

ESCOBAR - URIBE ASOCIADOS

A B O G A D O S

Carrera 11A No. 94 -76 - Of. 305 - P.O. Box 9494R, Bogotá, D.C. - Colombia

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO DIVISION DE NUEVAS CREACIONES

E. S. D.

SUPERINTENDENCIA Y COMERCIO

Radicacion : 05112185 00000000

Folios: 12

Fecha (ADM): 2006-01-23 14:02:59

Tramite : 311 PCT-PATENT 372 FASE NACI 444 REPUESTA

Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Ref.: Expediente No. 05112185
Solicitud de Patente a nombre de
SPINE SOLUTIONS, INC.

Yo, JIMENA ESCOBAR URIBE, identificada como aparece al pie de mi firma, domiciliada en la Carrera 11 A No. 94-76, Of. 305, obrando como apoderada de la sociedad **SPINE SOLUTIONS, INC.**, domiciliada en West Chester, Pennsylvania, Estados Unidos de América, solicitante de la patente de la referencia, en respuesta al oficio No. 13631 notificado por fijación en lista el día 23 de diciembre de 2005, me permito presentar los siguientes documentos:

1. Copia auténtica del poder otorgado por la sociedad **SPINE SOLUTIONS, INC.**, como también del Certificado de Existencia y Representación Legal de dicha sociedad debidamente apostillados. De los documentos mencionados se acompaña la correspondiente traducción oficial debidamente legalizada por el Ministerio de Relaciones Exteriores de Colombia.
2. Documento (1) en que consta la cesión del derecho a la patente otorgado por los inventores a favor de mi mandante.

Sobre el particular, es importante resaltar que de conformidad con las normas legales vigentes, artículo 1 de la Resolución 210 de 2001, expedida por el Superintendente de Industria y Comercio y artículo 2 de la Convención de la Haya, el documento en inglés que se pretenda aportar como parte de los trámites de propiedad industrial ante la Superintendencia de Industria y Comercio no requieren traducción. Por otro lado, la legalización consular y/o diplomática de los documentos expedidos en el extranjero no es necesaria. Por lo tanto, el documento de cesión anexo a este memorial es válidamente presentado en idioma inglés y con la correspondiente Apostilla.

Espero con esto haber dado cabal cumplimiento a lo solicitado por ese despacho y de conformidad con lo indicado en los artículos 3º, inciso 3, 35 inciso 2 y 59 inciso 2 del CCA, al analizar este memorial, atentamente ruego se traten todas las cuestiones planteadas con motivo del mismo.

Señor Superintendente,


JIMENA ESCOBAR URIBE
C.C.39.779.452 de Usaquén
T.P. 68.228

108

Traducción oficial hecha por Jimena Escobar Uribe, traductora intérprete oficial según resolución No. 0369 del Ministerio de Justicia, del documento legalizado mediante la APOSTILLA # 200600883 de 9 de enero de 2006 expedida en Harrisburg, Pensilvania, Estados Unidos de América el cual corresponde a un documento de poder en inglés con su correspondiente traducción al español (razón por la cual no se hace traducción del mismo texto), otorgado por la sociedad SPINE SOLUTIONS, INC, domiciliada en West Chester, Pennsylvania, Estados Unidos de América a Jimena Escobar-Urbe y/o Ignacio Escobar-Urbe y/o Juliana Escobar Uribe firmada por Robert M. Rauker, abogado registrado de patentes.

APOSTILLA

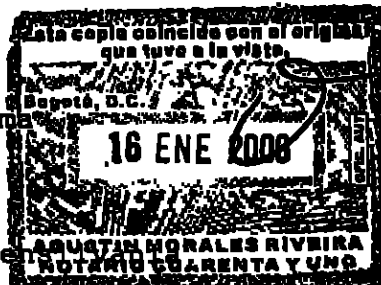
(Convención de la Haya de 5 de octubre de 1961)

1. País: Estados Unidos de América
2. Este documento público ha sido firmado por JOANNA FRANKLIN RANGE
3. Actuando en su calidad de notario público
4. Lleva el sello/estampilla de JOANNA FRANKLIN RANGE, NOTARIO PÚBLICO, CONDADO DE CHESTER, MANCOMUNIDAD DE PENNSYLVANIA

CERTIFICADO

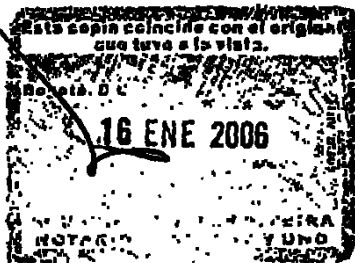
5. En Harrisburg, Pensilvania
6. El día 9 de enero de 2006
7. Por Pedro A. Cortés, Secretario de la Mancomunidad de Pennsylvania
8. NO. 200600883
9. Sello/Estampilla
(fdo) firma de Pedro A. Cortés
10. Firma

Sello: del secretario de la mancomunidad de Pennsylvania



Jimena Escobar Uribe
JIMENA ESCOBAR URIBE

Traductor e Intérprete Oficial
Resolución No. 0369 Min. Justicia 1995



MINISTERIO DE RELACIONES
EXTERIORES

514680
Jimena Galarza
CUYA FIRMA APARECE EN EL
DOCUMENTO DESEMPLENA
LAS FUNCIONES DELEGADAS

NO SE ASUME
RESPONSABILIDAD DEL TEXTO

2006 JAN 16 P 1:25

Mos
JEFE DE LEGALIZACIONES
SANTAFE DE BOGOTA D.C.

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CERTIFICACION NOTARIAL

El abajo.firmante Notario Público certifica que el día 21 de octubre de 2005 compareció ante mí Robert M. Rauker, quien firmó el instrumento que antecede en su calidad de Abogado Registrado de Patentes de Spine Solutions, Inc, sociedad existente, debidamente constituida y que ejerce su objeto social de conformidad con las leyes de Delaware, Estados Unidos de América cuya oficina principal esta localizada en 1302 Wrights Lane East, West Chester, Pensilvania 19380, Estados Unidos de América. Certifico, además, que dicho individuo está autorizado para firmar el instrumento que antecede en nombre de la citada sociedad, y que los objetivos para los que se otorga el mencionado instrumento están comprendidos dentro de los objetivos o actividades de la mencionada sociedad.

Firma: (ilegible)

Notario Público

Sello: Mancomunidad de Pensilvania

Joanna Franklin Range, Notario Público

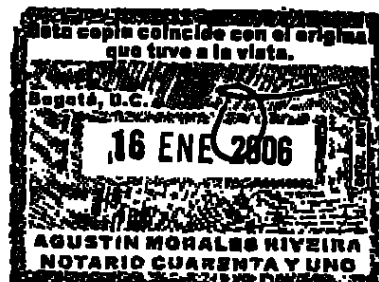
West Goshen Twp. Condado de Chester

Mi comisión expira el 18 de agosto de 2008

Miembro de la asociación de notarios de Pensilvania.

Esta certificación notarial debe ser llenada en su totalidad y legalizarse por Apostilla.

Jimena Escobar Uribe
JIMENA ESCOBAR URIBE
Traductor e Intérprete Oficial
Resolución No. 0369 Min. Justicia 1995



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APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country : United States Of America
2. This public document has been signed by JOANNA FRANKLIN RANGE
3. acting in the capacity of NOTARY PUBLIC

● bears the seal/stamp JOANNA FRANKLIN RANGE, NOTARY PUBLIC, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA

Certified

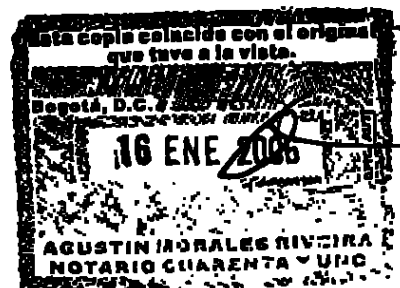
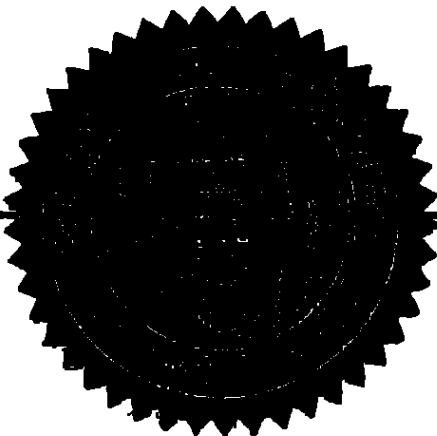
5. at Harrisburg, Pennsylvania
7. by Pedro A. Cortés, Secretary of the Commonwealth of Pennsylvania
8. No : 200600883
9. Seal/Stamp

