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04-15-2005

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Final documents or copy thereof.

To the Honorable Commissioner of Patents and

1. Name of conveying party(ies):  
 Frederick E. Shelton IV  
 Eugene L. Timperman

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

2. Name and address of receiving party(ies):  
 Name: Ethicon Endo-Surgery, Inc.

Internal Address: \_\_\_\_\_

Street Address 4545 Creek Road, #97

City: Cincinnati State: OH ZIP: 45242

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

113007 U.S. PTO  
11/096096

033105

3. Nature of conveyance:  
 Assignment Merger  
 Security Agreement Change of Name  
 Other \_\_\_\_\_

Execution Date: March 31, 2005

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: March 31, 2005

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: 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:

7. Total fee (37 CFR 3.41).... \$ 40.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit Account Number 06-2226

(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

David E. Franklin  
Signature

3/31/05  
Date

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

(40.00 DP)

## ASSIGNMENT

DOCKET NO. END-5323USNP.0525532

Serial No. EV316086665US

Filed March 31, 2005

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 Eugene L. Timperman, a citizen of the United States, residing at 10639 Silverbrook Drive, Cincinnati 45240, County of Hamilton, and State of Ohio, (hereinafter referred to as "ASSIGNORS"), have made certain new and useful inventions or discoveries relating to a SURGICAL INSTRUMENT INCORPORATING EAP COMPLETE FIRING SYSTEM LOCKOUT 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 Assignor's 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 Assignee, 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 they have 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

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 31<sup>st</sup> day of March, 2005.

(L.S.)


  
Frederick E. Shelton IV

STATE OF Ohio )  
COUNTY OF Hamilton ) ss:

BE IT REMEMBERED, That on this 31<sup>st</sup> day of March, 2005, 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 MELLISSA MOSES**  
Notary Public, State of Ohio  
My Commission Expires  
September 23, 2006

  
Notary Public

