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06-17-1999

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Patent and Trademark Office

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101067381

ad original documents or copy thereof.

1. Name of conveying party(ies):

AESFULAP-JBS

me 267-99

- Individual(s)
- General Partnership
- Corporation, State: France
- Other
- Association
- Limited Partnership

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: September 30, 1998

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

Name: AESFULAP AG & (



Internal Address: _____

06-07-1999

Street Address: Am AESFUL
Tuttlingen U.S. Patent & TMO/c/TM Mail Rcpt Dt. #47
(Allemagne) Germany D-78532
City: _____ State: _____ ZIP: _____

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State _____
- Other German Company

If assignee is not domiciled in the United States, a domestic representative designation is attached: *(copy attached for each trademark registration)* Yes No
(Designations must be a separate document from Assignment)

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

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark registration No.(s)

1,732,796
1,864,032
1,828,186
1,825,609

Additional numbers attached? Yes No

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

Name: James M. Moore

Internal Address: _____

Pearne, Gordon, McCoy & Granger LLP
Street Address: 526 Superior Avenue East
Suite 1200

City: Cleveland State: OH ZIP: 44114-1484

6. Total number of applications and registrations involved: _____

4

7. Total fee (37 CFR 3.41):..... \$ 115.00

Enclosed

Authorized to be charged to deposit account for any uncovered amount.

8. Deposit account number: 26548, 26549
16-0820, Order Nos. 27526, 27636

(Attach duplicate copy of this page if paying by deposit account)

5/17/1999 MTHA11 00000025 1732796

DO NOT USE THIS SPACE

1 FC:481 40.00 OP
2 FC:482 75.00 OP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James M. Moore
Name of Person Signing

James M. Moore
Signature

6/3/99
Date

Total number of pages of this document: _____

19

REEL: 001914 FRAME: 0562

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Owner: AESCULAP AG & CO. KG
Mark: SPINE SYSTEM
Reg. No.: 1,732,796
Reg. Date: November 17, 1992
Class: 10
Docket No.: 26548

DESIGNATION OF DOMESTIC REPRESENTATIVE AND POWER OF ATTORNEY

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

AESCULAP AG & CO. KG, a German Company, having a place of business at Am AESCULAP-Platz, D-78532 Tuttlingen (Allemagne), Germany, as assignee of the entire right, title, and interest in the above-identified registration by an assignment from AESCULAP-JBS, executed September 30, 1998 and submitted to the Patent and Trademark Office for recording herewith, hereby designates James M. Moore, whose postal address is 526 Superior Avenue East, Suite 1200, Cleveland, Ohio 44114-1484, as owner's representative upon whom notices

or process in proceedings affecting the mark may be served.


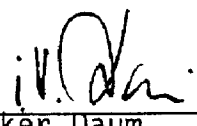
Owner also hereby appoints all of the following as its attorneys, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office connected with this registration:

Charles B. Gordon	Jeffrey J. Sopko
William C. McCoy	John P. Murtaugh
Richard H. Dickinson, Jr.	James M. Moore
Thomas P. Schiller	David E. Spaw
David B. Deiona	Michael W. Garvey
Joseph J. Corso	Paul R. Katterle
Howard G. Shimola	Richard M. Mescher
	M. David Galin

all members of the bar of the State of Ohio and all of the firm of Pearne, Gordon, McCoy & Granger LLP, 526 Superior Avenue East, Suite 1200, Cleveland, Ohio 44114-1484, to whom the Patent and Trademark Office is directed to send all communications in connection with this registration.

The undersigned declares that he is an officer of the owner herein or holds a position equivalent to that of an officer in a United States corporation, and is authorized to make this designation on behalf of said owner.

AESCULAP AG & CO. KG

By  
Print Name: Dr. Volker Daum
Print Title: Director Legal Affairs

Date: 1999-05-17

Print Name: Norbert Feldhaus
Print Title: Vice President
Human Resources and Legal Affairs

CONTRAT DE CESSION

ENTRE LES SOUSSIGNEES:

AESFULAP-JBS, S.A., anciennement
dénommee JBS, S.A.,
Zone Industrielle SAVIPOL – A328
10300 SAINTE-SAVINE

ci-après dénommée la **Cédante**,
d'une part,

et

AESFULAP AG & CO. KG.
Société de droit allemand
Am AESFULAP-Platz
D-78532 TUTTLINGEN (ALLEMAGNE)

ci-après dénommée la **Cessionnaire**
d'autre part.