6. The 9th day of January, 2006

10. Signature

Pedro A. Cortés

Pedro A. Cortés



is undersigned
acting on behalf of and representing
SPINE SOLUTIONS, INC.

a company organized under the laws of
Delaware, U.S.A.,
domiciled at 1302 Wrights Lane East, West
Chester, Pennsylvania 19380, United States.

hereby appoints **JIMENA ESCOBAR-URIBE**
and/or **IGNACIO ESCOBAR-URIBE** and/or
JULIANA ESCOBAR-URIBE

domiciled at Bogotá, Colombia
CARRERA 11 A No. 94-76 OF. 305-306

as our true and legal attorneys with the necessary powers: 1. to apply to the administrative, judicial and police authorities of the Republic of Colombia, in any instance or appeal, for obtaining registration of patents, utility models, industrial designs, commercial emblems, trade and domain names, trademarks, copyrights and neighbouring rights, plant varieties, health licenses as well as their assignments, extensions, renewals, changes of name and domicile; 2. to prepare, apply for, obtain, execute and register contracts, licenses, authorisations and registrations of any kind; 3. to intervene as plaintiffs or defendants, in any instance or appeal, before any judge, court, tribunal, corporation, public officer or authority in any judicial, administrative or police action, such as: actions dealing with commercial emblems and names, oppositions against trademark registrations; caducity and nullity actions; recovery actions, actions arising from obtainment and working of license agreements; actions dealing with unfair competition; criminal actions; actions claiming indemnity for damages, complaints or remarks on all sort of industrial property matters; the performance of precautionary measures, and in any other similar action, measure or appeal related to industrial property matters, copyrights and neighbouring rights and obtainment of plant varieties rights.

To this effect, we hereby authorize them to file applications, make descriptions, amendments, protests, declarations, oppositions, cancellations, appeals and claims; to pay taxes, quotas and liens as provided by law; to waive or abandon granted rights or rights in process of being granted; to receive all kind of documents and securities; to issue the respective releases and, in general, to take, before said authorities, pertinent steps to the abovementioned purposes and take all measures they may deem advisable to protect our interests, with all other necessary legal faculties, and we hereby declare as good and valid whatever the attorneys should do to our benefit.

This power comprises the authority to ratify or confirm on our behalf any action, as well as the faculty of receiving, dealing, transacting, compromising, conciliating, substituting and revoking substitutions, taking notifications and appointing judicial or extrajudicial attorneys.

signed at 1302 Wrights Lane East
West Chester, PA 19380, U.S.A.

Robert M. Rauker
Robert M. Rauker

SIGNATURE

Registered Patent Attorney

El suscrito
obrando en nombre y representación de
SPINE SOLUTIONS, INC.

una compañía organizada bajo las leyes de
Delaware, Estados Unidos de América
con domicilio en 1302 Wrights Lane East, West
Chester, Pennsylvania 19380, Estados Unidos de
América.

nombre a **JIMENA ESCOBAR-URIBE** y/o
IGNACIO ESCOBAR-URIBE y/o **JULIANA**
ESCOBAR-URIBE

domiciliados en Bogotá, Colombia
CARRERA 11 A No. 94-76 OF. 305-306

apoderados verdaderos y legales con poder especial, amplio y suficiente. 1. para recabar de las oficinas y autoridades colombianas administrativas, judiciales y de policía en cualquier instancia o recurso, la obtención de patentes de invención, modelos de utilidad, diseños industriales, registro de marcas, registro de derechos de autor y derechos conexos, registro de variedades vegetales, depósito de nombres comerciales, nombres de dominio y enseñanzas, registros sanitarios, así como sus traspasos, prórrogas, renovaciones, cambios de nombre y de domicilio; 2. elaborar, tramitar, solicitar, obtener, realizar, ejecutar y registrar contratos, licencias, autorizaciones y registros de cualesquiera clase; 3. intervenir como demandante o como demandado en cualquier instancia y recurso, y ante cualquier juez, entidad, corporación, funcionario público o autoridad en acciones judiciales, administrativas y de policía, tales como acciones derivadas del nombre o enseña comerciales; observaciones u oposición al registro de marcas; acciones de caducidad y nulidad; acciones reivindicatorias; acciones derivadas de la obtención o explotación de licencias; acciones de competencia desleal; demandas penales y civiles; acciones de indemnización de perjuicios, reclamos u observaciones a cualquier asunto sobre propiedad industrial; el ejercicio de medidas cautelares y cualesquiera otras acciones, medidas o recursos similares relacionados con la propiedad industrial, los derechos de autor y derechos conexos y los derechos de obtención de variedades vegetales.

