

10-28-2004

10/27/04



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

1. Name of conveying party(ies): Frederick E. Shelton IV Michael Earl Setser Douglas B. Hoffman Additional name(s) of conveying party(ies) attached? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Name and address of receiving party(ies): Name: <u>Ethicon-Endo Surgery, Inc.</u> Internal Address: _____ Street Address <u>4545 Creek Road, #97</u> City: <u>Cincinnati</u> State: <u>OH</u> ZIP: <u>45242</u> Additional name(s) & address(es) attached? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Nature of conveyance: x Assignment Merger Security Agreement Change of Name Other _____ Execution Date: <u>July 8, 2004</u>	

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) <u>10/881,105</u>	B. Patent No.(s) _____
Additional numbers attached? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

5. Name and address of party to whom correspondence Concerning document should be mailed: Name: <u>David E. Franklin</u> Internal Address: <u>FROST BROWN TODD LLC</u> Street Address: <u>2200 PNC CENTER</u> <u>201 East Fifth Street</u> City: <u>Cincinnati</u> State: <u>OH</u> ZIP: <u>45202</u>	6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41).... \$ <u>40.00</u> x Enclosed Authorized to be charged to deposit account <u>06-2226</u> 8. Deposit Account Number (Attach duplicate copy of this page if paying by deposit count)
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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.

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

Name of Person Signing, Registration Number


Signature

10/22/04

Date

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

6

ASSIGNMENT

DOCKET NO. END-5129

Serial No. 10/881,105

Filed June 30, 2004

WHEREAS, Frederick E. Shelton IV, a citizen of the United States, residing at 245 East Main Street, Hillsboro 45133, County of Highland, and State of Ohio; Michael Earl Setser, a citizen of the United States, residing at 2538 Flagstone Court, Burlington, Kentucky 41005, County of Boone; and Douglas B. Hoffman, a citizen of the United States, residing at 10140 Baughman Road, Harrison 45030, County of Hamilton, and State of Ohio; (hereinafter referred to as "ASSIGNORS"), have made certain new and useful inventions or discoveries relating to a SURGICAL STAPLING INSTRUMENT INCORPORATING A MULTISTROKE FIRING MECHANISM HAVING A ROTARY TRANSMISSION, 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;

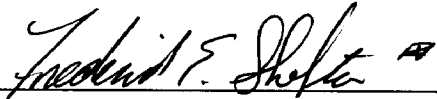
And for the consideration aforesaid, Assignors covenant and agree with said Assignee that he has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title they warrant unto said Assignee, its successors and assigns;

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,

ASSIGNORS HEREBY grant the firm of Frost Brown Todd LLC the power to insert in this Assignment any further identification or information which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

ASSIGNORS HEREBY covenant and agree that they have full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith.

ASSIGNORS HEREBY further covenant and agree that they will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to them respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue, reexamination and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.


 Frederick E. Shelton IV

STATE OF OHIO)
) SS:
 COUNTY OF Ham. IL)

Sworn to and subscribed before me this 9th day of July, 2004.



 Notary Public


KIMBERLY MELLISSA MOSES
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES 09-23-06


 Michael Earl Setser

STATE OF OHIO)
) SS:
 COUNTY OF HAMILTON)

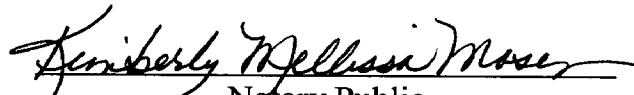
Sworn to and subscribed before me this 8th day of July, 2004.


 Notary Public
 KIMBERLY MELLISSA MOSES
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES 09-23-06


 Douglas B. Hoffman

STATE OF Ohio)
) SS:
 COUNTY OF Hamilton)

Sworn to and subscribed before me this 8th day of July, 2004.


 Notary Public
 KIMBERLY MELLISSA MOSES
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES 09-23-06