

PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

EPAS ID: PAT3762703

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
NEXGEN SPINE, INC.	11/21/2011
RECEIVING PARTY DATA	
Name:	K2M, INC.
Street Address:	751 MILLER DRIVE, SE
Internal Address:	SUITE F-1
City:	LEESBURG
State/Country:	VIRGINIA
Postal Code:	20175
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	13466094
CORRESPONDENCE DATA	
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<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>	
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ATTORNEY DOCKET NUMBER:	1449-470ACON
NAME OF SUBMITTER:	DANA A. BRUSSEL
SIGNATURE:	/Dana A. Brussel/
DATE SIGNED:	03/01/2016
Total Attachments: 8	
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ASSET PURCHASE AGREEMENT

THIS ASSET PURCHASE AGREEMENT (the "Agreement") is made and entered into as of this 21st day of November, 2011 (the "Effective Date") by and between K2M, Inc. ("K2M") a Delaware corporation, and Nexgen Spine, Inc., a Delaware corporation ("Nexgen").

Background

WHEREAS, Nexgen has developed certain lumbar disc and cervical disc spinal implants and procedures for use of such implants in spine surgery;

WHEREAS, K2M develops, manufactures and sells medical device technologies and products for use in spine surgery; and

WHEREAS, K2M desires to acquire from Nexgen, and Nexgen desires to sell to K2M, certain proprietary technology of Nexgen used or usable in connection with K2M's spinal implant products.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties hereto agree as follows:

1. **Definitions.** As used herein, the following terms shall have the following meanings:


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“Patents and Patent Applications” means the patents and patent applications listed on Exhibit A and all patents issuing thereon, together with all foreign and domestic patents and patent applications which claim priority to any of them, and all continuations, continuations-in-part, divisions, reissues, reexaminations, additions and renewals thereof, together with any and all foreign and domestic patents issuing on any of the foregoing patent applications.

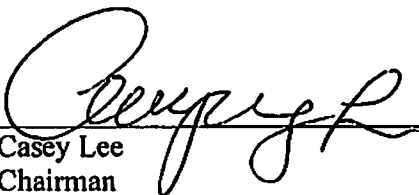
2. Transfer of Purchased Assets. Subject to the terms and conditions of this Agreement, Nexgen hereby sells, assigns, grants, transfers, and delivers to K2M and K2M hereby purchases and accepts from Nexgen, free and clear of all liens, all of Nexgen's rights, title and interest in and to

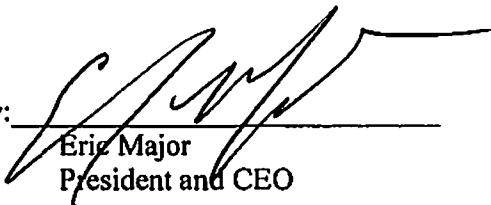
the Patents and Patent Applications

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized agents on the day and year first above written.

NEXGEN SPINE, INC.

K2M, INC.

By: 
Casey Lee
Chairman

By: 
Eric Major
President and CEO

**Exhibit A
Patents and Patent Applications**

Patent/Publication Number	Application Number	Title	Status
	60/644,527	Intervertebral Disc Prosthesis	Expired
	60/693,430	Intervertebral Disc Prosthesis	Expired
US 7,776,092	11/334,423	Elastomeric Intervertebral Disc Prosthesis	Issued
US2009/0030521		Elastomeric Intervertebral Disc Prosthesis	Abandoned
EP 1 841 387		Elastomeric Intervertebral Disc Prosthesis	Allowed
CA 2,595,266		Elastomeric Intervertebral Disc Prosthesis	Issued
AU 2006206560		Elastomeric Intervertebral Disc Prosthesis	Pending
	61/050,554	Endplate for an Intervertebral Prosthesis and Prosthesis Incorporating the Same	Expired
WO 2009/137518	PCT/US09/42896	Endplate for an Intervertebral Prosthesis and Prosthesis Incorporating the Same	Expired

US 2011/0060416	12/990,935	Endplate for an Intervertebral Prosthesis and Prosthesis Incorporating the Same	Pending
WO2006/078662	PCT/US2006/001629	Fixation of Elastomer to Rigid Structures	Expired
US2008/0306609	11/814,369	Fixation of Elastomer to Rigid Structures	Pending
AU 2006206559		Fixation of Elastomer to Rigid Structures	
CA 2595258		Fixation of Elastomer to Rigid Structures	
CN 200680006285.3		Fixation of Elastomer to Rigid Structures	Issued
EP 1 838 249		Fixation of Elastomer to Rigid Structures	Allowed
JP 2007-552217		Fixation of Elastomer to Rigid Structures	Pending
KR 10-2007-7018409		Fixation of Elastomer to Rigid Structures	Pending
US 2005/0015150	10/779,873	Intervertebral Disc and Nucleus Prosthesis	Abandoned
US2008/0046082	11/830,690 (DIV of 10/779,873)	Intervertebral Disc and Nucleus Prosthesis	Abandoned
EP 1 646 339		Intervertebral Disc and Nucleus Prosthesis	Pending
	60/729,241	Guide and Cutting Tool for Intervertebral	Expired

		Surgery	
	60/759,987	Intervertebral Disc Replacement and Associated Instrumentation	Expired
WO2007/050644	PCT/US06/41540	Intervertebral Disc Replacement and Associated Instrumentation	Expired
US2009/0216329	12/091,296	Intervertebral Disc Replacement and Associated Instrumentation	Pending
AU 2006306229		Intervertebral Disc Replacement and Associated Instrumentation	
CA 2627345		Intervertebral Disc Replacement and Associated Instrumentation	
EP 2006817358		Intervertebral Disc Replacement and Associated Instrumentation	Withdrawn
	60/847,103	Intervertebral Disc Replacement	Expired
	60/847,359	Intervertebral Disc Replacement	Expired
WO 2008/039850	PCT/US07/79557	Intervertebral Prosthesis Endplate Having Double Dome and Surgical Tools for Implanting Same	Expired
US 2008/0077243	11/862,012	Intervertebral Prosthesis Endplate	Pending

		Having Double Dome and Surgical Tools for Implanting Same	
AU 2007300122		Intervertebral Prosthesis Endplate Having Double Dome and Surgical Tools for Implanting Same	Pending
EP 2 076 217		Intervertebral Prosthesis Endplate Having Double Dome and Surgical Tools for Implanting Same	Pending
	60/975,766	Orthopedic Device Assembly With Elements Coupled by a Retaining Structure	Expired
WO 2009/042935	PCT/US08/77975	Device Assembly With Elements Coupled by a Retaining Structure	Expired
US 2009/0088853	12/239,559	Orthopedic Device Assembly With Elements Coupled by a Retaining Structure	Pending

[Handwritten Signature]
12/18/11

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