

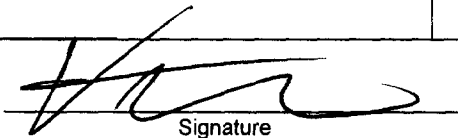
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To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

03-21-06

<b>1. Name of conveying party(ies)/Execution Date(s):</b> 1. Jeffrey David Messerly 2. Chester O. Baxter III Execution Date: <u>3/8/06</u> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>2. Name and address of receiving party(ies):</b> Name: Ethicon Endo-Surgery, Inc. Street Address: 4545 Creek Road City: Cincinnati State: OH Country: USA Zip: 45242 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>3. Nature of conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other			
<b>4. Application or patent number(s):</b> <input checked="" type="checkbox"/> This document is being filed together with a new application. A. Patent Application No.(s) B. Patent No.(s) Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b> Mark P. Levy Thompson & Hine LLP P.O. Box 8801 Dayton, Ohio 45401-8801		<b>6. Total number of applications &amp; patents involved:</b> <u>1</u> <b>7. Total fee (37 CFR 1.21(h) &amp; 3.41) .....</b> <u>\$40.00</u> <input type="checkbox"/> Authorized to be charged to Deposit Account	
		<b>8. Payment Information</b> Deposit Account Number:	
<b>9. Signature</b>  Signature Victor J. Wasylina Name of Person Signing		<u>3/21/</u> 2006 Date Total number of pages including cover sheet, attachments, and document: <u>3</u>	

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Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

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ASSIGNMENT

Serial No.  
Filed

WHEREAS, Jeffrey David Messerly and Chester O. Baxter III (hereinafter called "Assignors"), have made certain new and useful inventions or discoveries relating to

**SURGICAL FASTENER AND INSTRUMENT**

for which they have on the 8th day of March, 2006, executed an application for Letters Patent of the United States; and

WHEREAS, Ethicon Endo-Surgery, Inc., a corporation of the State of Ohio, (hereinafter called "Assignee"), is desirous of acquiring the entire right, title, and interest therein;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to them moving, the receipt of which is hereby acknowledged, Assignors have sold, assigned, and transferred, and do hereby sell, assign, and transfer unto said Assignee the entire right, title, and interest in and to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignors if this Assignment and sale had not been made;

And Assignors hereby authorize and request the Commissioner of Patents of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, Assignors covenant and agree with said Assignee that they has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title they warrants unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignors further covenant and agree that they will, whenever requested, but without cost to them promptly communicate to said Assignee or its representatives any facts known to them relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives,

successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignors have hereunto set their hand and seal this 8 day of MARCH, 2006.

Jeffrey David Messerly (L.S.)  
Jeffrey David Messerly

STATE OF OHIO )  
COUNTY OF Hamilton ) ss.

BE IT REMEMBERED, That on this 8th day of March, 2006, before me, a Notary Public, personally appeared Jeffrey David Messerly, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.



**KIMBERLY MELLISSA MOSES**  
Notary Public, State of Ohio  
My Commission Expires  
September 23, 2006

Kimberly Melissa Moses  
Notary Public

IN TESTIMONY WHEREOF, Assignors have hereunto set their hand and seal this 8 day of March, 2006.

Chester O. Baxter III (L.S.)  
Chester O. Baxter III

STATE OF OHIO )  
COUNTY OF Hamilton ) ss.

BE IT REMEMBERED, That on this 8th day of March, 2006, before me, a Notary Public, personally appeared Chester O. Baxter III, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.



**KIMBERLY MELLISSA MOSES**  
Notary Public, State of Ohio  
My Commission Expires  
September 23, 2006

Kimberly Melissa Moses  
Notary Public