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To the Honorable Commissioner of Patents and Trademarks. Attached original documents or copy thereof

1. Name of conveying party(ies):

**Clark R. Baker, Jr.**

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

2. Name and address of receiving party(ies)

**Nellcor Puritan Bennett Incorporated**  
4280 Hacienda Drive  
Pleasanton, California 94588

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

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other:

Execution Date: June 10, 2004

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): 10/796,566

B. Patent No(s):

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Paul C. Haughey**  
**TOWNSEND AND TOWNSEND AND CREW LLP**  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
(415) 576-0200

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: 20-1430

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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.*

**Paul C. Haughey**  
Name of Person Signing  
Atty. Reg. No. 31,836

Signature

July 20, 2004  
Date

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

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

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**PATENT**  
**REEL: 015591 FRAME: 0811**

**ASSIGNMENT OF PATENT APPLICATION**

SOLE

WHEREAS, **Clark R. Baker, Jr.** of 18493 Magee Way, Castro Valley, California 94546, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:           **PULSE OXIMETER WITH ALTERNATE HEART-RATE DETERMINATION**  
Filing Date:                 **March 8, 2004**  
Application No.:             **10/796,566; and**

WHEREAS, **Nellcor Puritan Bennett Incorporated**, a corporation of the State of Delaware, located at 4280 Hacienda Drive, Pleasanton, California 94588, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has 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 in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from 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 interest is 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 Assignor 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.

Assignor further agrees that Assignor 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 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, Assignor has signed his name on the date indicated.

Dated: 6/10/2004

  
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**Clark R. Baker, Jr.**