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05-09-2005

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**PATENTS ONLY**

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**  
MASCHINO, Steven E.  
PARNIS, Steven M.  
ARMSTRONG, Scott A.  
  
Execution Date(s) 04/29/05  
Additional name(s) of conveying party(ies) attached?  Yes  No

**2. Name and address of receiving party(ies)**  
Name: Cyberonics, Inc.  
Internal Address: Legal Department  
6th Floor  
Street Address: 100 Cyberonics Blvd.  
  
City: Houston  
State: Texas  
Country: USA Zip: 77058  
Additional name(s) & address(es) attached?  Yes  No

113010 U.S. PTO  
11/118452  
042905

**3. Nature of conveyance:**  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Government Interest Assignment  
 Executive Order 9424, Confirmatory License  
 Other

**4. Application or patent number(s):**  This document is being filed together with a new application.  
A. Patent Application No.(s)  
B. Patent No.(s)  
  
Additional numbers attached?  Yes  No

**5. Name and address to whom correspondence concerning document should be mailed:**  
Name: Cyberonics, Inc.  
Internal Address: Timothy L. Scott  
Legal Department, 6th Floor  
Street Address: 100 Cyberonics Blvd.  
  
City: Houston  
State: Texas Zip: 77058  
Phone Number: 281/727-2652  
Fax Number: 281/853-2505  
Email Address: timothy.scott@cyberonics.com

**6. Total number of applications and patents involved:** 1  
**7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00**  
 Authorized to be charged by credit card  
 Authorized to be charged to deposit account  
 Enclosed  
 None required (government interest not affecting title)

**8. Payment Information**  
a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_  
b. Deposit Account Number 503053  
Authorized User Name Timothy L. Scott

**9. Signature:** Timothy L. Scott Signature 04/29/05 Date  
Timothy L. Scott Name of Person Signing  
Total number of pages including cover sheet, attachments, and documents: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

05/09/2005 08YRME 00000002 503053 11118452  
01 FC:8021 40.00 DA

**PATENT**  
**REEL: 016523 FRAME: 0236**

**ASSIGNMENT**

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do(es) hereby:

SELL, ASSIGN AND TRANSFER to CYBERONICS INC. (the "Assignee"), a corporation of Delaware, having a place of business at 100 Cyberonics Blvd. Houston, Texas 77058, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith and is entitled WEIGHT LOSS METHOD AND DEVICE such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

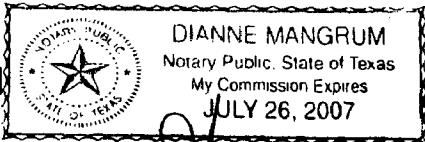
COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Steve E. Maschino Date: 4-29-05  
Steven E. Maschino

STATE OF TEXAS §  
                                  §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this 29th day of April, 2005, personally appeared Steven E. Maschino, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

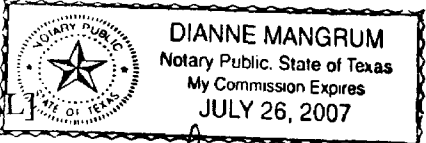
[SEAL] 

Dianne Mangrum  
Notary or Consular Officer

Signature: [Signature] Date: 4/29/05  
Steven M. Parnis

STATE OF TEXAS §  
                                  §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this 29th day of April, 2005, personally appeared Steven M. Parnis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

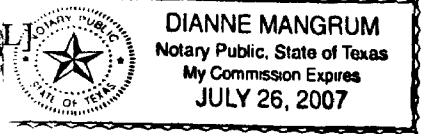
[SEAL] 

Dianne Mangrum  
Notary or Consular Officer

Signature: [Signature] Date: 4-29-05  
Scott A. Armstrong

STATE OF TEXAS §  
                                  §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this 29th day of April, 2005, personally appeared Scott A. Armstrong, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[SEAL] 

Dianne Mangrum  
Notary or Consular Officer