



No. 10-035580- -00002-0000

Fecha: 2010-07-06 13:56:39 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 22

Señora Directora
DIVISION DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Bogotá, D.C.

Re.: Expediente No. 10 35.580
Fase Nacional de Solicitud
de Patente PCT a nombre de
SYNTHES GmbH
Código 011 – 378 - 444

En relación con la solicitud contenida en el expediente de la referencia y, en particular, para dar respuesta a su último requerimiento hecho dentro del mismo, dentro del término conferido, por medio del presente escrito me permito manifestarle:

1. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de los Inventores:
 - Felix Aschmann
 - Martin Oswald
 - Peter Senn

a favor de la sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

2. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de los Inventores:
 - Hansjuerg Emch
 - Grant A. Skidmore

a favor de la sociedad Synthes (U.S.A.), debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

3. Anexo al anterior, acompaño copia certificada del documento donde consta la conversión en compañía de responsabilidad limitada de la sociedad Synthes (U.S.A.), la cual cambió su nombre por el de Synthes USA, LLC.

4. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente del Inventor:

- Heinz Michael Mayer

a favor de la sociedad Synthes USA, LLC, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

5. Anexo al anterior, acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes USA, LLC a favor de la sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

Le solicito se sirva agregar este escrito y sus anexos al expediente y continuar con el trámite de la solicitud.

De Usted Atentamente,

GERMAN CASTILLO GRAU
T.P. No. 2.978 del C.S.J.

40

Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**

This public document

2. has been signed by **Norman Goodman**

3. acting in the capacity of **County Clerk**

4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York 6. the 22nd day of June 2010

7. by Secretary of State, State of New York

8. No. NYC-10771944A

9. Seal/Stamp

10. Signature



Lorraine Cortés-Vázquez
Secretary of State

X

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

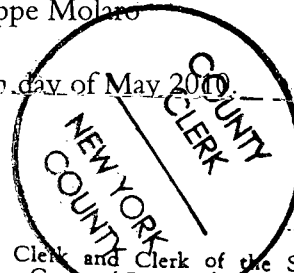
Assignment

which covers corresponding foreign rights, is a true copy of the document executed on October 13, 2008 by **Felix Aschmann**, executed on October 26, 2008 by **Martin Oswald**, and executed on October 13, 2008 by **Peter Senn** to **Synthes GmbH** in connection with PCT International Application No. PCT/US08/75997, filed on September 11, 2008, which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007.

Giuseppe Molaro

Giuseppe Molaro

Subscribed and sworn to before me this 25th day of May 2010.



State of New York
County of New York, } ss.:

785580 Form 1

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Imghel B. B. B.
whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

JUN 16 2010

FEE PAID \$3.00

Norman Goodman
County Clerk and Clerk of the Supreme Court, New York County

5

ASSIGNMENT

WHEREAS, WE, (i) **Felix ASCHMANN**, citizen of Switzerland, residing at Zuercherstrasse 127, 4052 Basel, Switzerland; (ii) **Martin OSWALD**, citizen of Switzerland, residing at Pfannenstielstrasse 96, 8706 Meilen, Switzerland; and (iii) **Peter SENN**, citizen of Switzerland, residing at Burgmattstr. 18, 4437 Waldenburg, Switzerland, ASSIGNORS, are the inventors of the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/75997, which was filed with the United States Patent and Trademark Office on September 11, 2008, entitled INTERSPINOUS SPACER, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1569, and which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1257.

AND WHEREAS, **Synthes GmbH**, ASSIGNEE, a Swiss Company, organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, Oberdorf, Switzerland CH-4436, is desirous of obtaining our entire right, title and interest in, to and under all the invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for the Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from the application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND WE HEREBY authorize and request said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all countries.

IN TESTIMONY WHEREOF, We have hereunto signed our names on the date(s) indicated opposite our respective signatures.

Date: 13.10.2008

F. Aschmann L.S.
Felix ASCHMANN

WITNESS:

Esther Jakob
(Printed Name)

EJ
(Signature)

Date: 13.10.08

Date: 26.10.2008

M. Oswald L.S.
Martin OSWALD

WITNESS:

Esther Jakob
(Printed Name)

EJ
(Signature)

Date: 26.10.2008

Date: 13.10.2008

P. Senn L.S.
Peter SENN

WITNESS:

Esther Jakob
(Printed Name)

EJ
(Signature)

Date: 13.10.08

hh

ASSIGNEE: Synthes GmbH

Troy T. Svihl

Authorized to sign on behalf of Synthes GmbH

Signature:

Position/Title:

Patent Counsel

Address:

Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

Date:

Oberdorf, October 13, 2008

WITNESS:

Esther Jakob

(Printed Name)

(Signature)

Date: October 13, 2008

Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**

This public document

2. has been signed by **Norman Goodman**

3. acting in the capacity of **County Clerk**

4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York 6. the 22nd day of June 2010

7. by Secretary of State, State of New York

8. No. NYC-10771945A

9. Seal/Stamp

10. Signature



Lorraine Cortés-Vázquez
Secretary of State

9

VERIFICATION

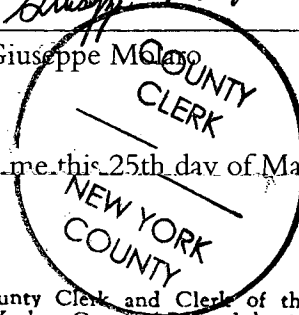
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on December 30, 2008 by **Hansjuerg Emch**, and executed on October 17, 2008 by **Grant A. Skidmore to Synthes (U.S.A.)** in connection with PCT International Application No. PCT/US08/75997, filed on September 11, 2008, which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007.

Giuseppe Molino
Giuseppe Molino



Subscribed and sworn to before me this 25th day of May 2010.

State of New York }
County of New York, } ss.:

785579 Form 1

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Angela Fisher

whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

JUN 16 2010
FEE PAID \$3.00

Norman Goodman
County Clerk and Clerk of the Supreme Court, New York County

ASSIGNMENT

10

WHEREAS, WE, (i) **Hansjuerg EMCH**, citizen of Switzerland, residing at 109 South Princeton Avenue, Swarthmore, PA 19081; and (ii) **Grant A. SKIDMORE**, citizen of the United States, residing at 704 Virginia Dare, Virginia Beach, VA 23451, ASSIGNORS, are the inventors of the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/75997, which was filed with the United States Patent and Trademark Office on September 11, 2008, entitled INTERSPINOUS SPACER, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1569, and which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1257.

AND WHEREAS, **SYNTHES (U.S.A.)**, ASSIGNEE, a Pennsylvania General Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, is desirous of obtaining our entire right, title and interest in, to and under all the invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for the Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from the application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND WE HEREBY authorize and request said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all countries.

IN TESTIMONY WHEREOF, We have hereunto signed our names on the date(s) indicated opposite our respective signatures.

Date: Dec. 30. 2008

Hansjuerg Emch
Hansjuerg EMCH

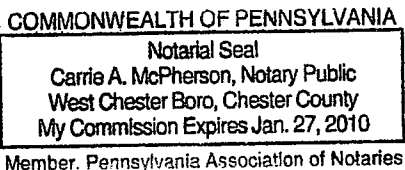
L.S.

State of Pennsylvania)
) SS:
County of Chester)

On Dec. 30. 2008, before me Carrie A. McPherson Notary Public, personally appeared Hansjuerg Emch, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



Date: 10-17-08

Grant A. Skidmore
Grant A. SKIDMORE

L.S.

State of Virginia)
) SS:
County of NORFOLK)

On October 17, 2008 before me Linda D. Barbour Notary Public, personally appeared Grant A. Skidmore, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Linda D. Barbour



ASSIGNEE: Synthes (U.S.A.)

Dennis J. Butler Authorized to sign on behalf of Synthes (U.S.A.)

Signature:

Dennis J. Butler

Position/Title:

Patent Counsel

Address:

1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date:

December 30, 2008

Commonwealth of Pennsylvania)

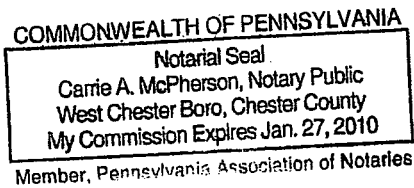
) SS:

County of Chester)

On December 30, 2008 before me, Carrie A. McPherson, Notary Public, personally appeared Dennis J. Butler, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



3

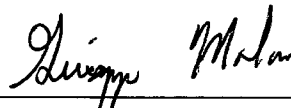
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Certificate of Conversion to Limited Liability Company

is a true copy of the document executed on December 23, 2008 by **Robert Donohue** and **Joseph Fisher** to convert Synthes (U.S.A.) into a Delaware limited liability company, changing its name from Synthes (U.S.A.) to Synthes USA, LLC.



