

**PATENT ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
<b>CONVEYING PARTY DATA</b>	
Name	Execution Date
CUBIC TECH Corporation	04/16/2008
<b>RECEIVING PARTY DATA</b>	
Name:	LOMA VISTA MEDICAL, INC.
Street Address:	843 Mitten Road, Suite 103
City:	Burlingame
State/Country:	CALIFORNIA
Postal Code:	94010
<b>PROPERTY NUMBERS Total: 1</b>	
Property Type	Number
Application Number:	12537166
<b>CORRESPONDENCE DATA</b>	
Fax Number:	(650)284-2180
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	(650) 242-4210
Email:	kmoore@lbhip.com
Correspondent Name:	Levine Bagade Han LLP
Address Line 1:	2400 Geng Road
Address Line 2:	Suite 120
Address Line 4:	Palo Alto, CALIFORNIA 94303
ATTORNEY DOCKET NUMBER:	LMVSNZ01000
NAME OF SUBMITTER:	David A. Levine
<b>Total Attachments: 14</b> source=LMVSNZ01000_20091231_development_and_manufacturing_agreement#page1.tif source=LMVSNZ01000_20091231_development_and_manufacturing_agreement#page2.tif source=LMVSNZ01000_20091231_development_and_manufacturing_agreement#page3.tif source=LMVSNZ01000_20091231_development_and_manufacturing_agreement#page4.tif	

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**PATENT  
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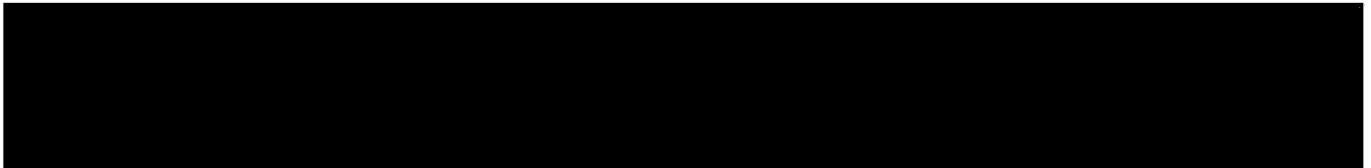
## DEVELOPMENT AND MANUFACTURING AGREEMENT

This DEVELOPMENT AND MANUFACTURING AGREEMENT (this "Agreement") is entered into as of the \_\_\_\_\_ day of April, 2008 (the "Effective Date"), by and between LOMA VISTA MEDICAL, INC., a Delaware corporation (hereinafter "Loma Vista") and CUBIC TECH Corporation, an Arizona corporation (hereinafter "Cubic Tech"). Loma Vista and Cubic Tech are together sometimes referred to herein as the "Parties" and each individually as a "Party".

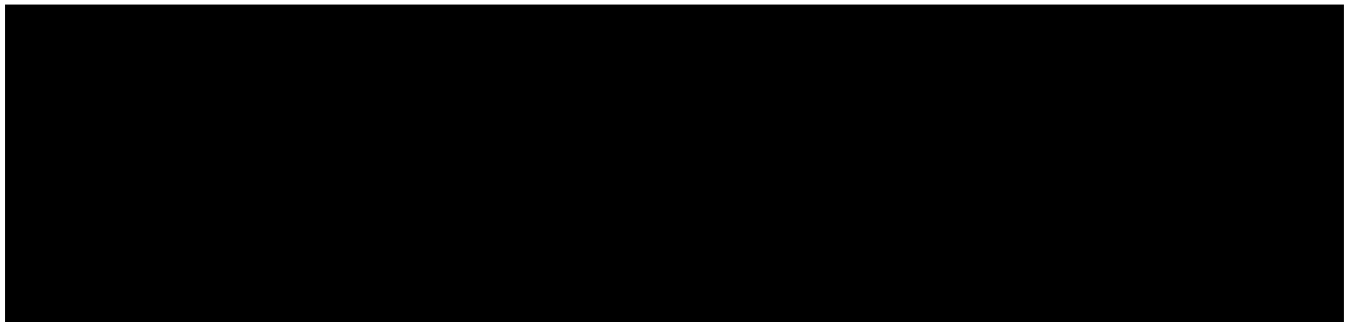


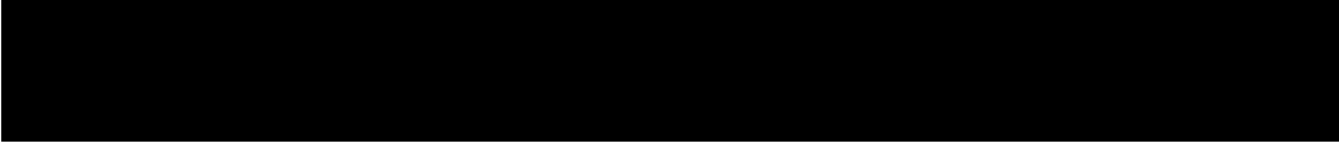
NOW THEREFORE, in considerations of the mutual covenants and promises contained in this Agreement, the Parties agree as follows:

