

04/29/2011

U.S. DEPARTMENT OF COMMERCE  
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4-29-11

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To the Director of the U.S. Patent and Trademark Office. Please record the documents or the new address(es) below.

**1. Name of conveying party(ies)**

James Flom

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

**3. Nature of conveyance/Execution Date(s):**

Execution Date(s) 04/11/2011

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other

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

Name: Pivot Medical, Inc.

Internal Address:

Street Address: 247 Humboldt Court

City: Sunnyvale

State: CA

Country: USA Zip: 94089

Additional name(s) & address(es) attached? ☐ Yes ☒ No

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

A. Patent Application No (s)  
12/958,844

☐ This document is being filed together with a new application  
B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Mark J. Pandiscio

Internal Address: Pandiscio & Pandiscio, P.C.

Street Address: 470 Totten Pond Road

City: Waltham

State: MA Zip: 02451

Phone Number: (781) 290-0060

Fax Number: (781) 290-4840

Email Address:

**6. Total number of applications and patents involved: 1**

**7. Total fee (37 CFR 1.21(h) & 3.41) \$40.00**

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account (any deficiencies)  
☒ Enclosed  
☐ None required (government interest not affecting title)

**8. Payment Information**

a. Credit Card Last 4 Numbers: Expiration Date:

b. Deposit Account Number: 16-0221

Authorized User Name: 04/23/2011 AMULINE 00000046 10750844

**9. Signature:**

*Margaret M. Carley*  
Signature

04/26/2011

Date

Margaret M. Carley

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents

3

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

# ASSIGNMENT

I, James Flom of 1717 Saint Francis Way, San Carlos, CA 94070, having invented improvements in METHOD AND APPARATUS FOR DISTRACTING A JOINT, INCLUDING THE PROVISION AND USE OF A NOVEL FLUID JOINT SPACER and having executed an application for United States patent describing the same and based thereon (and I hereby authorize my attorney(s), authorized to prosecute said application, to here insert the filing date and serial number of said application, when known, Serial No. 12/958,844, filed 12/02/2010), for good and valuable consideration, receipt of which is hereby acknowledged from Pivot Medical, Inc., a Delaware corporation having a place of business at 247 Humboldt Court, Sunnyvale, CA 94089, hereinafter called the Assignee (which term shall include its successors and assigns), do hereby sell, assign and transfer unto the Assignee my entire right, title, and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said application (which term shall include hereinafter where the context so admits all divisional, continuing, reissue and other patent applications based thereon) and the inventions (which term shall include each and every such invention, or any part thereof) therein described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or on said application.

And for the same consideration I do also hereby sell, assign and transfer unto the Assignee all my rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of said inventions and said application and I do hereby authorize the Assignee to apply in my name or its own name for patents and like rights of exclusion on or for said inventions in all countries, claiming (if the Assignee so desires) the priority of the filing date of said application under the provisions of said Convention or any such other treaty;

And for the same consideration I do hereby agree for myself and for my heirs, executors and administrators, promptly upon request of the Assignee, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the

Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
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Tel. (781) 290 0060

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Assignee fully to secure to it said right, title, and interest as aforesaid in and to said inventions, application, and said several patents and like rights of exclusion, or any of them, all, however, at the expense of the Assignee;

And I do hereby authorize and request the Commissioner of Patents of the United States of America and the corresponding Officer of each country foreign thereto to issue to the Assignee any and all patents and like rights of exclusion which may be granted in any country upon said application or on or for said inventions;

And I do hereby covenant for myself and for my legal representatives and agree with the Assignee that I have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed my right, title and interest in and to said inventions has not been otherwise encumbered by me, and that I have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, I hereunto set my hand and seal on the day and year hereinafter noted.

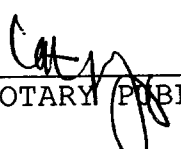
  
James Flom

State of CALIFORNIA )  
County of SANTA CLARA ) ss.

Before me this 11<sup>th</sup> day of April, 2011, personally appeared James Flom, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL



  
NOTARY PUBLIC

My commission expires: 06/04/2014

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