, 2003.

Isador H. Lieberman

STATE OF

} SS:

COUNTY OF

On this ___ day of _____, 2003, personally appeared before me Isador H. Lieberman to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Notary Public

Signed at AXIOMED SPINE CORP.

County of CUYAHOGA and State of OH

this 5th day of DECEMBER, 2003.

Lee Strnad

Lee Strnad

STATE OF OH

} SS: 283-60-5316

COUNTY OF CUYAHOGA

On this 5th day of December, 2003, personally appeared before me Lee Strnad to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Theresa M. Dielman (Henry)

Notary Public



THERESA M. DIELMAN
Notary Public - State of Ohio
My Commission Expires Aug. 14, 2004

Signed at Axio Med Spine Corp

County of Cuyahoga and State of Ohio

this 5 day of December, 2003.

James M. Kuras
James M. Kuras

STATE OF Ohio

COUNTY OF Cuyahoga } SS: 288-50-1847

On this 5th day of December, 2003, personally appeared before me James M. Kuras to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Theresa M. Dielman (Henry)
Notary Public



THERESA M. DIELMAN
Notary Public - State of Ohio
My Commission Expires 12/31/2004

Executed this _____ day of _____, 2003.

Raymond S. Ross

Witnessed:

Signed at _____
County of _____ and State of _____
this _____ day of _____, 2003.

Charles F. Birchall, Jr.
STATE OF _____
} SS:
COUNTY OF _____

On this ____ day of _____, 2003, personally appeared before me Charles F. Birchall, Jr. to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Notary Public

Signed at AXIOMED SPINE CORP
County of Cuyahoga and State of OHIO
this 5 day of December, 2003.

[Signature]
Keith Duke

STATE OF Ohio
} SS: 300-70-8845
COUNTY OF Cuyahoga

On this 5th day of December, 2003, personally appeared before me Keith Duke to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

[Signature]
Notary Public



THERESA M. DIELMAN
Notary Public - State of Ohio
My Commission Expires April 14, 2004

Signed at Axiomed Spine Corp.

County of Cuyahoga and State of Ohio

this 5th day of December, 2003.

Kari B. Zimmers
Kari Zimmers

STATE OF Ohio

COUNTY OF Cuyahoga } SS: 169-62-3076

On this 5th day of December, 2003, personally appeared before me Kari Zimmers to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Theresa M. Dielman (Henry)
Notary Public



THERESA M. DIELMAN
Notary Public - State of Ohio
My Commission Expires Aug. 14, 2004