### 1. Definitions




1.2. "Collaboration Intellectual Property" means all Intellectual Property Rights relating to Products and Components that either (a) arise out of work performed in connection with this Agreement and are conceived and/or reduced to practice during the Term hereof or (b) arise out of work performed collaboratively by the Parties pursuant to the Confidential Information and Non Disclosure Agreement dated as of October 10, 2006 and were conceived and/or reduced to practice prior to the date hereof.





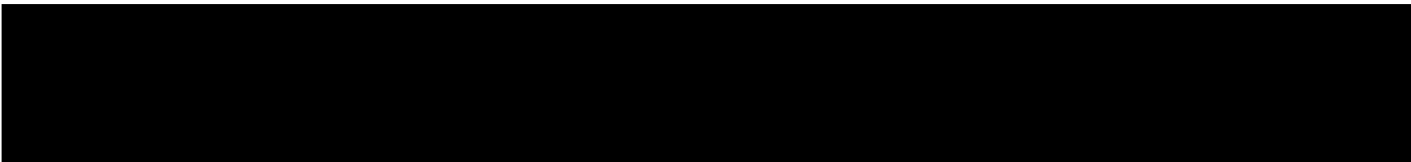
1.6. **“Intellectual Property Rights”** means all intellectual property rights worldwide arising under statutory or common law, and whether or not perfected, including, without limitation, all (a) patents, patent applications and patent rights; (b) rights associated with works of authorship including copyrights, copyright applications, copyright registrations, mask works, mask work applications, and mask work registrations; (c) rights relating to the protection of trade secrets and confidential information, (d) any right analogous to those set forth in this definition and any other proprietary rights relating to intangible property (other than trademark, trade dress, or service mark rights); and (e) divisions, continuations, renewals, reissues, continuing prosecution, and extensions of the foregoing (as and to the extent applicable) now existing, hereafter filed, issued or acquired.



