

Client Code: ASPIRE.007A

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To the Director, U.S. Patent and Trademark Office:

ments or copy thereof.

<b>1. Name of conveying party(ies):</b> (List using letters or numbers for multiple parties)  1. Chad C. Roue      5. Erik J. van der Burg 2. Adam Kessler      6. Michael T. Dineen 3. Mark Hirotsuka      7. Andrew Frazier 4. Jasper Jackson  Additional name(s) of conveying party(ies) attached? ( ) Yes (X) No		<b>2. Name and address of receiving party(ies):</b>  <b>Name:</b> Aspire Medical, Inc. <b>Internal Address:</b> <b>Street Address:</b> 1816 Embarcadero Road <b>City:</b> Palo Alto <b>State:</b> CA <b>ZIP:</b> 94303  Additional name(s) of receiving party(ies) attached? ( ) Yes (X) No
<b>3. Nature of conveyance:</b> (X) Assignment      ( ) Security Agreement ( ) Merger      ( ) Change of Name ( ) Other:  Execution Date: (List as in section 1 if multiple signatures) 1. September 12, 2005      5. September 12, 2005 2. September 12, 2005      6. September 12, 2005 3. September 12, 2005      7. September 13, 2005 4. September 12, 2005		<b>4. US or PCT Application number(s) or US Patent number(s):</b>  (X) Patent Application No.: 11/153,857 Filing Date: June 15, 2005  Additional numbers attached? ( ) Yes (X) No
<b>5. Party to whom correspondence concerning document should be mailed:</b>  <b>Customer No.</b> 20,995 <b>Address:</b> Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14 <sup>th</sup> Floor Irvine, CA 92614 <b>Return Fax:</b> (949) 760-9502 <b>Attorney's Docket No.:</b> ASPIRE.007A		<b>6. Total number of applications and patents involved:</b> 1
<b>7. Total fee (37 CFR 1.21(h)):</b> \$40 (X) Enclosed		<b>8. Deposit account number:</b> 11-1410  Please charge this account for any additional fees which may be required, or credit any overpayment to this account.
<b>9. Statement and signature.</b>  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.  Walter S. Wu Name of Person Signing  50,816 Registration No.  Total number of pages including cover sheet, attachments and document: 6		

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PATENT  
REEL: 017007 FRAME: 0325

### ASSIGNMENT

WHEREAS, We, Chad C. Roue, a United States citizen, residing at 1487 Greene Drive, San Jose, CA 95129, Adam Kessler, a United States citizen, residing at 1760 Market Street, Santa Clara, CA 95050, Mark Hirotzuka, a United States citizen, residing at 4925 Northlawn Drive, San Jose, CA 95130, Jasper Jackson, a United States citizen, residing at 38321 Amaryllis Place, Newark, CA 94560, Erik J. van der Burg, a United States citizen, residing at 16417 Peacock Lane, Los Gatos, CA 95032, Michael T. Dineen, a United States citizen, residing at 171 Mimosa Way, Portola Valley, CA 94028, and Andrew Frazier, a United States citizen, residing at 517 Fern Ridge Court, Sunnyvale, CA 94087, have invented certain new and useful improvements in a SYSTEM AND METHOD FOR HYOIDPLASTY for which we have filed an application for Letters Patent in the United States, Application No. 11/153,857, filed on June 15, 2005;

AND WHEREAS, Aspire Medical, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1816 Embarcadero Road, Palo Alto, CA 94303, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of September, 2005

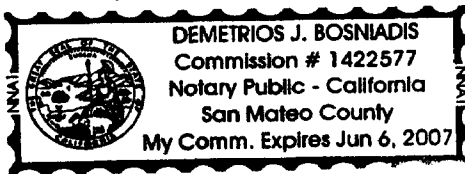
  
Chad C. Roue

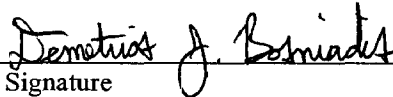
STATE OF California }  
COUNTY OF Santa Clara } ss.

