

05-17-2005

Docket No.: 50060-00155

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Patent and Trademark Office



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To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

JEFFRY J. SNIEGOWSKI
PAUL J. MCWHORTER
M. STEVEN RODGERS

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

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

Name: MEMX, INC.

Address: 5600 WYOMING BLVD., NE

SUITE 20

City: ALBUQUERQUE State/Prov.: NM

Country: USA ZIP: 87109

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: 2/28/05

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

11/023,289

12/24/04

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JAMES L. JOHNSON

Registration No. 34,193

Address: MARSH FISCHMANN & BREYFOGLE LLP

3151 SOUTH VAUGHN WAY, SUITE 411

City: AURORA

State/Prov.: CO

Country: USA

ZIP: 80014

6. Total number of applications and patents involved:

1

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

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

50-1419

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

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.

JAMES L. JOHNSON

Name of Person Signing

Signature

Date

4

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:
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PATENT

REEL: 016564 FRAME: 0174

05/16/2005 ECI/EPER 09-000143 1103289 40.00 UP 01 FC:0021

**ASSIGNMENT
& APPOINTMENT OF COMMON REPRESENTATIVE**


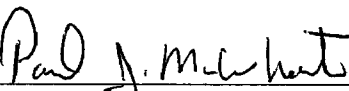

WHEREAS, we, Jeffry J. Sniegowski of Tijeras, NM; Paul J. McWhorter of Albuquerque, NM; and M. Steven Rodgers of Albuquerque, NM have invented a certain new and useful invention entitled "IMPLANT HAVING MEMS FLOW MODULE WITH MOVABLE, FLOW-CONTROLLING BAFFLE", for which a patent application has been prepared and filed with the United States Patent & Trademark Office on December 24, 2004, receiving Serial No. 11/023,289, and further identified as Attorney File No. 50060-00155;

NOW THEREFORE, be it known that we together and each of us individually, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, MEMX, INC., a Delaware corporation having a place of business at 5600 Wyoming Blvd., NE, Suite 20, Albuquerque, NM 87109, its successors, legal representatives and assigns, the aforesaid application and all rights to claim priority directly or indirectly to the aforesaid application and all continuation, divisional, continuation-in-part and reissue applications, all patent applications that claim priority directly or indirectly to the aforesaid application, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty and all applications for extension filed or to be filed for the invention(s), and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention(s) in the United States or any other country; each of us also assigns any right, title or interest in and to the invention(s) that has not already been transferred to the assignee; each of us warrants that no assignment of the invention(s), application or patent therefor has been made to a party other than MEMX, INC.; each of us warrants that there is no obligation to make any assignment of the invention(s), application, or any patent therefor to any party other than MEMX, INC.; and each of us further agrees to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention(s), but at the expense of said assignee.

The Commissioner For Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment to MEMX, INC., its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

Furthermore, we together and each individually hereby irrevocably appoint MEMX, INC. its successors, legal representatives and assigns, as common representative for any and all international patent applications filed pursuant to the Patent Cooperation Treaty, and all national phase applications derived therefrom, concerning the invention(s) or claiming priority from the aforesaid application.

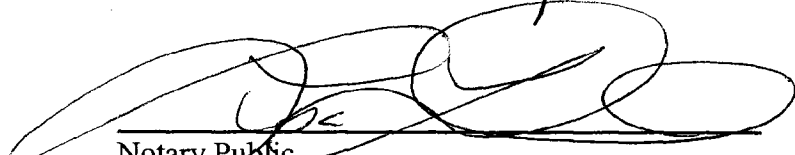
IN WITNESS WHEREOF, the party hereto has executed this Assignment & Appointment of Common Representative as of the date indicated hereunder.

Date: <u>2/28/05</u>	By: <u></u> JEFFRY J. SNIEGOWSKI
Date: <u>2/28/05</u>	By: <u></u> PAUL J. MCWHORTER
Date: <u>2/28/05</u>	By: <u></u> M. STEVEN RODGERS

STATE OF New Mexico)
COUNTY OF Bernalillo) ss.

Before me, a Notary Public in and for said County and State, personally appeared JEFFRY J. SNIEGOWSKI, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 28 day of February, 2005.




Notary Public
My Commission Expires: Aug 2, 2007

STATE OF New Mexico)
COUNTY OF Bernalillo) ss.

Before me, a Notary Public in and for said County and State, personally appeared PAUL J. MCWHORTER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 28 day of February, 2005.




Notary Public
My Commission Expires: Aug 2, 2007

STATE OF New Mexico)
COUNTY OF Bernalillo) ss.

Before me, a Notary Public in and for said County and State, personally appeared M. STEVEN RODGERS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 28 day of February, 2005.



Notary Public
My Commission Expires: Aug 2, 2007