

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

## 1. Name of conveying party(ies):

Primus Corporation

Additional name(s) of conveying party(ies) attached ☐  
yes ☒ no

## 3. Nature of Conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Foreclosure

Execution Date: May 14, 1991

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

Name: Richard B. Cray

Internal Address: \_\_\_\_\_

Street Address: Suite 711, 800 West 47th StreetCity Kansas City State MO Zip Code 64112

Additional name(s) &amp; 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)

B. Patent No.(s)

5,843,788

6,020,203

Additional numbers attached? ☐ Yes ☒ No

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

Name: Gregory J. SkochInternal Address: HOVEY WILLIAMS LLPStreet Address: 2405 GRAND BOULEVARD, SUITE 400City: KANSAS CITY State MO Zip 641086. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \_\_\_\_\_ \$ 80.00☐ Enclosed☒ Authorized to be charged to deposit account8. Deposit account number: 19-0522

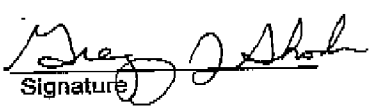
(Attach duplicate copy of this page if paying by deposit account)

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.

Gregory J. Skoch  
Name of Person Signing

Signature 

March 16, 2005  
Date

Total number of pages comprising cover sheet: 11

OMBNo. 0651-0011 (exp. 4/94)

Do not detach this portion

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

Mail Stop Assignment Recordation Services  
Director of the US Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C., 20231, and the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
A PROFESSIONAL CORPORATION

FACSIMILE NUMBERS:  
MISSOURI (816) 391-7800  
KANSAS (913) 339-9448

ONE KANSAS CITY PLACE  
35TH FLOOR  
1200 MAIN STREET  
KANSAS CITY, MISSOURI 64105-2107  
(816) 474-7400

KANSAS OFFICE  
7300 COLLEGE BOULEVARD  
OVERLAND PARK, KANSAS  
(913) 339-8585

April 12, 1991

VIA UNITED STATES MAIL AND VIA CERTIFIED MAIL, POSTAGE  
PREPAID, RETURN RECEIPT REQUESTED, RECEIPT NUMBER

C  
Primus Corporation  
4747 Troost Avenue  
Kansas City, Missouri 64110  
Attention: Paul L. Ray and  
James H. Rexroad, Jr.

Paul L. Ray, as Guarantor  
6279 East Jamison Drive  
Englewood, Colorado 80112

O  
CBI Investment Partners, L.P.  
c/o Missouri State Employee's  
Retirement System  
906 Leslie Boulevard  
Jefferson City, Missouri 65101  
Attention: Steve Yokum

William V. Miller, M.D.  
340 S. Ballas Road  
St. Louis, Missouri 63112

Re:

- P  
Y
1. Promissory Note dated October 19, 1990 in the principal amount of \$100,000.00 (the "Second Cray Note") executed by Primus Corporation, a Missouri corporation ("Primus"), in favor of Richard B. Cray.
  2. Guaranty dated October 18, 1990 (the "Guaranty") executed by Paul L. Ray in favor of Richard B. Cray (the "Guarantor").
  3. Security Agreement dated as of October 19, 1990 (the "Security Agreement") by and among Richard B. Cray, Paul Ray, William Miller and Primus.
  4. Agreement Regarding Bridge Loan dated as of October 19, 1990 ("Bridge Agreement") by and among Primus, Richard B. Cray, Paul L. Ray and William V. Miller, M.D.
  5. Promissory Note dated December 20, 1990 in the principal amount of \$20,000.00 (the "December Cray Note") executed by Primus in favor of Richard B. Cray, Trustee of the Richard B. Cray Trust.

Gentlemen:

We have been advised by our client, Richard B. Cray, that there has been a default in the payment of

10118202

April 12, 1991

Page 2

principal and interest of the Second Cray Note which was due on February 11, 1991. We have been further advised that there has been a default in the payment of principal and interest of the December Cray Note which was due on March 21, 1991. As you know, Mr. Cray forbore from collecting the amounts due under the Second Cray Note, the December Cray Note and the Guaranty while by Mr. Cray and Thomas J. Reidy attempted to negotiate a purchase and sale of the common stock, preferred stock, options and warrants of Primus from the holders thereof. Mr. Cray has advised us that these negotiations have ceased and that the proposed purchase and sale has been terminated.