On 9/12/05, before me, Demetrios J. Bosniadis, personally appeared Chad C. Roue ~~personally known to me (or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that executed the same in authorized capacity(ies), and that by signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of September, 2005

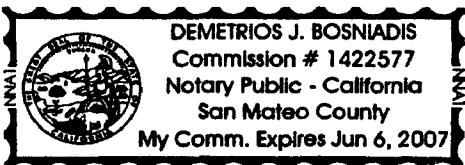
  
Adam Kessler

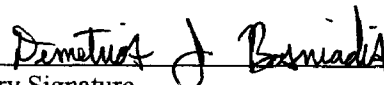
STATE OF California }  
COUNTY OF Santa Clara } ss.

On 9/12/05, before me, Demetrios J. Bosniadis, personally appeared Adam Kessler ~~personally known to me (or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that executed the same in authorized capacity(ies), and that by signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of September, 2005

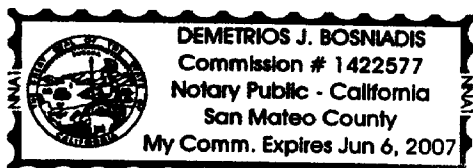
Mark Hiotsuka  
Mark Hiotsuka

STATE OF California }  
COUNTY OF Santa Clara } ss.

On 9/12/05, before me, Demetrios J. Bosniadis, personally appeared Mark Hiotsuka ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Demetrios J. Bosniadis  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of Sept, 2005.

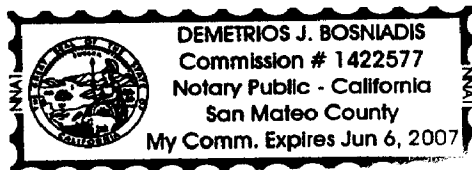
Jasper Jackson  
Jasper Jackson

STATE OF California }  
COUNTY OF Santa Clara } ss.

On 9/12/05, before me, Demetrios J. Bosniadis, personally appeared Jasper Jackson ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Demetrios J. Bosniadis  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12<sup>TH</sup> day of SEPTEMBER 2005

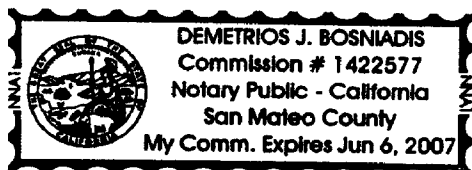
  
Erik J. van der Burg

STATE OF California }  
COUNTY OF Santa Clara } ss.

On 9/12/05, before me, Demetrios J. Bosniadis, personally appeared Erik J. van der Burg ~~personally known to me (or~~ proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Demetrios J. Bosniadis  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12<sup>th</sup> day of September, 2005.

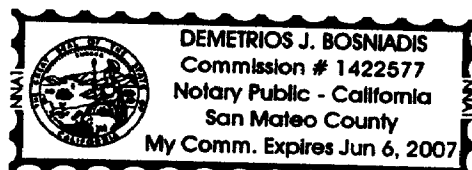
Michael T. Dineen  
Michael T. Dineen

STATE OF California }  
COUNTY OF Santa Clara } ss.

On 9/12/05, before me, Demetrios J. Bosniadis, personally appeared Michael T. Dineen ~~personally known to me (or~~ proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

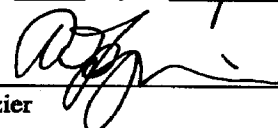


Demetrios J. Bosniadis  
Notary Signature

Application No.: 11/153,857  
Filing Date: June 15, 2005

PATENT  
Client Code: ASPIRE.007A  
Page 5

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13 day of September, 2005

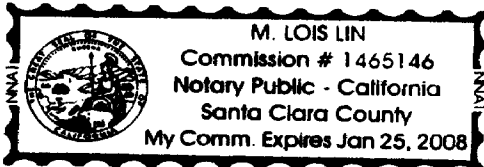
  
\_\_\_\_\_  
Andrew Frazier

STATE OF California }  
COUNTY OF Santa Clara } ss.

On Sept 13, 2005 before me, M. Lois Lin, personally appeared Andrew Frazier personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
\_\_\_\_\_  
Notary Signature

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