

08-11-2004



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Patent and Trademark Office

FORM PTO-1595  
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OMB No. 0651-0011 (exp. 4/94)  
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F-909

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

<p>1. Name of conveying party(ies):</p> <p>Board of Regents of the University of Texas System</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>TheraSense, Inc. 1360 Loop Road Alameda, California 94502</p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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3. Nature of conveyance:

<input type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input checked="" type="checkbox"/> Other: Ratification of Assignments	

Execution Date: January 11, 2001

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:

<p>A. Patent Application No.(s)</p> <p>6592745</p>	<p>B. Patent No.(s)</p> <p>Schedule A1</p>
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Additional numbers attached?  Yes  No

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<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: Mara E. Liepa Address: Merchant &amp; Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903</p>	<p>6. Total number of applications and patents involved: 1</p> <p>7. Total fee (37 CFR 3.41): \$40.00</p> <p><input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725</p>
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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.

<p>Mara E. Liepa Name of Person Signing</p>	 Signature	<p>Aug 3 2004 Date</p>
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Total number of pages including cover sheet, attachments, and document: 16

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23552  
PATENT TRADEMARK OFFICE

**Schedule A1**

Issue Date	Patent No.
07/15/2003	6,592,745 B1

## RATIFICATION OF ASSIGNMENTS

**THIS AGREEMENT** is made between the Board of Regents of The University of Texas System, an agency of the State of Texas, having a principal address at 201 West 7<sup>th</sup> Street, Austin, Texas 78701 (hereinafter "the University") and TheraSense Inc., a corporation organized and existing under and by virtue of the laws of the State of California, and having an office and place of business at 1360 South Loop Road, Alameda, California 94502 (hereinafter "TheraSense").

**WHEREAS** the University, Adam Heller, and E. Heller & Company ("EHC") entered into an agreement entitled "Assignment of Patent Rights and Technology" dated August 1, 1991 which was subsequently amended by two further agreements, a "First Amendment to the Agreement Entitled 'Assignment of Patent Rights and Technology' entered into August 1, 1991 Between The University of Texas, Adam Heller, and E. Heller and Company" dated March 19, 1998 and a "Sponsored Research Agreement No. UTA 98.0296". Under these Agreements (hereinafter "the Assignment Agreements") the University promised to assign to EHC intellectual property rights in certain inventions discovered by University Employees, which includes faculty members (including but not limited to Adam Heller), graduate students, visiting professors, and post-doctoral fellows having a duty to assign their inventions to the University under the University's Intellectual Property Policy;

**WHEREAS** in view of the Assignment Agreements, one or more University Employee (listed in Schedule A, hereinafter "University Employees") assigned rights to their Inventions (listed in Schedule B) directly to EHC or TheraSense and not first to the University, the University having been obligated at that time to assign the rights to EHC. In some instances, assignment was first made to the University, which then assigned to EHC either through a patent-specific assignment document, or via one or more of the Assignment Agreements listed above,

**WHEREAS** pursuant to Section 15.1 of the Assignment Agreement EHC has assigned these agreements to TheraSense, with the University's prior written consent; and

**WHEREAS** the University, TheraSense and EHC desire to clarify the chain of title of the Inventions;

**NOW THEREFORE:**

- (1) The University and TheraSense fully ratify the prior assignment of any of the Inventions listed in Schedule B to EHC or TheraSense by University Employee inventors as though those assignments had first been made to the University and subsequently assigned to EHC or TheraSense.

- (2) If any future direct assignment of Inventions to TheraSense Inc. are made by University Employee inventors rightfully covered by the terms of the Assignment Agreements or subsequent modifications thereto, the University agrees that such future direct assignments will be regarded as proper and in compliance with the established course of dealing between the University and TheraSense, and that such future direct assignments will not be challenged by the University on the grounds that the assignment was not first made to the University.
- (3) The University acknowledges and agrees that to the extent any of the University Employees listed in Schedule A are covered by the University's Intellectual Property Policy, that the University will make any and all payments to the inventors of their share of the royalty income to which they are or may become entitled as the University would have done or will do as if the assignments had first been made to the University and then to EHC or TheraSense rather than directly to EHC or TheraSense. The University makes known hereby that Prof. Wolfgang Kerner, a coinventor on US Patent #5,264,104 and on Serial #PCT/US93/02588 and Japan Patent Application Serial #5520191 as listed on Schedule B, is not a University Employee and is not subject to the University's Intellectual Property Policy.
- (4) The University acknowledges and agrees that the inventions listed in Exhibit C were coinvented by University Employees in their capacity as consultants to EHC or to TheraSense, and not in their capacity as University Employees, and that these inventions are not directly related to the work of the University employees at the University, and that the coinventions did not involve the use of University facilities or resources, and that the University therefore has no ownership interest in these inventions under the University's Intellectual Property Policy.

