## PATENT ASSIGNMENT

## Electronic Version v1.1 Stylesheet Version v1.1

**SUBMISSION TYPE: NEW ASSIGNMENT** 

NATURE OF CONVEYANCE: **ASSIGNMENT** 

#### **CONVEYING PARTY DATA**

Name	Execution Date
Aspire Medical, Inc.	03/31/2009

#### **RECEIVING PARTY DATA**

Name:	ninklijke Philips Electronics N.V.		
Street Address:	Groenenwoudseweg 1		
City:	Eindhoven		
State/Country:	NETHERLANDS		
Postal Code:	5621 BA		

#### PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	11762642

### **CORRESPONDENCE DATA**

Fax Number: (440)483-2452

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

440-483-4281 Phone:

tom.lundin@philips.com Email: Correspondent Name: Thomas M. Lundin Address Line 1: 595 Miner Road

Address Line 4: Cleveland, OHIO 44143

ATTORNEY DOCKET NUMBER: 014153US

NAME OF SUBMITTER: Thomas M. Lundin

Total Attachments: 6

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**PATENT** 

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## INTELLECTUAL PROPERTY ASSIGNMENT

THIS INTELLECTUAL PROPERTY ASSIGNMENT (this "Assignment"), is made and entered into as of March 31, 2009, by and between Aspire Medical, Inc., a Delaware corporation (hereinafter called "ASSIGNOR") in favor of Koninklijke Philips Electronics N.V., a corporation organized and existing under the laws of the Netherlands (hereinafter called "ASSIGNEE");

WHEREAS, ASSIGNOR is the owner of record of the entire right, title, and interest in and to the Intellectual Property and Intellectual Property Rights shown in <u>Schedule A</u> attached hereto (the "<u>Assignor Intellectual Property</u>");

WHEREAS, ASSIGNOR and ASSIGNEE have entered into Asset Purchase Agreement dated March 26, 2009 (the "Purchase Agreement"), pursuant to which ASSIGNOR agreed to assign all right, title and interest to the Purchased Intellectual Property to ASSIGNEE;

WHEREAS, ASSIGNOR is the owner of the Intellectual Property and Intellectual Property Rights related to the Assignor Intellectual Property (together, the "Purchased Intellectual Property"). "Intellectual Property" shall mean inventions (whether or not patentable), trade secrets, technical data, databases, customer lists, designs, tools, methods, processes, technology, ideas, product road maps, knowhow, source code, product road maps and other proprietary information and materials; (ii) trademarks and service marks (whether or not registered), trade names, logos, trade dress and other proprietary indicia and all goodwill associated therewith; (iii) documentation, advertising copy, marketing materials, websites, specifications, mask works, drawings, graphics, databases, recordings and other works of authorship, whether or not protected by copyright; (iv) computer programs, including any and all software implementations of algorithms, models and methodologies, whether in source code or object code, design documents, flow-charts, user manuals and training materials relating thereto and any translations thereof. "Intellectual Property Rights" shall mean all forms of legal rights and protections that may be obtained for, or may pertain to, the Intellectual Property set forth in clauses (i) through (iv) above in any country of the world, including all letters patent, patent applications, provisional patents, design patents, PCT filings, invention disclosures and other rights to inventions or designs, all registered and unregistered copyrights in both published and unpublished works, all trademarks, service marks and other proprietary indicia (whether or not registered), trade secret rights, mask works, moral rights or other literary property or authors rights, and all applications, registrations, issuances, divisions, continuations, renewals, reissuances and extensions of the foregoing.

WHEREAS, ASSIGNEE is desirous of acquiring ownership of the Purchased Intellectual Property and as pursuant to the Purchase Agreement, the parties have agreed that ASSIGNOR shall transfer ownership of the Purchased Intellectual Property to ASSIGNEE;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR does hereby sell and assign unto the ASSIGNEE all right, title, and interest in and to the Purchased Intellectual Property, together with any and all reissues, renewals, continuations, divisions, or extensions thereof that may be issued or granted, and the Purchased Intellectual Property and all derivatives thereof and the right to recover and have damages and profits for past, present, and future infringement, if any.

FURTHER, ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, or its counterpart in such other jurisdictions as may be applicable, to record the assignment of any patents, patent applications or trademarks listed on <u>Schedule 1.1a</u> to ASSIGNEE in accordance with the terms of this Assignment.

No obligation is hereby assumed by ASSIGNOR to maintain, prosecute, enforce, or litigate, file, assert, or defend any patent or patent application or Purchased Intellectual Property.

ASSIGNOR agrees that at any time and from time to time upon the written request of ASSIGNEE, it will execute and deliver such further documents and do such further acts and things as such other party may reasonably request in order to affect the purposes of this Agreement.

ASSIGNOR covenants and agrees to take no action to oppose or otherwise challenge the validity or patentability of the patent application assigned hereunder.

ASSIGNOR represents that it has not assigned, transferred or encumbered the Purchased Intellectual Property and that it has the right and authority to enter into this Assignment and to assign its rights to the Purchased Intellectual Property pursuant to this Assignment.

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IN WITNESS WHEREOF, the ASSIGNOR has executed this Assignment as of the date first written above.

"ASSIGNOR"
ASPIRE MEDICAL, INC.

Name: Richard P. Powers

Title: President and Chief Executive Officer

**PATENT** 

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### SCHEDULE 1.1a PURCHASED ASSETS

### 1. <u>Intellectual Property:</u>

- (a) All patents and patent applications as provided below, and all patentable inventions disclosed therein.
  - (b) All trademarks as provided below
- (c) All proprietary information of Aspire related to design, manufacture and testing of devices for sleep apnea including the invention disclosure log, preclinical testing, clinical data, suppliers, and quality system. The proprietary information to be sold will not include financial information or personnel records.
- (d) Ownership of the intellectual property rights and proprietary information that is owned by Aspire, including without limitation, the following patents, patent applications and trademarks.

#### Patents:

Docket#	Country	Title	Serial #	Filed	Status
		System and Method			Cuitas
ASPIRE.003A	USA	for Hyoidplasty 10/736,457		12/15/03	Pending
		System and Method		1	
ASPIRE.003VPC	PCT	for Hyoldplasty	PCT/US2004/042571	12/15/04	Closed
		System and Method			
ASPIRE.003VEP	Europe	for Hyoldplasty	04814718.5	12/15/04	Pending
		System and Method			
		for Airway			
ASPIRE.004A	USA	Manipulation	10/958,205	10/04/04	Pending
		System and Method			
ASPIRE,004VPG	РСТ	for Airway			
ASPIRE, UUTYPG	PCI	Manipulation	PCT/US2005/035541	09/30/05	Closed
1		System and Method for Percutaneous	1		ļ
ASPIRE.005PR	USA	Gioscopiasty	60/650,867	02/08/05	Euminad
- X-0 / 11 (C-0 - C-0 -	- Jon	System and Method	60000'60)	V2/00/05	Expired
		for Percutaneous			
ASPIRE.006PR2	USA	Glossoplesty	80/726.028	10/12/05	Expired
		System and Method		1	EXPILO
		for Percutaneous			
ASPIRE.006A	USA	Glossopiasty	11/349,067	02/07/06	Pending
		Method for Adjusting			<b>T.</b>
ASPIRE.006A1	USA	Tissue Anchors	11/349,044	02/07/06	Pending
		Method for Adjusting			
ASPIRE.006A2	USA	Tiesue Anchors	11/349,040	02/07/06	Pending
		Tissue Anchoring			
		System for			
ASPIRE.008A3	USA	Percutaneous	4474.00		
MOLIVE'MAN	USA	Glossopiasty System and Method	11/349,072	02/07/06	Pending
		for Percutaneous			
ASPIRE.008A4	USA	Palate Remodeling	11/349,045	02/07/06	Pending
		System and Method	11/348,043	02/0//08	renoing
		for Percutaneous			
ASPIRE.006VPC	PCT	Glossoplasty	PCT/US2006/04455	02/07/06	Closed
		System and Method		02,07700	- C109871
	n / 1 (mp)	for Percutaneous			
ASPIRE.006VEP	Europe	Glossoplasty	06758143.9	02/07/05	Pending

