

10-13-2004

FORM PTO-1595

FORM COVER

U.S. DEPARTMENT OF COMMERCE

1-31-92



PATENT AND TRADEMARK OFFICE

102857529

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

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

Name: Ethicon-Endo Surgery, Inc.

Additional name(s) of conveying party(ies) attached? Yes x No

3. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

X Other Corrective previously recorded at Reel 015014

and frame 0235 to correct the name of the receiving

party. Assigners hereby confirm the assignment of the entire interest.

Execution Date: September 21 and 20, 2004

Street Address 4545 Creek Road, #97

City: Cincinnati State: OH ZIP: 45242

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

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) 10/673,929

B. Patent No.(s)

Additional numbers attached? Yes No x

5. Name and address of party to whom correspondence

Concerning document should be mailed:

Name: David E. Franklin

Internal Address: FROST BROWN TODD LLC

Street Address: 2200 PNC CENTER

201 East Fifth Street

City: Cincinnati State: OH ZIP: 45202

6. Total number of applications and patents involved: 1

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

x Enclosed

Authorized to be charged to deposit account

06-2226

8. Deposit Account Number

(Attach duplicate copy of this page if paying by deposit count)

DO NOT USE THIS SPACE

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

6-OCT-04
Date

10/12/2004 DBYRNE 00000020 10673929


01 FC:8021

40.00 DP

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

5

CH \$40.00 062226 10673929

FORM PTO-1595 1-31-92		03-02-2004 		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	
2/27/04 To the Honorable Commissioner of Patents at		102681847 original documents or copy thereof.			
1. Name of conveying party(ies): Frederick E. Shelton IV Michael Earl Setser Additional name(s) of conveying party(ies) attached? Yes x No		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 No x			
3. Nature of conveyance: x Assignment Merger Security Agreement Change of Name Other _____ Execution Date: <u>2/19/04; 2/23/04</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>10/673,929</u> B. Patent No.(s) _____ Additional numbers attached? Yes No			
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)			
DO NOT USE THIS SPACE					
9 Statement and signature. <i>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.</i> David E. Franklin, Reg. No. 39,194 Name of Person Signing, Registration Number <u>David E. Franklin</u> Signature <u>2/27/04</u> Date 03/01/2004 LNUJLIER 00000130 10673929 01 FC:0021 40.00 PP Total number of pages including cover sheet, attachments, and document <u>5</u>					

ASSIGNMENT

DOCKET NO. END-5124

Serial No. 10/673,929

Filed September 29, 2003

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, and Michael Earl Setser, a citizen of the United States, residing at 2538 Flagstone Court, Burlington 41005, County of Boone, and Commonwealth of Kentucky, (hereinafter referred to as "ASSIGNORS"), have made certain new and useful inventions or discoveries relating to a SURGICAL STAPLING INSTRUMENT WITH MULTISTROKE FIRING INCORPORATING AN ANTI-BACKUP MECHANISM, 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, successors, nominees, or assigns to secure full and complete protection for the said inventions

PATENT

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END-5124

and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 21st day of September, 2004.

(L.S.)

Frederick E. Shelton IV
Frederick E. Shelton IV

STATE OF OHIO)
COUNTY OF Hamilton) ss:

BE IT REMEMBERED, That on this 21st day of September, 2004, before me, a Notary Public, personally appeared Frederick E. Shelton IV, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Kimberly Melissa Moses
Notary Public



KIMBERLY MELLISSA MOSES
Notary Public, State of Ohio
My Commission Expires
September 23, 2006

END-5124

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 20TH day of SEPTEMBER, 2004.

(L.S.)

Michael Earl Setser
Michael Earl Setser

STATE OF Ohio)
COUNTY OF HAMILTON) ss:

BE IT REMEMBERED, That on this 20TH day of SEPTEMBER, 2004, before me, a Notary Public, personally appeared Michael Earl Setser, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Kimberly Melissa Moses
Notary Public



KIMBERLY MELLISSA MOSES
Notary Public, State of Ohio
My Commission Expires
September 23, 2008

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ASSIGNMENT

DOCKET NO. END-5124

Serial No. 10/673,929

Filed September 29, 2003

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, and Michael Earl Setser, a citizen of the United States, residing at 2538 Flagstone Court, Burlington 41005, County of Boone, and Commonwealth of Kentucky, (hereinafter referred to as "ASSIGNORS"), have made certain new and useful inventions or discoveries relating to a SURGICAL STAPLING INSTRUMENT WITH MULTISTROKE FIRING INCORPORATING AN ANTI-BACKUP MECHANISM, for which they have this day executed an application for Letters Patent of the United States; and

WHEREAS, Ethicon, 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, successors, nominees, or assigns to secure full and complete protection for the said inventions

PATENT

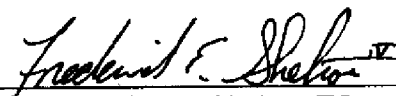
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END-5124

and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

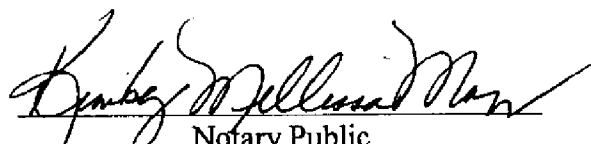
IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 19th day of February, 2004.

(L.S.)


Frederick E. Shelton IV

STATE OF Ohio)
) ss:
COUNTY OF Hamilton)

BE IT REMEMBERED, That on this 19th day of February, 2004, before me, a Notary Public, personally appeared FREDERICK E. Shelton IV, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.


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

END-5124

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 2/23/04 day
of FEBURARY, 2004.

(L.S.)

Michael Earl Setser
Michael Earl Setser

STATE OF Ohio)
COUNTY OF Hamilton) ss:

BE IT REMEMBERED, That on this 23 day of Feburary,
2004, before me, a Notary Public, personally appeared MICHAEL EARL SETSER,
who I am satisfied is the person named in and who executed the foregoing instrument in my
presence, and I having first made known to him the contents thereof, he did acknowledge that he
signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes
therein expressed.

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

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