

Client Code: ASPIRE.023A

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

To the Director, U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): (List using letters or numbers for multiple parties)</p> <ol style="list-style-type: none"> <li>1. Michael Dineen</li> <li>2. Mark Hirotsuka</li> <li>3. Jasper Jackson</li> <li>4. Andrew Frazier</li> <li>5. Chad Roue</li> <li>6. Erik van der Burg</li> </ol> <p>Additional name(s) of conveying party(ies) attached?</p> <p>( ) Yes (X) No</p>	<p>2. Name and address of receiving party(ies):</p> <p><b>Name:</b> Aspire Medical, Inc.  <b>Street Address:</b> 610 Palomar Avenue  <b>City:</b> Sunnyvale <b>State:</b> CA  <b>ZIP:</b> 94085</p> <p>Additional name(s) of receiving party(ies) attached?</p> <p>( ) 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> <ol style="list-style-type: none"> <li>1. March 28, 2008</li> <li>2. March 28, 2008</li> <li>3. March 28, 2008</li> <li>4. March 28, 2008</li> <li>5. March 28, 2008</li> <li>6. March 28, 2008</li> </ol>	<p>4. US or PCT Application number(s) or US Patent number(s):</p> <p>(X) Patent Application No.: 11/762,642  Filing Date: June 13, 2007</p> <p>Additional numbers attached?</p> <p>( ) Yes (X) No</p>
<p>5. Party to whom correspondence concerning document should be mailed:</p> <p><b>Customer No.</b> 20,995  <b>Address:</b> Knobbe, Martens, Olson &amp; Bear, LLP  2040 Main Street, 14<sup>th</sup> Floor  Irvine, CA 92614  <b>Return Fax:</b> (949) 760-9502  <b>Attorney's Docket No.:</b> ASPIRE.023A</p>	<p>6. Total number of applications and patents involved: 1</p>
<p>7. Total fee (37 CFR 1.21(h)): \$40.00</p> <p>(X) Authorized to be charged to deposit account</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>Bryan Wahl</u>  Name of Person Signing</p> <p><u>[Signature]</u>  Signature</p> <p><u>4/2/08</u>  Date</p> <p>58,878  Registration No.</p> <p>Total number of pages including cover sheet, attachments and document: 8</p>	

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

**Mail Stop Assignment Recordation Services**  
Director, U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Facsimile Number: (571) 273-0140

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### **ASSIGNMENT**

WHEREAS, We, Michael Dineen, a U.S. citizen, residing at 1717 Mimosa Way, Portola Valley, CA 94028, Mark Hirotsuka, a U.S. citizen, residing at 4925 Northlawn Drive, San Jose, CA 95130, Jasper Jackson, a U.S. citizen, residing at 38321 Amaryllis Place, Newark, CA 94560, Andrew Frazier, a U.S. citizen, residing at 517 Fern Ridge Court, Sunnyvale, CA 94087, Chad Roue, a U.S. citizen, residing at 1487 Green Drive, San Jose, CA 95129, Erik van der Burg, a U.S. citizen, residing at 16417 Peacock Lane, Los Gatos, CA 95032, have invented certain new and useful improvements in a GLOSSOPEXY ADJUSTMENT SYSTEM AND METHOD for which we have filed an application for Letters Patent in the United States, Application No. 11/762,642, Filed On June 13, 2007;

AND WHEREAS, Aspire Medical, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 610 Palomar Avenue, Sunnyvale, CA 94085, desires to acquire the entire right, title, and interest in and to said improvements and said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, 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 said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under said improvements, and said application including all provisional applications relating thereto (including but not limited to U.S. Provisional Application No(s). 60/813285, filed June 13, 2006, 60/813,230, filed June 13, 2006, 60/813,058, filed June 13, 2006, respectively), 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 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, its 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 said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to 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 said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of March, 2008.

  
\_\_\_\_\_  
Michael Dineen


STATE OF California }  
COUNTY OF Santa Clara } ss.

On March 28, 2008, before me, Keri Minako Smith, notary public, personally appeared Michael Dineen who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

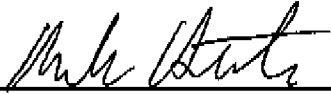
  
\_\_\_\_\_  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
Mark Hirotsuka

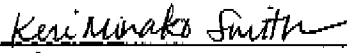
STATE OF California }  
COUNTY OF Santa Clara } ss.

On March 28, 2008, before me, Keri Minako Smith, notary public, personally appeared Mark Hirotsuka who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

  
\_\_\_\_\_  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28<sup>th</sup> day of March, 2008.

  
Jasper Jackson

STATE OF California }  
COUNTY OF Santa Clara } ss.

On March 28, 2008, before me, Keri Minako Smith, notary public, personally appeared Jasper Jackson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

Keri Minako Smith  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of March, 2008.

  
\_\_\_\_\_  
Andrew Frazier

STATE OF california }  
COUNTY OF Santa Clara } ss.

On MARCH 28, 2008, before me, Keri Minako Smith, notary public, personally appeared Andrew Frazier who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

Keri Minako Smith  
\_\_\_\_\_  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of MARCH, 2008.

  
Chad Roue

STATE OF California }  
COUNTY OF Santa Clara } ss.

On MARCH 28, 2008, before me, Keri Minako Smith, notary public, personally appeared Chad Roue who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

Keri Minako Smith  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28<sup>th</sup> day of MARCH, 2008.

  
\_\_\_\_\_  
Erik van der Burg

STATE OF California }  
COUNTY OF Santa Clara } ss.

On MARCH 28, 2008, before me, Keri Minako Smith, notary public, personally appeared Erik van der Burg who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

Keri Minako Smith  
\_\_\_\_\_  
Notary Signature



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