Giuseppe Molaro

Subscribed and sworn to before me this 25th day of May 2010.



Notary Public

ANGELA FISHER
Notary Public, State of New York
No. 31-4939107
Qualified in New York County
Commission Expires July 25, 20 10

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A PENNSYLVANIA GENERAL PARTNERSHIP UNDER THE NAME OF "SYNTHES (U.S.A.)" TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "SYNTHES (U.S.A.)" TO "SYNTHES USA, LLC", FILED IN THIS OFFICE ON THE TWENTY-THIRD DAY OF DECEMBER, A.D. 2008, AT 3:20 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CONVERSION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008, AT 11:58 O'CLOCK P.M.

4637595 8100V

081225463

You may verify this certificate online
at corp.delaware.gov/authver.shtml



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 7046256

DATE: 12-23-08

SYNTHES (U.S.A.)

**CERTIFICATE OF CONVERSION
TO
LIMITED LIABILITY COMPANY**

This Certificate of Conversion to Limited Liability Company, dated December 22, 2008 is executed and filed by the undersigned to convert Synthes (U.S.A.), a Pennsylvania general partnership, into a limited liability company (the "Company") under the Delaware Limited Liability Company Act. The undersigned certifies as follows:

FIRST: The Company first came into being upon the execution of a Partnership Agreement on April 22, 1987.

SECOND: The name of the Company immediately prior to the filing of this Certificate of Conversion to Limited Liability Company is Synthes (U.S.A.).

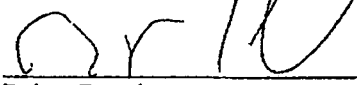
THIRD: The name of the Company as set forth in the Certificate of Formation of Limited Liability Company filed concurrently herewith is Synthes USA, LLC.

FOURTH: This Certificate of Conversion shall be effective at 11:58 p.m. on December 31, 2008.

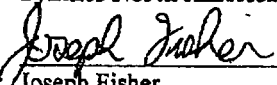
IN WITNESS WHEREOF, the undersigned have executed this Certificate of Conversion to Limited Liability Company as of the date first written above.

SYNTHES (U.S.A.)

By: SYTH, Inc.

By: 
Name: Robert Donohue
Title: Treasurer

By: Synthes North America, Inc.

By: 
Name: Joseph Fisher
Title: Secretary

Apostille

(Convention de La Haye du 5 Octobre 1961)

14

1. Country: **United States of America**
This public document
2. has been signed by **Norman Goodman**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York
6. the 22nd day of June 2010
7. by Secretary of State, State of New York
8. No. NYC-10771946A
9. Seal/Stamp
10. Signature



Lorraine Cortés-Vázquez

Lorraine Cortés-Vázquez
Secretary of State

54

17

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on March 7, 2009 by **Heinz Michael Mayer** to **Synthes USA, LLC** in connection with PCT International Application No. PCT/US08/75997, filed on September 11, 2008, which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007.

Giuseppe Molaro
Giuseppe Molaro

State of New York }
County of New York, } ss.:

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Angela E. Bush
whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

FEE PAID \$3.00

JUN 16 2010

Norman Goodman
County Clerk and Clerk of the Supreme Court, New York County

55

18

ASSIGNMENT

WHEREAS, I, **Heinz Michael Mayer**, citizen of the Germany, residing at Im Birket 18, D - 82166 Graefelfing, Germany, ASSIGNOR, is the inventor of the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/75997, which was filed with the United States Patent and Trademark Office on September 11, 2008, entitled INTERSPINOUS SPACER, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1569, and which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1257.

AND WHEREAS, **Synthes USA, LLC**, ASSIGNEE, a Delaware Limited Liability Company organized under the laws of the State of Delaware and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, is desirous of obtaining my entire right, title and interest in, to and under all the invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, the said ASSIGNOR, has sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for the Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from the application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND I HEREBY authorize and request said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

AND I HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all countries.

IN TESTIMONY WHEREOF, I have hereunto signed my name on the date indicated opposite my respective signature.

Date: March 7, 2009

Heinz Michael Mayer L.S.

