

05-09-2006



5/5/06

103234128

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

**1. Name of conveying party(ies)**

Dennis McDevitt

Additional name(s) of conveying party(ies) attached?  Yes  No

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

Name: iBalance Medical, Inc.

Internal Address: \_\_\_\_\_

Street Address: 4900 Nautilus Ct., Ste 100

City: Boulder

State: CO

Country: USA Zip: 80301

Additional name(s) & address(es) attached?  Yes  No

**3. Nature of conveyance/Execution Date(s):**

Execution Date(s) 5/1/2006

- Assignment  Merger
- Security Agreement  Change of Name
- Joint Research Agreement
- Government Interest Assignment
- Executive Order 9424, Confirmatory License
- Other \_\_\_\_\_

**4. Application or patent number(s):**

This document is being filed together with a new application.

A. Patent Application No.(s)  
11/350,333

B. Patent No.(s)

Additional numbers attached?  Yes  No

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

Name: Mark J. Pandiscio

Internal Address: Pandiscio & Pandiscio, P.C.

Street Address: 470 Totten Pond Road

City: Waltham

State: MA Zip: 02451

Phone Number: (781) 290-0060

Fax Number: (781) 290-4840

Email Address: mail@pandisciolaw.com

**6. Total number of applications and patents involved:** 1

- Authorized to be charged by credit card
- Authorized to be charged to deposit account (any deficiencies)
- Enclosed
- None required (government interest not affecting title)

**8. Payment Information**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 16-0221

Authorized User Name \_\_\_\_\_

**9. Signature:**

5/02/2006

Date

05/08/2006 DBYRNE 0000028 11350333

Signature

01 FC:8021

40.00 PD Margaret M. Slezak

Name of Person Signing

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

4

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

KB/NOVAK5.ASN  
NOVAK-5

ASSIGNMENT

We, Vincent P. Novak of 2013 Coralbells Court, Longmont, CO 80503, Kelly Ammann of 2335 Panorama Avenue, Boulder, CO 80304 and Dennis McDevitt of 9511 Centerwood Drive, Raleigh, NC 27617, having invented improvements in METHOD AND APPARATUS FOR FORMING A WEDGE-LIKE OPENING IN A BONE FOR AN OPEN WEDGE OSTEOTOMY and having executed an application for United States patent describing the same and based thereon (and we hereby authorize our attorney(s), authorized to prosecute said application, to here insert the filing date and serial number of said application, when known, Serial No. 11/350,333, filed 02/08/06), for good and valuable consideration, receipt of which is hereby <sup>Delaware</sup> acknowledged from iBalance Medical, Inc., a Colorado corporation having a place of business at 4900 Nautilus Ct., Ste 100, Boulder, CO 80301, hereinafter called the Assignee (which term shall include its successors and assigns), do hereby sell, assign and transfer unto the Assignee our entire right, title, and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said application (which term shall include hereinafter where the context so admits all divisional, continuing, reissue and other patent applications based thereon) and the inventions (which term shall include each and every such invention, or any part thereof) therein described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or on said application.

And for the same consideration we do also hereby sell, assign and transfer unto the Assignee all our rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of said inventions and said application and we do hereby authorize the Assignee to apply in our names or its own name for patents and like rights of exclusion on or for said inventions in all countries, claiming (if the Assignee so desires) the priority of the filing date of said application under the provisions of said Convention or any such other treaty;

And for the same consideration we do hereby jointly and severally agree for ourselves and for our respective heirs, executors and administrators, promptly upon request of the Assignee, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for

*Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451  
Tel. (781) 290 0060*

**NOVAK-5**

patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said inventions, application, and said several patents and like rights of exclusion, or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the United States of America and the corresponding Officer of each country foreign thereto to issue to the Assignee any and all patents and like rights of exclusion which may be granted in any country upon said application or on or for said inventions;

And we do hereby jointly and severally covenant for ourselves and for our respective legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed our right, title and interest in and to said inventions has not been otherwise encumbered by us, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.

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Vincent P. Novak

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Kelly Ammann



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Dennis McDevitt

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
personally appeared Vincent P. Novak, who is to me personally  
known, and acknowledged the foregoing instrument to be his/her  
free act and deed.

SEAL

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
personally appeared Kelly Ammann, who is to me personally known,  
and acknowledged the foregoing instrument to be his/her free act  
and deed.

SEAL

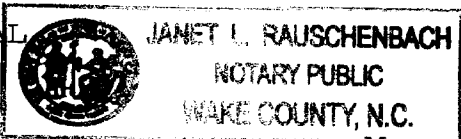
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

State of NORTH CAROLINA )  
County of WAKE ) ss.

Before me this 1<sup>st</sup> day of MAY, 2006,  
personally appeared Dennis McDevitt, who is to me personally  
known, and acknowledged the foregoing instrument to be his/her  
free act and deed.

SEAL



Janet L. Rauschenbach  
NOTARY PUBLIC

My commission expires: MAY 16, 2009

KB/NOVAK5.ASN

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NOVAK-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vincent P. Novak et al.  
Serial No.: 11/350,333  
Filing Date: 02/08/2006  
Title: METHOD AND APPARATUS FOR FORMING A  
WEDGE-LIKE OPENING IN A BONE FOR AN OPEN  
WEDGE OSTEOTOMY  
Examiner: Unknown  
Group Art Unit: 3732  
Attorney's Docket No.: NOVAK-5

Mail Stop Assignment Recordation Services  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Gentlemen:

REQUEST FOR RECORDATION

Please record the enclosed Assignment of the  
above-identified patent application from the inventor Dennis  
McDevitt to iBalance Medical, Inc.

Also enclosed is a check in the amount of \$40.00 to cover  
the cost of recording the Assignment.

If any additional fees are required in connection with this  
matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: DIRECTOR OF  
THE UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. BOX 1450,  
ALEXANDRIA, VA 22313-1450, ON:

May 2, 2006

(DATE OF DEPOSIT)

Margaret M. Slezak

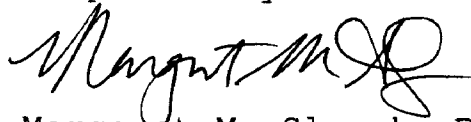
(NAME OF ATTORNEY)

  
(SIGNATURE)

May 2, 2006

(DATE OF SIGNATURE)

Respectfully submitted,



Margaret M. Slezak, Esq.  
Registration No. 55,625  
Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060

KB/NOVAK5.REC

RECORDED: 05/05/2006

PATENT  
REEL: 017830 FRAME: 0007