

3/25/09

To the Assistant Commissioner

03-30-2009



103554510

U.S. Department of Commerce
Patent and Trademark Office

ments or copy thereof.

1. Name of conveying party(ies)

Joseph Pierre* - (see petition by joint inventor)
Rachel Starr
Alan Stec

Addit'l name(s) of conveying party(ies) attached? ☐ Yes ☒ No

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

Smiths Medical ASD, Inc.
160 Weymouth Street
Rockland, MA 02370

Addit'l. name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement
☐ Change of name
☐ Other

Execution Date: Feb. 17, 2009 and Feb. 18, 2009



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

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 12/379,260

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Louis Woo, Esq.
Law Offices of Louis Woo
717 N Fayette Street
Alexandria, VA 22314

6. Total number of applications and patents involved [1]

7. Total fee (37 CFR 3.41).....\$40.00

- ☐ Enclosed
☒ Charge Credit Card form PTO-2038 attached
☒ Charge deficiencies/credit overpayments to Deposit Account 50-0501

8. Deposit Account No: 50-0501
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

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.

Date: March 25, 2009

Louis Woo
Reg. No. 31,730

Total number of pages comprising cover sheet: [13]

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner for Patents
Box Assignments
P.O. Box 1450
Alexandria, VA 22313-1450

The PTO did not receive the following listed item(s) A credit card form

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

* Constructive Assignment by Non-Disclosure/Non-Compete and Assignment of Inventions Agreement signed by Joseph Pierre and Rachel Starr at the time of employment.

PATENT
REEL: 022486 FRAME: 0449



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph PIERRE et al.

Serial No.

Art Unit:

Filed:

Examiner:

For: COMBINATION UNDERBODY AND
OVERBODY BLANKET

Atty Docket: 0107/0064

DECLARATION

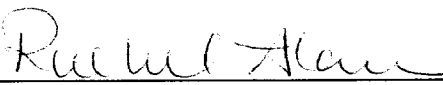
I, Rachel Starr, hereby declare that:

1. I was an employee of Smiths Medical ASD, Inc. (Level 1). I left the employ of Smiths Medical ASD, Inc. on or about November 9, 2007;
2. I am a co-inventor of the invention covered by the application captioned above entitled "Combination Underbody And Overbody Blanket";
3. My co-inventors for the invention covered by the above-captioned application are Joseph Pierre and Alan Stec;
4. I was sent a finalized draft of the captioned application sometime on or about February 3, 2009 by Smiths Medical, ASD's patent attorney, Louis Woo;
5. I was aware that co-inventor Joseph Pierre left the employ of Smiths Medical ASD, Inc., on or about March 2, 2007;
6. I was informed by Louis Woo that as of February 11, 2009 he has not received any signed 37 C.F.R. §1.63 Declaration for this case from Joseph Pierre;

- 12/21/2009
7. So that Smiths Medical ASD, Inc. does not lose the rights to the invention covered by the captioned application, as a co-inventor I have signed the Declaration/Power of Attorney on behalf of Joseph Pierre under 35 U.S.C. 116 and 37 C.F.R. 1.47(a).

I hereby declare under penalty of law that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

This 17th day of February, 2009



Rachel Starr



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph PIERRE et al.

Serial No.

Art Unit:

Filed:

Examiner:

For: COMBINATION UNDERBODY AND
OVERBODY BLANKET

Atty Docket: 0107/0064

DECLARATION

I, Alan Stec, hereby declare that:

1. I am an employee of Smiths Medical ASD, Inc. (Level 1);
2. I am a co-inventor of the invention covered by the application captioned above entitled "Combination Underbody and Overbody Blanket";
3. My co-inventors for the invention covered by the above-captioned application are Joseph Pierre and Rachel Starr;
4. I was sent a finalized draft of the captioned application on or about February 3, 2009 by Smiths Medical, ASD's patent attorney, Louis Woo. I was informed by Louis Woo that respective copies of the application were sent to Joseph Pierre and Rachel Starr;
5. I was aware that co-inventor Joseph Pierre left the employ of Smiths Medical ASD, Inc., on or about March 2, 2007 and co-inventor Rachel Starr left the employ of Smiths Medical ASD, Inc., on or about November 7, 2007;
- 6.. I was informed by Louis Woo that he has not received any signed 37 C.F.R. §1.63 Declaration for this case from either Joseph Pierre or Rachel Starr as of February 18, 2009;

7. So that Smiths Medical ASD, Inc. does not lose the rights to the invention covered by the captioned application, as a co-inventor I have signed the 37 C.F.R. §1.63 Declaration on behalf of Joseph Pierre and Rachel Starr under 35 U.S.C. 116 and 37 C.F.R. 1.47(a).

I hereby declare under penalty of law that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

This 18th day of February, 2009



Alan Stec
Smiths Medical ASD, Inc.

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) Joseph Pierre, (2) Rachel Starr, and (3) Alan Stec the undersigned,

Hereby, sell, assign and transfer to Smiths Medical ASD, Inc., having a place of business at 160 Weymouth Street, Rockland, MA 02370 its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries in the invention entitled COMBINATION UNDERBODY AND OVERBODY BLANKET

(a) for which an application for United States Letters Patent was filed on _____, and identified by United States Serial No. _____; or

(b) for which an application for United States Letters Patent was executed by the undersigned on date(s) indicated below;

and in and to said application and all divisional, continuation, continuation-in-part, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same is herein possessed by the undersigned.