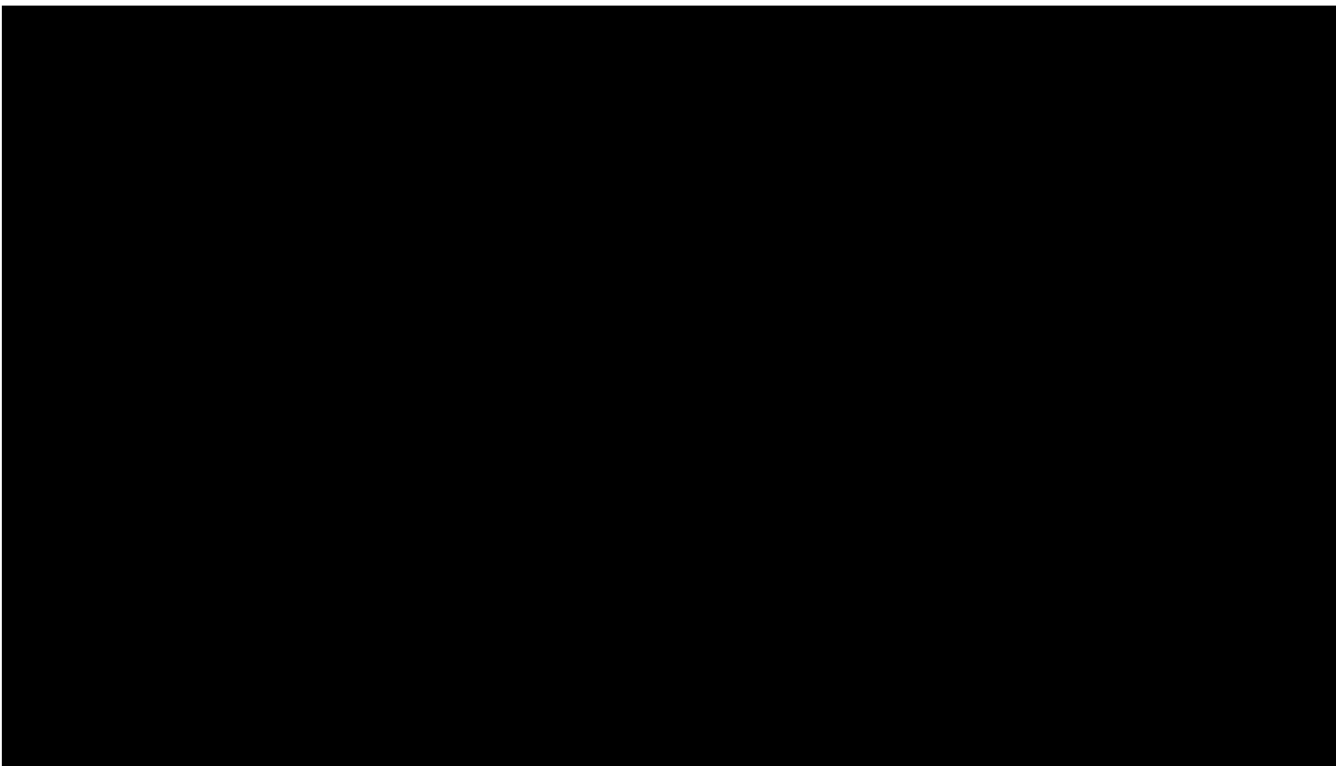


3. Intellectual Property; Patent Prosecution and Litigation; Licenses

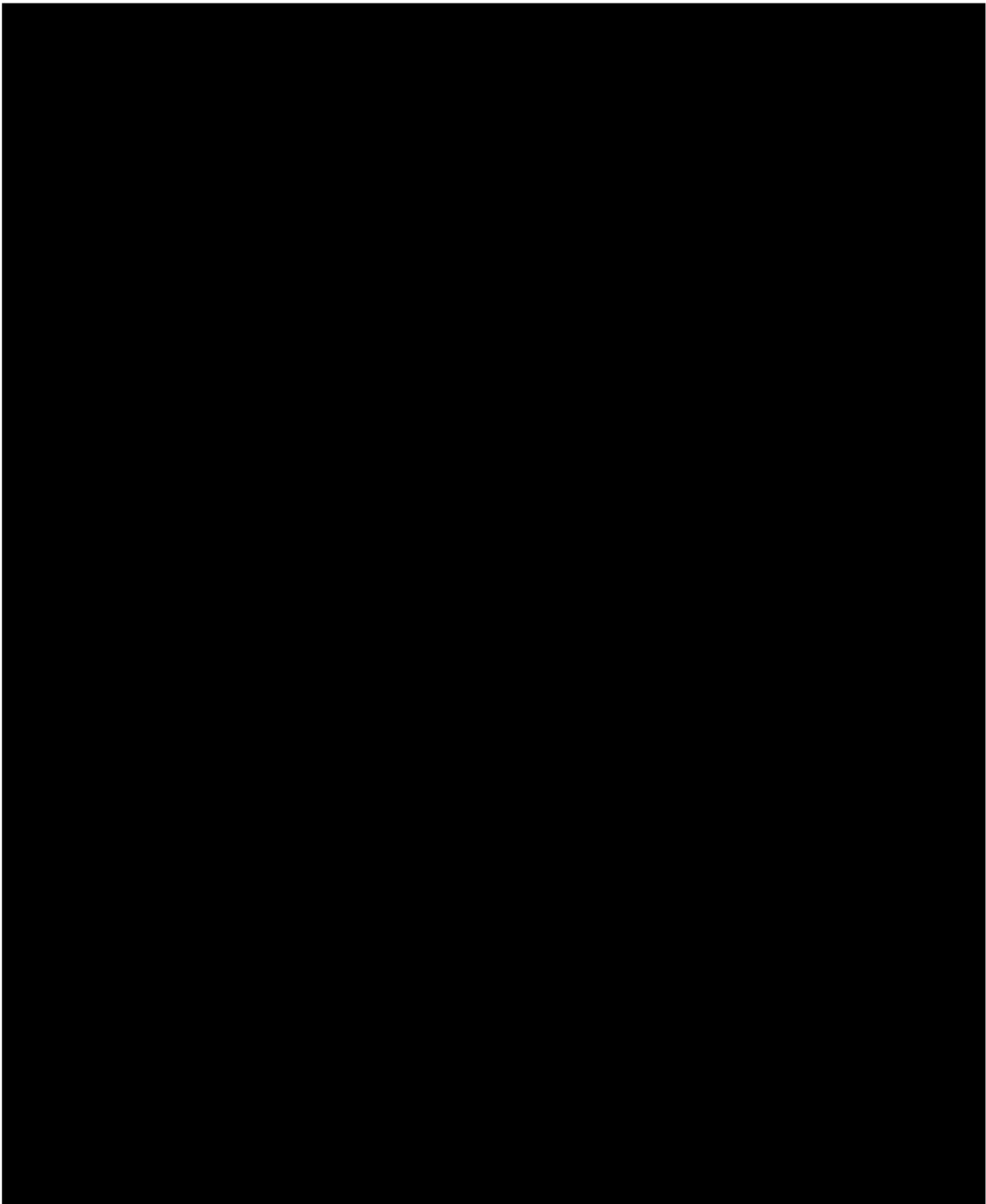
3.1. Ownership of Intellectual Property.