IL A ETE EXPOSE CE QUI SUIT:

La **Cédante** est titulaire et propriétaire
des **brevets et demandes de Brevet**
figurant en annexe (6 pages).

La **Cédante** a conclu des contrats d'exploit-
ation et de concession de licence avec
les chirurgiens inventeurs des différents
brevets et demandes de brevet. La liste
de ces contrats est annexée.

La **Cessionnaire** s'intéresse à cesdits
Brevets et demandes de Brevets et désire
en acquérir l'entière propriété que la
Cédante est disposée à lui céder aux
conditions ci-après.

La **Cédante** est titulaire et propriétaire
de la marque **Spine System** déposée
en FRANCE et à l'Etranger.

La **Cédante** est en outre propriétaire d'autres
marques, dont la liste est jointe en annexe
(2 pages). La valeur de ces marques a été
incluse dans l'évaluation des brevets et
demandes de brevet.

La **Cessionnaire** s'intéresse à ces marques et
désire en acquérir l'entière propriété que la
Cédante est disposée à lui céder aux
conditions ci-après.

ASSIGNMENT

BETWEEN THE UNDERSIGNED:

AESFULAP-JBS, S.A., formerly
called JBS, S.A.
Zone Industrielle SAVIPOL – A 328
10300 SAINTE-SAVINE

hereinafter called the **Assignor**,
on one hand,

and

AESFULAP AG & CO. KG
A German Company
Am AESFULAP-Platz
D-78532 TUTTLINGEN (ALLEMAGNE)

hereinafter called the **Assignee**
on the other hand.

IT HAS BEEN STATED AS FOLLOWS:

The **Assignor** is the holder and the
owner of the appended list of **Patents**
and **Patent applications** (6 sheets).

The **Assignor** has concluded exploitation
contracts and licence grants with the different
surgeon-inventors of the said patents and
patent applications. The list of these contracts
and grant of licences is appended herewith.

The **Assignee** is interested by the said
Patents and Patent applications and would
like to acquire the full ownership, ownership
that **Assignor** is ready to assign under the
following conditions.

The **Assignor** is the holder and the owner of
the Trademark **Spine System**, filed in France
and abroad.

The **Assignor** is also the owner of other
Trademarks, the list of which is appended
herewith (2 sheets). The value of these marks
have been included in the evaluation of
the patents and patent applications.

The **Assignee** is interested by the said
Trademarks and would like to acquire the full
ownership, ownership that **Assignor** is ready
to assign under the following conditions.

IL A ETE CONVENU CE QUI SUIT:

La **Cédante** cède et transfère à la **Cessionnaire**, qui l'accepte, la propriété pleine et entière desdits **Brevets, demandes de Brevet et Marques** (dont **Spine System**) ainsi que les droits de poursuite en contrefaçon pour des faits antérieurs à la présente cession.

Par suite de cette cession, la **Cessionnaire** sera seule et unique propriétaire desdits **Brevets, demandes de Brevet et Marques**.

La **Cessionnaire** pourra céder son droit de propriété sur ceux-ci ou en concéder des licences d'exploitation.

Elle en acquittera seule les annuités.

En outre, le transfert inclut les contrats d'exploitation et concession de licence entre la **Cédante** et les chirurgiens inventeurs, qui sont repris par la **Cessionnaire**.

La cession est consentie et acceptée au prix convenu entre les parties.

Le contrat sera inscrit au Registre National de l'Institut National de la Propriété Industrielle et sur les Registres Nationaux étrangers.

Fait en autant d'originaux que de parties outre ceux destinés aux formalités.

Sainte-Savine, le *30 septembre 1998*

La **Cédante**
The **Assignor**

AESCULAP-JBS

Jean-Louis JERMANN


PRÉSIDENT DIRECTEUR GENERAL

IT HAS BEEN AGREED AS FOLLOWS:

The **Assignor** assigns and transfers to the **Assignee**, which accepts it, the full and entire ownership of the **Patents, Patent applications and Trademarks** (including **Spine System**) of said appended lists, together with the rights to file any infringement for any infringements anterior to this present assignment.

Following to this assignment, the **Assignee** will be the one and only owner of the said **Patents, Patent Applications and Trademarks**.

