



101438635

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

1. Name of conveying party(ies):

**Nutrition Medical, Inc.**

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

2. Name and address of receiving party(ies)

Name: **Zevex, Inc.**

Address: **4314 Zevex Park Lane**

**Salt Lake City, Utah 84123**

Additional Name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other

Execution Date: June 29, 2000

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

If this document is being filed together with a new application, the execution date of the application is:

A. Trademark Application No.(s)

B. Registration No.(s)

1,742,959

Additional numbers attached?  Yes  No

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

Name: Randall B. Bateman

Internal Address: MORRISS, BATEMAN, O'BRYANT

& COMPAGNI, P.C.

Street Address: 5882 South 900 East, Suite 300

City: Salt Lake City State: Utah ZIP: 84121

6. Total number of applications and trademarks involved: 1

7. Total fee (37 CFR 3.41) ..... \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

50-0881 (Deficiencies Only)

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

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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.

Randall B. Bateman

Name of Person Signing

Signature

7-18-2000

Date

Total number of pages including cover sheet, attachments, and document: 3

## ASSIGNMENT

WHEREAS, NUTRITION MEDICAL, INC. (hereinafter referred to as "ASSIGNOR"), being an Minnesota Corporation, having a principal place of business at 9850 51<sup>st</sup> Avenue, Minneapolis, Minnesota is the assignee of certain right, title, and interest in and to the trademark PANDA, (hereinafter referred to as the "Mark"), which is registered in the United States Patent and Trademark Office as Registration No. 1742959, having a registration date of December 29, 1992 (hereinafter referred to as the "registration"); and

WHEREAS, ZEVEX, INC. (hereinafter referred to as "ASSIGNEE"), a corporation duly organized and existing under the laws of the State of Delaware, having a principal business office at 4314 Zevex Park Lane, Salt Lake City, Utah, is desirous of acquiring all right, title and interest in and to the Mark held by ASSIGNOR, and the above-identified registration;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to the ASSIGNOR by the ASSIGNEE, the receipt and sufficiency of which is hereby acknowledged, THE ASSIGNOR HEREBY ASSIGNS TO THE ASSIGNEE any and all right, title and interest which it may hold in and to the Mark in connection with enteral feeding tube for human use (international trademark class 10), the above-identified registration, and any registration issuing therefrom, together with the goodwill of the business symbolized by and associated with the Mark.

The ASSIGNOR hereby authorizes and requests the United States Commissioner of Patents and Trademarks to issue any and all certificates of registration of the Mark to the ASSIGNEE as the owner of the entire interest of said Mark, for the sole use and behoof of the said ASSIGNEE, its

successors, assigns and legal representatives.

This Assignment and Agreement shall be binding upon any and all successors of the ASSIGNOR.

NUTRITION MEDICAL, INC. *nika stockwalk.com GROUP, INC.*

*[Signature]*

By: *PHILIP T. COLTON*  
Title: *SLIP/General Counsel*

STATE OF Minnesota )  
 ) ss  
COUNTY OF Hennepin )

On this 29<sup>th</sup> day of June, 2000, before me personally appeared Philip T. Colton, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed, on behalf of the identified corporation with authority to do so, for the purposes set forth therein.

*Christi A. Curada*  
NOTARY PUBLIC  
Residing at: *Buffalo, MN*

My Commission Expires:

1/31/2005

