

01-26-1999

AGENT OF COMMERCE  
and Trademark Office

100948306

To the Honorable Commissioner of Patents and Trademarks,

or copy thereof.

1. Name of conveying party(ies):  
Thermatrix Inc.

2. Name and address of receiving party(ies)

Name: Wexford Management LLC

Internal Address:

Street Address: 411 West Putnam Avenue

City: Greenwich State: CT ZIP: 06830

☐ Individual(s)☐ Association☐ General Partnership☐ Limited Partnership☒ Corporation-State Delaware☐ Other☐ Individual(s) citizenship☐ Association☐ General Partnership☐ Limited Partnership☐ Corporation-State☒ Other Limited Liability Company - ConnecticutIf assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No

(Designations must be a separate document from Assignment)

Additional names(s) & address(es) attached: ☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment☐ Merger☐ Security Agreement☐ Change of Name☒ Other Grant of Security Interest - Trademarks

Execution Date: January 13, 1999

4. Application number(s) or patent number(s)  
see first page attached

A. Trademark Application No.(s)

See attached Schedule A

B. Trademark registration No.(s)

See attached Schedule A

Additional numbers attached? ☒ Yes ☐ No

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

Name: Nancy A. Udell, Esq.

Internal Address: Howard, Smith &amp; Levin LLP

Street Address: 1330 Avenue of the Americas

City: New York State: NY ZIP: 10019

6. Total number of applications and registrations involved:

7

7. Total fee (37 CFR 3.41).....\$190

☒ Enclosed☐ Authorized to be charged to deposit account.

8. Deposit account number:

(Attach a duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document

Nancy A. Udell

Name of Person Signing

Signature

1/21/99

Date

Total number of pages comprising cover sheet

OMB No. 0651-0011 (exp. 4/94)

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Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

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TRADEMARK  
REEL: 1843 FRAME 0223

**THERMATRIX INC.**

**I. Registered U.S. Trademarks**

**1. THERMATRIX**

THER - 1

Serial No.: 74/300,986

Filed: August 3, 1992

Expires: October 17, 2012

Issued: October 17, 1995

Registration No.: 1,928,477

**2. TMX**

THER - 276

Serial No.: 74/443,695

Filed: October 4, 1993

Issued: August 12, 1997

Expires: August 12, 2014

Registration No.: 2,087,744

**3. TECHNOLOGY BEYOND COMPLIANCE**

THER - 240

Issued: January 21, 1997

Registration No.: 2,032,226

Expires: January 21, 2007

**4. PADRE**

THER - 261

Issued: August 17, 1993

Registration No.: 1,788,045

Expires: August 17, 2003

## **II. Trademark Applications**

### **1. ADMATRIX**

THER - 427

Serial No.: 75/215,791

Filed: December 19, 1996

Allowed: December 30, 1997

### **2. HELIOS**

THER - 427

Serial No.: 75/468,399

Filed: April 15, 1998

Allowed:

### **3. HELIOX**

THER - 428

Serial No.: 75/468,663

Filed: April 15, 1998

Allowed:

## GRANT OF SECURITY INTEREST

## TRADEMARKS

**WHEREAS**, Thermatrix Inc., a Delaware corporation, having a place of business at 308 North Peters Road, Suite 100, Knoxville, TN 37922 (the "Grantor"), is the sole and exclusive owner and registrant of Trademarks identified on Schedule I hereto, and of the trademark applications in the United States Patent and Trademark Office identified on such Schedule I (all of the foregoing, collectively, the "Trademarks"), and of the inventions described and claimed therein; and

**WHEREAS**, Grantor and Wexford Management LLC, a Connecticut limited liability company having its principal office at 411 West Putnam Avenue, Greenwich, Connecticut 06830 ("Grantee"), are parties to that certain Security Agreement dated as of January 13, 1999 (the "Security Agreement"), which is hereby incorporated by reference as if set forth in full herein, pursuant to which Grantor has granted to Grantee a security interest in and to the Trademarks listed on Schedule I hereto;

**NOW, THEREFORE**, for good and valuable consideration, receipt of which is hereby acknowledged, as collateral security for the Obligations (as such term is defined in the Security Agreement) of Grantor, Grantor does hereby grant a security interest unto the Grantee in all right, title and interest of Grantor in and to the Trademarks, together with the registrations thereof and applications for registration therefor, and all reissues, divisions, continuations, renewals, continuations-in-part and extensions thereof and all of the goodwill of the business symbolized by the Trademarks, all common law rights therein, as well as all rights to damages or profits due or accrued or arising out of past or future infringement of the Trademarks, together with the right to sue for and recover the same in the name of the Grantor or otherwise, and all of its present or future rights as licensor of the Trademarks under any agreements, and all proceeds of the foregoing.

This Grant of Security Interest is intended to and shall take effect as a sealed instrument at such time as the Grantee shall complete this instrument by signing its acceptance of this Grant of Security Interest below.

IN WITNESS WHEREOF, the Grantor, by its duly authorized officer, has executed this Grant of Security Interest, as an instrument under seal, as of the 13th day of January, 1999.

GRANTOR:

THERMATRIX INC.

By: Nancy A. Udell  
 Name: NANCY A. UDELL  
 Title: CHIEF FINANCIAL OFFICER

The foregoing Grant of Security Interest by the Grantor to the Grantee is hereby accepted as of the 13<sup>th</sup> day of January, 1999.

GRANTEE:

WEXFORD MANAGEMENT LLC

By: Nancy A. Udell  
 Name: Nancy A. Udell  
 Title: Attorney-in-Fact

STATE OF ~~NEW YORK~~ TENNESSEE )

) SS:

COUNTY OF ~~NEW YORK~~ KNOX )

I, LESLIE WHITE, a Notary Public in and for said County, in the State aforesaid  
DO HEREBY CERTIFY that DANIEL S. TEDONE personally known to me to be the  
~~Chief Financial Officer~~ of Thermatrix, Inc., a corporation organized under the laws of the State of  
Delaware, and personally known to me to be the same person whose name is subscribed to the  
foregoing Grant of Security Interest, appeared before me this day in person and acknowledged that  
(he)(she) signed and delivered the said Assignment as (his)(her) free and voluntary act, and as the  
free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 13<sup>TH</sup> day of January, 1999

Leslie White  
Notary Public

[NOTARIAL SEAL]

My Commission Expires: 1/2/2001

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