On behalf of our client, demand is hereby made on Primus for the immediate payment of all amounts of principal, interest and all other sums due and owing to our client under the Second Cray Note and the December Cray Note. Demand is further made on the Guarantor for the immediate payment of all amounts of principal, interest and other sums due and owing to our client under the Second Cray Note and the Guaranty. Notice is also hereby given to Primus pursuant to the Security Agreement of our client's foreclosure on the Collateral (as defined therein) in the event payment in full under the Second Cray Note and the Guaranty are not received immediately. In the event immediate payment of all sums herein described is not received by Mr. Cray, we have been instructed to pursue all rights and remedies available at law or in equity against Primus and the Guarantor including, without limitation, the institution of one or more proceedings for collection of said payment as well as the costs and expenses of collection and all attorneys' fees incurred by Mr. Cray.

Payment should be made directly to Mr. Cray, 800 West 47th Street, Suite 711, Kansas City, Missouri 64112 or to Mr. Cray in care of us.

Notice is being provided hereunder to James H. Rexroad, Jr. in his capacity as a director and chief scientific officer of Primus; to Paul L. Ray in his individual capacity as Guarantor, in his capacity as a director, president and Chief Executive Officer of Primus, and in his capacity as an Accommodation Party under the Bridge Agreement; and to William V. Miller in his capacity as an Accommodation Party under the Bridge Agreement. Notice is being provided hereunder to CBI Investment Partners, L.P. to

10118202

April 12, 1991  
Page 3

comply with the applicable notice provisions of the Bridge Agreement and the Security Agreement.

Very truly yours,

SMITH, GILL, FISHER & BUTTS,  
a Professional Corporation

By

*P. Mitchell Woolery*  
P. Mitchell Woolery

PMW/dkc

cc: Richard B. Cray  
Thomas J. Reidy  
✓ Joseph L. Hiersteiner, Esq.  
Ned Fryor, Esq., attorney for William V. Miller, M.D.  
Janet Svoboda, Esq., attorney for Primus  
Tom Litz, Esq., attorney for MOSERS

10118202

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
A PROFESSIONAL CORPORATION

FACSIMILE NUMBERS  
MISSOURI (816) 391-7600  
KANSAS (913) 339-9446

ONE KANSAS CITY PLACE  
35TH FLOOR  
1200 MAIN STREET  
KANSAS CITY, MISSOURI 64105-2152  
(816) 474-7400

KANSAS OFFICE  
7300 COLLEGE BOULEVARD  
OVERLAND PARK, KANSAS  
(913) 339-0565

May 1, 1991

VIA U.S. MAIL AND VIA CERTIFIED MAIL  
POSTAGE PREPAID, RETURN RECEIPT REQUESTED  
RECEIPT NO. P 376029513

Primus Corporation  
4747 Troost Avenue  
Kansas City, Missouri 64110  
Attn: James H. Rexroad, Jr.

Re: Notice of Public Sale of Primus Technology

Dear Jace:

You are hereby notified of a public sale of Primus' licenses, patents and technology related to glyated hemoglobin (GHb) tests, glyated plasma protein (GPP) tests, and acetaldehyde tests. The licenses, patents and technology will be offered on an as is basis to the highest bidder for cash at 800 West 47th Street, Suite 711, Kansas City, Missouri 64112, on Tuesday, May 14, 1991 at 1:00 p.m.

For further information, call Tom Reidy, 816/361-3603 or 816/361-1651, or the undersigned. The seller/secured party (Richard B. Cray) reserves the right to bid on the items at the sale.

Very truly yours,

SMITH, GILL, FISHER & BUTTS,  
a Professional Corporation

By

  
P. Mitchell Woolery

PMW/dkc  
cc: Janet Svoboda

10121805

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
A PROFESSIONAL CORPORATION

FACSIMILE NUMBERS  
MISSOURI (816) 391-7800  
KANSAS (913) 339-9440

ONE KANSAS CITY PLACE  
35TH FLOOR  
1200 MAIN STREET  
KANSAS CITY, MISSOURI 64105-2152  
(816) 474-7400

KANSAS OFFICE  
7800 COLLEGE BOULEVARD  
OVERLAND PARK, KANSAS  
(913) 339-6565

May 1, 1991

VIA FACSIMILE

Mr. Kevin Smith  
Classified Advertisement Department  
Kansas City Star  
1729 Grand Avenue  
Kansas City, Missouri 64108

Re: Classified Advertisement

Dear Kevin:

I have enclosed a classified advertisement which I would like placed in the "Public Notice" part of the Classified Advertisements section of the Kansas City Star. The ad should run from Friday, May 3, 1991 (the earliest day which it can run) through and including Tuesday, May 14, 1991. The price I have been quoted is \$2.77 per line per day (except Sunday, in which case it is \$2.94). A line holds approximately 23 characters.