(1) Joseph Pierre

Date

Rachel Starr
(2) Rachel Starr

2/17/09
Date

(3) Alan Stec

Date

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) Joseph Pierre, (2) Rachel Starr, and (3) Alan Stec the undersigned,

Hereby, sell, assign and transfer to Smiths Medical ASD, Inc., having a place of business at 160 Weymouth Street, Rockland, MA 02370 its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries in the invention entitled COMBINATION UNDERBODY AND OVERBODY BLANKET

(a) for which an application for United States Letters Patent was filed on _____, and identified by United States Serial No. _____; or

(b) for which an application for United States Letters Patent was executed by the undersigned on date(s) indicated below;

and in and to said application and all divisional, continuation, continuation-in-part, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same is herein possessed by the undersigned.

(1) Joseph Pierre

Date

(2) Rachel Starr

Date


(3) Alan Stec

2/18/2009
Date



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph PIERRE et al.

Serial No.

Art Unit:

Filed:

Examiner:

For: COMBINATION UNDERBODY AND
OVERBODY BLANKET

Atty Docket: 0107/0064

**PETITION BY JOINT INVENTOR(S) FILING ON BEHALF OF OTHER
JOINT INVENTOR(S) WHO REFUSE(S) TO JOIN IN APPLICATION
OR CANNOT BE REACHED (37C.F.R. § 1.47(a))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, a joint inventor of the above-identified application, sign below and petition to make this application on behalf of the non-signing joint inventor:

Joseph Pierre

who: ☒ refuses to join the application, and/or
☒ cannot be found after diligent effort

2. This petition is accompanied by proof of the pertinent facts and the last known address of the non-signing inventor as set forth hereinbelow in the accompanying statement of facts in support of filing on behalf of the non-signing inventor under 37 C.F.R. § 1.47:

- a. Joseph Pierre and I are the co-inventors of the invention covered by the above-identified application entitled "Combination Underbody and Overbody Blanket".

Joseph Pierre and I were co-workers at Smiths ASD, Inc. (Level 1). As of early March, 2007, Joseph Pierre no longer is an employee of Level 1.

I, Rachel Starr, have set forth the facts as I know it in the attached Starr Declaration.

I, Alan Stec, have set forth the facts as I know it in the attached Stec Declaration.

- b. A *bona fide* attempt has been made to obtain the signature of Joseph Pierre for this application by the patent attorney, Louis Woo, who prepared this application. This is evidenced by the attached Woo Declaration which provides the documentary evidence for such *bona fide* attempt and diligent effort to have Joseph Pierre sign the 37 C.F.R. § 1.63 declaration.
- c. I have signed the 37 C.F.R. § 1.63 Declaration individually and on behalf of Joseph Pierre. The signed copy and/or copies of the 37 C.F.R. § 1.63 Declaration is/are attached.
- d. The last known address of Joseph Pierre is 55 Churchill Avenue, Brockton, MA 02301.

3. The \$200.00 fee set forth in § 1.17(g), required by 37 C.F.R. § 1.47(a), is hereby authorized to be charged from Deposit Account No. 50-0501. The Commissioner is further

authorized to charge any additional fees and/or credit any overpayment to the same account. A duplicate of this paper is attached.

Date: 2/17/09

Rachel Starr
Rachel Starr

Date: _____

Alan Stec



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph PIERRE et al.

Serial No.

Art Unit:

Filed:

Examiner:

For: COMBINATION UNDERBODY AND
OVERBODY BLANKET

Atty Docket: 0107/0064

**PETITION BY JOINT INVENTOR(S) FILING ON BEHALF OF OTHER
JOINT INVENTOR(S) WHO REFUSE(S) TO JOIN IN APPLICATION
OR CANNOT BE REACHED (37C.F.R. § 1.47(a))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, a joint inventor of the above-identified application, sign below and petition to make this application on behalf of the non-signing joint inventors:

Joseph Pierre
Rachel Starr

who: ☒ refuses to join the application, and/or
☒ cannot be found after diligent effort

2. This petition is accompanied by proof of the pertinent facts and the last known addresses of the non-signing inventors as set forth hereinbelow in the accompanying statement of facts in support of filing on behalf of the non-signing inventors under 37 C.F.R. § 1.47:

- a. Joseph Pierre, Rachel Starr and I are the co-inventors of the invention covered by the above-identified application entitled "Combination Underbody and Overbody Blanket".

Joseph Pierre, Rachel Starr and I were co-workers at Smiths ASD, Inc. (Level 1).

Joseph Pierre left the employ of Level 1 on or about March 2, 2007.

Rachel Starr left the employ of Level 1 on or about November 7, 2007.


I, Alan Stec, have set forth the facts as I know it in the attached Stec Declaration.

- b. A *bona fide* attempt has been made to obtain the signatures of Joseph Pierre and Rachel Starr for this application by the patent attorney, Louis Woo, who prepared this application. This is evidenced by the attached Woo Declaration which provides the documentary evidence for such *bona fide* attempt and diligent effort to have Joseph Pierre and Rachel Starr sign the 37 C.F.R. § 1.63 declaration.
- c. I have signed the 37 C.F.R. § 1.63 Declaration individually and on behalf of Joseph Pierre and Rachel Starr. The signed copy of the 37 C.F.R. § 1.63 Declaration is attached.
- d. The last known address of Joseph Pierre is 55 Churchill Avenue, Brockton, MA 02301.

- e. The last known address of Rachel Starr is 9 Cedar Circle, Randolph, MA 02368.

3. The \$200.00 fee set forth in § 1.17(g), required by 37 C.F.R. § 1.47(a), is hereby authorized to be charged from Deposit Account No. 50-0501. The Commissioner is further authorized to charge any additional fees and/or credit any overpayment to the same account. A duplicate of this paper is attached.

Date: 2/18/2009


Alan Stec