The **Assignee** will have the rights to assign his ownership on these **Patents, Patent Applications and Trademarks** or to grant licences.
The **Assignee** will pay the renewal fees.

Furthermore, the transfer includes the exploitation contracts and the licence grant contracts between the **Assignor** and the surgeon inventors, which are taken over by the **Assignee**.

The assignment is agreed and accepted at the agreed price on both sides.

The assignment will be recorded in the National Register at the French Patent and Trademark Office and in the foreign national Registers.

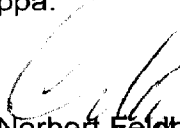
Made in many originals as the parts to this assignment not counting those destined to formalities.

Sainte-Savine, on *September 30th, 1998*

La **Cessionnaire**
The **Assignee**

AESCULAP AG & CO. KG

ppa.


Norbert Feldhaus

i.v.


Dr. Volker Daum

ETAT DES BREVETS (6 pages)

1 - DISPOSITIFS D'OSTEOSYNTHESE RACHIDIENNE

<u>REFERENCE DU BREVET</u>	<u>PAYS</u>	<u>DATE DEPOT</u>	<u>NUMERO</u>
Spine system (base)	FRANCE	26.07.89	8910178
"	EP	13.07.90	0436697
"	ALLEMAGNE	13.07.90	0436697
"	FRANCE	13.07.90	0436697
"	GDE-BRETAGNE	13.07.90	0436697
"	ITALIE	13.07.90	0436697
"	ESPAGNE	13.07.90	0436697
"	USA	26.03.91	5261913
"	AUSTRALIE	13.07.90	638265
"	COREE DU SUD	25.03.91	91/700313
Perfectionnement spine	FRANCE	12.12.91	9115453
"	JAPON	24.07.92	4-198577
"	EP	08.12.92	0571619
"	BELGIQUE	08.12.92	0571619
"	ALLEMAGNE	08.12.92	0571619
"	FRANCE	08.12.92	0571619
"	GDE-BRETAGNE	08.12.92	0571619
"	ITALIE	08.12.92	0571619
"	ESPAGNE	08.12.92	0571619
"	USA (CIP)	08.12.95	08/569282
"	COREE DU SUD	03.08.93	93-702302
Spine (cervical)	FRANCE	20.02.92	9201913
"	JAPON	19.02.93	2664614(55078)
"	COREE DU SUD	20.02.93	93-2376
"	USA	01.11.94	5360429
Pince cervicale	FRANCE	11.09.92	9210836

1 - DISPOSITIFS D'OSTEOSYNTHESE RACHIDIENNE (suite)

<u>REFERENCE DU BREVET</u>	<u>PAYS</u>	<u>DATE DEPOT</u>	<u>NUMERO</u>
Plaque agrafe	FRANCE	02.09.93	9310445
"	JAPON	26.01.94	6681/94
Auto-rétention	FRANCE	05.11.93	9313165
Dispositif d'autorétention	USA	26.01.94	5531554
"	JAPON	05.05.95	108793.95
"	ALLEMAGNE	24.04.95	19513794.9
Barre 3 branches	FRANCE	21.04.94	9404922
"	U.S.A.	18.04.94	5527315
"	JAPON	16.12.94	313513/94
Cage agrafe cervicale	FRANCE	27.04.95	9505244
"	JAPON	26.04.96	108214/96
"	USA	26.04.96	5713899
"	ALLEMAGNE	22.04.96	19615938.5
Implant de fusion HMA	FRANCE	28.10.94	9413103
"	GDE-BRETAGNE	26.10.95	9521971.3
"	ESPAGNE	25.10.95	P9502075
"	COREE DU SUD	27.10.95	37595/95
"	JAPON	30.10.95	751995-281548
"	USA	27.10.95	5658285
"	ALLEMAGNE	27.10.95	195401808
Télé cage	FRANCE	06.02.95	9501326
"	ALLEMAGNE	06.02.96	19604246
Vis polyaxiale	FRANCE	07.05.97	9705641
"	PCT	05.05.98	PCT/FR98/00897
Plaque Voie antérieure	FRANCE	29.05.97	9706593
Pince III Spine	FRANCE	29.05.97	9706594
Connecteur de barres	FRANCE	29.05.97	9706595
Pince IV Spine	FRANCE	13.08.97	9710327
"	USA	04.08.98	09/130 204

