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Patent and Trademark Office

U.S. Patent & TMOs/TM Mail Rpt Dt. #57

101447477

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

1. Name of conveying party(ies):

7.21.00

Elan Corporation, PLC

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: [Execution date of Assignment]

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: [Application Filing Date]

A. Trademark Application No.(s)

B. Registration No.(s)

1817395

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) \$ 25.00

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

7-17-00

Date

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

Mail documents to be recorded with required cover sheet information TRADEMARK

REEL: 002127 FRAME: 0697

Morris, Bateman, O'Bryen & Compagni, P.C.
Attorney Docket No. 0171 ZEVX.MS

ASSIGNMENT

WHEREAS, ELAN CORPORATION, PLC (hereinafter referred to as "ASSIGNOR"), being an Ireland Corporation, having a principal place of business at County Westmeath, Ireland, and a domestic representative at 1300 Gould Drive, Gainsville, Georgia, has adopted, used, and is using, and is the owner of certain right, title, and interest in and to the trademark VOLU-CHECK, (hereinafter referred to as the "Mark"), which is registered in the United States Patent and Trademark Office as Registration No. 1817395, having a registration date of January 18, 1994 (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 84123, is desirous of acquiring all right, title and interest in and to the Mark held by ELAN CORPORATION, PLC, 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 a medical device, an accumulated dose feature of a fluid delivery pump (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

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TRADEMARK
REEL: 002127 FRAME: 0698

ASSIGNMENT
 Morris, Bauman, O'Bryan & Compagni, P.C.
 Attorney Docket No. 0171.ZEVX.MS
 Page 2 of 2

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.

ELAN CORPORATION, PLC


 By: William F. Daniel
 Title: Assistant Company Secretary

STATE OF _____)
) ss
 COUNTY OF _____)

On this 14th day of July, 2000, before me personally appeared William F. Daniel, 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.

Roger P. Ballagh
 NOTARY PUBLIC
 Residing at:

My Commission Expires:

ROGER P. BALLAGH
 NOTARY PUBLIC FOR
 CITY AND COUNTY
 OF DUBLIN
 COMMISSIONED FOR LIFE
 20 NORTHUMBERLAND ROAD
 DUBLIN 4.



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Registration Number	1,817,395	
	Registration Date	January 18, 1994	
	Registrant	Elan Corporation, PLC	
	Mark	VOLU-CHECK	
	International Class	010	
Total Number of Pages in This Submission	4	Attorney Docket No.	0171.ZEVX.TM

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Amendment to Allege Use <input type="checkbox"/> Affidavit of Use <input type="checkbox"/> § 8 & 15 <input type="checkbox"/> § 8 <input checked="" type="checkbox"/> Assignment with Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Check in the amount of \$25.00 <input type="checkbox"/> Declaration & Power of Attorney <input type="checkbox"/> Drawing <input type="checkbox"/> Extension of Time Petition ___ month	<input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input type="checkbox"/> Specimens (___)	<input type="checkbox"/> Status Inquiry <input type="checkbox"/> Verified Statement <input type="checkbox"/> Other:
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Attorney for Applicant	Randall B. Bateman, Registration No. 37,774 Morriss, Bateman, O'Bryant & Compagni, P.C. 5882 South 900 East, Suite 300 Salt Lake City, Utah 84121 (801) 685-2302 telephone; (801) 685-2303 facsimile		
Signature		Date	7-17-00

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the date indicated below, in an envelope addresses to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.			
Typed or Printed Name	Randall B. Bateman		
Signature		Date	7-17-00