

Señores
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Bogotá, D C

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Rad 066831- 00002-0000
Fec 2006-11-09 10:20:01 Dep 2020 NUECREACIONES
Tra 11 PATENTE/II
Eva 379 FASE NACIONAL II
Act 444 RESPUESTA REGUE Folios 25

Re Código 011-379-444
Expediente No 06-86 831
Fase Nacional de Solicitud
de Patente PCT
SYNTHES GmbH

En relación con el expediente de la referencia y dando cumplimiento a la última providencia recaída sobre este asunto por medio del presente escrito me permito manifestarles lo siguiente

- 1 Adjunto una copia del Examen Preliminar Internacional el cual no contiene anexos, y por tal motivo se hace innecesaria la traducción
- 2 Acompaño las copias certificadas y legalizadas de los documentos que acreditan la cesión de los inventores a la sociedad solicitante de conformidad con las siguientes cesiones
 - Cesión de los inventores Jeffrey LARSON - Theodore BERTELE - Louis GREENBERG - Scott SCHORER a favor de la sociedad KISS MEDICAL LLC
 - Cesión de la sociedad KISS MEDICAL LLC a favor de la sociedad SYNTHES SPINE COMPANY LP
 - Cesión de la sociedad SYNTHES SPINE COMPANY LP a favor de la sociedad SYNTHES GmbH

Renuncio al término faltante de traslado, y les solicito ordenar la publicación del extracto

De Ustedes Atentamente,



LUIS FELIPE CASTILLO GIBSONE
T P No 68 995 del C S.J

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 8932-975-228	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/041155	International filing date (day/month/year) 08 December 2004 (08.12.2004)	Priority date (day/month/year) 12 December 2003 (12.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HFSC COMPANY		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis 1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items

- | | |
|---|---|
| ☒ Box No. I | Basis of the report |
| ☐ Box No. II | Priority |
| ☐ Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| ☐ Box No. IV | Lack of unity of invention |
| ☒ Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement |
| ☐ Box No. VI | Certain documents cited |
| ☐ Box No. VII | Certain defects in the international application |
| ☐ Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis 1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis 2).

	Date of issuance of this report 12 June 2006 (12.06.2006)
The International Bureau of WIPO 34 chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 70 10

PATENT CO PERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITYTo:
BRIAN M. ROTHERY
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6702

RECD 17 AUG 2004

PCT PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis 1)

Date of mailing
(day/month/year) 15 AUG 2003

Applicant's or agent's file reference

8932-975-228

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/41155

International filing date (day/month/year)

08 December 2004 (08.12.2004)

Priority date (day/month/year)

12 December 2003 (12.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A 61 F 5/04; A 61 B 17/56, 1/32 and US CL. 606/86, 53; 600/201

Applicant

LARSON, JEFFREY

1 The opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3 For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US

Mail Stop PCT Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

LINDA SNOLL

Telephone No. 571-272-4391

Form PCT/ISA/237 (cover sheet) (January 2004)

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/41155

834

Box No. I Basis of this opinion

1 With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purpose of international search (under Rules 12.3 and 23 1(b)).

2 With regard to any nucleotide and/or amino acid sequences disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/41135

35
6

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Statement

Novelty (N)	Claims 1-6	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1-6	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1-6	YES
	Claims NONE	NO

2 Citations and explanations:

Claims 1-6 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a retractor body having two elongated channels and guide members passing through the corresponding channels.

Claims 1-6 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry

Apostille

(Convention de La Haye du 5 Octobre 1961)

#36

- 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 16th day of October 2006**
- 7 **by Special Deputy Secretary of State, State of New York**
- 8 **No NYC-10471638A**
- 9 **Seal/Stamp 10 Signature**



James Bizzam
Special Deputy Secretary of State

VERIFICATION

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

I verify that the attached document identified as

Assignment

is a true copy of the document as executed on December 18, 2003 by Theodore Bertele, Louis Greenberg, and Scott Schorer and on December 19, 2003 by Jeffrey Larson to KISS MEDICAL LLC of United States and corresponding foreign rights in connection with U S Serial No 10/734,546 filed December 12, 2003

Courtney Manning
Courtney Manning

COUNTY
CLERK

and sworn to be

Subscribed and sworn to before me this 2nd day of

August, 2006

Notary Public

JAMAL PARKER
Notary Public, State of New York
No. 01PAS042638
Qualified in Kings County
Certificate Filed in New York County
Commission Expires June 5, 2020.

NEW YORK
COUNTY

State of New York
County of New York,

524123

38
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

Norman Goodman
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 certificate 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, I believe that such signature is genuine.

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

OCT 10 2006

FEE PAID \$3.00

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

39 9

PATENT APPLICATION
Docket No: 47178-00050**ASSIGNMENT**

We, Jeffrey Larson, Theodore Bertels, Louis Greenberg, and Scott Schorer of 1015 East 20th Avenue, Spokane, Washington 99203, 1435 Wildrose Drive, Longmont, Colorado 80503, 4701 Quail Creek Lane, Boulder, Colorado, 80301, and 7105 Quiet Retreat Court, Niwot, Colorado 80503; respectively, have invented a method and apparatus entitled Guided Retractor and Methods of Use, hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application filed in the United States Patent and Trademark on December 12, 2003 as a continuation-in-part to our prior U.S. Patent Application Serial No. 10/645,136, filed on August 20, 2003, and also identified by Docket No. 47178-00050 of the law firm of Helms Roberts & Owen LLP

The Assignee, Kine Medical LLC, a limited liability company of Delaware, having a principal place of business at 1015 East 20th Avenue, Spokane, Washington 99203, desires to secure the entire right, title and interest in said invention.

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to me by the Assignee, the receipt and sufficiency of which I hereby acknowledge, I HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or renewals or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and Foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

I hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behalf of the said Assignee, its successors, assigns and legal representatives.

I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

40

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, notification, release, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon my heirs and legal representatives.

Dated this 14 day of December, 2003.

Jeffrey Larson
Jeffrey Larson

Dated this _____ day of _____, 2003.

Theodore Barile

Dated this _____ day of _____, 2003.

Louis Greenberg

Dated this _____ day of _____, 2003.

Scott Scherer

4.2.4

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, nullification, release, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon my heirs and legal representatives.

Dated this _____ day of _____, 2003.

Jeffrey Larson

Dated this 18 day of December, 2003.



Theodore Berle

Dated this _____ day of _____, 2003.

Louis Chasberg

Dated this _____ day of _____, 2003.

Scott Schorr

12/10/2009 05:00 AM

FROM RTR

IPK NO. J35338537

IST | Innovative Spinal | ologus 072 402 8022 14/10

18 2003 02 2771 P2

82-12

Competition to the best of my ability in the execution of all lawful documents, the production of evidence, qualification, release, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon my heirs and legal representatives.

Dated this ____ day of ____, 2003.

Jeffrey Larson

Dated this ____ day of ____, 2003.

Theodore Bartels

Dated this 18 day of December, 2003.

Louis Greenberg

Dated this ____ day of ____, 2003.

Scott Scherer

43.73

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, nullification, release, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon my heirs and legal representatives.

Dated this ____ day of ____, 2003.

Jeffrey Larson

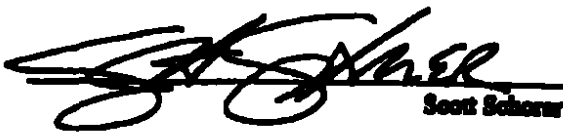
Dated this ____ day of ____, 2003.

Theodore Bartels

Dated this ____ day of ____, 2003.

Louis Greenberg

Dated this ____ day of ____, 2003.


Scott Schorer

Apostille

(Convention de La Haye du 5 Octobre 1961)

#44

- 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 16th day of October 2006**
- 7 **by Special Deputy Secretary of State, State of New York**
- 8 **No NYC-10471639A**
- 9 **Seal/Stamp 10 Signature**



James Bizzari
Special Deputy Secretary of State

VERIFICATION

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

I verify that the attached document identified as

Assignment

is a true copy of the document as executed on September 1, 2004
by **KISS MEDICAL, LLC** to **SYNTHES SPINE COMPANY, LP** of United
States and corresponding foreign rights in connection with U S
Serial No 10/734,546 filed December 12, 2003

2003

Courtney Manning
Courtney Manning

COUNTY
CLERK

Subscribed and sworn to before me this 2nd day of

August, 2006

Notary Public

JAMAL PARKER
Notary Public, State of New York
No. 01PA0042898
Qualified in Kings County
Certificate Filed in New York County
Commission Expires June 5, 2025

State of New York
County of New York

NEW YORK
COUNTY

524124

46

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

Norman Goodman
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

OCT 10 2006

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



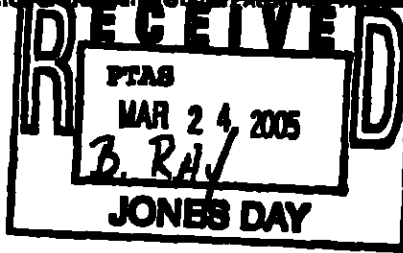
UNITED STATES PATENT AND TRADEMARK OFFICE

8932975999

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

MARCH 15, 2005

JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017



102835856A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U S. PATENT AND TRADEMARK OFFICE A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
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PLEASE SEND REQUEST FOR CORRECTION TO: U S. PATENT AND TRADEMARK OFFICE,
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SUITE 320, WASHINGTON, D C 20231

RECORDATION DATE: 09/09/2004

REEL/FRAME: 015774/0914
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS)
DOCKET NUMBER: 708716-999942

ASSIGNOR:
KISS MEDICAL, LLC

DOC DATE: 09/01/2004

ASSIGNEE:
SYNTHES SPINE COMPANY, LP
1690 RUSSELL ROAD
PAOLI, PENNSYLVANIA 19301

SERIAL NUMBER: 10734546
PATENT NUMBER
TITLE: GUIDED RETRACTOR AND METHODS OF USE

FILING DATE: 12/12/2003
ISSUE DATE:

015774/0914 PAGE 2

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

49
17

CC

C.R

Express Mail No. EV531719419US

09-15-2004



SHEET

Attorney Docket Number
708716-999942

102835856

Mail Stop Assignment Registration Services
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): KISS Medical LLC 1015 East 20th Ave. Spokane, WA 99203 Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No	2. Name and address of receiving party(ies): Name: SYNTHES APNE COMPANY, L.P. Address: 1690 Broad Road Froil, PA 19301 Country (if other than USA):
3. Nature of conveyance: ☒ Assignment ☐ Merger ☐ Security Agreement ☐ Change of Name ☐ Other Execution Date: September 1, 2004	

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) 10734546 B. Patent No.(s) Additional numbers attached? ☐ Yes ☒ No	
5. Name and address of party to whom correspondence concerning document should be mailed: JONES DAY 222 East 41st Street New York, New York 10017	6. Number of applications and patents involved: 1 7. Total fee (37 CFR 3.41): \$ 40 Please charge to the deposit account listed in Section 8. 8. Deposit account number: 50-3013

DO NOT USE THIS SPACE

9. Statement and signature. <i>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.</i>			
Ernest P. Ray Name of Person Signing	54,390 Reg. No.	 Signature	September 9, 2004 Date
Total number of pages including cover sheet:			2

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Registration Services
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

9/14/2004 HETICHE 0000034 563013 10734546
0. FC:8021 40.00 M

NYJN: 1540286.1

00015160 001

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SOLE

CC CC

ASSIGNMENT

WHEREAS, KISS MEDICAL, LLC, a limited liability company organized under the laws of the State of Delaware, with principal place of business at 1015 East 20th Avenue, Spokane, Washington, 99203, ASSIGNOR, is the sole owner of the invention in GUIDED RETRACTOR AND METHOD OF USE for which there exists an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐
☐ which is identified by Jones Day docket no. 708716-999842
☐ which was filed on December 12, 2003, Application No. 10/734,546
☐ I hereby authorize and request my attorney, of Jones Day, to insert here in parentheses (Application number, _____ filed _____) the filing date and application number of said application when known.

and WHEREAS, SYNTHES SPINE COMPANY, L.P., a Limited Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Pottsville, Pennsylvania, 19301, ASSIGNEE is desirous of obtaining any entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents 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 said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all renewals and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, 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, invention certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and renewals thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, 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 said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, renewal 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 said invention in all countries.

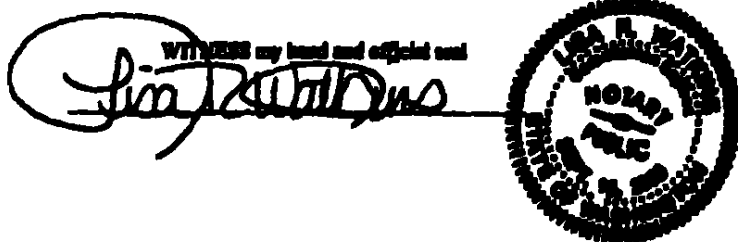
IN TESTIMONY WHEREOF, I haveunto set my hand and seal this 1 day of September, 2004


JEFFREY LARSON
PRESIDENT, KISS MEDICAL, LLC

State of Washington)
County of Spokane) ss:

on September 1, 2004, before me, Lisa R. Watkins, Notary Public, personally appeared Jeffrey Larson, 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/she executed the same in his/her authorized capacity, and that by his/her 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



NY28 133273.1

00015160 001

Apostille

(Convention de La Haye du 5 Octobre 1961)

20 S1

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

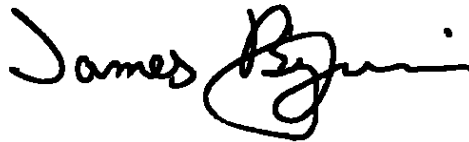
Certified

5 At New York, New York 6 the 16th day of October 2006

7 by Special Deputy Secretary of State, State of New York

8 No NYC-10471640A

9 Seal/Stamp 10 Signature



James Bizzam
Special Deputy Secretary of State

State of New York
County of New York, }

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

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 OCT 10 2006

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

VERIFICATION

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

I verify that the attached document identified as

Assignment

is a true copy of the document as executed on July 28, 2006 by **SYNTHES SPINE COMPANY, LP** to **HFSC COMPANY** and **SYNTHES GmbH** of United States and corresponding foreign rights in connection with U S Serial No 10/734,546 filed December 12, 2003

Courtney Manning
Courtney Manning

Subscribed and sworn to before me this 2nd day of

August, 2006

Notary Public

JAMAL PARKER
Notary Public, State of New York
No. 01PA6042638
Qualified in Kings County
Certificate Filed in New York County
Commission Expires June 5, 2010

SA
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ASSIGNMENT

WHEREAS, Synthes Spine Company, LP, ASSIGNOR, a 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, has all right, title and interest in United States Patent Application Ser No. 10/734,546, which was filed with the United States Patent and Trademark Office on December 12, 2003 entitled GUIDED RETRACTOR AND METHODS OF USE and all inventions disclosed, described and claimed therein ("the Invention") in the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Territory");

AND WHEREAS, HFBC Company, ASSIGNEE, a 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 any and all right, title and interest to the Invention, in the Territory, including the right to bring an action and recover damages for past infringements, if any;

AND WHEREAS, Synthes GmbH, ASSIGNEE, a Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at Elmattstrasse 3, 4436 Oberdorf, Switzerland, is desirous of obtaining any and all right, title and interest to the Invention, in the Territory, including the right to bring an action and recover damages for past infringements, if any;

AND WHEREAS, ASSIGNOR is desirous of assigning the entire right, title and interest to the Invention in the Territory, including the right to bring an action and recover damages for past infringement, if any;

NOW, THEREFORE, for good and valuable consideration, the receipt 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 the Territory 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 releases 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 said Invention in the Territory and all extensions, renewals and releases thereof;

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 said

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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 ASSIGNEES, their successors, legal representatives and assigns, to obtain and enforce proper protection for said Invention in the Territory

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/she is fully authorized and empowered to do so and sets his/her hand and seal the day and year set with his/her signature.

ASSIGNOR: Synthes Spine Company, LP

Robert M. Rauker Authorized to sign on behalf of Synthes Spine Company,
LP

Signature

Robert M. Rauker

Position/Title:

Chief Patent Counsel

Address:

1302 Witches Lane East

West Chester, Pennsylvania 19380

Date:

July 28, 2006

Commonwealth of Pennsylvania)
County of Chester) SS

On July 28, 2006, before me, Carrie A. McPherson, Notary Public, personally appeared Robert M. Rauker, 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

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Carrie A. McPherson, Notary Public
West Chester Area, Chester County
My Commission Expires Jan. 27, 2010
Member Pennsylvania Association of Notaries

ASSIGNEE:

HFSC Company

Robert M. Rauker

Authorized to sign on behalf of HFSC Company

Signature.

Robert M. Rauker

Position/Title:

Chief Patent Counsel

Address.

1302 Wrights Lane East

West Chester, Pennsylvania 19380

Date:

July 28, 2006

Commonwealth of Pennsylvania)

) ss.

County of Chester)

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WITNESS my hand and official seal

Carrie A. McPherson

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Carrie A. McPherson, Notary Public

West Chester Area, Chester County

My Commission Expires Jan. 27, 2010

Member Pennsylvania Association of Notaries

Synthes GmbH

Authorized to sign on behalf of Synthes GmbH

Robert M. Rabin

Chief Patent Counsel

1302 Wichita Lane East

West Chester, Pennsylvania 19380

July 28, 2006

Commonwealth of Pennsylvania)
) ss.
County of Chester)

On July 28, 2006, before me, Cecilia A. Murphy, Notary Public, personally appeared Robert M. Rauher, 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

Louis A. McPherson

