

09-30-1999

Docket No.: 1161.95



# REGISTRATION FORM COVER SHEET TRADEMARKS ONLY

101158112

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)  
Pharmacia & Upjohn, Inc.

*MRO*  
*9-27-99*

Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation - State of Delaware  
 Other \_\_\_\_\_

2. Name and address of receiving party(ies)

Name: Biopure Corporation

Internal Address: \_\_\_\_\_

Street Address: 11 Hurley Street

City: Cambridge                      State: MA                      ZIP: 02141

Association \_\_\_\_\_  
 Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Delaware  
 Other \_\_\_\_\_

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

3. Nature of conveyance:

Assignment                       Merger  
 Security Agreement               Change of Name  
 Other Release of Security Interest in Trademarks

Execution Date: September 8, 1999

If 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 name(s) & address(es) attached?  Yes  No

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,362,777  
1,509,885  
1,507,754

Additional numbers attached?  Yes  No

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

Name: David E. Brook, Esq.

Internal Address: \_\_\_\_\_

Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: Two Militia Drive

City: Lexington                      State: MA                      ZIP: 02421-4799

6. Total number of applications and registrations involved: [ 4 ]

7. Total Fee (37 C.F.R. 3.41)..... \$ 115.00

Enclosed  
 Authorized to charge any deficiencies or credit any overpayment to deposit account  
 Authorized to be charged to deposit account

8. Deposit account number: 08-0380

(Attach 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.*

09/29/1999 WITHIN 00000170 1362777

01 FC:481                      David E. Brook 40.00 DP  
 02 FC:482                      75.00 DP  
 Name of Person Signing

*David E. Brook*  
 Signature

September 24, 1999  
 Date

Total number of pages including cover sheet, attachments, and document: [ 4 ]

Continuation of Box 4

B. Trademark Registration No(s):

1,572,797

**RELEASE OF SECURITY INTEREST IN TRADEMARKS**

This Trademark Security Interest Release is made as September 8, 1999 by and between Biopure Corporation, a Delaware corporation, having an office at 11 Hurley Street, Cambridge, Massachusetts 02141 ("Biopure") and Pharmacia & Upjohn, Inc., a Delaware corporation, having an office at 7000 Portage Road, Kalamazoo, Michigan 49001 ("Pharmacia & Upjohn").

WHEREAS, the records of the U.S. Patent and Trademark Office ("PTO") reflect that Biopure and Pharmacia & Upjohn entered into a Security Agreement on October 8, 1996, under which Biopure granted to Pharmacia & Upjohn a security interest in certain of its assets, including the trademark registrations listed on the attached Schedule A (the "Marks");

WHEREAS, the PTO recorded this security agreement on October 15, 1996 against the Marks at Trademark Reel 1512, Frame 0896;

WHEREAS, Biopure has satisfied all of its outstanding obligations under the security agreement, and the parties seek to make a record of Pharmacia & Upjohn's release and reassignment to Biopure of any and all of Pharmacia & Upjohn's security interest in the Marks.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which the parties acknowledge, Pharmacia & Upjohn hereby (1) releases, discharges, and relinquishes, as of September 8, 1999, its security interest in the Marks, and (2) reassigns to Biopure, as of September 8, 1999, all right, title, and interest that Pharmacia & Upjohn may have had in the Marks, including the goodwill associated with the Marks without recourse, representation or warranty of any kind whatsoever. Pharmacia & Upjohn specifically acknowledges that the security interest is no longer effective, and that Pharmacia & Upjohn does not own any rights to or have any ownership interest in the Marks.

**PHARMACIA & UPJOHN, INC.**

County of MORRIS  
State of NEW JERSEY

Name: Don W. Schmitz  
Title: \_\_\_\_\_

Subscribed and sworn to before me  
this 8<sup>th</sup> day of SEPT., 1999

Don W. Schmitz  
Vice President, Associate General Counsel  
and Corporate Secretary

Cecilia Rueda-Stephens  
**CECILIA RUEDA-STEPHENS**  
Notary Public, State of New Jersey  
My Commission Expires Feb. 23, 2004  
1-WV1277052.1

# SCHEDULE A

## Federal Trademark Registrations

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
BIOPURE	1,362,777	October 1, 1985
HEMOPURE	1,509,885	October 25, 1988
OXYGLOBIN	1,507,754	October 11, 1988
OXYPURE	1,572,797	December 26, 1989