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Daniel Martin

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3. Nature of conveyance:

☒ Assignment

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Other

Execution Date: March 2, 2001

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

Name: Synthes AG CHURAddress: Grabenstrasse 15
ChurCountry (if other than USA):
Switzerland

Zip Code: CH-7002

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:

A. Patent Application No.(s) 10/529,139

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

JONES DAY
222 East 41st Street
New York, New York 10017

6. Number of applications and patents involved:

1

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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.

Brian M. Rothery

35,340

Name of Person Signing

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3/3/06

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NYJD: 1614274.1

PATENT
REEL: 017632 FRAME: 0670

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1790/Allg.

AGREEMENT

between

MARTIN Daniel, citizen of USA

residing at: 1157 Harker Avenue
Palo Alto, CA 94301
USA

(hereinafter called „INVENTOR“)

and

SYNTHES AG CHUR, a Swiss Limited company

residing at: Grabenstrasse 15
CH-7002 Chur
Switzerland

(hereinafter called „SYNTHES“)

concerning

the invention of an „INTRAMEDULLARY NAIL“
(hereinafter called the „INVENTION“)

1. The INVENTOR assigns all rights in and to the INVENTION, in particular to the International Patent Application, as well as any patent applications or patents based thereon (internal reference no. 1790) to SYNTHES and declares having received a remuneration therefore.
2. SYNTHES assumes all costs for patenting the INVENTION and shall designate the INVENTOR in all corresponding patent application as a co-inventor.
3. The INVENTOR declares his willingness to sign all documents necessary in connection with the inventor's designation and the assignment of the rights to the invention, in particular for the United States of America and for Canada.
4. In the event that the AO Technical Commission (AOTK) – after having made a technical evaluation of the INVENTION – should refuse the INVENTION, SYNTHES shall upon written request re-assign the rights (assigned by the INVENTOR) back to the INVENTOR. Cost for filing and prosecuting patent applications incurred up to the date of re-assignment shall remain with SYNTHES, whereas costs for the re-assignment and future patent costs be born by the INVENTOR.

dm page 1 of 2

5. In the event that Dr. Martin ever starts a business involved with manufacturing and/or marketing intramedullary rods, he may include the design considerations of this patent in the rods manufactured and/or marketed. This is according to letter dated December 28, 1998.

.....2. March, 2001.....

MARTIN Daniel

.....*Daniel Martin*.....

.....Chur, March 20, 2001.....

SYNTHES AG CHUR

.....*H. Jamin*.....

To:

Lusuardi, Werther
DR. LUSUARDI AG
Kreuzbühlstrasse 8
CH-8008 Zürich
SUISSE

**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 71.1)

Date of mailing
(day/month/year) 05/08/2004

Applicant's or agent's file reference
1790/PCT

IMPORTANT NOTIFICATION

International application No.
PCT/CH02/00538

International filing date (day/month/year)
27/09/2002

Priority date (day/month/year)
27/09/2002

Applicant

SYNTHESE AG CHUR et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/

Authorized officer



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