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Docket No.: 41942-05547

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SHEET

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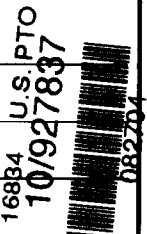
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Alvin Mark Terry
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Address: **3030 Ohmeda Drive**

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4. Application number(s) or patent numbers(s):
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5. Name and address of party to whom correspondence concerning document should be mailed:
Name: **Robert B. Berube**
Registration No. **39,608**
Address: **Marsh Fischmann & Breyfogle LLP**
3151 South Vaughn Way, Suite 411

City: **Aurora** State/Prov.: **CO**
Country: **USA** ZIP: **80014**

6. Total number of applications and patents involved: **1**
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Robert B. Berube *Robert B. Berube* **August 27, 2004**
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3

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PATENT
REEL: 015743 FRAME: 0301

**ASSIGNMENT
& APPOINTMENT OF COMMON REPRESENTATIVE**

WHEREAS, I, ALVIN MARK TERRY of 8015 North 107th, Longmont, Colorado 80504, have invented a certain new and useful invention entitled "MULTI-DOMAIN MOTION ESTIMATION AND PLETHYSMOGRAPHIC RECOGNITION USING FUZZY NEURAL-NETS" for which a patent application has been prepared for filing with the United States Patent & Trademark Office, said application being identified as Attorney File No. 41942-05543;

NOW THEREFORE, be it known that I, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, **DATEX-OHMEDA, INC.** a Delaware corporation having a place of business at 3030 Ohmeda Drive, Madison Wisconsin 53707, its successors, legal representatives and assigns, the aforesaid application and all rights to claim priority directly or indirectly to the aforesaid application and all continuation, divisional, continuation-in-part and reissue applications, all patent applications that claim priority directly or indirectly to the aforesaid application, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty and all applications for extension filed or to be filed for the invention(s), and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention(s) in the United States or any other country; I also assign any right, title or interest in and to the invention(s) that has not already been transferred to the assignee; I warrant that no assignment of the invention(s), application or patent therefor has been made to a party other than **DATEX-OHMEDA, INC.**; I warrant that there is no obligation to make any assignment of the invention(s), application, or any patent therefor to any party other than **DATEX-OHMEDA, INC.**; and I further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention(s), but at the expense of said assignee.

The Commissioner For Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment to **DATEX-OHMEDA, INC.**, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

Furthermore, I hereby irrevocably appoint **DATEX-OHMEDA, INC.**, its successors, legal representatives and assigns, as common representative for any and all international patent applications filed pursuant to the Patent Cooperation Treaty, and all national phase applications derived therefrom, concerning the invention(s) or claiming priority from the aforesaid application.

IN WITNESS WHEREOF, the party hereto has executed this Assignment & Appointment of Common Representative as of the date indicated hereunder.

Date: 8/27/04 By: Alvin M Terry
ALVIN MARK TERRY

STATE OF

Colorado

COUNTY OF

ss.
Boulder

Before me, a Notary Public in and for said County and State, personally appeared **ALVIN MARK TERRY**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 27th day of August, 2004.

Kristen L. Braun

Notary Public

My Commission Expires: 5-5-07

