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LEGAL DEPT

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OMB No. 0651-0027 (exp. 6/30/2008)

DEPARTMENT OF COMMERCE  
States Patent and Trademark Office

RE 9/6/06

To the Director of the U.S. Patent and Trademark Office 103304201 (or the new address(es) below).

**1. Name of conveying party(ies)**  
Kevin MCFARLIN; David REINKER; William C. BRUNETT and Michael FERRELL

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

**2. Name and address of receiving party(ies)**  
Name: MEDTRONIC XOMED, INC.  
Internal Address: \_\_\_\_\_  
Street Address: 6743 Southpoint Drive, North  
City: Jacksonville  
State: Florida  
Country: UNITED STATES Zip: 32216-0980  
Additional name(s) & address(es) attached?  Yes  No

**3. Nature of conveyance/Execution Date(s):**  
Execution Date(s) 9/1/06; 9/1/06; 9/1/06 and 8/31/06

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)  
11/260,503

B. Patent No.(s)

Additional numbers attached?  Yes  No

**5. Name and address to whom correspondence concerning document should be mailed:**  
Name: Trevor D. Arnold, Esq.  
Internal Address: MS: SS-54  
Street Address: 6743 Southpoint Drive, North  
City: Jacksonville  
State: Florida Zip: 32216-0980  
Phone Number: (904) 332-8157  
Fax Number: (904) 332-8914  
Email Address: trevor.d.arnold@medtronic.com

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

**7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00**

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

**8. Payment Information**

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

b. Deposit Account Number 13-2546  
Authorized User Name Trevor D. Arnold

**9. Signature:** Trevor D. Arnold 9/6/06  
Signature Date

Trevor D. Arnold  
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: - 5 -

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

Atty Docket No.: P21564.00  
 Appln. Serial No.: 11/260,503

### ASSIGNMENT

WHEREAS, WE,

- (1) Kevin MCFARLIN, residing at 171 Lige Branch Lane, Jacksonville, FL 32259;
  - (2) David REINKER, residing at 457 S. Mill View Way, Ponte Vedra Beach, FL 32082;
  - (3) William C. BRUNETT, residing at 11349 Tacito Creek Drive, Jacksonville, FL 32223;
- and
- (4) Michael FERRELL, residing at 755 Sandalwood Drive, Orange Park, FL 32065

have invented certain improvements in **"INSTRUMENT AND SYSTEM FOR SURGICAL CUTTING AND EVOKED POTENTIAL MONITORING"** for which we have executed an application for Letters Patent of United States of America,

is attached hereto.  
 was filed on October 27, 2005 as United States Application No. 11/260,503 and Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_; and

WHEREAS, we hereby authorize and request the Assignee, Medtronic Xomed, Inc., to insert the filing date and application number of said application when known; and

WHEREAS, **MEDTRONIC XOMED, INC.**, and all of its subsidiary and affiliated companies, a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 6743 Southpoint Drive, N, Jacksonville, Florida 32216-0980, hereinafter referred to as "Corporation," is desirous of acquiring the entire right, title and interest in and to said invention for the United States and for all foreign countries and in and to any and all foreign and domestic Letters Patent which may be granted therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, We have sold, assigned, transferred and set over and by these presents do sell, assign, transfer and set over unto Corporation, its successors and assigns, the entire right, title and interest in and to said invention and the entire right, title and interest in and to any and all Letters Patent of the United States (including, without limitation, every patent application identified above) and any foreign countries which may be granted therefor including my rights under the International Convention for the Protection of Industrial Property, and in and to any and all extensions, divisions, continuations, continuations-in-part or reissues of said Letters Patent that may be granted, the same to be held and enjoyed by Corporation for its own use and benefit and use and benefit of its successors and assigns to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made;

AND, for the consideration aforesaid, we materially represent to Corporation, its successors and assigns, that at the time of the execution and delivery of these presents,

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We are the lawful owners of the entire right, title and interest in and to the invention, application and Letters Patent above mentioned, and that the same are unencumbered, and that we have good right and lawful authority to sell and convey the same in the manner herein set forth;

AND, for the consideration aforesaid, we hereby individually covenant and agree to and with Corporation, its successors and assigns, that whenever its counsel or the counsel of its successors or assigns, learned in the law, shall advise that an amendment or division of, or continuation or any continuation-in-part thereof, or any other proceeding in connection with the filing or prosecution of said domestic or foreign patent applications, including interference proceedings, is lawful and desirable, or that a reissue of extension of said Letters Patent is lawful and desirable, we, or my executors, administrators or assigns will sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue or extension of the same, without charge to Corporation, its successors or assigns, but at Corporation's expense.

We hereby request the Honorable Commissioner of Patents and Trademarks to issue the Letters Patent to Corporation in accordance with this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand on this 1<sup>st</sup> day of September, 2006.

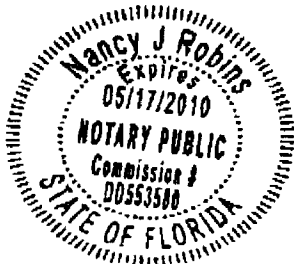
  
\_\_\_\_\_  
Kevin McFarlin

STATE OF FLORIDA     )  
                                  ) ss.  
COUNTY OF DUVAL    )

On this 1<sup>st</sup> day of September, 2006, before me personally appeared Kevin McFarlin, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my official signature with the seal of my office, the day and year above written.

  
\_\_\_\_\_  
Notary Public

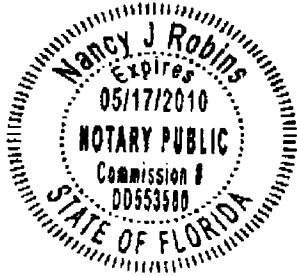




Atty Docket No.: P21564.00  
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IN WITNESS WHEREOF, I have hereunto affixed my official signature with the seal of my office, the day and year above written.

Nancy J. Robins  
Notary Public



IN WITNESS WHEREOF, I have hereunto set my hand on this 31 day of August, 2006.

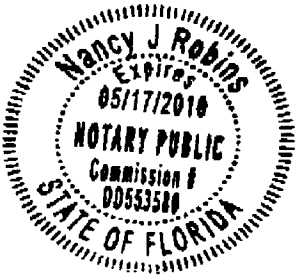
Michael Ferrell  
Michael Ferrell

STATE OF FLORIDA     )  
                                  ) ss.  
COUNTY OF DUVAL    )

On this 31st day of August, 2006, before me personally appeared Michael Ferrell, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my official signature with the seal of my office, the day and year above written.

Nancy J. Robins  
Notary Public



This is the final page of this Assignment.