



09-15-2004



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Commissioner of Patent and Trademark

Please record the attached original

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| <p>1. Name of conveying party(ies):</p> <p><u>Christopher Rogers</u> <u>John Daniel Malone</u></p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>2. Name and address of receiving party(ies):</p> <p>Name: <u>DePuy Acromed Inc.</u></p> <p>Street Address: <u>325 Paramount Drive</u></p> <p>City: <u>Raynham</u> State: <u>MA</u> Zip: <u>02767</u></p> <p>Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>2/19/02</u></p> | |
| <p>4. Application number(s) or patent number(s):</p> <p>If this document is being filed together with a new application, the execution date of the application is:</p> <p>A. Patent Application No.(s) <u>09/998,972</u> B. Patent No.(s)</p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | |
| <p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p><u>Philip S. Johnson, Esq.</u> <u>Chief Patent Counsel</u> <u>Johnson & Johnson</u> <u>One Johnson & Johnson Plaza</u> <u>New Brunswick, NJ 08933-7003</u></p> | <p>6. Total number of applications & patents involved: <u>1</u></p> <p>7. Total fee (37 CFR 3.41) <u>\$40.00</u></p> <p><input checked="" type="checkbox"/> Authorized to be charged to Deposit Account</p> <p>8. Deposit Account Number: <u>10-0750/TMD/DEP0639</u></p> |
| <p>9. Statement and signature</p> <p><i>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.</i></p> <p><u>Thomas M. DiMauro</u> <u><i>Thomas M. DiMauro</i></u> <u>Feb. 19, 2002</u></p> <p>Registration Number <u>35,490</u></p> <p>Name of Person Signing Signature Date</p> <p>Total number of pages including cover sheet, attachments, and document: <u>3</u></p> | |

Mail documents to be recorded with required cover sheet information to:

Box Assignments
Commissioner of Patent and Trademarks
Washington, D.C. 20231

09/13/2004 ECOOPER 00000164 100750 09998972

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DOCKET NO. DEP 0639
Joint Inventors

A S S I G N M E N T

Serial No.09/998,972
Filed 10/31/2001

WHEREAS, Christopher Rogers and John Daniel Malone, residing at 120 Dean Street, Apt. 304B, Taunton, MA 02780 and 50 Abbott Run Valley, Unit 1927, Cumberland, RI 02864 respectively (hereinafter called "Assignors"), have made certain new and useful inventions or discoveries relating to

Vertebral Endplate Chisel

for which they have on the 31st day of October, 2001 filed an application for Letters Patent of the United States; and

WHEREAS, DePuy AcroMed, a corporation of the State of Ohio, (hereinafter called "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 Assignee, 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, 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, Assignors have hereunto set their hands and seals this 19th day of February, 2002

Christopher Rogers (L.S.)

J. Daniel Malone (L.S.)

COMMONWEALTH OF Massachusetts)
) ss.
 COUNTY OF Bristol)

BE IT REMEMBERED, That on this 19th day of Feb., 2002, before me, a Notary Public, personally appeared Christopher Rogers and John Daniel Malone, who I am satisfied are the persons named in and who executed the foregoing instrument in my presence, and I having first made known to them the contents thereof, they did acknowledge that they signed, sealed, and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

Karen M. Day
 Notary Public

My commission expires: 10/2/03