

Clarke, Modet & C^o
COLOMBIA

ESCOBAR - URIBE ASOCIADOS
Intellectual Property

qr

3065/PCT

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES

E. S. D.

Ref.: Expediente No. 07.051.419
Solicitud de Patente a nombre de
SPINE SOLUTIONS, INC.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
No 07-051419-00002-0000
Fecha: 2007-08-10 17:00:31 Dep. 2020 NUECREACIONE
Tra. 41 PATENTE Y L. Eje 373 FASE NACIONAL I
Act. 444 RESPUESTA REQUE Folios: 12

Yo, JIMENA ESCOBAR URIBE, identificada como aparece al pie de mi firma, domiciliada en la carrera 11 No. 86-53, piso 6, obrando como apoderada de la sociedad **SPINE SOLUTIONS, INC.**, domiciliada en West Chester, Pennsylvania, Estados Unidos de America, solicitante de la patente de la referencia, en respuesta al oficio No. 7962 del 6 de julio de 2007, me permito presentar 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.

De otra parte me permito allegar copia de la inscripción de la notificación de un cambio en la cual la OMPI inscribe una corrección en la dirección del inventor Thierry Marnay, y en la dirección de la sociedad solicitante la cual sí había sido bien informada en el formulario de solitudud de fase internacional.

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. 68228
Cód. 5376

93

From the INTERNATIONAL BUREAU

RECEIVED

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

JUN 04 2007

PETRY, Marvin
Stites & Harbison PLLC STITES & HARBISON PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 21 May 2007 (21.05.2007)	
Applicant's or agent's file reference P08449WO00/MP	IMPORTANT NOTIFICATION
International application No. PCT/US2005/033008	International filing date (day/month/year) 16 September 2005 (16.09.2005)

1. The following indications appeared on record concerning:		
☒ the applicant	☒ the inventor	☐ the agent
☐ the common representative		
Name and Address MARNAY, Theirry Clinique du Parc B.P. 20 F-34171 Castelnau le Lez France	State of Nationality FR	State of Residence FR
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
☐ the person	☒ the name	☒ the address
☐ the nationality		
☐ the residence		
Name and Address MARNAY, Thierry Clinique du Parc B.P. 20 F-34170 Castelnau le Lez France	State of Nationality FR	State of Residence FR
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
☒ the receiving Office	☒ the designated Offices concerned	
☐ the International Searching Authority	☐ the elected Offices concerned	
☐ the International Preliminary Examining Authority	☐ other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Adelise Andre
Facsimile No. +41 22 338 82 70	Facsimile No. +41 22 338 87 20
	Telephone No. +41 22 338 74 03

Form PCT/IB/306 (October 2005)

1/C9CL342D0

From the INTERNATIONAL BUREAU

PCTNOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

RECEIVED

JUN 04 2007

PETRY, Marvin

Stites & Harbison PLLC

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Suite 900

Alexandria, VA 22314

ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

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International filing date (day/month/year)

16 September 2005 (16.09.2005)

1. The following indications appeared on record concerning:

☒ the applicant☐ the inventor☐ the agent☐ the common representative

Name and Address

SPINE SOLUTIONS, INC.

1302 Wrights Lane East

Westchester, PA 19380

United States of America

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

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☒ the receiving Office☐ the International Searching Authority☐ the International Preliminary Examining Authority☒ the designated Offices concerned☐ the elected Offices concerned☐ other:The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Adelise Andre

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 87 20

Telephone No. +41 22 338 74 03

95

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by W. Montgomery

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.

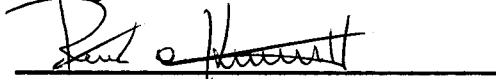
6. the seventeenth of May, 2007

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

8. No. 07023345-1

9. Seal/Stamp:

10. Signature:



Patrick O. Hatchett

A 1610247



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

May 15, 2007

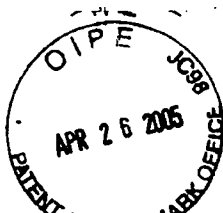
**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
APRIL 26, 2005.**

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


W. MONTGOMERY
Certifying Officer



4/26/05
CUSTOMIZED
Form PTO-1595 (Rev. 03/05)



05-02-2005



COMMERCE
Trademark Office

RECORDATION FOR
PATENTS

102992200

To the Director of the U.S. Patent and Trademark Office:
Please record the attached documents or the new addresses below.

