

**PATENT ASSIGNMENT**

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 Stylesheet Version v1.1

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| SUBMISSION TYPE:   | NEW ASSIGNMENT              |
| NATURE OF CONVEYANCE:  | ASSIGNMENT                  |
| <b>CONVEYING PARTY DATA</b>  |                             |
| <b>Name</b>  | <b>Execution Date</b>       |
| Wes Johnson  | 07/11/2001                  |
| Tyler Lipschultz   | 07/12/2001                  |
| Larry Wales  | 07/12/2001                  |
| Robert Kieval  | 07/12/2001                  |
| <b>RECEIVING PARTY DATA</b>  |                             |
| <b>Name:</b>   | Spine Wave, Inc.            |
| <b>Street Address:</b>   | Three Enterprise Drive      |
| <b>Internal Address:</b>   | Suite 210                   |
| <b>City:</b>   | Shelton                     |
| <b>State/Country:</b>  | CONNECTICUT                 |
| <b>Postal Code:</b>  | 06484                       |
| <b>PROPERTY NUMBERS Total: 1</b>   |                             |
| <b>Property Type</b>   | <b>Number</b>               |
| <b>Application Number:</b>   | 12858978                    |
| <b>CORRESPONDENCE DATA</b>   |                             |
| <b>Fax Number:</b>   | (317)638-2139               |
| <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> |                             |
| <b>Email:</b>  | docketing@maginot.com       |
| <b>Correspondent Name:</b>   | MAGINOT, MOORE & BECK LLP   |
| <b>Address Line 1:</b>   | 111 Monument Circle         |
| <b>Address Line 2:</b>   | Chase Tower, Suite 3250     |
| <b>Address Line 4:</b>   | Indianapolis, INDIANA 46204 |
| <b>ATTORNEY DOCKET NUMBER:</b>   | 1842-0018DIVII-CON          |
| <b>NAME OF SUBMITTER:</b>  | Michael D. Beck             |

CH \$40.00 12858978

Total Attachments: 3

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## ASSIGNMENT

We, Wes Johnson, Tyler Lipschultz, Larry Wales and Robert Kieval, citizens of the United States residing at 8091 Spruce Trail, Eden Prairie, Minnesota 55347; 15 South 1<sup>st</sup> Street #A1119, Minneapolis, MN 55401; 1654 Currie Street, Maplewood, Minnesota 55119; and 850 Foxberry Circle, Medina, Minnesota 55340, respectively, have made an invention relating to (title): TISSUE DISTRACTION DEVICE and have executed an application for United States Letters Patent based thereon and identified by attorney's File No. 44864.1 and naming the following inventors: Wes Johnson, Tyler Lipschultz, Larry Wales and Robert Kieval; Application No. 09/872,905, filed June 1, 2001.

In exchange for good and valuable consideration, the receipt of which we now acknowledge, we hereby assign to VERTx, Inc., a Delaware corporation with offices at 6765 Wedgwood Road, Suite 100, Maple Grove, Minnesota 55311, its successors and assigns (hereinafter "Assignee"):

- (1) The entire right, title and interest to the above-identified invention and application;
- (2) The entire right, title and interest to any United States or foreign Letters Patents which may issue with respect to the above identified invention;
- (3) The entire right, title and interest to any renewals, reissues, extensions, substitutions, continuations, continuations-in-part, or divisions that may be filed with respect to the above identified invention and application; and
- (4) The right to apply for Letters Patents in foreign countries in its own name and to claim any priority rights to which such foreign applications are entitled under international conventions, treaties or otherwise.

We further agree for ourselves and for our heirs, executors and administrators, to execute and deliver without further consideration any further applications, assignments or other documents and to perform such other lawful acts as Assignee, its successors and assigns may deem necessary to fully secure, maintain and enforce its rights, title or interest as outlined herein.

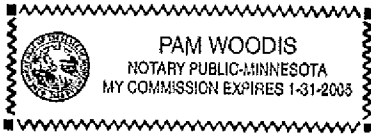
We hereby authorize and request the Commissioner of Patents and Trademarks to issue to Assignee any Letters Patents which may be granted in accordance with this Assignment.

Dated this 12 day of July, 2001.

\_\_\_\_\_  
Wes Johnson

Subscribed and sworn to before me  
this 12 day of July, 2001.

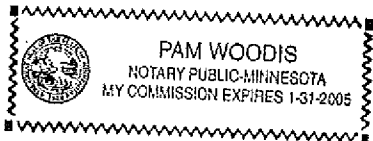
Pam Woodis  
Notary Public



Tyler Lipschultz  
Tyler Lipschultz

Subscribed and sworn to before me  
this 12 day of July, 2001.

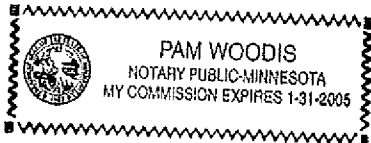
Pam Woodis  
Notary Public



Larry Wales  
Larry Wales

Subscribed and sworn to before me  
this 12 day of July, 2001.

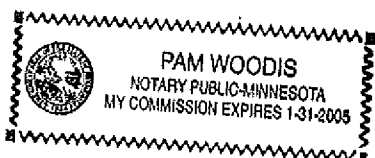
Pam Woodis  
Notary Public



Robert Kieval  
Robert Kieval

Subscribed and sworn to before me  
this 12 day of July, 2001.

Pam Woodis  
Notary Public



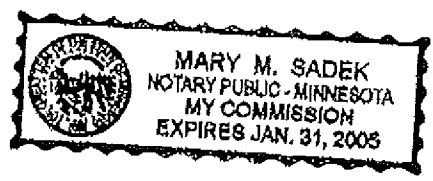
We hereby authorize and request the Commissioner of Patents and Trademarks to issue to Assignee any Letters Patents which may be granted in accordance with this Assignment.

Dated this 11 day of July, 2001.

Wes Johnson  
Wes Johnson

Subscribed and sworn to before me this 11<sup>th</sup> day of July, 2001.

Mary M. Sadek  
Notary Public



\_\_\_\_\_  
Tyler Lipschultz

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Larry Wales

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Robert Kieval

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public