

06-16-2004



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COVER SHEET

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

1. Name of conveying party(ies):  
Raymond S. Ross and Charles F. Birchall, Jr.

2. Name and address of receiving party(ies)

Name: AxioMed Spine Corporation

Internal Address: Commerce Park IV

Additional name(s) of conveying party(ies) attached  Yes  No

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other \_\_\_\_\_

Execution Date: May 13 and February 10, 2004

Street Address: 23240 Chagrin Boulevard, Suite 530

City: Beachwood State: OH Zip: 44122

Additional name(s) and address(es) attached?  Yes  No

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): 10/731,964,  
filed December 10, 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: James L. Tarolli

Internal Address: Tarolli, Sundheim, Covell,

& Tummino L.L.P.

Street Address: 526 Superior Avenue, Suite 1111

City: Cleveland State: Ohio Zip: 44114-1400

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$40.00

- Enclosed is a check for the amount indicated above.
- Authorized to be charged to deposit account.

8. Deposit Account No.

20-0090 (charge for insufficient fees only)

(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

James L. Tarolli  
Name of Person Signing  
Reg. No. 36,029

James L. Tarolli  
Signature

6/11/04  
Date

Total number of pages including cover sheet, attachments, and document: 3

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

# ASSIGNMENT

WHEREAS, we, Raymond S. Ross and Charles F. Birchall, Jr., of 9 Gresham Way, Sale M33 UY, England; and of Mentor, County of Lake, and State of Ohio, respectively, have made new and useful improvements in **METHOD AND APPARATUS FOR REPLACING A DAMAGED SPINAL DISC**; for which application for Letters Patent of the United States has been filed on December 10, 2003 under Serial No. 10/731,964

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 us paid, the receipt whereof is hereby acknowledged, we, the said Raymond S. Ross and Charles F. Birchall, Jr., 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, said application Serial No. 10/731,964, for the United States patent, 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.

Executed this 13th day of May, 2004.


Raymond S. Ross  
Raymond S. Ross

Julian F. Oldham  
Witness

Susan Brooks  
Witness

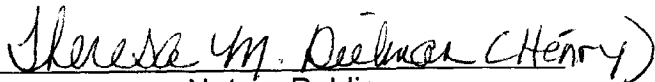
Signed at  
County of Cuyahoga  
This 10th

and State of Ohio  
day of February, 2004.

  
\_\_\_\_\_  
Charles F. Birchall, Jr.

STATE OF Ohio )  
COUNTY OF Cuyahoga )

On this 10th day of February, 2004.  
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



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