Please confirm receipt of this letter and the enclosed advertisement. Also, please send the bill directly to me and reference our account number 22410.0001.

Thank you for your attention to this matter.

Very truly yours,

SMITH, GILL, FISHER & BUTTS,  
a Professional Corporation

By

*P. Mitchell Woolery*  
P. Mitchell Woolery

PMW/dkc  
Enclosure

10121799

**NOTICE OF PUBLIC SALE  
of Blood Testing Technology**

Licenses, patents and technology related to glycated hemoglobin (GHb) tests, glycated plasma protein (GPP) tests, and acetaldehyde tests will be offered as is at a public sale to the highest bidder for cash at 800 West 47th Street, Suite 711, Kansas City, Missouri 64112, on Tuesday, May 14, 1991 at 1:00 p.m. For further information, call Tom Reidy, 816/361-3603 or 816/361-1651 or Mitch Woolery 816/474-7400. The seller/secured party reserves the right to bid on the items at the sale.

10121652

## A F F I D A V I T O F P U B L I C A T

THE KANSAS CITY STAR COMPANY, publishers of THE KANSAS newspaper published daily in the city of Kansas City, State of Missouri, County of Jackson, confirms that the notice and/or advertisement of:

SMITH\*GILL\*FISHER\*BUTTS

1200 MAIN ST-35TH FL, KC, MO, 641052152, MITCHELL WOOLERY

a true copy of which is hereto attached, was duly published in the said newspaper.

FOR THE PERIOD OF: 12 Day(s)

COMMENCING: MAY 3, 1991

ENDING: MAY 14, 1991

STAR EDITION: MAY 3-14

STAR PAPER #: 228-239 VOLUME #111

NOTICE OF  
PUBLIC SALE of  
Food Testing Technology  
Related patents and tech-  
nology related to chemical  
analysis (CMA) tests  
related to amino acids,  
DNA, RNA, and amino  
acids. Tests will be offered  
for sale at a public sale to the  
highest bidder for cash or  
check at 47th Street, Suite  
211, Kansas City, Missouri  
64112 on Tuesday, May 14,  
1991 at 1:00 p.m. For  
further information call  
Tom Kelly, 816/444-7800 or  
816/261-1653 ext. 2411. The  
sale is open to all. The  
seller reserves the right to bid on  
the property at any time.

*Mary Goodenough*

Subscribed and sworn to before me, this  
16 day of MAY, 1990. I certify  
that I was duly qualified as a Notary Public  
for the State of Missouri, commissioned in  
Jackson County. My commission expires 9/17/91.

*James B. Lee*

NOTARY

Exhibit 4-B

PATENT

REEL: 015908 FRAME: 0339



LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
A PROFESSIONAL CORPORATION

FACSIMILE NUMBERS  
MISSOURI: (816) 901-7600  
KANSAS: (913) 330-0410

ONE KANSAS CITY PLACE  
85TH FLOOR  
1200 MAIN STREET  
KANSAS CITY, MISSOURI 64105-2152  
(816) 474-7400

KANSAS OFFICE  
7800 COLLEGE BOULEVARD  
OVERLAND PARK, KANSAS  
(913) 870-0505

May 14, 1991

VIA TELEFACSIMILE AND VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED, RECEIPT NUMBER P 685 002 111

TO ALL PERSONS ON THE ATTACHED DISTRIBUTION LIST:

Re: Sale of Primus Technology

Gentlemen:

As each of you were notified pursuant to our letter dated May 1, 1991, a public sale of the licenses, patents and technology owned by Primus Corporation ("Primus") related to glycosylated hemoglobin (GHb) tests, glycosylated plasma protein (GPP) tests, and acetaldehyde tests was scheduled for today. The sale was held today at 1:00 p.m. at 800 West 47th Street, Suite 711, Kansas City, Missouri 64112. The purpose of this letter is to inform you of the results of said sale.

The following persons were present at the sale: Richard B. Cray, the seller/secured party; Thomas J. Reidy; P. Mitchell Woolery, Esq., and Nathalie C. Elliot, Esq., representing Messrs. Cray and Reidy; Robert Garrity, of Primus; Bill D. Roberts, Ph.D., of Home Office Reference Laboratory; Joseph C. Benage, Esq., representing HORL; and Laurence M. Frazen, Esq., representing William Miller, M.D.

