

PATENT ASSIGNMENT

Electronic Version v1.1
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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

CONVEYING PARTY DATA

Name	Execution Date
Michael Shane O'Shea	05/29/2012
Florian Hans Maximillian Graichen	05/29/2012
Heng Chy Taing	05/29/2012
Justine Leigh Jeffery	05/29/2012
Russell John Tait	05/29/2012

RECEIVING PARTY DATA

Name:	THE BIONICS INSTITUTE OF AUSTRALIA
Street Address:	384 Albert Street
City:	East Melbourne, Victoria
State/Country:	AUSTRALIA
Postal Code:	3002

Name:	COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION
Street Address:	Limestone Avenue
City:	Campbell, Australian Capital Territory
State/Country:	AUSTRALIA
Postal Code:	2612

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	13082841

CORRESPONDENCE DATA

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OP \$40.00 13082841

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NAME OF SUBMITTER: Courtenay C. Brinckerhoff

Signature: /Courtenay C Brinckerhoff/

Date: 08/14/2013

Total Attachments: 7

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DEED OF ASSIGNMENT

THIS DEED is made the 14th day of May 2012

BETWEEN

MICHAEL SHANE O'SHEA, of 4 Worthing Court, Mulgrave, Victoria, 3170, Australia

FLORIAN HANS MAXIMILIAN GRAICHEN, of 6/23 River Street, Richmond, Victoria, 3121, Australia

HENG CHY TAING, of 8 Illawarra Close, Chadstone, Victoria, 3148, Australia

JUSTINE LEIGH JEFFERY, of 3 Chasta Crescent, Mitcham, Victoria, 3132, Australia

RUSSELL JOHN TAIT, of 33 Campbell Road, Balwyn, Victoria, 3103, Australia

(together, **THE ASSIGNORS/INVENTORS**)

AND

THE BIONICS INSTITUTE OF AUSTRALIA (formerly The Bionic Ear Institute) (ACN 006 580 883) a public company limited by guarantee, of 384 Albert St, East Melbourne Victoria, 3002, Australia (**BIA**)

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION a body corporate constituted under the *Science and Industry Research Act 1949* (Cth), of Limestone Avenue, Campbell, Australian Capital Territory, 2612, Australia (**CSIRO**) (together, **THE ASSIGNEES**)

RECITALS

- A. The Assignors made an invention entitled "Biodegradable Polymer-Bioactive Moiety Conjugate" (the **Invention**) for which an application for Letters Patent in the United States was filed in the U.S. Patent and Trademark Office on 8 April 2011 as U.S. Patent Application Serial No. 13/082,841 (the **Patent Application**).
- B. The Patent Application claims priority from:
 - 1) US Application Serial No. 61/139,722 entitled "Further Polymer-Bioactive Agent Conjugates" filed in the U.S. Patent and Trademark Office on 22 December 2008 (the **US Provisional Application**);

- 2) Australian Application No. 2008905262 entitled "Polymer-Bioactive Agent Conjugates" filed in the Australian Patent Office on 10 October 2008 (**the First Australian Application**);
 - 3) Australian Application No. 2008905263 entitled "Drug Polymer Conjugates" filed in the Australian Patent Office on 10 October 2008 (**the Second Australian Application**, and together with the First Australian Application, **the Australian Applications**);
 - 4) International Patent Application No. PCT/AU2009/001341 entitled "Polymer-Bioactive Agent Conjugates" filed on 9 October 2009 (**the First PCT Application**); and
 - 5) International Patent Application No. PCT/AU2009/001342 entitled "Biodegradable Polymer-Bioactive Moiety Conjugates" filed on 9 October 2009 (**the Second PCT Application**, and together with the First PCT application, **the PCT Applications**).
- C. The inventors named as contributing to the Invention were:
- 1) CSIRO Employees: Michael Shane O'Shea, Florian Hans Maximillian Graichen, Heng Chy Taing and Justine Leigh Jeffrey (each a **CSIRO Inventor**, together **CSIRO Inventors**); and
 - 2) BIA Employee: Russell John Tait (**Tait**),
- each in the course of his or her employment by the relevant party.
- D. On 6 October 2009, each CSIRO Inventor assigned to CSIRO all his or her rights in relation to:
- 1) the Invention;
 - 2) the Australian Applications;
 - 3) the US Provisional Application; and
 - 4) any letters patent granted which claim priority from the Australian and US Applications or are associated with the Australian and US Applications, including the right to file and prosecute in any country in the world any applications for registration of intellectual property rights claiming priority from the Australian and US Applications.
- E. On 8 October 2009, each CSIRO Inventor assigned to BIA and CSIRO jointly the right to file an international application for the Invention and to claim priority from the US Provisional Application.
- F. On 8 October 2009, Tait assigned to BIA and CSIRO jointly the right to file an international application for the Invention and to claim priority from the US Provisional Application.
- G. On 8 October 2009, BIA assigned to BIA and CSIRO jointly the right to file an international application for the Invention and to claim priority from the First Australian Application.

