



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

documents or copy thereof.

1-24-05

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<p>1. Name of conveying parties:</p> <ol style="list-style-type: none"> <li>Bernhard B. Sterling</li> <li>James R. Braig</li> <li>Philip C. Hartstein</li> </ol> <p>Additional name(s) of conveying party(ies) attached?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name: OptiScan Biomedical Corporation  Street Address: 1105 Atlantic Avenue Suite 101  City: Alameda State: California  ZIP: 94501</p> <p>Additional name(s) of receiving party(ies) attached?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:</p> <p><input type="checkbox"/> Assignment <input type="checkbox"/> Security Agreement  <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name  <input checked="" type="checkbox"/> Other: Confirmation of Assignment</p> <p>Execution Date: (List as in section 1 if multiple signatures)</p> <ol style="list-style-type: none"> <li>October 21, 2004</li> <li>October 21, 2004</li> <li>October 21, 2004</li> </ol>	<p>4. US Application number :</p> <p><input checked="" type="checkbox"/> Patent Application No.: 10/319,409  Filing Date: December 12, 2002</p> <p>Additional numbers attached?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>5. Party to whom correspondence concerning document should be mailed:</p> <p><b>Customer No.</b> 20,995  <b>Address:</b> Knobbe, Martens, Olson &amp; Bear, LLP  2040 Main Street, 14<sup>th</sup> Floor  Irvine, CA 92614  <b>Return Fax:</b> (949) 760-9502  <b>Attorney's Docket No.:</b> OPTIS.060A</p>	<p>6. Total number of applications and patents involved: 1</p> <p style="text-align: right;">RECEIVED  JAN 24 AM 7:43  OPR/FINANCE</p>
<p>7. Total fee (37 CFR 1.21(h)): \$40.00</p> <p><input checked="" type="checkbox"/> 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>Bruce S. Itchkawitz</u>  Name of Person Signing</p> <p>  Signature</p> <p><u>1/20/05</u>  Date</p> <p><u>47,677</u>  Registration No.</p> <p>Total number of pages including cover sheet, attachments and document: 4</p>	

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

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**CONFIRMATION OF ASSIGNMENT**

WHEREAS, We, Bernhard B. Sterling, a United States citizen, residing at 882 Pintado Road, Sunnyvale, California 94086, James R. Braig, a United States citizen, residing at 280 Mountain Avenue, Piedmont, California 94611, and Philip C. Hartstein, a United States citizen, residing at 21076 Grenola Drive, Cupertino, California 5014, have invented certain new and useful improvements in a PATHLENGTH-INDEPENDENT METHOD FOR OPTICALLY DETERMINING MATERIAL COMPOSITION for which we have filed an application for Letters Patent in the United States, Application No. 10/319,409, filed on December 12, 2002;

WHEREAS, we executed an Assignment on April 11, 2003, whereby we acknowledged that we sold, assigned, transferred and set over unto OptiScan Biomedical Corporation (hereinafter "ASSIGNEE"), a Delaware corporation, with its principal place of business at 1105 Atlantic Avenue, Suite 101, Alameda, California 94501, our entire right, title, and interest in and to the said improvements and the said Application;

AND WHEREAS, ASSIGNEE desires to confirm its receipt of the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of 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 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 21<sup>st</sup> day of October, 2004.

Bernhard B. Sterling  
Bernhard B. Sterling

STATE OF California }  
COUNTY OF Alameda } ss.

On Oct. 21, 2004, 2004, before me, Jennifer Villavert Le, personally appeared Bernhard B. Sterling, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

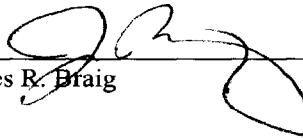
WITNESS my hand and official seal.

[SEAL]



Jennifer Villavert Le  
Notary Signature

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

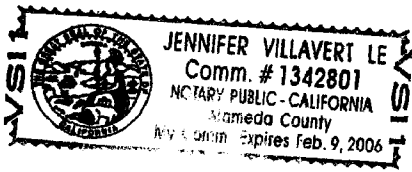
  
James R. Braig

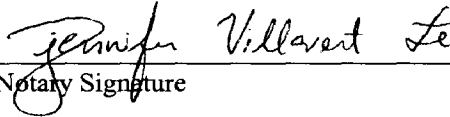
STATE OF California }  
COUNTY OF Alameda } ss.

On Oct. 21, 2004, before me, Jennifer Villavert Le, personally appeared James R. Braig, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 21<sup>st</sup> day of October, 2004.

  
Philip C. Hartstein


STATE OF }  
COUNTY OF } ss.

On \_\_\_\_\_, 2004, before me, \_\_\_\_\_, personally appeared Philip C. Hartstein, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

  
subscribing witness 10/21/04

**.SUBSCRIBING WITNESS JURAT**

State of California  
County of Alameda } SS.

On October 21, 2004, before me, the undersigned, a notary public for the state, personally appeared Michelle Lorbach, personally known to me ~~(or proved to~~  
DATE  
SUBSCRIBING WITNESS'S NAME

me on the oath of \_\_\_\_\_, who is personally known to me) to  
CREDIBLE WITNESS'S NAME

be the person whose name is subscribed to the within instrument, as a witness there to, who, being by me duly sworn, deposed and said that ~~he~~she was present and

saw Philip C. Hartstein the  
NAME(S) OF PRINCIPAL(S)

same person(s) described in and whose name(s) ~~is~~are subscribed to the within and annexed instrument in his/~~her~~their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed ~~his~~her name to the within instrument as a witness at the request of

Philip C. Hartstein  
NAME(S) OF PRINCIPAL(S)

WITNESS my hand and official seal.

Jennifer Villavert Le  
NOTARY'S SIGNATURE



**OPTIONAL INFORMATION**

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER

\_\_\_\_\_  
TITLE(S)

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- SUBSCRIBING WITNESS
- OTHER: \_\_\_\_\_

**ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:**

NAME OF PERSON(S) OR ENTITY(IES)  
OPTISCAN

**DESCRIPTION OF ATTACHED DOCUMENT**

Confirmation of Assignment  
TITLE OR TYPE OF DOCUMENT

2 (Bottom of Page 2 of 2)  
NUMBER OF PAGES

December 12, 2002  
DATE OF DOCUMENT

OPTIS 060A  
OTHER

RIGHT THUMBPRINT  
OF  
SIGNER