IN WITNESS WHEREOF, the parties have caused this Ratification of Assignments to be executed by their duly authorized representatives, effective October 10, 2000.

THE BOARD OF REGENTS OF  
THE UNIVERSITY OF TEXAS SYSTEM

THERASENSE INC.

By: *JM Sanchez*  
Juan M. Sanchez, Ph.D.  
Vice President for Research

By: *Ephraim Heller*  
Ephraim Heller  
Vice President, Business  
Development

Date: JAN 11 2001

Date: 12/13/00

APPROVED AS TO FORM:

ACKNOWLEDGED AND  
AGREED TO:

By: *Beth Lynn Maxwell*  
Beth Lynn Maxwell, Ph.D., J.D.  
Office of General Counsel  
The University of Texas System

By: *Adam Heller*  
Adam Heller  
Sr. Research Engineer, Ph.D.

Date: 3 Jan 01

Date: Dec 14 2000

SCHEDULE AUniversity of Texas EmployeesStatus

Roger T. Bonnacaze	faculty member
Charles Campbell	graduate student
Daren Caruana	graduate student
Qiang Chen	graduate student
Ting Chen	graduate student
Angela C. Freeland	graduate student
Amihay Freeman	visiting professor
Keith Friedman	graduate student
George Georgiou	faculty member
Brian Gregg	postdoctoral fellow
Gerhard Hartwich	postdoctoral fellow
Adam Heller	faculty member
Ioanis Katakis	graduate student
Gregg Kenausis	graduate student
Thierry de Lumley-Woodyear	graduate student
Ruben Maidan	graduate student
Michael Pishko	graduate student
Mark Vreeke	graduate student; postdoctoral fellow; TheraSense employee in 1996
Chaim Yaritzky	visiting professor

# SCHEDULE B

Attorney Docket No.	U.S. Serial No.	Filing Date	Grant No.	Title	Inventors: Affiliation	Assigned
					TS= TheraSense employee or consultant UT= University employee	
12008.01USCI	08/161,682	12/02/93	5,365,786	Interferant Eliminating Biosensors	A. Heller UT R. Maidan UT	UT UT
12008.1USI1	07/753,812	09/03/91	5,262,305	Interferant Eliminating Biosensors	R. Maidan UT A. Heller UT	UT UT
12008.02US01	07/389,226	08/02/89	5,626,035	Enzyme Electrodes	B. Gregg UT A. Heller UT	UT UT
12008.04US01	07/880,759	05/08/92	5,320,725	Electrode and Method for the Detection of Hydrogen Peroxide	A. Heller UT B. Gregg UT	UT UT
12008.04WO01	PCT/US93/02589	03/19/93		Electrode and Method for the Detection of Hydrogen Peroxide	A. Heller UT B. Gregg UT	UT UT
12008.04DEWO	P4392197.9	03/19/93		Electrode and Method for the Detection of Hydrogen Peroxide	A. Heller UT B. Gregg UT	UT UT
12008.04JPWO	5520192	03/19/93		Electrode and Method for the Detection of Hydrogen Peroxide	A. Heller UT B. Gregg UT	UT UT
12008.04EPWO	93908458.8			Electrode and Method for the Detection of Hydrogen Peroxide	A. Heller UT B. Gregg UT	UT UT

12008.05US01	07/880,760	05/08/92	5,264,104	Improved Enzyme Electrodes	A. Heller UT M. Pishko UT I. Katakis UT B. Gregg UT W. Kerner UT	EHC UT UT EHC UT
12008.05WO01	PCT/US93/0 2588	03/13/93		Improved Enzyme Electrodes	A. Heller UT M. Pishko UT I. Katakis UT B. Gregg UT W. Kerner UT	EHC UT UT EHC UT
12008.05JPWO	5520191	03/13/93		Improved Enzyme Electrodes	A. Heller UT M. Pishko UT I. Katakis UT B. Gregg UT W. Kerner UT	EHC UT UT EHC UT
12008.05USD1	08/032,806	03/17/93	5,264,105	Improved Enzyme Electrodes	A. Heller UT M. Pishko UT	EHC UT
12008.06US11	08/299,526	9/01/94	5,593,852	Subcutaneous Glucose Electrode	A. Heller UT M. Pishko UT	EHC UT
12008.06WO01	PCT/US95/1 1137	09/01/95		Subcutaneous Glucose Electrode	A. Heller UT M. Pishko UT	EHC UT
12008.06JPWO	8-508981	09/01/95		Subcutaneous Glucose Electrode	A. Heller UT M. Pishko UT	EHC UT
12008.06EPWO	95931676.1	09/01/95		Subcutaneous Glucose Electrode	A. Heller UT M. Pishko UT	EHC UT
12008.06USF1	08/767,110	12/04/96		Subcutaneous Glucose Electrode	A. Heller UT M. Pishko UT	EHC UT
12008.06USC2	09/229,235	01/12/99	5,965,380	Subcutaneous Glucose Electrode	A. Heller UT M. Pishko UT	EHC UT
12008.6USC3	09/334,480	06/16/99		Electrochemical Analyte Measurement System	A. Heller UT M. Pishko UT	EHC UT