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ASPIRE.008VJP   Japan   Glossoplasty   2007-564341   02/07/08   Pending			System and Method			
ASPIRE.007PR	ASPIRE.006VJP	Japan		2007-554341	02/07/08	Pending
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ASPIRE.021PR	ASPIRE.007PR	USA		60/636,165	12/15/04	Expired
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ASPIRE.028A USA Palate Remodeling 11/785,989 06/20/07 Pending			for Percutaneous			
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ASPIRE.029PR	USA	for Temporary			1
ASPINE VZVPR	USA	Tongue Suspension	60/815,731	06/21/06	Expired
1		System and Method			
		for Temporary	1		l
ASPIRE.029A	USA	Tongue Suspension	11/765,235	06/19/07	Pending
	l	System and Method			
		for Temporary	1	]	Ì
ASPIRE.029VPC	PCT	Tongue Suspension	PCT/US2007/14342	05/20/07	Closed
		System and Method			
		for Treating Nasal	1	1	1
		Obstruction by		1	1
	1	Manipulating the		!	I
ASPIRE.030PR	USA	Nasai Vaive	60/817,565	06/29/06	Expired
		Methods and Devices		1	
		for Rhinoplasty and			
		Treating internal		i	
ASPIRE.030PR2	USA	Valve Stenoels	60/875.067	12/15/06	Expired
		Methods and Devices			
		for Rhinoplasty and			
		Treating Internal		i	
ASPIRE.030A	USA	Valve Stenosis	11/770,471	06/28/07	Pending
		Methods and Devices			
		for Rhinoplasty and			
		Treating internal		l	
ASPIRE.030VPC	PCT	Valve Stenosis	PCT/US2007/72586	06/29/07	Closed
		Methods and Devices			
		for the Treatment of			]
		Airway Obstruction.	,		
		Sleep Apnea, and			
ASPIRE.032PR	USA	Snoring	60/836,578	08/08/06	Expired
		Methods and Devices	49/499/014	20100100	FVhilen
		for the Treatment of			
		Airway Obstruction,			
		Sleep Apnea, and			
ASPIRE.032A	USA	Snoring	11/835,966	08/08/07	Pendina
			1 (1000)	- VV-VO/V/	ः का।ध्यक्षाध्य

### Trademarks:

Docket No.	Country	Trademark	Serial No.	Filing Date	Registration No.	Reg. Date	Status
ASPIRE.002T	USA	ASPIRE MEDICAL	78/359,769	01/29/04	3,412,616	04/15/08	Registered
ASPIRE.002WAU	Australia	ASPIRE MEDICAL	1012289	07/22/04	1012289	11/29/04	Registered
ASPIRE.002WCA	Canada	ASPIRE MEDICAL	1224952	07/27/04	NA	NA	Abandoned
ASPIRE.002WEU	Europe	ASPIRE MEDICAL	003944956	07/27/04	003944956	11/30/05	Registered
ASPIRE.002WJP	Japan	ASPIRE MEDICAL	2004-68343	07/23/04	4848176	03/18/05	Registered

## 2. Contracts

None

# 3. Other Assets

**RECORDED: 09/17/2009** 

- (a) The following Advance system specific equipment and tools (Note: general purpose machine tooling is excluded):
  - Press fit fixtures and arbor presses for tissue anchor assembly
  - Hand cutters with custom attachments for trimming barbs

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