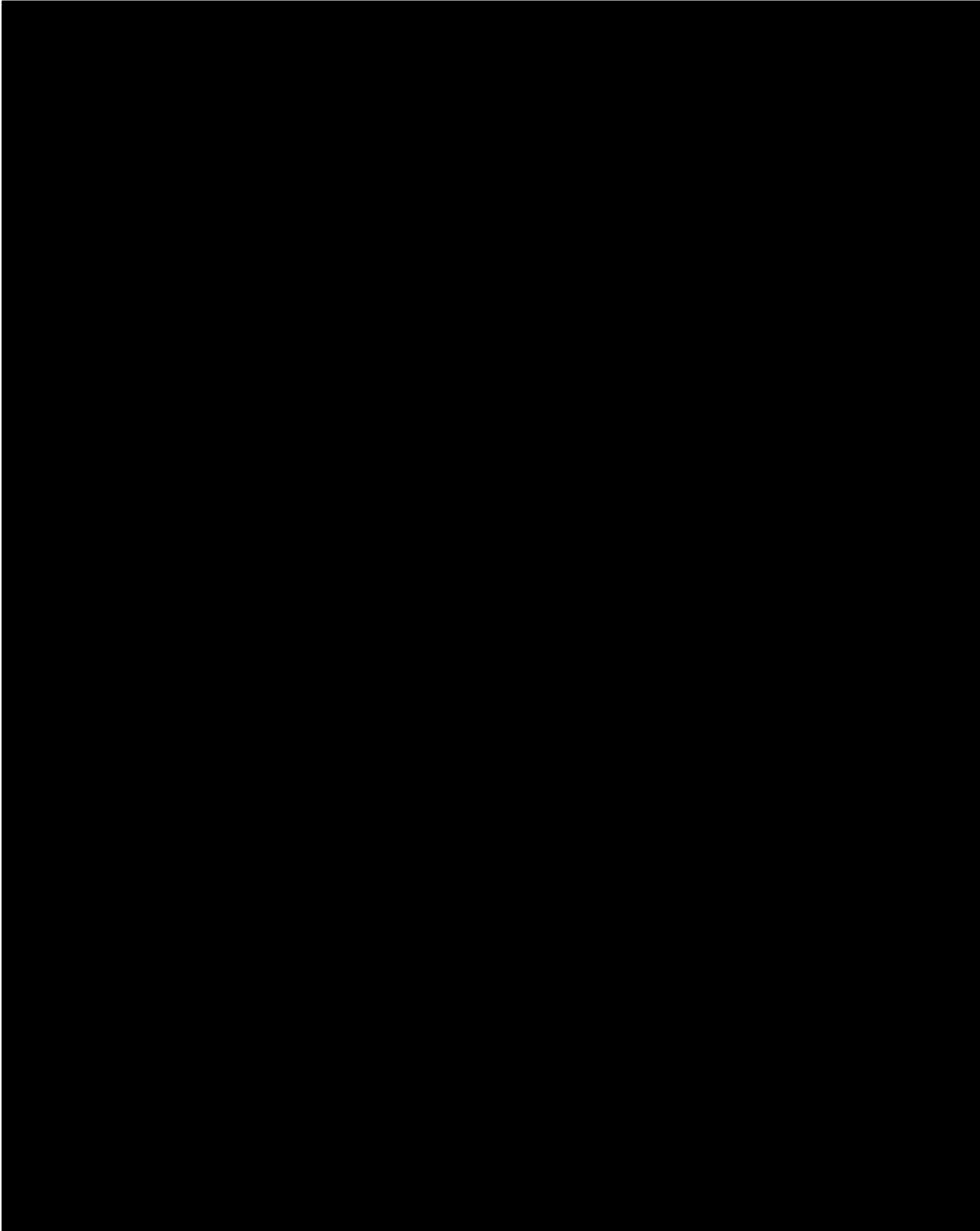


(c) Collaboration Intellectual Property. All rights and title to Collaboration Intellectual Property, whether patentable or copyrightable or not, will belong Loma Vista. In addition, all rights and title to Intellectual Property Rights relating to improvements to Products or Components arising from work performed in connection with this Agreement will belong to Loma Vista. Subject to the terms and conditions hereunder, Loma Vista hereby grants to Cubic Tech an exclusive, royalty-free, perpetual, worldwide license under the Collaboration Intellectual Property to develop, market, sell and distribute products for use outside of the field of medical devices employing inflatable and non-inflatable tubes and/or balloons for medical applications on or in the human body. All license grants set forth in this Section 3.1(c) are without charge or fee.