12008.6USC4	09/356,102	07/16/99		Electrochemical Analyte Measurement System	A. Heller UT M. Pishko UT	EHC UT
12008.08US01	08/540,789	10/11/95	5,665,222	Soybean Peroxidase Electrochemical Sensor	A. Heller UT M. Vreeke UT	EHC EHC
12008.08WO01	PCT/US96/1 4534	09/11/96		Soybean Peroxidase Electrochemical Sensor	A. Heller UT M. Vreeke UT	EHC EHC
12008.08EPWO	96931520.9	09/11/96		Soybean Peroxidase Electrochemical Sensor	A. Heller UT M. Vreeke UT	EHC EHC
12008.08JPWO	JP 9515039	09/11/96		Soybean Peroxidase Electrochemical Sensor	A. Heller UT M. Vreeke UT	EHC EHC
12008.08US11	08/798,596	02/11/97	5,972,199	Electrochemical Sensors Using Thermostable Soybean Peroxidase	A. Heller UT G. Kenausis UT Q. Chen UT M. Vreeke UT	EHC EHC EHC EHC
12008.08USC1	09/291,230	04/13/99		Soybean Peroxidase electrochemical Sensor	A. Heller UT G. Kenausis UT Q. Chen UT M. Vreeke UT	EHC EHC EHC EHC
12008.08WO12	PCT/US98/0 2403	08/11/98		Electrochemical Sensors Using Thermostable Soybean Peroxidase	A. Heller UT G. Kenausis UT Q. Chen UT M. Vreeke UT	EHC EHC EHC EHC
12008.08EPWO	98907399.4	08/11/98		Electrochemical Sensors Using Thermostable Soybean Peroxidase	A. Heller UT G. Kenausis UT Q. Chen UT M. Vreeke UT	EHC EHC EHC EHC
12008.08JPW2	HI0534954	02/11/98		Electrochemical Sensors Using Thermostable Soybean Peroxidase	A. Heller UT G. Kenausis UT Q. Chen UT M. Vreeke UT	EHC EHC EHC EHC

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REEL: 015756 FRAME: 0428

12008.11US01	08/795,767	02/06/97		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS	EHC EHC EHC EHC
12008.11USC1	09/213,040	12/16/98		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS	EHC EHC EHC EHC
12008.11USC2	09/326,235	06/04/99		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS	EHC EHC EHC EHC
12008.11USD1	09/413,735	10/06/99		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS	EHC EHC EHC EHC
12008.11USW0	09/355,547	02/06/99		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS M. Tomasco TS	EHC EHC EHC EHC EHC
12008.11WO11	PCT/US98/0 2652	02/06/98		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS M. Tomasco TS	EHC EHC EHC EHC EHC
12008.11EPW1	98906328.4	02/06/98		Small Volume in vitro Analyte Sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS M. Tomasco TS	EHC EHC EHC EHC EHC

12008.11JPW1	HI 0535046	02/06/98		Small Volume in vitro Analyte sensor	A. Heller UT J. Say TS B. Feldman TS M. Vreeke TS M. Tomasco TS	EHC EHC EHC EHC EHC
12008.18WO01	PCT/US98/2 5685 WO 99/29230	12/04/98		Measurement and Modeling of Transient Difference Between Blood and Subcutaneous Glucose Concentrations in the Rat After Injection of Insulin	R. Bonnecaze UT A. Freeland UT	EHC EHC
12008.21WO01	PCT/US99/1 4460	06/24/99		Multi-Sensor Array for Electrochemical Recognition of Nucleotide Sequences and Methods	A. Heller UT T. DeLumley- Woodyear UT D. Caruana UT	EHC EHC EHC
12008.22US01	09/138,888	08/24/98		Electrochemical Affinity Assay	A. Heller UT C. Campbell UT	EHC EHC
12008.22WO01	PCT/US99/1 9120	08/24/99		Electrochemical Affinity Assay	A. Heller UT C. Campbell UT	EHC EHC
12008.23USU1	09/203,227	11/30/98		Biological Fuel Cell and Methods	A. Heller UT	EHC
12008.27WO01	PCT/US99/1 4459	06/24/99		Combinational Electrochemical Synthesis	A. Heller UT D. Caruana UT	EHC EHC
12008.30US01	09/145,776	08/24/98		Rapid Amperometric Verification of PCR Amplification of DNA	A. Heller UT T. DeLumley- Woodyear UT G. Georgiou UT A. Freeman UT	EHC EHC EHC EHC
12008.30WO01	PCT/US99/1 9130	08/24/99		Rapid Amperometric Verification of PCR Amplification of DNA	A. Heller UT T. DeLumley- Woodyear UT G. Georgiou UT A. Freeman UT	EHC EHC EHC EHC
12008.31US01	09/158,973	08/24/98		Potential Sensors for Analyte Determination	A. Heller UT C. Yarnitzky UT	EHC EHC