All right, title and interest of Primus in and to the following assets ("Assets") were sold:

(a) that certain:

Diabetes Method Patent      Serial # 07/280,016, Docket #20075  
Filed 12/05/88

Status of Patent

Filed:      USA, EPO, Canada, Japan, Australia, Denmark,  
Finland

Date of Patent: Pending

Abstract: Chromatography method for determining glycosylated protein in blood;

10123748

May 14, 1991  
Page 2

(b) that certain:

Chromatograph Control Software

Serial #07/280,016 Docket  
#20075  
Filed 12/05/88

Status of Patent

Filed: USA, EPO, Canada, Australia, Japan, Denmark,  
Finland

Date of Patent: Pending

Abstract: Software method for simplifying the control of  
a model 1090 HPLC unit;

(c) that certain License Agreement between Primus  
and Home Office Reference Laboratory;

(d) that certain Good Manufacturing Practices  
(GMPs) manual for glycated hemoglobins (GHb);

(e) that certain Good Manufacturing Practices  
(GMPs) for glycated plasma proteins (GPP);

(f) these certain source codes, computer software  
and similar material related to or used in connection with  
the Assets;

(g) that certain Original Equipment Manufacturer  
Agreement between Primus and TosohHaas;

(h) those certain approvals, whether in progress  
or otherwise, by the Federal Drug Administration (FDA) for  
the 401K submissions by Primus with respect to any of the  
Assets;

(i) that certain Licensing Agreement with Pierce  
Chemical, Rockford, Illinois

Date of Agreement: 1/90

Technology Licensed:

U.S. Patent # 4,269,605

"Dean Patent" GHb on boronate  
affinity column  
(Also U.K., W. Germany, France  
& Netherlands); and

(j) that certain Licensing Agreement with Dr.  
Charles Peterson (an individual), Santa Barbara, California

10123748

May 14, 1991

Page 3

Technology Licensed: "Plasma and Hemoglobin-Associated Acetaldehyde as a Marker of Alcohol Use"

U.S. Patent No. 4,814,280

Patent Issued: 3/89.

At the commencement of the sale, those present were asked if they intended to bid on any or all of the Assets. Richard B. Cray indicated he intended to so bid and the others present declined. Mr Cray then bid for the Assets the amount of \$111,077.12, which represents (i) the principal amount of \$100,000 owed but unpaid to Mr. Cray pursuant to that certain Promissory Note dated October 19, 1990 executed by Primus in favor of Mr. Cray, (ii) \$6,838.36 in accrued but unpaid interest under said note (12% a.p.r. commencing on the execution date through and including even date), and \$4,238.76 in costs and expenses incurred by Mr. Cray in connection with the foreclosure and sale of the Assets and which are recoverable under the terms of said note (consisting of \$3,500 in attorneys' fees and expenses and \$738.76 for other fees).

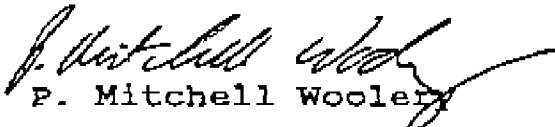
The others present were again asked if they would like to bid and they declined. The bidding was thereupon closed and the Assets were sold to Mr. Cray for his bid of \$111,077.12.

Upon receipt of this letter, Primus is requested to immediately contact the undersigned or Thomas J. Reidy, telephone number 816/361-3603 or 816/361-1651, to effect the orderly transfer of the Assets from Primus to Mr. Cray.

Very truly yours,

SMITH, GILL, FISHER & BUTTS,  
a Professional Corporation

By

  
P. Mitchell Woolery

PMW/dkc

cc:

Thomas A. Litz, Esq.  
Ned Fryer, Esq.  
Janet Svoboda, Esq.  
Robert Garrity  
Bill D. Roberts, Ph.D.  
Joseph C. Benage, Esq.  
Laurence M. Frazen, Esq.

10123748

Distribution List

Paul Ray  
6297 East Jamison Drive  
Englewood, Colorado 80112

Dr. William Miller  
American Red Cross  
4050 Lindell Blvd.  
St. Louis, MO 63108

MOSERS  
906 Leslie Boulevard  
Jefferson City, MO 65101  
Attention: Steve Yokum

Primus Corporation  
4747 Troost Avenue  
Kansas City, MO 64110  
Attention: James Rexroad

10123748