A este efecto, los facultamos para elevar solicitudes, formular descripciones, enmiendas, protestas, declaraciones, oposiciones, cancelaciones, apoliciones y reclamos, pagar impuestos, cuotas y gravámenes prescritos por la ley; renunciar o desistir a derechos concedidos o en curso de concesión; recibir toda clase de documentos y valores dando el descargo respectivo, y, en general, para dar ante dichas autoridades todos los pasos necesarios al efecto indicado y tomar todas las medidas que creyeren conducentes al resguardo de nuestros intereses, con todas las demás facultades necesarias y por este documento desde ahora declaramos válido y bueno todo cuanto los apoderados hicieran en nuestro beneficio.

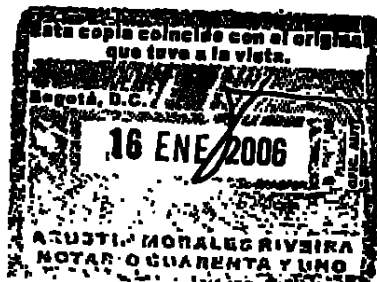
Esta poder comprende la facultad de ratificar o confirmar en nuestro nombre lo actuado, así como la facultad de desistir, transigir, comprometer, conciliar, sustituir y revocar sustituciones, recibir notificaciones y nombrar apoderados judiciales o extrajudiciales.

Firmado en 1302 Wrights Lane East West Chester, PA 19380,
Estados Unidos de América

El

FIRMA **Robert M. Rauker**

Abogado Registrado de Patentes



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NOTARIAL CERTIFICATION

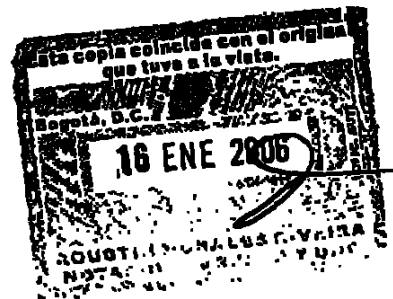
The undersigned Notary Public certifies that on 21 October 2005 before me personally appeared Robert M. Rauker, who signed the forgoing instrument as Registered Patent Attorney of Spine Solutions, Inc., a corporation existing, duly organized and complying with its corporate purposes in conformity with the laws of Delaware, U.S.A., whose home office is located at 1302 Wrights Lane East, West Chester, Pennsylvania 19380, U.S.A. I further certify that said individual is duly authorized to sign the foregoing instrument in the name of said corporation and that the purposes for which said instrument is granted are within the scope of the objects or activities of said corporation.

Joanna Franklin Range
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Joanna Franklin Range, Notary Public
West Goshen Twp., Chester County
My Commission Expires Aug. 18, 2008

This notarial certification must be filed in complete form with the Secretary of the Commonwealth of Pennsylvania.



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APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by M. Tarver

3. acting in the capacity of Certifying Officer

4. bears the seal/stamp of U.S. Patent and Trademark Office

Certified

5. at Washington, D.C.

6. the sixth of January, 2006

7. by Assistant Authentication Officer, United States Department of State

8. No. 06008347-3

9. Seal/Stamp:

10. Signature:



Patrick O. Hatchett

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THE UNITED STATES OF AMERICA

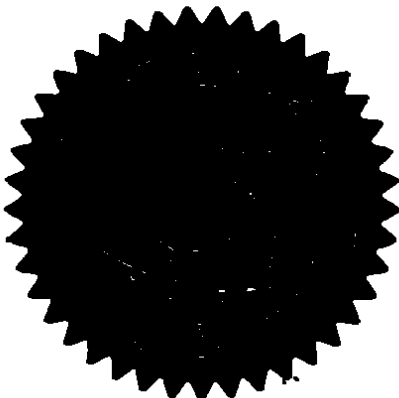
TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 04, 2006

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
April 28, 2003**

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



M. Tarver

**M. TARVER
Certifying Officer**

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U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

102438827

To The Honorable Commissioner of Patents and Trademarks:
Please record the attached original document(s) or copy(ies) thereof.

