

11-15-2004



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To the Honorable Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Scott Allan Miller III
Bernd Waldmann

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

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

Execution Date: November 5, 2004

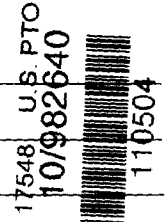
2. Name and address of receiving party(ies):

Name: Otologics, LLC

Internal Address:

Street Address: 5445 Airport Boulevard, Suite 106

City: Boulder State: CO ZIP: 80301

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

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: November 5, 2004

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Russell T. Manning, Esq.

Internal Address: Registration No. 51,260

MARSH FISCHMANN & BREYFOGLE LLP

Street Address: 3151 South Vaughn Way, Suite 411

City: Aurora State: Co ZIP: 80014

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

50-1419 11/09/2004 RFEKADU1 00000010 10982640
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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.

Russell T. Manning

November 5, 2004

Name of Person Signing

Signature

42

Date

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PATENT
REEL: 015970 FRAME: 0425

**ASSIGNMENT AND APPOINTMENT OF
COMMON REPRESENTATIVE**

WHEREAS, we, **Scott Allan Miller III**, 1229 Centaur Circle, Unit A, Lafayette, Colorado 80026, and **Bernd Waldmann**, 3390 Cripple Creek Trail, Boulder, Colorado 80305, have invented a certain new and useful invention entitled, "**MICROPHONE OPTIMIZED FOR IMPLANT USE**", for which an application for Letters Patent of the United States has been prepared for filing, said application being identified as Attorney File No. 45568-00491 and executed on even date herewith;

NOW THEREFORE, be it known that we, the said inventors, 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, **Otologics, LLC**, a Missouri corporation having a place of business at 5445 Airport Boulevard, Suite 106, Boulder, Colorado, 80301, its successors, legal representatives and assigns, our interest in the aforesaid application for the territory of the of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, 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, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than **Otologics LLC** and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we 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, but at the expense of said assignee.

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

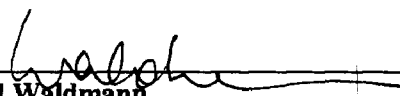
Furthermore, we together and each individually hereby irrevocably appoint **Otologics, LLC** its successors, legal representatives and assigns, as common representative for any and all international patent applications filed pursuant to the Patent Cooperation Treaty, and all national phase applications derived therefrom, concerning the invention or claiming priority from the aforesaid application.

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

Date: Nov 5, 2009

By: 
Scott Allan Miller III

Date: 11/5/09

By: 
Bernd Waldmann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

Before me, a Notary Public in and for said County and State, personally appeared **Scott Allan Miller III**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 5th day of November, 2004.

Delaney D. Simon
Notary Public

My Commission Expires: July 11, 2006

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

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

Given under my hand and seal of office this 5th day of November, 2004.


Notary Public

My Commission Expires: July 11, 2006