

EXHIBIT D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Bradly A. JENDERSEE *et al.*

Appl. No.: 09/189,597

Filed: November 10, 1998

For: **Stent Delivery and Deployment  
Method**

Art Unit: 3731

Examiner: William LEWIS

Atty. Docket: P107 CON1

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b) AND (c)**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Petitioner, Medtronic AVE, Inc., having a principal place of business at 3576 Unocal Place, Santa Rosa, CA 95403 is the assignee of all right, title and interest in the above-entitled patent application.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent Number 5,836,965 and hereby agrees that any patents so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Number 5,836,965 under 35 U.S.C. 120. This Terminal Disclaimer applies to any patent granted on the above-identified application or on any application which is entitled to the benefit of the filing date of this application under 35 U.S.C. 120. This disclaimer is binding upon the grantee, its successors or assigns.

Please charge Deposit Account No. 01-2525 in the amount of \$110 for the statutory fee pursuant to 35 U.S.C. 120(d). A duplicate copy of this sheet is enclosed. If Applicant's calculations are in error and any additional fees are due, the Commissioner is hereby authorized to charge same to Deposit Account No. 01-2525.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

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I hereby declare that any statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: FEB 7, 2000.

Medtronic AVE, Inc.  
By: Richard L. Klein  
Richard L. Klein  
Its: Vice President and Chief Patent Counsel