

PATENT ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT												
NATURE OF CONVEYANCE:	ASSIGNMENT												
CONVEYING PARTY DATA													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Name</th> <th style="width: 30%;">Execution Date</th> </tr> </thead> <tbody> <tr> <td>NICHOLAS CHARLES ALAN SMITH</td> <td>12/09/2002</td> </tr> <tr> <td>ALASTAIR EDWIN McAULEY</td> <td>11/25/2002</td> </tr> <tr> <td>CHRIS EARL NIGHTINGALE</td> <td>11/25/2002</td> </tr> <tr> <td>IVAN MILIVOJEVIC</td> <td>11/25/2002</td> </tr> <tr> <td>LEWIS GEORGE GRADON</td> <td>12/12/2002</td> </tr> </tbody> </table>		Name	Execution Date	NICHOLAS CHARLES ALAN SMITH	12/09/2002	ALASTAIR EDWIN McAULEY	11/25/2002	CHRIS EARL NIGHTINGALE	11/25/2002	IVAN MILIVOJEVIC	11/25/2002	LEWIS GEORGE GRADON	12/12/2002
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CORRESPONDENCE DATA													
<p>Fax Number: (312)704-8023</p> <p><i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i></p> <p>Phone: 3127041890</p> <p>Email: ptodocket@trexlaw.com</p> <p>Correspondent Name: Trexler, Bushnell et al.</p> <p>Address Line 1: 105 W. Adams Street</p> <p>Address Line 2: Suite 3600</p> <p>Address Line 4: Chicago, ILLINOIS 60603</p>													
ATTORNEY DOCKET NUMBER:	1171/40654B/124B												
NAME OF SUBMITTER:	RAIFORD A. BLACKSTONE												
Total Attachments: 2													

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PATENT
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ASSIGNMENT

Case 124 (1171/40654)

WHEREAS, we **NICHOLAS CHARLES ALAN SMITH** of 1/59 Ngatiawa Street, Onehunga, Auckland, New Zealand; **ALASTAIR EDWIN McAULEY** of 5/27 Lucerne Road, Remuera, Auckland, New Zealand; **CHRIS EARL NIGHTINGALE** of 188 Main Highway, Ellerslie, Auckland, New Zealand; **IVAN MILIVOJEVIC** of 221B Lake Road, Takapuna, Auckland, New Zealand and **LEWIS GEORGE GRADON** of 22 Brailsford Court, Howick, Auckland, New Zealand respectively, have invented certain new and useful improvements in **PATIENT INTERFACES** for which we have executed an application for Letters Patent of the United States on the 25th day of November 2002; and
12th December 2002

WHEREAS, **FISHER & PAYKEL HEALTHCARE LIMITED**, a corporation organized and existing under the laws of New Zealand having its principal place of business at **15 Maurice Paykel Place, East Tamaki, Auckland, New Zealand** (hereinafter referred to as "**ASSIGNEE**"), is desirous of acquiring the entire right, title and interest in and to said invention, said application, and in, to and under all Letters Patent of the United States and foreign countries that may be granted therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us and each of us in hand paid by said ASSIGNEE, the receipt of which is hereby acknowledged, we, said **Nicholas Charles Alan Smith, Alastair Edwin McAuley, Chris Earl Nightingale, Ivan Milivojevic and Lewis George Gradon** have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over to and unto said ASSIGNEE, its successors and assigns, for, within and throughout the United States and the territories thereof, and all foreign countries, the entire right, title and interest in and to said invention, and in, to and under said application, and all Letters Patent of the United States and foreign countries (including all priority rights that we may have or acquire under any International Convention or treaty) that may be granted for said invention and improvements, including divisions, reissues, subdivisions, continuations and prolongations of such applications and Letters Patent, to have and to hold for the sole and exclusive use and benefit of said ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patents for said invention may issue.

We do hereby covenant and agree, for ourselves, our heirs and our legal representatives, that we will assist said ASSIGNEE in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that said ASSIGNEE may elect to make covering the invention herein identified, as hereinbefore set forth; in vesting in said ASSIGNEE like exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patent herein contemplated; and that we will execute and deliver to said ASSIGNEE any and all additional papers that may be requested by said ASSIGNEE to fully carry out the terms of this assignment.

We do hereby authorize and request our attorneys, Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd., of 105 West Adams Street, Chicago, Illinois 60603, to insert here in parentheses (Serial No. 10/293,637 filed November 13, 2002) the date and serial number of said application when officially known.

And we do hereby authorize and request the Commissioner of Patents to issue all Letters Patent of the United States that may be granted pursuant to the application aforesaid, or for said invention, to said ASSIGNEE, its successors and assigns, in accordance with this assignment.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

Date:

9/12/02


NICHOLAS CHARLES ALAN SMITH

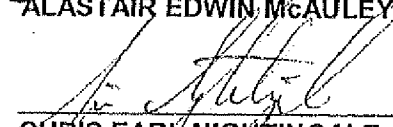
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