☐ Via Facsimile
Docket No.: P08449US00/MP

1. Name of conveying party(ies)/Execution Date(s):

(1) Theiry MARNAY (3) David GERBER
(2) John FURDA

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

Name: Spine Solutions, Inc.
Street Address: 1230 Wilson Drive
City + Address: West Chester, Pennsylvania 19380
United States of America

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

Execution Date(s): (1) February 21, 2005; (2) March 28, 2005; (3) March 24, 2005

☒ Assignment ☐ Merger ☐ Security Agreement ☐ Change of Name
☐ Other:

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

☐ This document is filed together with a new application.

A. Patent Application No.(s)
10/996,797

B. Patent No.(s)

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

Name: Marvin Petry
STITES & HARBISON PLLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314-1437
Telefax: 703-739-9577 • Telephone: 703-739-4900 • CUSTOMER NO. 00881

6. Total number of applications and patents involved:

#1

7. Total fee (37 CFR 1.21(h) & 3.41)

☒ Authorized to be charged by attached CREDIT CARD PAYMENT FORM (PTO-2038)
(Any insufficiency of fee herewith is authorized to be charged to Deposit Account No. 12-0555)

\$40

8. Payment Information Credit Card: Last 4 Numbers 1009 Expiration Date: 12/09

9. Signature:

Marvin Petry
Name of person signing


Signature

April 26, 2005
Date

Total number of pages including cover sheet, attachments and documents: 7

Documents to be recorded (including cover sheet) should be faxed to (703)-306-5995; or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

04/27/2005 SZENDIE1 00000099 10996797

04 FC:8021

40.00 OP

1641LT:20343:14078:1:ALEXANDRIA

PATENT
REEL: 016498 FRAME: 0458

99

ASSIGNMENT OF PATENT APPLICATION

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

WHEREAS,

- (1) Theirry MARNAY;
- (2) John FURDA; and
- (3) David GERBER,

residing respectively at

- (1) Clinique du Parc; B.P. 20; 34171 Castelnau le Lez; France
- (2) 11 Berrel Avenue; Hamilton, New Jersey 08619; United States of America
- (3) 228 W. Miner Street, Apt. # 3; West Chester, Pennsylvania 19382; United States of America

(hereinafter referred to as the "ASSIGNOR") have invented certain new and useful improvements in INTERVERTEBRAL IMPLANT for which an application for a United States Patent was filed on November 26, 2004, as U.S. Serial Number 10/996,797,

And WHEREAS,

Spine Solutions, Inc.,

whose Post Office Address is:

1230 Wilson Drive, West Chester, Pennsylvania 19380, 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 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.

- 1 -

1641LT:20343:10825:1:ALEXANDRIA

PATENT
REEL: 016498 FRAME: 0459

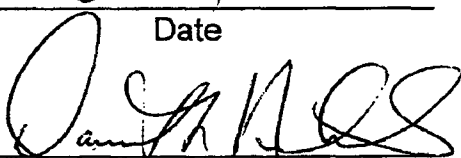
99

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.

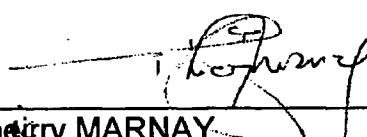
This assignment shall be binding upon the ASSIGNOR's heirs, executors, administrators, successors and/or assigns, and shall inure to the benefit of the heirs, executors, administrators, successors, and/or assigns, as the case may be, of the ASSIGNEE.

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

21st Feb. 05

Date


Witness



Thierry MARNAY

Date

John FURDA

Witness

Date

David GERBER

Witness

ASSIGNMENT OF PATENT APPLICATION

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

WHEREAS,

- (1) Theiry MARNAY;
- (2) John FURDA; and
- (3) David GERBER,

residing respectively at

- (1) Clinique du Parc; B.P. 20; 34171 Castelnau le Lez; France
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- 1 -

1641LT:20343:10825:1:ALEXANDRIA

PATENT
REEL: 016498 FRAME: 0461

107

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

Theiry MARNAY

Witness

March 28, 2005

Date

John FURDA

John PAUL FURDA

Witness

Date

David GERBER

Witness

- 2 -

1641LT:20343:10825:1:ALEXANDRIA

PATENT
REEL: 016498 FRAME: 0462

10

102

ASSIGNMENT OF PATENT APPLICATION

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

WHEREAS,

- (1) Theiry MARNAY;
- (2) John FURDA; and
- (3) David GERBER,

residing respectively at

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- 1 -

1.641LT:20343:10825:1:ALEXANDRIA

PATENT
REEL: 016498 FRAME: 0463

W3

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

Date

Theirry MARNAY

Witness

Date

John FURDA

Witness

March 24, 2005
Date

D. Co. S.
David GERBER

Eileen A. Kerper
Witness

- 2 -

1641LT:20343:10825:1:ALEXANDRIA

RECORDED: 04/26/2005

PATENT
REEL: 016498 FRAME: 0464