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Docket No.:

FORM PTO-1595 (Modified)
(Rev. 03-01)
OMB No. 0651-0027 (exp. 5/31/2002)
P08/REV03



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Tarian Technologies, Inc.
Tarian Technologies, L.L.C.
Tarian, L.L.C.

Additional names(s) of conveying party(ies) Yes No

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

Name: **Kirton & McConkie, P.C.**

Internal Address: _____

Street Address: **60 East South Temple**

City: **Salt Lake City** State: **UT** ZIP: **84111**

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

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

Execution Date: **12/10/04**

4. Application number(s) or patent numbers(s):
If this document is being filed together with a new application, the execution date of the application is:
A. Patent Application No.(s)
05/11/2006 DBYRNE 00000181 09815568
01 FC:8021 09/815,568
40.00 OP

B. Patent No.(s)

FINANCE SECTION
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Additional numbers attached? Yes No

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

Name: **John R. Thompson**

Internal Address: **STOEL RIVES LLP**
One Utah Center

Street Address: **201 South Main Street, Suite 1100**

City: **Salt Lake City** State: **UT** ZIP: **84111**


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

7. Total fee (37 CFR 3.41):.....\$ **40.00**
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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.
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PATENT
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**WAIVER, ASSIGNMENT AND
TRANSFER SETTLEMENT AGREEMENT NUNC PRO TUNC**

In settlement of the law suit captioned Kirton & McConkie, P.C. v. Tarian Technologies, Inc., and Tarian Technologies, L.L.C., Civil Case 040919693, Defendants and their officers and members and Tarian, L.L.C. do hereby assign and transfer all assets of Defendants and Tarian, L.L.C. to Kirton & McConkie, P.C. (hereinafter "K&M"). Defendants and Tarian, L.L.C. waive any claims against K&M and specifically assign any and all rights that Defendants and Tarian, L.L.C. have in intellectual property including U.S. Patent Serial Number 6,483,929; U.S. Patent Application Serial Numbers 09/758,836; 09/815,885; 09/815,568; and 10/300,659; EPO Patent Application Serial Number 01901963.7; Japanese Patent Application Serial Number 2001-552330; WIPO Application Serial Numbers PCT/US01/00829 and PCT/US01/18314. Defendants and Tarian, L.L.C. agree to sign any further documents necessary for recording said transfer.

Among the assets being assigned herewith are any claims Defendants and Tarian, L.L.C. have against Union Recovery Corporation. K&M may divest itself of these assets in any manner it sees fit.

K&M hereby absolves Defendants and Tarian, L.L.C. of any and all claims K&M has against Defendants and Tarian, L.L.C. including costs and attorneys fees incurred on behalf of Defendants and Tarian, L.L.C.

Dated this 10 day of December, 2004.

TARIAN TECHNOLOGIES, INC.

By:


Larry Lunt

TARIAN TECHNOLOGIES, L.L.C.

By:


Larry Lunt

TARIAN L.L.C.

By:


Larry Lunt

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Rick V. Murakami et al.

Docket No.

Application No.
09/815,568Filing Date
March 23, 2001Examiner
X. SunCustomer No.
32642Group Art Unit
2863

Invention: METHOD AND APPARATUS FOR CALIBRATION OVER TIME OF HISTOLOGICAL AND.....

I hereby certify that the following correspondence:

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