12008.44USPI	60/161,274	10/25/99	Stabilization of Nucleic Acid Hybrids Against Oxidation and Reduction	A. Heller G. Hartwich	EHC EHC
12008.47USPI	TBD	5/12/00	Electrodes with Multi-Layer Membranes and Methods of Using and Making the Electrodes	A. Heller K. Friedman T. Chen	TBD

**SCHEDULE C**  
**TheraSense Inventions Having No University of Texas Interest**

Attny Docket No.	U.S. Serial No.	Filing Date	Grant No.	Title	Inventors: Affiliation	Assigned
12008.15US01	09/070,677	04/30/98		Analyte Monitoring Device and Methods of Use	J. Say M. Tomasco A. Heller B. Aria F. Colman E. Heller P.J. Plante M. Vreeke K. Friedman Y. Gal	EHC EHC EHC EHC EHC EHC EHC EHC EHC EHC
12008.15WO01	PCT/US99/012 29 WO 99/56613	01/21/99		Analyte Monitoring Device and Methods of Use	J. Say M. Tomasco A. Heller B. Aria F. Colman E. Heller P.J. Plante M. Vreeke K. Friedman Y. Gal	EHC EHC EHC EHC EHC EHC EHC EHC EHC EHC

12008.32USC2	09/427,808	10/27/99		Small Volume In Vitro Analyte Sensor with Diffusible or Non-Leachable Redox Mediator	B. Feldman A. Heller E. Heller F. Mao J. Vivolo J. Funderburk F. Colman R. Krishnan	TS TS TS TS TS TS TS TS
12008.32WO01	PCT/US99/234 25	10/08/99		Small Volume In Vitro Analyte Sensor with Diffusible or Non-Leachable Redox Mediator	B. Feldman A. Heller E. Heller F. Mao J. Vivolo J. Funderburk F. Colman R. Krishnan	TS TS TS TS TS TS TS TS
12008.41USP1	60/165,565	11/15/99		Transition Metal Complexes and Their Use as Redox Mediators	A. Heller F. Mao	TS TS
12008.52USP1	60/194733	4/5/00		Reusable Ceramic Skin Piercing Device	A. Heller J. Say	TS TS
12008.52USP2	60/196217	4/5/00		Reusable Ceramic Skin Piercing Device	A. Heller J. Say	TS TS

12008.20WO01	PCT/US99/013 92 WO 99/45387	01/21/99		Subcutaneously Implantable Analyte Sensor	J. Say M. Tomasco A. Heller Y. Gal B. Aria E. Heller P.J. Plante M. Vreeke	EHC EHC EHC EHC EHC EHC EHC EHC
12008.32USU1	09/295,962	04/21/99		Small Volume In Vitro Analyte Sensor with Diffusible or Non- Leachable Redox Mediator	B. Feldman A. Heller E. Heller F. Mao J. Vivolo J. Funderburk F. Colman R. Krishnan	TS TS TS TS TS TS TS TS
12008.32USC1	09/413,565	10/6/99		Small Volume In Vitro Analyte Sensor with Diffusible or Non- Leachable Redox Mediator	B. Feldman A. Heller E. Heller F. Mao J. Vivolo J. Funderburk F. Colman R. Krishnan	TS TS TS TS TS TS TS TS

12008.16US01	09/034,422	03/04/98		Method for Making a Subcutaneously Implantable Analyte Sensor	J. Say M. Tomasco A. Heller B. Aria E. Heller P.J. Plante M. Vreeke Y. Gal	EHC EHC EHC EHC EHC EHC EHC EHC
12008.16WO01	PCT/US99/037 81 WO 99/45375	12/18/99		Method for Making a Subcutaneously Implantable Analyte Sensor	J. Say M. Tomasco A. Heller B. Aria E. Heller P.J. Plante M. Vreeke Y. Gal	EHC EHC EHC EHC EHC EHC EHC EHC
12008.20US01	09/034,372	03/04/98		Subcutaneously Implantable Analyte Sensor	J. Say M. Tomasco A. Heller Y. Gal B. Aria E. Heller P.J. Plante M. Vreeke	EHC EHC EHC EHC EHC EHC EHC EHC

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RECORDED: 08/09/2004

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