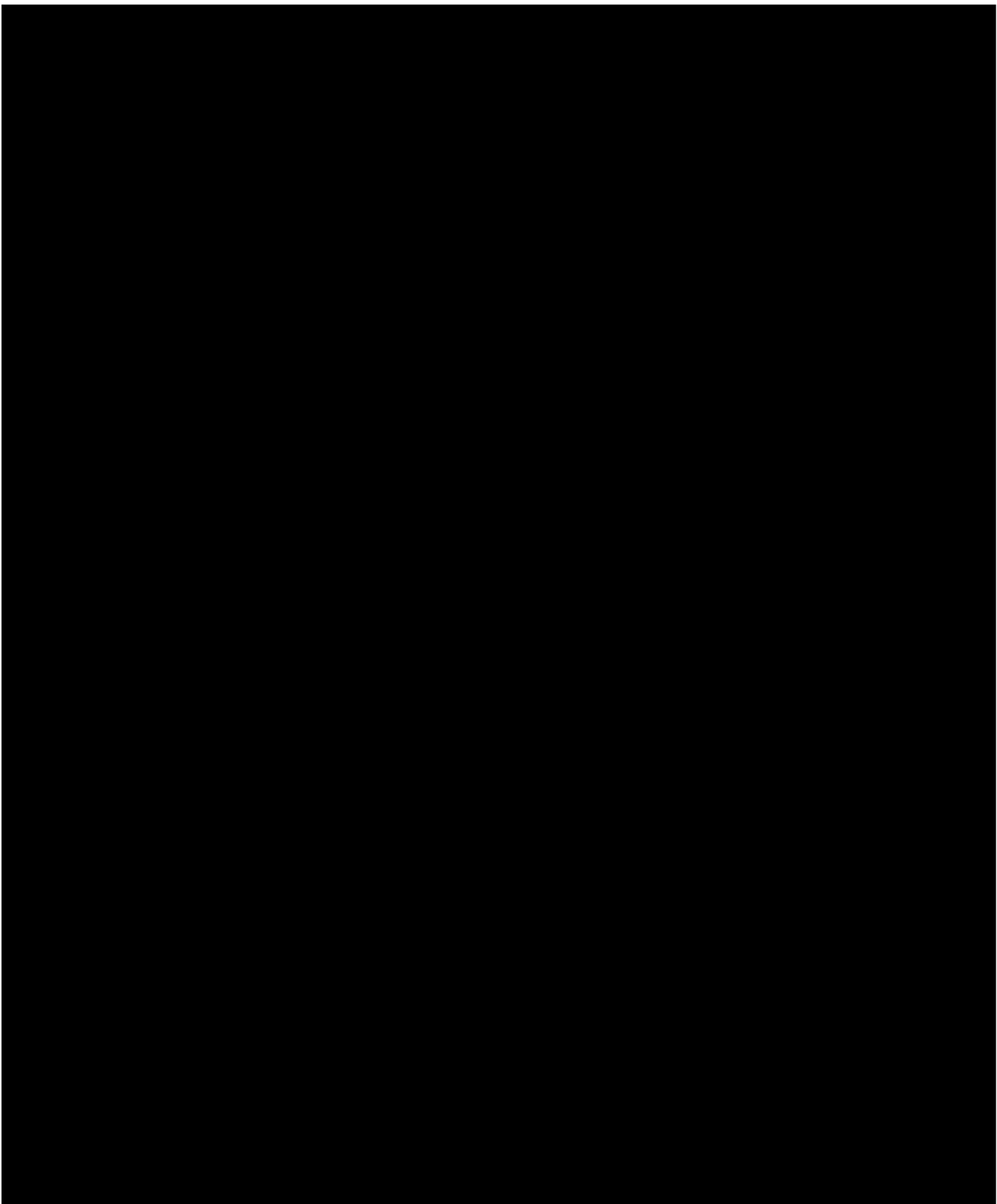


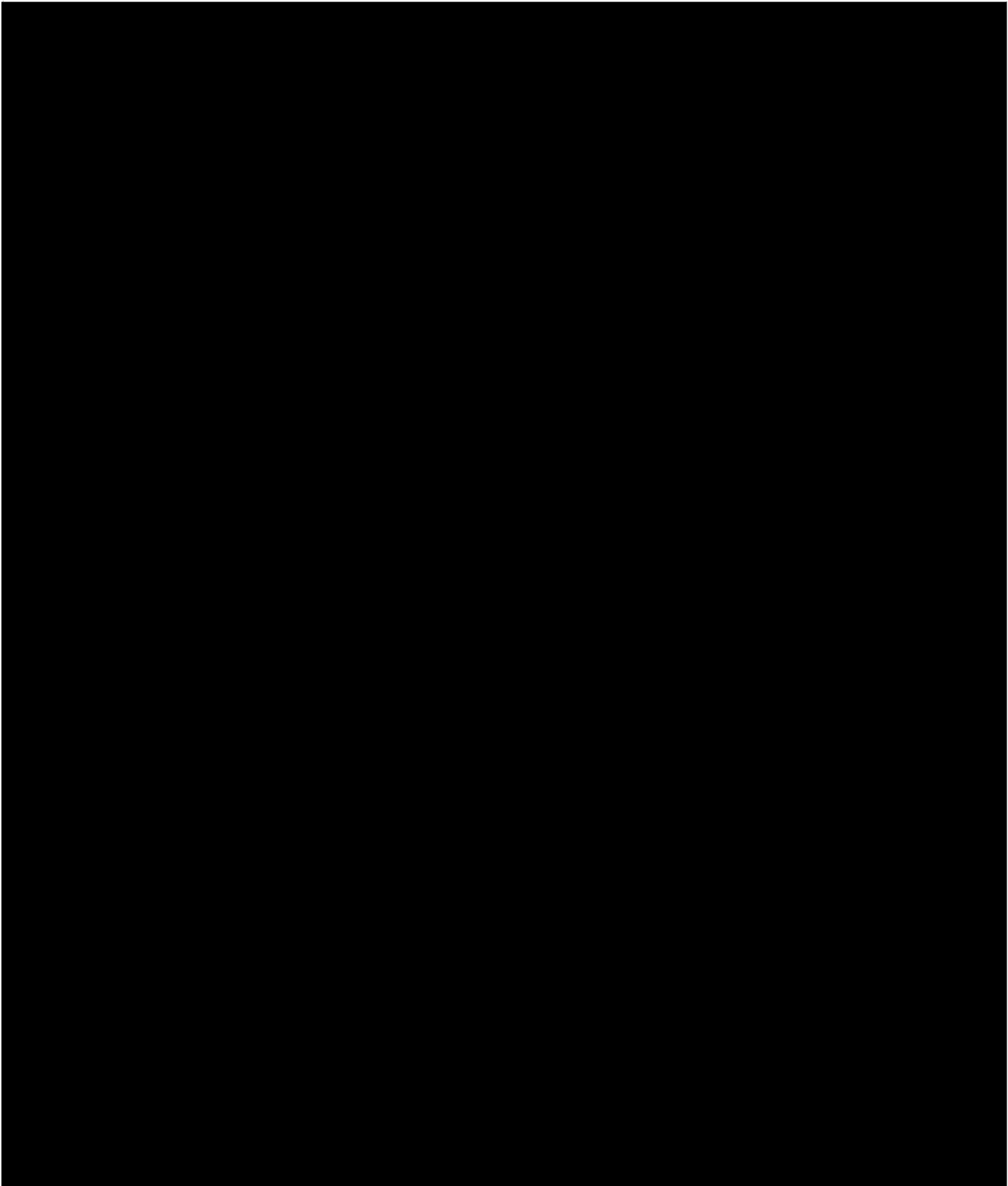


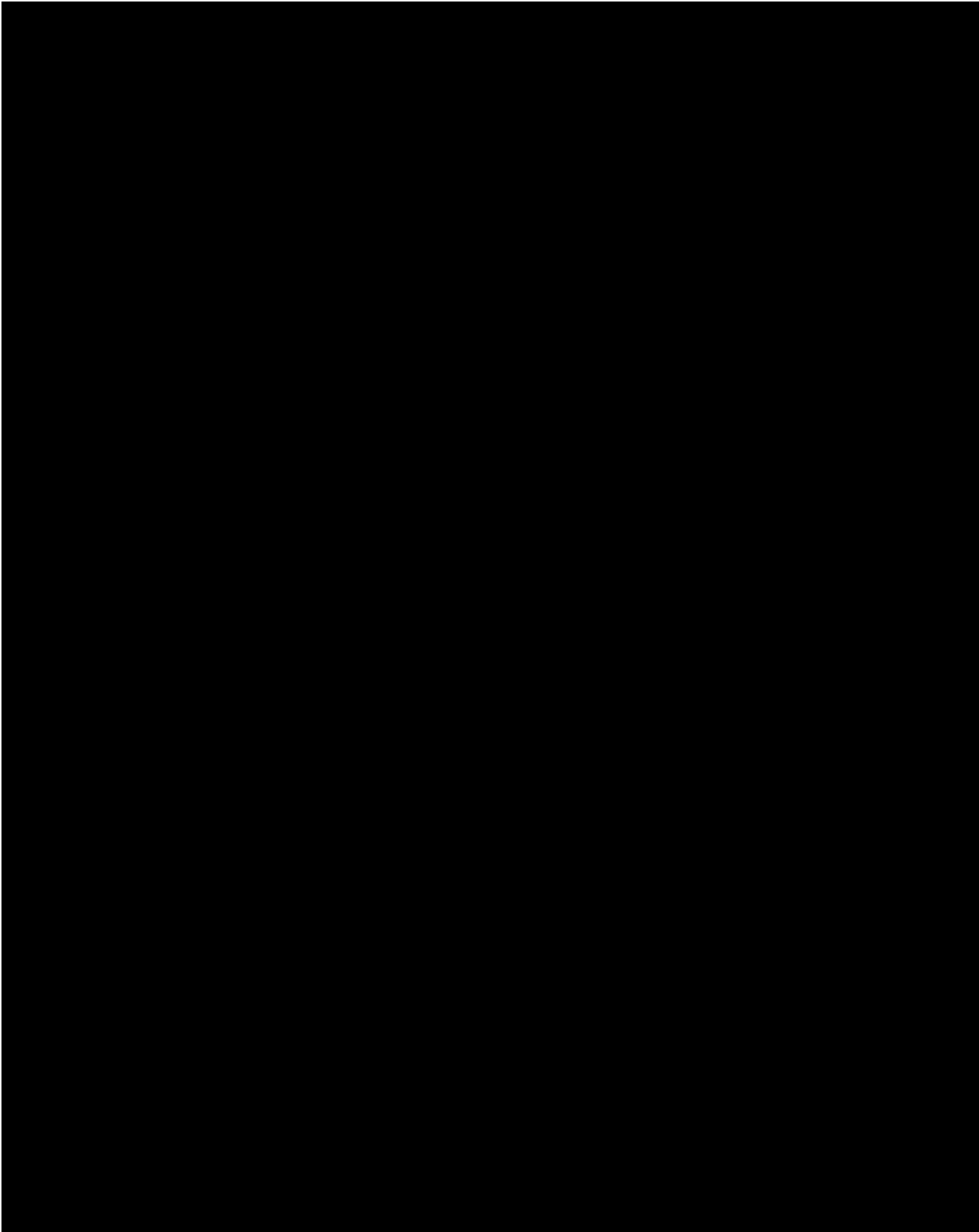


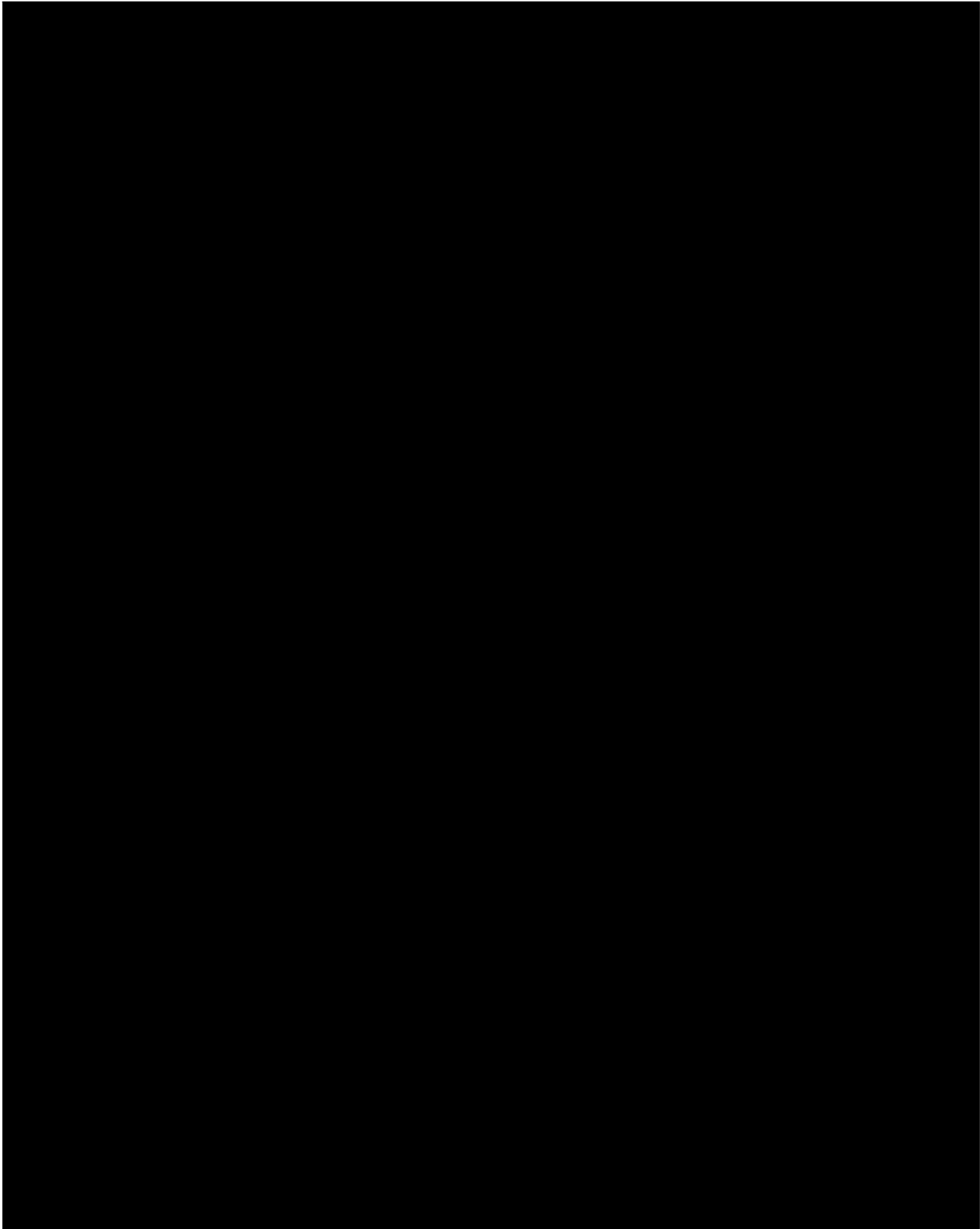














SIGNATURE PAGE TO DEVELOPMENT AND MANUFACTURING AGREEMENT

IN WITNESS WHEREOF, the Parties, through their authorized officers, have executed this Agreement as of the date first written above.

LOMA VISTA MEDICAL, INC.

CUBIC TECH

By: *Alex Tilson*

By: \_\_\_\_\_

