

10-20-2004

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To the Honorable Commissioner of Patents a.

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original documents or copy thereof.

1. Name of conveying party(ies):

Randal T. Byrum
Sean P. Conlon

2. Name and address of receiving party(ies):

Name: Ethicon-Endo Surgery, Inc.

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

Street Address 4545 Creek Road, #97

City: Cincinnati State: OH ZIP: 45242

Additional name(s) & address(es) attached? Yes No x

3. Nature of conveyance:

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

Execution Date: September 15, 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) 10/676,288

B. Patent No.(s)

Additional numbers attached? Yes No x

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

Name: David E. Franklin

Internal Address: FROST BROWN TODD LLC

Street Address: 2200 PNC CENTER
201 East Fifth Street

City: Cincinnati State: OH ZIP: 45202

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

(Attach duplicate copy of this page if paying by deposit count)

DO NOT USE THIS SPACE

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.

David E. Franklin, Reg. No. 39,194

Name of Person Signing, Registration Number

Signature

10/11/04

Date

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

6

10/19/2004 DBYRME 00000051 10676288

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CinLibrary 0021680.0515150 1441281v.1

ASSIGNMENT

DOCKET NO. END-5085

Serial No. 10/676,288

Filed 10-1-2003

WHEREAS, Randal T. Byrum, a citizen of the United States, residing at 6102 Olde Gate Court, County of Clermont, and State of Ohio; and Sean P. Conlon, a citizen of the United States, residing at 6234C North Shadow Hill Way, County of Clermont, and State of Ohio, (hereinafter referred to as "ASSIGNORS"), have made certain new and useful inventions or discoveries relating to a GASTRIC BAND INTRODUCTION DEVICE, for which they have this day executed an application for Letters Patent of the United States; and

WHEREAS, Ethicon Endo-Surgery, Inc., a corporation formed under the laws of the State of Ohio, (hereinafter referred to as "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 Assignees, 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, Assignor has hereunto set his hand and seal this 15th day
of SEPTEMBER, 2004.

(L.S.)

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

Randal T. Byrum
Randal T. Byrum

BE IT REMEMBERED, That on this 15th day of SEPTEMBER, 2004,
before me, a Notary Public, personally appeared Randal T. Byrum, who I am satisfied is the
person named in and who executed the foregoing instrument in my presence, and I having first
made known to him the contents thereof, he did acknowledge that he signed, sealed, and
delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Kimberly Mellissa Moses
Notary Public



KIMBERLY MELLISSA MOSES
Notary Public, State of Ohio
My Commission Expires
September 23, 2006

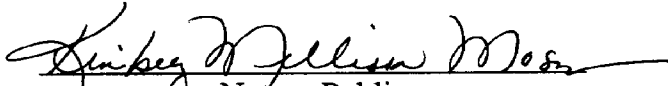
IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 15th day
of September, 2004.

(L.S.)


Sean P. Conlon

STATE OF Ohio)
COUNTY OF Hamilton) ss:

BE IT REMEMBERED, That on this 15th day of September, 2004,
before me, a Notary Public, personally appeared Sean P. Conlon, who I am satisfied is the person
named in and who executed the foregoing instrument in my presence, and I having first made
known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the
same as his voluntary act and deed for the uses and purposes therein expressed.


Notary Public



KIMBERLY MELLISSA MOSES
Notary Public, State of Ohio
My Commission Expires
September 23, 2006

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