WITNESS:

ISABEL MAYER
(Printed Name)

Mayer
(Signature)

Date: March 7, 2009

ASSIGNEE: Synthes USA, LLC

Dennis Butler Authorized to sign on behalf of Synthes USA, LLC

Signature: Dennis Butler
Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

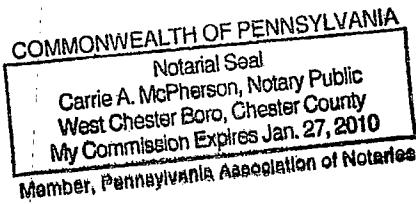
Date: May 11, 2009

Commonwealth of Pennsylvania)
County of Chester) SS:

On May 11, 2009, before me, Carrie A. McPherson, Notary Public, personally appeared Dennis J. Butler, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



19

57

20

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

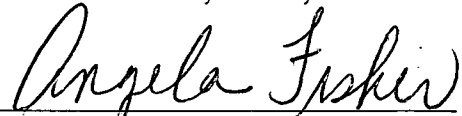
I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on May 11, 2009 from **Synthes USA, LLC** to **Synthes GmbH** in connection with PCT International Application No. PCT/US08/75997, filed on September 11, 2008, which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007.


Giuseppe Molaro

Subscribed and sworn to before me this 25th day of May 2010.


Notary Public

ANGELA FISHER
Notary Public, State of New York
No. 31-4939107
Qualified in New York County
Commission Expires July 25, 20 10

21

ASSIGNMENT

WHEREAS, **Synthes USA, LLC**, ASSIGNOR, a Delaware Limited Liability Company organized under the laws of the State of Delaware and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, has all right, title and interest in the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/75997, which was filed with the United States Patent and Trademark Office on September 11, 2008, entitled **INTERSPINOUS SPACER**, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1569, and which claims priority to U.S. Provisional Application No. 60/972,572, filed on September 14, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1257.

AND WHEREAS, **Synthes GmbH**, ASSIGNEE, a Swiss Company organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, CH-4436 Oberdorf, Switzerland, is desirous of obtaining the entire right, title and interest to and under the Invention, including the right to bring an action and recover damages for past infringements, if any, in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Excluded Geographic Locations").

AND WHEREAS, ASSIGNOR, is desirous of assigning its entire right, title and interest to the Invention in all geographic locations except the Excluded Geographic Locations to the ASSIGNEE, including the right to bring an action and recover damages for past infringement, if any.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding patent applications and all divisions, renewals and continuations thereof, and all Patents which may be granted thereon and all reissues and extensions thereof; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in all geographic locations except the Excluded Geographic Locations, and all extensions, renewals and reissues thereof.

AND ASSIGNOR HEREBY authorizes and requests said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

NOW, THEREFORE, ASSIGNEE shall obtain all said rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all geographic locations except the Excluded Geographic Locations.

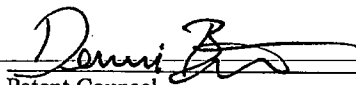
AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he is fully authorized and empowered to do so and signs his name on the date indicated below.

ASSIGNOR:**Synthes USA, LLC**

Dennis J. Butler Authorized to sign on behalf of Synthes USA, LLC

Signature:



Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date:

May 11, 2009

Commonwealth of Pennsylvania)

) SS:

County of Chester)

On May 11, 2009, before me, Carrie A. McPherson, Notary Public, personally appeared Dennis J. Butler, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

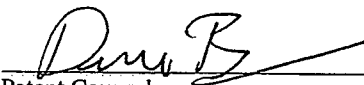
Carrie A. McPherson, Notary Public
West Chester Boro, Chester County
My Commission Expires Jan. 27, 2010

Member, Pennsylvania Association of Notaries

ASSIGNEE:**Synthes GmbH**

Dennis J. Butler Authorized to sign on behalf of Synthes GmbH

Signature:



Position/Title: Patent Counsel

Address: Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

Date:

May 11, 2009

Commonwealth of Pennsylvania)

) SS:

County of Chester)

On May 11, 2009, before me, Carrie A. McPherson, Notary Public, personally appeared Dennis J. Butler, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Carrie A. McPherson, Notary Public
West Chester Boro, Chester County
My Commission Expires Jan. 27, 2010

Member, Pennsylvania Association of Notaries

2020
Bogotá D.C.,

Doctor(a)
CASTILLO GRAU GERMAN
Apoderado(a) y/o Representante de
SYNTHESE GMBH

REFERENCIA	Radicación No.	10 35580
	Solicitud internacional	PCT/US2008/075997
	Fecha inicio fase nacional	14/04/2010
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	12159
	Folios	1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

Cúmplase
Dado en Bogotá DC,



JOSE LUIS SALAZAR LOPEZ
Director de Nuevas Creaciones (C)

jfernand

15 FEB. 2011