


Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼		<b>RECORDATION FORM COVER SHEET PATENTS ONLY</b>		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
<b>1. Name of conveying party(ies):</b>  James J. Luby  David K. Wildung  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<b>2. Name and address of receiving party(ies)</b> Name: <u>Regents of the University of Minnesota</u>  Internal Address: _____ <u>450 McNamara Alumni Center</u>  _____  Street Address: <u>200 Oak Street S.E.</u>  _____  City: <u>Minneapolis</u> State: <u>MN</u> Zip: <u>55455-2070</u>  Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>3. Nature of conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____  Execution Date: <u>07/01/2004</u>			<b>4. Application number(s) or patent number(s):</b> If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>11/099728</u> <u>filed 04/06/2005</u> _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b> Name: <u>Penny J. Aguirre</u>  Internal Address: _____  _____  Street Address: <u>Biological Patent Services, LLC</u> <u>8424 40th Ave. N.</u>  City: <u>New Hope</u> State: <u>MN</u> Zip: <u>55427</u>			<b>6. Total number of applications and patents involved:</b> <input type="checkbox"/>  <b>7. Total fee (37 CFR 3.41).....\$</b> <u>40</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account  <b>8. Deposit account number:</b>  <u>Credit Card Form</u>		
<b>DO NOT USE THIS SPACE</b>					
<b>9. Signature.</b>  Penny J. Aguirre, Reg. No 52,546 Name of Person Signing   Signature  04/18/2005 Date  Total number of pages including cover sheet, attachments, and documents: <u>6</u>					

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

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### ASSIGNMENT

WHEREAS, WE, JAMES J. LUBY, residing at 1966 Fairmont Ave., St. Paul, MN, 55105 and DAVID K. WILDUNG, residing at 712 S.W. 7<sup>th</sup> Ave., Grand Rapids, MN 55744, made certain new and useful inventions and improvements for which We filed an application for Letters Patents of the United States on April 8, 2004, which application was assigned U.S. patent application serial number 60/560508, and is entitled STRAWBERRY PLANT NAMED 'MNUS 138'.

AND WHEREAS, Regents of the University of Minnesota, a constitutional Corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 450 McNamara Alumni Center, 200 Oak Street SE., Minneapolis, MN 55455-2070, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patents to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries including all Rights under The International Union for the Protection of Plants (UPOV) which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

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AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally to all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 1st day of July, 2004

(James J. Luby)

STATE OF Minnesota

COUNTY OF Hennepin

On this 1st day of July, 2004 before me personally appeared James J. Luby to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Notary Public



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IN TESTIMONY WHEREOF, I have hereunto set my hand this 24 day of  
June, 2004.

David K. Wildung  
(David K. Wildung)

STATE OF MinnesotaCOUNTY OF Itasca

On this 24 day of June, 2004 before me personally  
appeared David Wildung to me known and known to me to be the person described  
in and who executed the foregoing instrument, and he/she duly acknowledged to me that  
he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Margaret E. Schagh  
Notary Public

