

PATENT ASSIGNMENT

Electronic Version v1.1

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| SUBMISSION TYPE:   | NEW ASSIGNMENT          |
| NATURE OF CONVEYANCE:  | ASSIGNMENT              |
| CONVEYING PARTY DATA   |                         |
| Name   | Execution Date          |
| David Louis Kirschman  | 10/29/2004              |
| RECEIVING PARTY DATA   |                         |
| Name:  | X-spine Systems, Inc.   |
| Street Address:  | 7026 Corporate Way      |
| City:  | Centerville             |
| State/Country:   | OHIO                    |
| Postal Code:   | 45459                   |
| PROPERTY NUMBERS Total: 1  |                         |
| Property Type  | Number                  |
| Application Number:  | 10976741                |
| CORRESPONDENCE DATA  |                         |
| Fax Number:  | (937)298-7418           |
| <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> |                         |
| Phone:   | 9372982811              |
| Email:   | law@jnj.biz             |
| Correspondent Name:  | Matthew R. Jenkins      |
| Address Line 1:  | 2310 Far Hills Building |
| Address Line 4:  | Dayton, OHIO 45419      |
| NAME OF SUBMITTER:   | Matthew R. Jenkins      |
| Total Attachments: 1<br>source=KRS006P2-ASSIGNMENT#page1.tif                         |                         |

CH \$40.00 10976741

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PATENT  
REEL: 016535 FRAME: 0756

Serial No.

Filed

ASSIGNMENT

WHEREAS, I/we, David Louis Kirschman, of 104 Rubicon Road, Dayton, Montgomery County, OH, invented certain new and useful (Docket KRS 006 P2) PROSTHETIC IMPLANT AND METHOD for which I/we executed an application for letters patent of the United States, on even date herewith;

AND WHEREAS, X-spine Systems, Inc., a corporation of the State of Ohio, with a place of business at 7026 Corporate Way, Suite 212, Centerville, OH 45459, hereinafter called the Assignee, is desirous of acquiring the entire right, title and interest in and to said application and the inventions therein disclosed and any letters patent that may issue thereon;

AND WHEREAS, it is the intent of the Assignor to assign all rights, including but not limited to all substantive rights to the above referenced patent application to the Assignee;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt whereof is hereby acknowledged, I/we hereby sell, assign and transfer unto said Assignee, its successors and assigns, the entire right, title and interest in and to said application and any divisions or continuations thereof, and the inventions therein disclosed, and any improvements thereon, and any patent or patents that may be issued or reissued thereon, and I/we hereby authorize and request the Commissioner of Patents and Trademarks to issue any letters patent thereon, and reissues thereof, to said Assignee, its successors and assigns; and I/we hereby authorize said Assignee, its successors and assigns, to file in its own name applications for patent in foreign countries in connection with the inventions hereby transferred, under the International Convention, the European Patent Convention and the Patent Cooperation Treaty, claiming the priority of said United States application or otherwise, and to secure in its own name the patent or patents issued thereon; and I/we hereby agree that, upon request, I/we will sign all papers, and make all rightful oaths, and do all acts which said Assignee, its successors or assigns, may consider necessary in connection with said United States application, and in connection with any other United States or foreign applications that may be filed in connection with said inventions, and with any improvements thereon, and in connection with any patents issued or reissued thereon.

IN TESTIMONY WHEREOF, I/we hereunto set my/our hand and seal this 29 day of October, 2004.

  
DAVID LOUIS KIRSCHMAN