Name: Alex Tilson

Name: \_\_\_\_\_

Title: Founder + CEO

Title: \_\_\_\_\_

April 16, 2008

Address: 143 Loma Vista Drive  
Burlingame, CA 94010

Address: 4510 E. Ivy Street  
Mesa, Arizona 85205

Phone: (650) 307-2176

Phone: (480) 924-3100

Fax: \_\_\_\_\_

Fax: (480) 924-3121

*AQT 4/16/08*

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IN WITNESS WHEREOF, the Parties, through their authorized officers, have executed this Agreement as of the date first written above.

LOMA VISTA MEDICAL, INC.

CUBIC TECH

By: \_\_\_\_\_

By: Heiner Meldner

Name: \_\_\_\_\_

Name: Heiner Meldner

Title: \_\_\_\_\_

Title: CEO

Address: 143 Loma Vista Drive  
Burlingame, CA 94010

Address: 4510 E. Ivy Street  
Mesa, Arizona 85205

Phone: (650) 307-2176

Phone: (480) 924-3100

Fax: \_\_\_\_\_

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IN WITNESS WHEREOF, the Parties, through their authorized officers, have executed this Agreement as of the date first written above.

LOMA VISTA MEDICAL, INC.

CUBIC TECH

By: \_\_\_\_\_

By: RT Downs

Name: \_\_\_\_\_

Name: RT DOWNS

Title: \_\_\_\_\_

Title: President

Address: 143 Loma Vista Drive  
Burlingame, CA 94010

Address: 4510 E. Ivy Street  
Mesa, Arizona 85205

Phone: (650) 307-2176

Phone: (480) 924-3100

Fax: \_\_\_\_\_

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