Docket No.: P07801US00/MP

1. Name of conveying party(ies)

Thierry MARNAY
Rudi BERTAGNOLI
Frank MAGEE
Stephan ECKHOF
David L. NICHOLS
Christophe GEISERT

4-28-03

10/423879
U.S. PTO
04/23/09

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

Name: SPINE SOLUTIONS, INC.
Street Address: 505 Park Avenue, 14th Floor
City + Address: New York, New York 10222

3. Nature of conveyance:

X Assignment **Merger** **Security Agreement**
Change of Name **Other:**

Execution Date: 3/17/03; 4/3/03 ; 4/8/03; 4/9/03; 4/14/03and 4/23/03

4. Application number(s) or patent number(s)

10423879

**3/17/03; 4/3/03 ;
4/8/03; 4/9/03;
4/14/03and 4/23/03**

X This document is filed together with a new application whose execution date is:

A. Patent Application No.(s)

B. Patent No.(s)

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

Name: Marvin Petry **Tel.: 703-739-4900**
LARSON & TAYLOR, PLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314-1437

8. Total number of applications and patents involved:

新

7. Total fee (37 CFR 3.41)

X Enclosed (fee code 581)
 (8. Any insufficiency in fee is authorized to be charged to Deposit Account No. 12-0555.)

\$40.00

DO NOT USE THIS SPACE

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.

Marvin Petry
Name of person signing

Martin Petry
Signature

April 28, 2003
Date

Total number of pages including cover sheet, attachments and documents: 5

04/29/2003 INTELKOMEN 00000048 10423879

04 FC:0021

40.00 DP

PATENT

REEL: 014014 FRAME: 0489

116-117

ASSIGNMENT OF PATENT APPLICATION

(US and foreign rights - all rights assigned by inventors to a single assignee)

WHEREAS,

- (1) Thelmy MARNAY;
- (2) Rudi BERTAGNOLI;
- (3) Frank MAGEE;
- (4) ~~Stephan ECKHOF;~~
- (5) David L. NICHOLS; and
- (6) Christophe GEISERT.

residing respectively at

- (1) Clinique du Parc; B.P. 20; 34171 Castelnau le Laz; France;
- (2) *Chimaniqasse 21-25/1/3, 1190 Vienna: AUSTRIA*
- (3) 505 Park Avenue, New York, New York 10022; United States of America;
- (4) Neuhauser Strasse 47; D-78532 Tuttlingen; Germany;
- (5) 505 Park Avenue, New York, New York 10022; United States of America; and
- (6) Neuhauser Strasse 47; D-78532 Tuttlingen; Germany.

(hereinafter referred to as the "ASSIGNOR") have invented certain new and useful improvements in INSTRUMENTS AND METHOD FOR PREPARING AN INTERVERTEBRAL SPACE FOR RECEIVING AN ARTIFICIAL DISC IMPLANT for which an application for a United States Patent was executed on even date herewith,

And WHEREAS,

Spine Solutions, Inc.,

whose Post Office Address is:

505 Park Avenue; 14th Floor; New York, New York 10022; United States of America,

(hereinafter referred to as the "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to said application and the invention(s) and improvement(s) therein disclosed, for the United States of America or other countries, and any Letters Patent which may issue therefor in the United States or other countries including all divisions, continuations, reissues, renewals and/or extensions thereof.

NOW THEREFORE in consideration of the sum of ten U.S. dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the ASSIGNOR does hereby assign, sell, transfer and set over unto the ASSIGNEE the entire right, title and interest in and to said application and the invention(s) and improvement(s) therein disclosed, for the United States of America or

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other countries, and any Letters Patent which may issue therefor in the United States or other countries and all divisions, continuations, reissues, renewals and/or extensions thereof, said ASSIGNEE to have and to hold the interests herein assigned to the full ends of the terms of said Letters Patent and any and all divisions, continuations, reissues, renewals and/or extensions thereof, respectively, as fully and entirely as the same would have been held and enjoyed by the ASSIGNOR had this assignment not been made.