TRADEMARK

REEL: 001914 FRAME: 0568

2 - PROTHESE DE DISQUE INTERVERTEBRALE

<u>REFERENCE DU BREVET</u>	<u>PAYS</u>	<u>DATE DEPOT</u>	<u>NUMERO</u>
Pdiv	FRANCE	07.03.90	9002997
"	EP	04.03.91	0471821
"	ALLEMAGNE	04.03.91	0471821
"	ESPAGNE	04.03.91	0471821
Pdiv	FRANCE	04.03.91	0471821
"	GDE-BRETAGNE	04.03.91	0471821
"	ITALIE	04.03.91	0471821
"	PAYS-BAS	04.03.91	0471821
"	JAPON	04.03.91	505780/91
"	USA	24.05.94	5314477
"	COREE DU SUD	06.11.91	91-701538

3 - PETITES ARTICULATIONS (DOIGT, ORTEIL)

<u>REFERENCE DU BREVET</u>	<u>PAYS</u>	<u>DATE DEPOT</u>	<u>NUMERO</u>
Trapézo	FRANCE	23.04.93	9304921
"	JAPON	22.04.94	84878/94
"	USA	25.04.94	5507822
Prothèse de doigt à piston	FRANCE	10.11.93	9313414
"	USA	10.11.94	5522903
Métacarpo	FRANCE	17.07.95	9508778
Métacarpo	ALLEMAGNE	15.07.96	19628476.7
Second orteil	FRANCE	04.10.95	9511840

TRADEMARK**REEL: 001914 FRAME: 0570**

4 - PROTHESES DE GENOU

<u>REFERENCE DU BREVET</u>	<u>PAYS</u>	<u>DATE DEPOT</u>	<u>NUMERO</u>
Genou standard	FRANCE	30.12.94	9416021
Genou reprise	FRANCE	16.02.95	9501952

5 - INSTRUMENTATIONS - ANCILLAIRES

<u>REFERENCE DU BREVET</u>	<u>PAYS</u>	<u>DATE DEPOT</u>	<u>NUMERO</u>
Impacteur PDIV	FRANCE	09.08.95	9509792
Instrument genou	FRANCE	20.08.96	9610350

ETAT DES MARQUES (2 pages)

MARQUES	PAYS	N° dépôt ou enregistrement
RUBIS	U.S.A.	?
BONHOMME ARTICULE JBS	FRANCE	94524396
BONHOMME ARTICULE JBS	CHINE	628 453
BONHOMME ARTICULE JBS	HONGRIE	628 453
BONHOMME ARTICULE JBS	U.S.A	?
SIGLE DE LA MAIN	FRANCE	94550956
DISCISOR	FRANCE	95561747
FUTURLINE	FRANCE	95 588 713
FUTURLINE	ALLEMAGNE	650 972
FUTURLINE	AUTRICHE	650 972
FUTURLINE	BENELUX	650 972
FUTURLINE	CHINE	650 972
FUTURLINE	FED. DE RUSSIE	650 972
FUTURLINE	ITALIE	650 972
FUTURLINE	REP. DEM. COREE	650 972
FUTURLINE	MEXIQUE	534 887
FUTURLINE	U.S.A.	75/042 058
CERVIFIX	FRANCE	95 595184
PROPULS	FRANCE	96 635287
TELECAGE	FRANCE	96640087
SPINE SYSTEM	FRANCE	1 649 453
SPINE SYSTEM	AUTRICHE	570 714
SPINE SYSTEM	BENELUX	570 714
SPINE SYSTEM	ESPAGNE	570 714
SPINE SYSTEM	ITALIE	570 714

MARQUES	PAYS	N° dépôt ou enregistrement
SPINE SYSTEM	LIECHTENSTEIN	570 714
SPINE SYSTEM	GRANDE-BRETAGNE	1 463 717
SPINE SYSTEM	JAPON	4.162.460
SPINE SYSTEM	U.S.A.	1 732 796
SPINE SYSTEM	U.S.A.	1 864 032
SPINE <i>System</i> + vignette	FRANCE	1 657 983
FIBRAME	FRANCE	1 697 163
PRODISC	FRANCE	92432700
PRODISC	ALLEMAGNE	597 299
PRODISC	ESPAGNE	597 299
PRODISC	HONGRIE	597 299
PRODISC	ITALIE	597 299
PRODISC	REP. DEM. COREE	597 299
PRODISC	U.S.A.	1 828 186
PRODISC	U.S.A.	1 825 609