

07-19-2006

Client Code: MASIMO.436A




:ET

To the Director, U.S. Patent and Trade

103277105

ed original documents or copy thereof.

<p>1. Name of conveying party(ies): (List using letters or numbers for multiple parties)</p> <p>1. Eugene Mason 2. Brian Volken</p> <p>Additional name(s) of conveying party(ies) attached? () Yes (X) No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: Masimo Corporation Internal Address: Street Address: 40 Parker City: Irvine State: CA ZIP: 92618</p> <p>Additional name(s) of receiving party(ies) attached? () Yes (X) No</p>
<p>3. Nature of conveyance:</p> <p>(X) Assignment () Security Agreement () Merger () Change of Name () Other:</p> <p>Execution Date: (List as in section 1 if multiple signatures)</p> <p>1. June 9, 2006 2. July 5, 2006</p>	<p>4. US or PCT Application number(s) or US Patent number(s):</p> <p>(X) Patent Application No.: 11/386,076 Filing Date: March 21, 2006</p> <p>Additional numbers attached? () Yes (X) No</p>
<p>5. Party to whom correspondence concerning document should be mailed:</p> <p>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.: MASIMO.436A</p>	<p>6. Total number of applications and patents involved: 1</p>
<p>7. Total fee (37 CFR 1.21(h)): \$40 (X) Enclosed</p>	<p>8. Deposit account number: 11-1410</p> <p>Please charge this account for any additional fees which may be required, or credit any overpayment to this account.</p>
<p>9. Statement and signature.</p> <p>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.</p> <p><u>Jarom D. Kesler</u> Name of Person Signing</p> <p><u>57,046</u> Registration No.</p> <p> Signature</p> <p>July 13, 2006 Date</p> <p>Total number of pages including cover sheet, attachments and document: 5</p>	

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

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00000181 11386076

07/18/2006 NJR/N1
01 FC:80212751424
071306**PATENT**
REEL: 018104 FRAME: 0956

ASSIGNMENT

WHEREAS, We, Eugene Mason, residing at
2072 Las Palomas Dr La Habra Hts CA 90631, a citizen of USA,
Brian Volken, residing at _____, a citizen
of _____, have invented certain new and useful improvements in a
VARIABLE APERTURE SENSOR for which we have filed an application for Letters Patent in the United
States, Application No. 11/386,076, Filed on March 21, 2006;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with
its principal place of business at 40 Parker, Irvine, CA 92618, 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, we, the said
inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these
presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its 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 we 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, its
successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE 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 WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its
successors, legal representatives and assigns, any facts known to us 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, its
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 9 day of June, 2006.

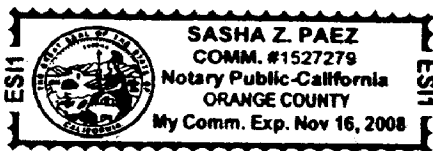
Eugene Mason
Eugene Mason

STATE OF Ca. }
COUNTY OF Orange } ss.

On June 9, 2006 before me, Eugene Mason, personally appeared Eugene Mason 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]



Sasha Z. Paéz
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20____.

Brian Volken

STATE OF _____ }
COUNTY OF _____ } ss.

On _____, before me, _____, personally appeared Brian Volken 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

ASSIGNMENT

WHEREAS, We, Eugene Mason, residing at

_____, a citizen of _____,
Brian Volken, residing at 26576 Sierra Vista, Mission Viejo, CA, a citizen
of UNITED STATES, have invented certain new and useful improvements in a
VARIABLE APERTURE SENSOR for which we have filed an application for Letters Patent in the United
States, Application No. 11/386,076, Filed on March 21, 2006;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with
its principal place of business at 40 Parker, Irvine, CA 92618, 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, we, the said
inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these
presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its 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 we 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, its
successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE 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 WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its
successors, legal representatives and assigns, any facts known to us 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, its
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 _____ day of _____, 20____.

Eugene Mason

STATE OF _____ }
COUNTY OF _____ } ss.

On _____, before me, _____, personally appeared Eugene Mason 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

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5th day of July, 2006.

Brian Volken

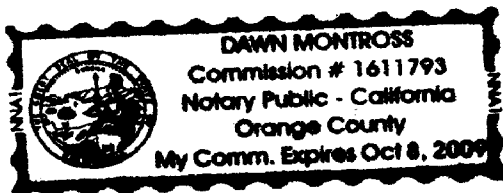
STATE OF California }
COUNTY OF Orange } ss.

On 5 July 2006, before me, Brian Volken, personally appeared Brian Volken 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]

Dawn Montross
Notary Signature



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