

09-30-1999



101159002

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

MRO
9-27-99

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)
Document ID #
- Correction of PTO Error
Reel # Frame #
- Corrective Document
Reel # Frame #

Conveyance Type

- Assignment License
- Security Agreement Nunc Pro Tunc Assignment
- Merger Effective Date
Month Day Year
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name SURGERY.COM, LLC

12 9 98

Formerly EXCEL VENTURES, LLC

- Individual General Partnership Limited Partnership Corporation Association

Other

Citizenship/State of Incorporation/Organization UTAH

Receiving Party

Mark if additional names of receiving parties attached

Name PHYSICIAN.COM, LLC

DBA/AKA/TA

Composed of

Address (line 1) 2121 PALOMAR AIRPORT ROAD SUITE 305

Address (line 2)

Address (line 3) CARLSBAD

CA

92009

City

State/Country

Zip Code

- Individual General Partnership Limited Partnership

- Corporation Association

Other

Citizenship/State of Incorporation/Organization GEORGIA

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

09/29/1999 DNGUYEN 00000249 2133516

FOR OFFICE USE ONLY

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40.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK

REEL: 001967 FRAME: 0314

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name PHYSICIAN.COM, LLC

Address (line 1) 2121 PALOMAR AIRPORT ROAD SUITE 305

Address (line 2) CARLSBAD, CA 92009

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number 760-504-6800

Name HOWIE WATKIN

Address (line 1) PRESIDENT

Address (line 2) PHYSICIAN.COM, LLC

Address (line 3) 2121 PALOMAR AIRPORT ROAD SUITE 305

Address (line 4) CARLSBAD, CA 92009

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

3

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

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| <u>2133516</u> | | |
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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment:

Enclosed Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: #

Authorization to charge additional fees: Yes No

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. Charges to deposit account are authorized, as indicated herein.

HOWIE WATKIN

Name of Person Signing

Howie Watkin

Signature

9/22/99

Date Signed

RECORDATION FORM COVER SHEET
CONTINUATION
TRADEMARKS ONLY

FORM PTO-1618C
Expires 06/30/99
OMB 0651-0027

U.S. Department of Commerce
Patent and Trademark Office
TRADEMARK

Conveying Party

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name SURGERY.COM, LLC

12 9 98

Formerly EXCEL VENTURES, LLC

Individual General Partnership Limited Partnership Corporation Association

Other _____

Citizenship State of Incorporation/Organization UTAH

Receiving Party

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name PHYSICIAN.COM, LLC

DBA/AKA/TA _____

Composed of _____

Address (line 1) 2121 PALOMAR AIRPORT ROAD SUITE 3015

Address (line 2) C

Address (line 3) CARSBAD CA 92009
City State/Country Zip Code

Individual General Partnership Limited Partnership If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached (Designation must be a separate document from the Assignment.)
 Corporation Association
 Other _____

Citizenship/State of Incorporation/Organization GEORGIA

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Trademark Application Number(s)

Registration Number(s)

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ASSIGNMENT OF SERVICE MARKS

WHEREAS, Surgery.Com, LLC (formerly known as Excel Ventures, LLC), a Utah limited liability company having its principal place of business at 2732 East 6200 South, Salt Lake City, Utah 84121 (hereinafter referred to as "Assignor"), is the owner of the marks and record owner of the service marks as set forth in the Schedule of Service Marks annexed hereto and made a part hereof, (hereinafter collectively referred to as the "Service Marks"); and

WHEREAS, Physician.Com, LLC, a Georgia limited liability company, having an address of 6416 Merlin Drive, Carlsbad, California 92009 (hereinafter referred to as "Assignee"), is desirous of acquiring all of the rights, title and interest of Assignor in, to and under the Service Marks, together with the goodwill of the business symbolized thereby.

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration paid by Assignee to Assignor, the sufficiency and receipt of which is hereby acknowledged, Assignor confirms the transfer and hereby transfers and assigns to Assignee the entire right, title and interest of Assignor in and to the Service Marks, together with the goodwill of the business symbolized thereby and the United States registrations therefor; and

1. Assignor authorizes the Commissioner of Patents and Trademarks of the United States, whose duty it is to record service mark registrations, applications and titles thereto, to record the Service Marks and title thereto as the property of Assignee, its successors and assigns in accordance with the terms of this instrument; and
2. Assignor hereby sells, assigns, transfers and sets over unto Assignee, its successors and assigns, all claims for damages by reason of past infringement of the Service Marks, the right to sue for and collect the same of its own use and enjoyment and for the use and enjoyment of its successors or assigns;
3. Assignor agrees to execute such further documents as may be required to record Assignee as the owner of the Service Marks and registrations herein assigned.

IN WITNESS WHEREOF, Assignor has executed this instrument on this 9 of December, 1998.

SURGERY.COM, LLC

By: Eric C. Welling

Name: Eric C. Welling

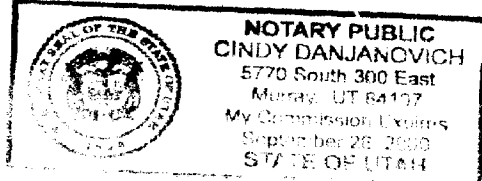
Title: Resident / Principal

See attached Amendment / Addendum.

State of Utah)
) ss:
County of Salt Lake

On the 9 day of December 1998, before me personally came Eric Welling to me known, who being by me duly sworn, did depose and say that he holds the office of President/Principal of the Assignor described in and which executed the foregoing instrument, and that he was duly authorized to execute this Assignment on behalf of said corporation.

Cindy Danjanovich
Notary Public
My Commission Expires: 9/26/2000



SCHEDULE OF SERVICE MARKS

| <u>Service mark</u> | <u>Registration No.</u> | <u>Registration Date</u> |
|----------------------------|--------------------------------|---------------------------------|
| Physician.Com | 2,133,516 | June 27, 1998 |

3043655-1

RECORDED: 09/27/1999

TRADEMARK
REEL: 001967 FRAME: 0319