

02-07-2006

1/27/06



FORM PTO-1595
(Rev. 10/02)

U.S. Department of Commerce

OMB No. 0651-0027 (exp. 6/30/2005)

103173586
PATENTS ONLY

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

113277 U.S. PTO
11/341956



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1. Name of conveying party(ies):
Steven Maschino; David Thompson
Additional name(s) of conveying party(ies) attached? Yes No

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

Execution Date: **January 27, 2006**

2. Name and address of receiving party(ies):
Name **CYBERONICS, INC.**
Internal Address:
Street Address: **100 Cyberonics Blvd.**
City: **HOUSTON** State: **TEXAS** Zip: **77058**
Additional name(s) & address(es) attached? Yes No

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: **January 27, 2006**

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: **JAISON C. JOHN**
Williams, Morgan & Amerson, P.C.
10333 Richmond, Suite 1100
City: **Houston** State: **Texas** Zip: **77042**

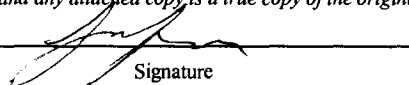
6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41) ----- \$ **40.00**
 Enclosed
 Authorized to be charged to deposit account
if check insufficient or inadvertently omitted

8. Deposit account number: 50-0786/2113.002800
(Attach duplicate copy of this page if paying by deposit account)

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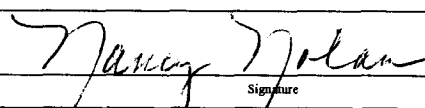
9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jaision C. John, Reg. 50,737  1/27/06
Name of Person Signing, Reg. No. Signature Date

Total number of pages including cover sheet, attachments and documents:

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services, Director of the U.S. Patent and Trademark Office,
P.O. Box 1450, Alexandria, VA 22313-1450

**CERTIFICATE OF EXPRESS MAILING
UNDER 37 C.F.R. § 1.8**

EXPRESS MAIL NO.	EV 336 535 345 US
DATE OF DEPOSIT:	January 27, 2006
I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "EXPRESS MAIL" addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Signature	

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PATENT
REEL: 017517 FRAME: 0051

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 "**Controlling Neuromodulation Using Stimulus Modalities**", 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;

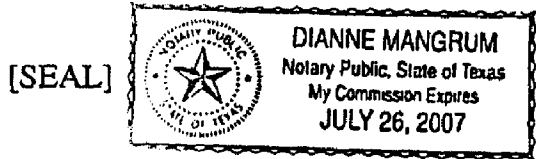
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Steven E. Maschino Date: 1/27/06
Steven E. Maschino

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this 27th day of January, 2006, 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.

Dianne Mangrum
Notary or Consular Officer



Signature: David Thompson Date: 1/27/06
David Thompson

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this 27th day of January, 2006, personally appeared David Thompson, 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.

Dianne Mangrum
Notary or Consular Officer

