

Client Code: SDISC.002A2

RECC


01-12-2005



To the Director, U.S. Patent and Trademark Office

102918586

all documents or copy thereof.

| | |
|--|---|
| <p>1. Name of conveying party(ies):</p> <p>1. Neville Alleyne 2. James R. Gerchow 3. Makoto Nonaka 4. Philip James Sluder</p> <p>Additional name(s) of conveying party(ies) attached? () Yes (X) No</p> | <p>2. Name and address of receiving party:</p> <p>Name: Smart Disc, Inc. Street Address: 9191 Towne Centre Drive Suite 395 City: San Diego State: CA ZIP: 92122</p> <p>Additional name(s) of receiving party(ies) attached? () Yes (X) No</p> |
| <p>3. Nature of conveyance:</p> <p>(X) Assignment () Security Agreement () Merger () Change of Name () Other:</p> <p>Execution Date:</p> <p>1. November 5, 2004 2. October 21, 2004 3. November 10, 2004 4. November 2, 2004</p> | <p>4. US or PCT Application number(s) or US Patent number(s):</p> <p>(X) Patent Application No.: 10/838,515 Filing Date: May 3, 2004</p> <p>Additional numbers attached? () Yes (X) No</p> |
| <p>5. Party to whom correspondence concerning document should be mailed:</p> <p>Customer No. 20,995 Address: Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 Return Fax: (949) 760-9502 Attorney's Docket No.: SDISC.002A2</p> | <p>6. Total number of applications and patents involved: 1</p> |
| <p>7. Total fee (37 CFR 1.21(h)): \$40</p> <p>(X) Enclosed</p> | <p>8. Deposit account number: 11-1410</p> <p>Please charge this account for any additional fees which may be required, or credit any overpayment to this account.</p> |
| <p>9. Statement and signature.</p> <p>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.</p> <p><u>Thomas R. Arno</u> Name of Person Signing</p> <p><u>40,490</u> Registration No.</p> <p>Signature: </p> <p>Date: <u>1/7/05</u></p> <p>Total number of pages including cover sheet, attachments and document: 5</p> | |

Documents transmitted via Mail to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

Director, U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

01/11/2005 DBYRNE 00000245 10838515

01 FC:8021

40.00 DP

S:\DOCS\TRA\TRA-3340.DOC
010705

PATENT
REEL: 016139 FRAME: 0183

Application No.: 10/838,515
Filing Date: May 3, 2004

PATENT
Client Code: SDISC.002A2
Page 1

ASSIGNMENT

WHEREAS, We, Neville Alleyne, a United States citizen, residing at 9860 La Jolla Farms Road, La Jolla, CA 93037, James R. Gerchow, a U.S. citizen, residing at 64177 Rommel Road, Sturgis, MI 49091, Makoto Nonaka, a U.S. citizen, residing at 8395 La Jolla Scenic Drive N., La Jolla, CA 92037 and Philip James Sluder, a U.S. citizen, residing at 1488 Lily Avenue, El Cajon, CA 92021, have invented certain new and useful improvements in a ARTIFICIAL SPINAL DISK for which we have filed an application for Letters Patent in the United States, Application No. 10/838,515 filed May 3, 2004;

AND WHEREAS, Smart Disc, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 9191 Towne Centre Drive, Suite 395, San Diego, CA 92122, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue 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 patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2004

Neville Alleyne
Neville Alleyne

STATE OF CALIFORNIA }

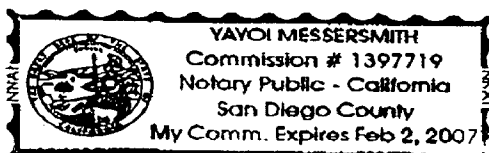
COUNTY OF SAN DIEGO }

ss.

On Nov. 5, 2004, before me, YAYOI MESSERSMITH ^{NOTARY PUBLIC} personally appeared Neville Alleyne personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

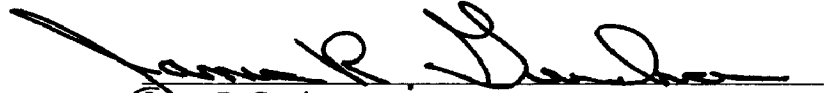
WITNESS my hand and official seal.

[SEAL]



Yayoi Messersmith
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 21 day of Oct, 2004


James R. Gerchow

STATE OF Michigan }
COUNTY OF Branch } ss.

On 10/21/04, before me, Karla Law Bohacz, personally appeared James R. Gerchow personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Karla Law Bohacz
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 20__.

Makoto Nonaka

STATE OF _____ }
COUNTY OF _____ } ss.

On _____, before me, _____, personally appeared Makoto Nonaka personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 20__.

James R. Gerchow

STATE OF _____ }
COUNTY OF _____ } ss.

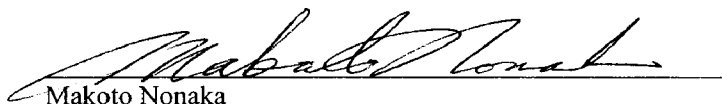
On _____, before me, _____, personally appeared James R. Gerchow personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10th day of NOVEMBER, 2004

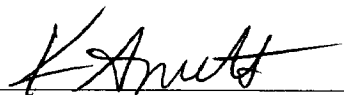

Makoto Nonaka

STATE OF California }
COUNTY OF San Diego } ss.

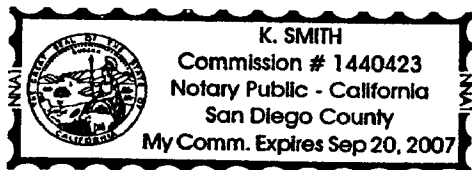
On November 10, 2004, before me, K Smith, personally appeared Makoto Nonaka personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

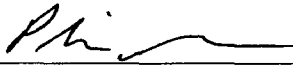
[SEAL]



Notary Signature



IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 2 day of NOVEMBER, 2004


Philip James Sluder

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

On 11/2/04, before me, CHARLOTTE MITCHELL, personally appeared Philip James Sluder personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature

S:\DOCS\TRA\TRA-2246.DOC
083004

