

## PATENT ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Cyantific Instruments Pty Ltd	04/26/2013
RECEIVING PARTY DATA	
Name:	Orica Australia Pty Ltd
Street Address:	Level 3, 1 Nicholson Street
City:	Melbourne, Victoria
State/Country:	AUSTRALIA
Postal Code:	3000
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	12808634
CORRESPONDENCE DATA	
Fax Number:	3032680065
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
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Correspondent Name:	Swanson & Bratschun, L.L.C.
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ATTORNEY DOCKET NUMBER:	0447.01
NAME OF SUBMITTER:	Thomas D. Bratschun
Signature:	/TD Bratschun/
Date:	07/08/2013
Total Attachments: 6 source=Assignment - Cyantific to Orica#page1.tif	

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**CYANTIFIC INSTRUMENTS PTY LTD**

**AND**

**ORICA AUSTRALIA PTY LTD**

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**DEED OF ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHTS**

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**DEED OF ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHTS**

THIS DEED is made on 26<sup>th</sup> April 2013

**BETWEEN:**

**CYANTIFIC INSTRUMENTS PTY LTD (ACN 087 151 559)** of Level 3, 1 Nicholson Street, East Melbourne, Victoria 3002, Australia (**Cyantific**)

**AND**

**ORICA AUSTRALIA PTY LTD (ACN 004 117 828)** of Level 3, 1 Nicholson Street, East Melbourne, Victoria 3002, Australia (**Orica Australia**)

**RECITALS:**

- A. Cyantific wishes to assign to Orica Australia, and Orica Australia wishes to acquire, the Assigned Rights (as defined below) on the terms and conditions set out in this Deed.

**IT IS AGREED:**

**1. DEFINITIONS**

In this Deed:

*Applications* means each patent application listed in Schedule 1.

*Assigned Rights* means each Application, Corresponding Application, Invention, Patent, Trade Mark, Domain Name and all other rights assigned pursuant to this Deed.

*Corresponding Application* means an application for a patent made in respect of an invention described in an Application and includes an application for a patent which claims the same priority date as an Application or is a refiling of an Application, a divisional application, a continuation or a continuation in part or an application made

under the Patent Cooperation Treaty, including any national or regional phase entry resulting from an Application.

**Domain Name** means <cyantific.com.au>.

**Invention** means the invention(s) described, disclosed and/or claimed in a Patent, Application or Corresponding Application.

**Patent** means each patent issuing on an Application or a Corresponding Application.

**Trade Mark** means Australian Trade Mark Registration No. 994045 for THE CYANTIST.

## 2. EFFECT OF THIS DEED

The parties acknowledge that the clauses in this Deed will take effect in the sequential order in which they appear.

## 3. ASSIGNMENT

3.1 Cyantific, as the legal and beneficial owner, assigns to Orica Australia absolutely, all its right, title and interest whatsoever and wherever subsisting in the world in and to:

- (a) each Application, including the right to be named as applicant in each Application;
- (b) all Corresponding Applications;
- (c) each Invention, including the right to apply for patent or similar legal protection in respect of each Invention in its own name;
- (d) the right to claim priority from each Application;
- (e) each and all of the Patents;
- (f) the Trade Mark; and
- (g) the right to sue for infringement in respect of any Patent, the Trade Mark or any other Assigned Right and any and all causes of action and rights of actions for infringement otherwise accrued or occurring and all rights to costs, damages, profits, penalties and all other relief in respect thereof,

with the intention that all Patents, extensions, reissues and re-examinations of, and patents of addition to, the Patents shall issue in the name of Orica Australia absolutely.

3.2 Cyantific hereby assigns all of its rights, and novates all of its obligations, in respect of the licence for the Domain Name to Orica Australia absolutely.

**4. FURTHER ASSURANCES**

Cyantific undertakes to do all acts and execute all documents necessary or desirable to give full effect to this Deed in any part of the world including, without limitation, confirming or recording the title of Orica Australia in the Assigned Rights and for securing for Orica Australia the full benefit of the rights assigned pursuant to this Deed.

**5. GENERAL**

5.1 No variation of this Deed will be of any force or effect unless it is in writing and signed by both parties.

5.2 This Deed is governed by the laws of Victoria, Australia. The parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.

5.3 Each party will bear its own costs of and incidental to the preparation of this Deed.

5.4 This Deed may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.

**EXECUTED AS A DEED**

**EXECUTED** as a Deed by **CYANTIFIC )**  
**INSTRUMENTS PTY LTD (ACN 087 151 )**  
**559)** in accordance with section 127 of the )  
*Corporations Act 2001 (Cth):* )

*A Cook*

Signature of ~~Director~~ / Secretary

*ANNETTE COOK*

Name of ~~Director~~ / Secretary

*S. Lavery*

Signature of Director

*STEPHEN M LAVERY*

Name of Director

EXECUTED as a Deed by ORICA)  
AUSTRALIA PTY LTD (ACN 004 117)  
828) by its duly authorised officer in the  
presence of: )

A Cook

Signature of Authorised Officer

ANNETTE COOK

COMPANY SECRETARY

Name and title of Authorised Officer

S Aveling

Signature of Witness

SAMANTHA AVELING

Name of Witness

**SCHEDULE 1  
Applications**

<b>Invention Title</b>	<b>Country</b>	<b>Application No.</b>
Cyanide Analyser	Australia	2007906997
Analytical method and apparatus	International PCT Application	PCT/AU2008/001864
Analytical method and apparatus	Australia	2008341007
Analytical method and apparatus	United States of America	12/808,634

Cyanitic Deed of Assignment Final 04.04.13