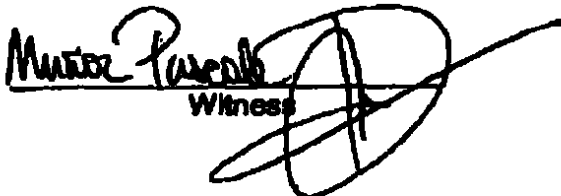
And for the consideration aforesaid, ASSIGNOR agrees that ASSIGNOR will communicate to said ASSIGNEE or the representatives thereof any facts known to ASSIGNOR respecting the invention(s) and improvement(s) of the said application(s), and will, upon request, but without expense to ASSIGNOR, testify in any legal proceedings, sign all lawful papers, execute all divisional, reissue, continuation, renewal and/or extension applications, make all rightful oaths, and generally do all other and further lawful acts, deemed necessary or expedient by said ASSIGNEE or by counsel for said ASSIGNEE, to assist or enable said ASSIGNEE to obtain and enforce full benefits from the rights and interests herein assigned.

This assignment shall be binding upon the ASSIGNOR's heirs, executors, administrators, successors and/or assigns, and shall inure to the benefit of the heirs, executors, administrators, successors, and/or assigns, as the case may be, of the ASSIGNEE.

The Commissioner of Patents of the US is requested to issue such Letters Patent in accordance with this assignment.

17th 03 2003
Date


Thierry MARNAY


Witness

Date

Rudi BERTAGNOLI

Witness

118 99 4024

other countries, and any Letters Patent which may issue therefor in the United States or other countries and all divisions, continuations, reissues, renewals and/or extensions thereof, said ASSIGNEE to have and to hold the interests herein assigned to the full ends of the terms of said Letters Patent and any and all divisions, continuations, reissues, renewals and/or extensions thereof, respectively, as fully and entirely as the same would have been held and enjoyed by the ASSIGNOR had this assignment not been made.

And for the consideration aforesaid, ASSIGNOR agrees that ASSIGNOR will communicate to said ASSIGNEE or the representatives thereof any facts known to ASSIGNOR respecting the invention(s) and improvement(s) of the said application(s), and will, upon request, but without expense to ASSIGNOR, testify in any legal proceedings, sign all lawful papers, execute all divisional, reissue, continuation, renewal and/or extension applications, make all rightful oaths, and generally do all other and further lawful acts, deemed necessary or expedient by said ASSIGNEE or by counsel for said ASSIGNEE, to assist or enable said ASSIGNEE to obtain and enforce full benefits from the rights and interests herein assigned.

This assignment shall be binding upon the ASSIGNOR's heirs, executors, administrators, successors and/or assigns, and shall inure to the benefit of the heirs, executors, administrators, successors, and/or assigns, as the case may be, of the ASSIGNEE.

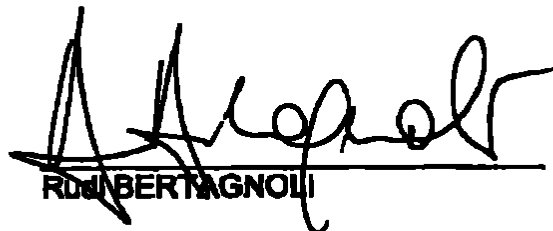
The Commissioner of Patents of the US is requested to issue such Letters Patent in accordance with this assignment.

Date

Thierry MARNAY

Witness

23-04-03
Date


ROBERT MAGNOLI

Witness

4-8-03

Date



Frank MAGEE

119 X2
415

Gloria Clark

Witness

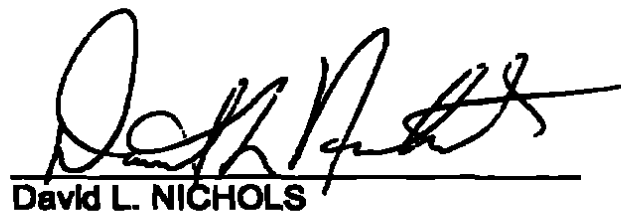
Date

Stephan ECKHOF

Witness

4-9-03

Date



David L. NICHOLS

Gloria Clark

Witness

Date

Christophe GEISERT

Witness

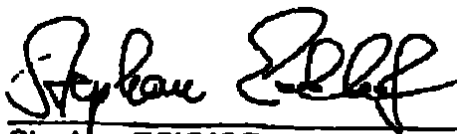
Date

Frank MAGEE

Witness

04/14/2003

Date



Stephan ECKHOF

Witness

Date

David L. NICHOLS

Witness

03/04/2003

Date



Christophe GEISERT

Witness