



To the Director, U.S. Patent and Trademark C

al documents or copy thereof.

3-9-06

103195067 of receiving party(ies):

1. Name of conveying party: (List using le. numbers for multiple parties)

Kenneth G. Witte

Additional name(s) of conveying party(ies) attached?

() Yes (X) No

Name: OptiScan Biomedical Corporation
Street Address: 1105 Atlantic Avenue, Suite 101
City: Alameda State: CA
ZIP: 94501

Additional name(s) of receiving party(ies) attached?

() Yes (X) No

3. Nature of conveyance:

- (X) Assignment () Security Agreement
() Merger () Change of Name
() Other:

Execution Date: (List as in section 1 if multiple signatures)
March 2, 2006

4. US or PCT Application number(s) or US Patent number(s):

(X) Patent Application No.: 10/319,409
Filing Date: December 12, 2002

Additional numbers attached?

() Yes (X) No

5. Party to whom correspondence concerning document should be mailed:

Customer No. 20,995

Address: Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

Return Fax: (949) 760-9502

Attorney's Docket No.: OPTIS.060A

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h)): \$40

(X) Enclosed

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this 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.

Mark J. Kertz

Name of Person Signing

Handwritten signature: Mark Kertz

Signature

Handwritten date: March 7, 2006

Date

43,711
Registration No.

Total number of pages including cover sheet, attachments and document: 2

Documents transmitted via Mail to be recorded with required cover sheet information to:

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ASSIGNMENT

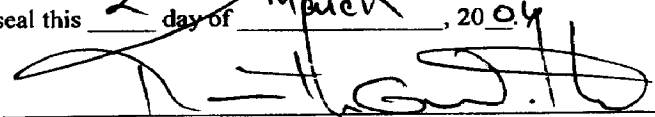
WHEREAS, I, Kenneth G. Witte, a US citizen, residing at 1547 Petersen Avenue, San Jose, CA 94129, have invented certain new and useful improvements in PATHLENGTH-INDEPENDENT METHODS FOR OPTICALLY DETERMINING MATERIAL COMPOSITION for which has been filed an application for Letters Patent in the United States, Application No. 10/319,409, Filing Date December 12, 2002;

AND WHEREAS, OptiScan Biomedical Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1105 Atlantic Avenue, Suite 101, Alameda, CA 94501, 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, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his 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 I 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, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I 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 I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to me 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, his 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 2 day of March, 2004

Kenneth G. Witte

STATE OF CALIFORNIA }
 } ss.
COUNTY OF ALAMEDA }

On MARCH 3, 2006, before me, Michele Laubach, personally appeared Kenneth G. Witte personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature



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