- H. On 9 October 2009, Tait assigned to BIA all his rights in relation to the Australian Applications and the US Provisional Application, including the right to file further applications described therein.
- I. On 10 October 2009, BIA filed a request to record a change to the applicant's name for the First Australian Application from BIA to BIA and CSIRO jointly.
- J. The Assignees, BIA and CSIRO, are jointly desirous of acquiring the entire interest in and to said Invention and the Letters Patent to be obtain therefor.
- K. The Assignors have agreed to assign the Patent Application and all of its rights in respect of the Invention to BIA and CSIRO jointly in consideration of the payment of the sum of \$1.00, receipt of which is acknowledged by BIA and CSIRO.

THIS DEED WITNESSES

1. ASSIGNMENT

- 1.1 Each of the Assignors assigns absolutely to BIA and CSIRO jointly in equal shares the whole of any rights that the said Assignor may have throughout the world in relation to:
 - (a) the Invention, including but not limited to the right to apply for the grant of patents in respect of the Invention in any country of the world; and
 - (b) the Patent Application, including but not limited to the right to claim priority from the Patent Application in respect of applications made for the grant of patents anywhere in the world.
- 1.2 The assignment effected by clause 1.1 includes the right to bring legal proceedings, and to obtain any relief to which the Assignors, acting jointly or severally, would have been entitled but for this Deed, in respect of any infringement of rights in relation to the Patent Application or the Invention which occurs before or after the date of this Deed.
- 1.3 Each of the Assignors warrants to the Assignees that it has not granted any rights to any third party that are inconsistent with the assignment set out in clause 1.1 or 1.2.
- 1.4 Each of the Assignors agrees to provide any assistance reasonably required by the Assignees in order to give full effect to this Deed (including but not limited to the execution of any documents).

2. GENERAL

- 2.1 This Deed may be signed in multiple copies, all of which shall constitute a single Deed and each of which shall be deemed to be an original.
- 2.2 This Deed may be signed in counterparts. If this Deed is signed in counterparts, it shall not be legally enforceable until the parties exchange the signed counterparts, which may be by electronic means. If exchange is carried out electronically, each party must promptly deliver a hard copy of this

Deed executed by it to the other party, but failure to do so will not affect the enforceability of this Deed.

- 2.3 The rights and obligations of the parties under this Deed do not merge on completion of any transaction contemplated by this Deed.

3. AUTHORITY TO EXECUTE

- 3.1 Each of the parties warrants its power to enter into this Deed.
- 3.2 Any individual executing this Deed on behalf of a party warrants that he or she has been fully empowered to execute this Deed and that all necessary action to authorise execution of this Deed has been taken.

EXECUTED AS A DEED

SIGNED, SEALED AND DELIVERED by
MICHAEL SHANE O'SHEA


 (Signature)

This document MUST be
signed in the presence
of a witness

in the presence of

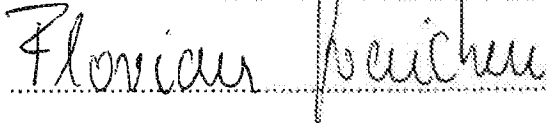
Dr Roger J Mulder

Name of Witness

 (Signature of Witness)

Date: 14-05-2012

SIGNED, SEALED AND DELIVERED by
FLORIAN HANS MAXIMILIAN GRAICHEN

 (Signature)

This document MUST be
signed in the presence
of a witness

in the presence of

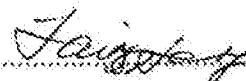
Dr Roger J Mulder

Name of Witness

 (Signature of Witness)

Date: 14-05-2012

SIGNED, SEALED AND DELIVERED by
HENG CHY TAING

 (Signature)

This document MUST be
signed in the presence
of a witness

in the presence of

Dr Roger J Mulder

Name of Witness

 (Signature of Witness)

Date: 14-05-2012

SIGNED, SEALED AND DELIVERED by
JUSTINE LEIGH JEFFERY

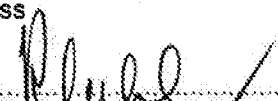
..... (Signature)

This document MUST be
signed in the presence
of a witness

in the presence of

Dr Roger J Mulder

Name of Witness

..... (Signature of Witness)

Date: 14.05.2012

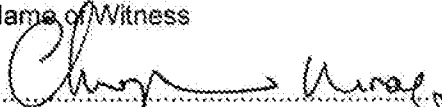
SIGNED, SEALED AND DELIVERED by
RUSSELL JOHN TAIT

..... (Signature)

This document MUST be
signed in the presence
of a witness

in the presence of

CHRISTOPHER WRAIGHT
Name of Witness

..... (Signature of Witness)

Date: 22 May 2012

EXECUTED for and on behalf of THE BIONICS INSTITUTE OF AUSTRALIA by

TIM GRIFFITHS (Director)
(Name) COMPANY SECRETARY

T. Griffiths
(Signature)

Date: 23/5/12

Ab. Apik (Director)
(Name)

MOYA MILLS
(Signature)

Date: 29.5.2012.

SIGNED, SEALED AND DELIVERED for an on behalf of
COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION
by its duly authorised officer

KEITH MCLEAN
(Name of Authorised Officer)

[Signature]
(Signature of Authorised Officer)

RESEARCH THEME LEADER
(Position of Authorised Officer)

in the presence of

Anna Johnston
(Name of Witness)

[Signature]
(Signature of Witness)

Date: