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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Rad: 06-121650- 00002-0000
Fec: 2007-03-22 18:19:04 Dep. 2020 NUECREACIONES
Tra. 11 PATENTE/II
Eve: 379 FASENACIONAL/II
Act 444 RESPUESTAREQUE Folios: 24

Expediente No. 06-121.650

Solicitud de Patente de Invención titulada: "CARTUCHO METALICO CON
DISPOSITIVO DE CONTROL DE FLUIDOS CON TIRA REACTIVA PARA USO EN
UN MEDIDOR DE ANALITOS FLUIDOS"

Solicitante: METRIKA, INC.

RESPUESTA AL OFICIO N°. 827 NOTIFICADO
POR FIJACION EN LISTA No. 29 DE FECHA 26 DE ENERO DE 2007,
(EXAMEN DE FORMA)

J. IAN RAISBECK, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad solicitante, me permito manifestar lo siguiente ante el auto emanado de ese Despacho, dentro del plazo legal previsto en el artículo 39 de la Decisión 486, en los siguientes términos:

1. En respuesta a la primera observación del Examinador, me permito aclarar al Despacho que la presente solicitud entra en Fase Nacional Capítulo I y no Capítulo II como inicialmente se presentó. Para tal efecto, adjunto copia del Reporte Preliminar Internacional de Patentabilidad, el cual, valga aclarar, no contiene anexos.

2. En respuesta a la segunda observación del Examinador, me permito aportar, junto al presente memorial, el documento de cesión debidamente legalizado, junto con su correspondiente traducción, según lo previsto en el Art. 26- k de la Decisión 486.

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Atentamente,



J. IAN RAISBECK
C. C. N° 79.376.996 de Bogotá
T.P. 135.799 CSJ

Anexo: Reporte Preliminar Internacional de Patentabilidad
 Documento de Cesión

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference 033819-100	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/015570	International filing date (day/month/year) 04 May 2005 (04.05.2005)	Priority date (day/month/year) 04 May 2004 (04.05.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant METRIKA, INC		

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 8 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: <table><tr><td>☒</td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td>☐</td><td>Box No. II</td><td>Priority</td></tr><tr><td>☐</td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>☐</td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td>☒</td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td>☐</td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td>☒</td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td>☐</td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		☒	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
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☒	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 07 November 2006 (07.11.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004)	Authorized officer Ellen Moyse e-mail: pt05@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
Metrika, Inc.
510 Oakmead Parkway
Sunnyvale, CA 94085

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

07 SEP 2006

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US05/15570

International filing date (day/month/year)

04 May 2005 (04.05.2005)

Priority date (day/month/year)

04 May 2004 (04.05.2004)

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

IPC: Please See Continuation Sheet

USPC: 422/55,56,58,60,68,1,82,99,100,102,104;435/287.1,287.3,288.7;436/501,514,164,169

Applicant

RAMEL ET AL.

1. This 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 56.1bis(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. (571) 273-3201

Date of completion of this opinion

16 May 2006 (16.05.2006)

Authorized officer

Jacqueline DiRemio

Telephone No. 571-272-1600

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US03/15370

Box No. 1 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
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence 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

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic 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(s) 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:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US03/15570

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

1. Statement

Novelty (N)

Claims 4, 5, 7, 22, 23, and 33-35 YES

Claims 1-3, 6, 8-21, and 24-32 NO

Inventive step (IS)

Claims NONE YES

Claims 1-35 NO

Industrial applicability (IA)

Claims 1-35 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/15570

OK
X

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

In Figure 4, reference number "31" is displayed, but this reference number is not described in the specification.

In Figure 5, reference characters "F" and "G" are displayed, but these reference characters are not described in the specification.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US03/15570

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of IPC:

G01N 15/06(2006.01), 21/08(2006.01), 21/75(2006.01), 21/77(2006.01), 31/22(2006.01), 33/566(2006.01), 33/558(2006.01); B32B 5/02(2006.01), 27/04(2006.01), 27/12(2006.01); C12M 1/34(2006.01), 3/00(2006.01)

V. 2. Citations and Explanations:

Claims 1 - 3, 6 and 8 - 16 lack novelty under PCT Article 33(2) as being anticipated by Markovsky et al. (US 6,319,466).

Markovsky et al. teach a test device that contains an expansion cavity (pneum wall system) for controlling fluid flow movement between a sample-absorbing matrix (sample receiving pad) and a test strip, wherein the test device comprises:

a sample-absorbing matrix 109;

a test strip 105 in contact with the sample-absorbing matrix 109; and

an expansion cavity 104 compressing the sample-absorbing matrix, the expansion cavity comprises:

a first portion separating a sample receiving portion of the sample-absorbing matrix from a portion of the sample-absorbing matrix positioned adjacent to the test strip, and

a second portion separating the sample receiving portion of the sample-absorbing matrix from a portion of the sample-absorbing matrix positioned away from the test strip, wherein the first portion of the expansion cavity compresses the sample-absorbing matrix to a lesser degree than the second portion of the sample-absorbing matrix (see Figures 14-17; and column 2, lines 23-26 and lines 60-67; column 3, lines 1-25 and lines 33-65; column 7, lines 24-49 and lines 60-67; column 8, lines 36-43; column 14, lines 60-67; and column 15, lines 16-25).

With respect to Applicant's claims 2 and 14, the first and second portions of the expansion cavity 104 together continuously surround the sample receiving portion of the sample-absorbing matrix 109 (see Figures 15-17).

With respect to Applicant's claims 3, 15 and 16, the expansion cavity 104 compresses the sample-absorbing matrix 109 such that fluid received onto the sample-absorbing matrix preferentially tends to flow from the sample receiving portion of the sample-absorbing matrix 109 into the portion of the sample-absorbing matrix adjacent to the test strip 105, and less so from the sample receiving portion of the sample-absorbing matrix to the portion of the sample-absorbing matrix positioned away from the test strip (see Figures 14-17; and column 14, lines 60-67; and column 15, lines 16-25).

With respect to Applicant's claim 6, the test device further comprises a blister package 103 (cartridge), wherein the blister package 103 comprises:

a seal strip 111 (cartridge bottom); and

a package top 102, wherein the sample-absorbing matrix 109 and test strip 105 are received between the seal strip 111 and the package top 102, and wherein the expansion cavity 104 extends downwardly from the package top 102 (see Figure 14; and column 14, lines 60-67).

With respect to Applicant's claim 8, the blister package (cartridge) is a single-use disposable package (see Figures 14-17; and column 4, lines 8-20; column 5, lines 55-60; and column 8, lines 35-46).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

With respect to Applicant's claim 9, the expansion cavity is positioned in a single-use disposable test device (see column 4, lines 8-20; column 5, lines 53-60; column 8, lines 35-46; column 13, lines 66-67 and column 14, lines 1-9).

With respect to Applicant's claim 10, the package top 102 comprises a sample receiving aperture positioned above the sample receiving portion of the sample-absorbing matrix 109 (see Figures 14-17).

With respect to Applicant's claim 11, the test strip is a lateral flow assay test strip (see column 1, lines 48-50 and column 6, lines 59-60).

Claims 1-3, 6, 10-21 and 24-32 lack novelty under PCT Article 33(2) as being anticipated by Brock (US 6,297,020).

Brock teaches a device for carrying out a lateral-flow assay by controlling fluid flow movement between a reagent pad 3 (sample receiving pad) and a test strip 10, wherein the test device comprises:

a reagent pad 3;

a test strip 10 in contact with the reagent pad 3; and

a u-shaped barrier 39 (pinch wall) compressing the reagent pad 3, the u-shaped barrier 39 comprises:

a pressure bar 48 separating a sample receiving portion of the reagent pad 3 from a portion of the reagent pad 3 positioned adjacent to the test strip 10, and

a precursor portion 39a,b separating the sample receiving portion of the reagent pad 3 from a portion of the reagent pad 3 positioned away from the test strip 10, wherein the pressure bar 48 of the u-shaped barrier compresses the reagent pad to a lesser degree than the precursor portion 39a,b of the reagent pad 3 (see Figures 1-3; and column 2, lines 35-35; column 3, lines 50-67; and column 4, lines 1-44).

With respect to Applicant's claims 2 and 14, the pressure bar 48 and precursor portion 39a,b of the u-shaped barrier 39 together continuously surround the sample receiving portion of the reagent pad 3 (see Figure 3; and column 3, lines 50-67 and column 4, lines 1-44).

With respect to Applicant's claims 3, 15 and 16, the u-shaped barrier 39 compresses the reagent pad 3 such that fluid received onto the reagent pad preferentially tends to flow from the sample receiving portion of the reagent pad 3 into the portion of the reagent pad 3 positioned adjacent to the test strip 10, and less so from the sample receiving portion of the reagent pad 3 to the portion of the reagent pad 3 positioned away from the test strip 10 (see Figure 3; and column 2, lines 48-55; column 3, lines 50-67 and column 4, lines 1-44).

With respect to Applicant's claim 6, the device further comprises a casing 30 (cartridge) comprising:

a bottom 33; and

a top 31, wherein the reagent pad 3 and test strip 10 are received between the casing bottom 33 and top 31, and wherein the u-shaped barrier 39 extends downwardly from the casing top 31 (see Figures 1-3; and column 3, lines 50-67 and column 4, lines 1-17).

With respect to Applicant's claim 10, the casing top 31 comprises an application port 21 (sample receiving aperture) positioned above the sample receiving portion of the reagent pad 3 (see Figures 2-3, and column 3, lines 36-52).

With respect to Applicant's claim 11, the test strip is a lateral flow assay test strip (see column 4, lines 45-50).

With respect to Applicant's claims 17-21, 24 and 25, the pressure bars 48 reflect support ribs which extend transversely along the test strip, they do not extend beyond the sides of the test strip, a recess is found on either side of the bars, they are disposed within a chamber of the housing along with the test strip, and they do not contact the sides of the test strip (see Figure 3).

With respect to Applicant's claims 26-32, the test strip 10 comprises a first and second portion, wherein the first and second portions can comprise different materials. The pressure bar(s) is positioned to press at the point(s) where the portions overlap one another. Additionally, there can be more than just two portions that overlap each other, wherein each can be composed of different materials, such as paper, nitrocellulose, and nylon (see Figures 1-3; and columns 2-3).

Claims 4, 5, 7 and 33 lack an inventive step under PCT Article 33(2) as being obvious over Markovsky et al. (US 6,319,466) or Brock (US 6,297,020) in view of Konecke (US 2002/0146346).

Both the Markovsky et al. and Brock references, which were discussed above, fail to teach that the second portion, i.e. precursor portion of Brock, of the "pinch wall" has a greater height than the first portion, i.e. the pressure bar of Brock.

Konecke et al. teach a "one-device" system for testing fluids wherein the device contains a sample pad 100, for absorbing the sample to be tested, and test strips 150 for conducting the assay test. The device further utilizes pressure heads of unequal size for pressing the sample out of the sample pad and into the test strips, wherein the first pressure heads have a greater height than the final pressure heads. The design of the unequal-sized pressure heads is such that more sample fluid is pressed out of the sample pad and onto the test strips by means of initial capillary action, force and gravity (see Figures 2, 4A and 6A; and paragraphs [0065] and [0066]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include with the device of Markovsky et al. or Brock an embodiment providing a greater height to the second portion of the expansion cavity as taught by Konecke et al. because Konecke et al. teaches the benefit of this device set-up with unequal-sized pressure heads in order to press more sample fluid out of the sample pad and onto subsequent test strips by means of capillary action, force and gravity.

Claims 8, 9, 22 and 23 lack an inventive step under PCT Article 33(2) as being obvious over Brock (6,297,020) in view of Markovsky et al. (US 6,319,466).

Brock fails to teach that the housing is a disposable cartridge or that the test strip is positioned in a single-use disposable meter.

Markovsky et al. teach a test device comprising a lateral-flow test strip, which is contained within a disposable housing. The

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

test device is utilized for testing for target analytes, wherein the test sample is applied through an aperture in the disposable housing and then the test strip can be incubated and the test results read by an instrument. The use of a disposable components is beneficial in order to prevent cross-contamination between test samples (see Figures; and column 2, lines 47-59; and column 4, lines 8-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include with the device of Brock the use of a disposable housing and meter because Markovsky et al. teach the benefit of disposable components for a test device in order to prevent cross-contamination between test samples.

Claim 34 lacks an inventive step under PCT Article 33(2) as being obvious over Brock (US 6,297,020) in view of Incorvia et al. (US 5,962,333).

Brock fails to teach the use of a moisture barrier in the housing.

Incorvia et al. teach a test strip, which is covered with moisture barrier sheets, wherein a desiccant is deposited directly to the test strip and then the test strip is covered with the moisture barrier sheet. Test strips are normally highly water absorbent, and the absorption of moisture may alter the test results, therefore, the moisture barrier sheets are beneficial because they allow the test strip to remain in the desired moisture-free environment (see Figure 1; abstract; and column 1, lines 10-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include with the device of Brock a moisture barrier sheet as taught by Incorvia et al. because Incorvia et al. teach the benefit of the moisture barrier sheets because they allow for highly water absorbent test strips to remain in a moisture-free environment, which prevents absorption of moisture which may potentially alter the test results.

Claim 35 lacks an inventive step under PCT Article 33(2) as being obvious over Brock (US 6,297,090) in view of Incorvia, as applied to claim 34, and further in view of Petrich et al. (US 2003/0157724).

Brock and Incorvia et al. fail to teach that the moisture barrier filters out wavelengths of light.

Petrich et al. teach a test element analysis system comprising a test element 2, a test element holder 12, and an evaluation system 3, wherein the evaluation system utilizes an optical measuring system in order to detect an analyte of interest in a sample fluid. The test element, which comprises a test strip 4, includes a carrier film 5, a spreading layer 40 and an optical barrier 41. The optical barrier, which is of a material with a low refractive index and/or metallic reflection, is advantageous because the barrier eliminates possible interference with the light guide characteristics of the carrier film (see Figures 1, 2, and 4; and paragraphs [0025], [0026], and [0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include with the device of Brock and Incorvia et al. a moisture barrier which comprises an optical barrier as taught by Petrich et al. because Petrich et al. teach the advantage of an optical barrier covering the testing area of a test strip because the barrier eliminates possible interference with the light guide characteristics of the other areas of the strip.

APOSTILLA

(Convención de La Haya del 5 de octubre de 1961)

1. País: Estados Unidos de América

El presente documento público

2. Fue firmado Por: E. T Wallece

3. Actuando en su calidad de Funcionario de
Certificaciones.

4. Lleva el sello de la Oficina de Marcas y Patentes de
los Estados Unidos, Departamento Comercial

Se certificó:

5. En Washington, D.C.

6. El dos días de marzo de 2007

7. Por parte del funcionario de autenticaciones del
Departamento de Estados Unidos

8. Bajo el número 07014893-1

9. Aparece sello del Departamento de Estados Unidos de
América

10. Firmado por Joan C Hampton

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ESTADOS UNIDOS DE AMÉRICA

A QUIEN PUEDA INTERESAR:

Departamento de Comercio de los Estados Unidos

Oficina de Marcas y Patentes

17 de enero de 2007

POR MEDIO DEL PRESENTE SE CERTIFICA QUE ADJUNTA SE
ENCUENTRA UNA COPIA FIEL DE LOS REGISTROS DE ESTE DESPACHO,
QUE CORRESPONDE A UN DOCUMENTO REGISTRADO EL 19 DE OCTUBRE
DE 2006.

Por autoridad del Secretario de Comercio y Propiedad
Industrial y Director de la oficina de Marcas y Patentes de
los Estados Unidos.

(Fdo.) T. WALLACE

Funcionario Certificador

Sello de la Oficina de Marcas y Patentes

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Al Honorable Comisionado de Marcas Registradas y Patentes.
Favor registrar los documentos originales adjuntos o copia
de los mismos.

1. Nombre de las partes que otorgan la cesión:

RAMEL, Urs A. y

TAY, Dillan

Nombres de cedentes adicionales? [no]

2. Nombre y dirección de la parte beneficiaria de la
cesión:

Metrika, Inc

Dirección: 510 Oakmead Parkway

Cuidad: Sunnyvale.

Estado: California

País: U. S. A. ZIP: 94085

Se adjuntan nombres o direcciones adicionales? [no]

3. Naturaleza del Traspaso: [x] Cesión

Fecha de la ejecución: 18 de octubre de 2006

4. Número de solicitud o de registro:

A. Solicitud de Patente No. 11/121,972

B. Patente No.(s)

Se adjuntan números adicionales? [no]

5. Nombre y dirección de la parte a quien se debe dirigir
la correspondencia en relación con el documento:

Nombre: David R. Heckadon, Reg. No. 50,184

Dirección Interna: Embarcadero West Center Suite 2000

77
4X

Dirección: 275 Battery Street

Ciudad: San Francisco

Estado: CA Zip: 94111

Teléfono: (415) 986-5900

Fax: (415) 986-8054

Correo electrónico: dheckaron@gordonrees.com

6. Total de Solicitudes y Patentes: [1]

7. Total derechos pagados: (37CFR 1.21(h) & 3.40): US\$40.00

Se autoriza cargo a la cuenta de depósito? [si]

8. Número de la Cuenta donde se hace el cargo:

b. Número de cuenta de depósito: 50-1990

9. Declaración y firma:

(Fdo.) David R. Heckadon

Fecha: 10/19/2006

No. Total de páginas incluyendo hoja introductoria: [5]

78
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Cesión-Conjunta

LA PRESENTE CESION por Urs A. RAMEL domiciliado en 1331 Los Arboles Avenue Sunnyvale, California, 94087, y Dillan TAY domiciliado en 1537 Shumaker Way, San José, California 95131 (en adelante denominados los CEDENTES), respectivamente testifican:

CONSIDERANDO QUE dichos cedentes han inventado ciertas nuevas y útiles mejoras para **CARTUCHO METALICO CON DISPOSITIVO DE CONTROL DE FLUIDOS CON TIRA REACTIVA PARA USO EN UN MEDIDOR DE ANALITOS FLUIDOS**, han adelantado en una solicitud de patente de los Estados Unidos de América la cual lleva número de serial 11/121,972 y presentada el 4 de mayo de 2005; y

y CONSIDERANDO QUE, **METRIKA, INC.**, una compañía debidamente constituida bajo las leyes de de California con domicilio principal de negocios en 510 Oakmead Parkway, Sunnyvale, California 94085 (de ahora en adelante el "CESIONARIO"), desea adquirir la totalidad de los derechos, títulos e interés sobre dicho Invento dicha solicitud de patente de los Estados Unidos, en y para cualquier solicitud de patente en los Estados unidos o países extranjeros, que se obtengan para ese invento;

POR CONSIGUIENTE, en consideración y por contraprestación onerosa, cuyo recibo y suficiencia se adjuntan en este documento, el Cedente ha vendido, cedido y por el presente ha transferido, y por el presente vende, cede y transfiere a sus sucesores y cesionarios, representantes legales y cesionarios, la totalidad del

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derecho, título e interés exclusivo en y el invento arriba
identificado, solicitudes de patentes, y todas y
cualesquiera de las solicitudes de patentes o Patente de
los Estados Unidos de América y de todos los países
extranjeros que pueda concederse por consiguiente y sobre,
y en y a cualquiera y todas las divisiones, continuaciones,
re-emisiones de dicha solicitud, o re-expediciones o
prorrogas de dichas solicitudes de patentes o patentes, y
todos los derechos bajo el Convenio Internacional para la
Protección de la Propiedad Industrial, el mismo ha ser
mantenido y disfrutado por el cesionario dicho para su
propio uso y el uso de sus sucesores, representantes
legales y cesionarios, la totalidad del término de todas y
cualesquiera patentes que se otorguen tan amplia y
totalmente como los hubiese disfrutado de Cedente si está
Cesión no se hubiera efectuado.

Y, para la misma consideración, los cedentes por el
presente convenio están de acuerdo a y con dicho
cesionario sus sucesores, los representantes legales y
cedentes, que en el momento de ejecución y entrega de la
presente, los cedentes son los únicos y legales dueños del
derecho entero, título e interés en y a las invenciones y
la solicitud para las patentes antes mencionadas, y que el
mismo esta impedido y dijo que los cedentes tienen total y
completo derecho y la autoridad legal para vender y llevar
el mismo de la manera aquí dentro pactada.

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Y, para la misma consideración, los cedentes por el presente convenio están de acuerdo a y con dicho cesionario sus sucesores, los representantes legales y cedentes, que dichos cedentes desean, siempre recomendar a dicho cesionario, o recomendar a sus sucesores, o representantes legales y cesionarios, notificar de cualquiera de los procedimientos anteriores en relación con dicha invención, o dicha solicitud de patente, o cualesquier procedimiento anterior con las patentes o dicha invención en cualquier país, incluyendo cualquier interferencia en el procedimiento, conveniente con la autoridad legal, o de alguna división, continuaciones, o continuación en parte, de cualquiera de las patentes o cualquiera re-emisión o prorrogas de cualquier solicitud de patentes, para se obtenida sobre ella, con la autoridad legal, y es legal y esperado, firme todos los papeles y documentos, tome todos los juramentos legales, y haga todos los actos necesarios, o requeridos para llevar a cabo y procurar, el mantenimiento, esfuerzo y defensa de las Patentes para las invenciones, sin el cargo al cesionario ni a sus sucesores, los representantes legales y cesionarios, pero al costo y gasto de cesionario dicho sus sucesores, los representantes legales y cesionarios.

Y dicho esto los cedentes aquí solicitan al Comisionado de Patentes conceder dicha solicitud de patente en los Estados Unidos a dicha cesionaria de dicha invención

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y las patentes a ser concedidas para el solo uso de dicho
cesionario sus sucesores, representantes legales y
cesionarios.

Fecha: 10/18/06

(Fdo) Urs A. RAMEL

Fecha: 10/18/06

(Fdo) Dillan Tay

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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 T. Wallace

3. acting in the capacity of Certifying Officer

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

Certified

5. at Washington, D.C.

6. the second of March, 2007

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

8. No. 07014893-1

9. Seal/Stamp:

10. Signature:

John C. Hampton
John C. Hampton

8320

A 7047547

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 17, 2007

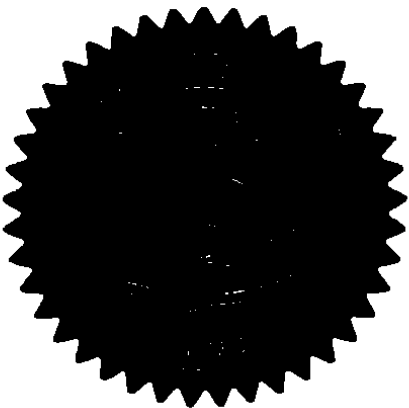
**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
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By Authority of the

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

T. Wallace
T. WALLACE

Certifying Officer



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1. Name of conveying party(ies)

RAMEL, Urs A. and
TAY, Dillen

2. Name and address of receiving party(ies)

Name: Metrika, Inc.

Internal Address: _____

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

3. Nature of conveyance/Execution Date(s):

Execution Date(s) October 18, 2008☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Joint Research Agreement☐ Government Interest Assignment☐ Executive Order 9424, Confirmatory License☐ OtherStreet Address: 510 Oakmead ParkwayCity: SunnyvaleState: CaliforniaCountry: U.S.A. Zip: 94086Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

11/121,972

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: David R. Heckadon, Reg. No. 50,184Internal Address: Embarcadero West Center
Suite 2000Street Address: 275 Battery StreetCity: San FranciscoState: CA Zip: 94111Phone Number: (415) 888-5800Fax Number: (415) 888-8064Email Address: dheckadon@gordonreese.com6. Total number of applications and patents involved: One (1)7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00☐ Authorized to be charged by credit card☒ Authorized to be charged to deposit account☐ Enclosed☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____

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b. Deposit Account Number 50-1980

Authorized User Name _____

9. Signature: David Heckadon

Signature

October 18, 2008

Date

David R. Heckadon

Name of Person Signing

Total number of pages including cover sheet, attachments, and document

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700292859

PATENT
REEL: 018421 FRAME: 0624

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Attorney Docket No.: XMET-1035042

**ASSIGNMENT
JOINT**

THIS ASSIGNMENT, by Urs A. RAMEL, residing at 1331 Los Arboles Avenue, Sunnyvale, California 94087, and Dillan TAY residing at 1537 Shumaker Way, San Jose, California 95131 (hereinafter referred to as the assignors), respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements for **MECHANICAL CARTRIDGE WITH TEST STRIP FLUID CONTROL FEATURES FOR USE IN A FLUID ANALYTE METER**, set forth in an application for Letters Patent of the United States bearing Serial No. 11/121,972 and filed on May 4, 2005; and

WHEREAS, METRIKA, INC., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 510 Oakmead Parkway, Sunnyvale, California 94085 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

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**PATENT
REEL: 018421 FRAME: 0625**

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Attorney Docket No.: XMRT-1035042

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee its successors, legal representatives and assigns, but at the cost and expense of said assignee its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee its successors, legal representatives and assigns.

10/18/06
Date

URS A. RAMEL
URS A. RAMEL

10-18-06
Date

DILLANTAY
DILLANTAY

RECORDED: 10/19/2006

PATENT
REEL: 018421 FRAME: 0626