



**Application number(s) or registration number(s):**

**Registration Nos.**

**Mark**

**Registration No.**

(2)	Serpent & Crown Design	1,045,843
(3)	AESCULAP	1,038,752
(4)	FLEXIMED	2,068,268

# Notarial Deed

To whom it may concern:

## Modifying Conversion of AESCULAP AKTIENGESELLSCHAFT to AESCULAP AG & CO. KG

This change of name did not effect the legal entity according to German law. The company name of AESCULAP AKTIENGESELLSCHAFT was changed to AESCULAP AG & CO. KG on 17 March 1997 according to Article 226 ff. of the German Code on Company Conversions. The company was hereby converted from a capital company to a limited partnership. No asset transfer has taken place, because this modifying conversion leaves the legal entity unchanged according to German law. Only the name of the company was changed.

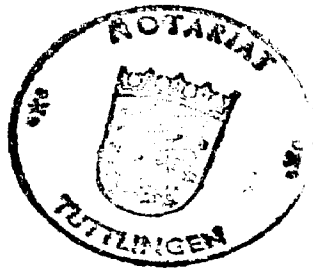
The company remains the owner of all assets, including trademarks.

I have inspected the company's register and certify that modifying conversion has been entered into this register on March 17<sup>th</sup>, 1997.

Tuttlingen, July 29<sup>th</sup>, 1998

Signature of Notary Public

  
.....  
Notar Rainer Kamenz



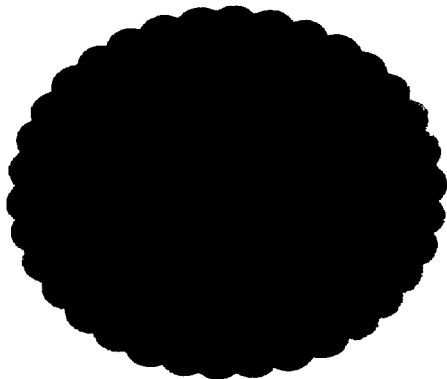
RE/DA-kb00-03-13  
792 - DEEDPERU\_kb.DOC

**TRADEMARK**  
**REEL: 002149 FRAME: 0384**

Umstehende Kopie stimmt mit der mir vorgelegten Urschrift überein  
und wird beglaubigt.

Tuttlingen, den 14. März 2000  
Notariat Tuttlingen II  
Notar:

  
(Kamenz)



Kosten:

Gebühr gem. § 55 KostO.  
+ 16 % U.St.

20,00 DM

3,20 DM

23,20 DM

II UR.Nr. 309/2000

AV.Nr. 230/II/2000

APPLICATION FOR FEDERAL TRADEMARK REGISTRATION

Mark: PROMISLINE (stylized)

Classes: International 10

POWER OF ATTORNEY

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS

Applicant hereby appoints Barry R. Lipsitz, Reg. No. 28,637, a member of the Bar of the State of Connecticut, whose post office address is 755 Main Street, Monroe, Connecticut 06468, and whose telephone number is (203) 459-0200, to prosecute the application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration. Barry R. Lipsitz is also designated as Applicant's domestic representative upon whom notices or process in proceedings affecting the mark may be served.

Aesculap AG  
a German corporation

Am Aesculap-Platz  
78532 Tuttlingen  
Federal Republic of Germany

The above-identified Applicant requests registration of the above-identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et. seq., as amended) for the following goods:

Medical and surgical instruments and devices, including medical cameras and viewing devices; in International Class 10.

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods and, accompanying this application, submits a certified copy of German registration no. 2044891 in accordance with 15 U.S.C. 1126(e), as amended.

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods (15 U.S.C. 1051(b), as amended). The trademark will be applied to labels and/or packaging for the goods.

3

statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

Aesculap AG

By: [Signature]  
Signature  
Prof. Dr. Dr. Michael Ungethüm <sup>ppa.</sup> Dr. Harald Stallforth  
Name Printed  
Chairman of the Board Confidential Clerk  
Title

Date: August 15, 1994

DECLARATION

Prof. Dr. Dr. Michael Ungethüm and Dr. Harald Stallforth declares: that he/she is Chairman of the Board/ Confidential Clerk of applicant corporation and is an officer of the applicant authorized to execute this application on behalf of said corporation; he/she believes applicant to be entitled to use such mark in commerce; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be

Prof. Dr. Dr. Michael Ungethüm and Dr. Harald Stallforth DECLARATION

declares: that he/she is Chairman of the Board/ Confidential Clerk of applicant corporation and is an officer of the applicant authorized to execute this application on behalf of said corporation; he/she believes applicant to be entitled to use such mark in commerce; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; that the facts set forth in this application are true; and that all statements made of his/her own knowledge are true and all

4

likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; that the facts set forth in this application are true; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

Aesculap AG

By: [Signature]  
Signature  
Prof. Dr. Dr. Michael Ungethüm <sup>ppa.</sup> Dr. Harald Stallforth  
Name Printed  
Chairman of the Board Confidential Clerk  
Title

Date: August 15, 1994

APPLICATION FOR RENEWAL OF REGISTRATION OF A MARK

Registration No. 1,045,843 2

UNDER SECTION 9 OF THE TRADEMARK ACT OF 1946,

AS AMENDED

Mark: Serpent & Crown Design

Registration No.: 1,045,843

Date of Registration: August 10, 1976

BOX POST REG FEE  
TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS

Registrant's Name: Aesculap Aktiengesellschaft

Registrant's Current Mailing Address: Am Aesculap-Platz  
78532 Tuttlingen  
Federal Republic of Germany

Goods and Use in Commerce Statement:

The mark in Registration No. 1,045,843 owned by the above-identified registrant is still in use in foreign commerce between the U.S. and Germany on or in connection with all of the goods identified in the registration, namely, surgical, medical, dental, and veterinary instruments and apparatus; except for the following:

\_\_\_\_\_ as evidenced by the attached specimen showing the mark as currently used.

POWER OF ATTORNEY  
AND APPOINTMENT OF DOMESTIC REPRESENTATIVE

The above-identified Registrant hereby appoints Barry R. Lipsitz, Reg. No. 28,637, a member of the Bar of the State of Connecticut, and Ralph F. Hoppin, Registration No. 38,494, a member of the Bars of the States of Connecticut and New York, both of the Law Office of Barry R. Lipsitz, whose post office address is 755 Main Street, Monroe, Connecticut 06468, and whose telephone number is (203) 459-0200, as Registrant's attorney to transact all business in the U.S. Patent and Trademark Office in connection with this registration, and to receive any further communications directed to this registration.

Barry R. Lipsitz is also designated as Registrant's domestic representative upon whom notices or process in proceedings affecting the mark may be served.

All previous powers of attorney and appointments of domestic representative in this registration are hereby revoked.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the registrant; he/she believes the

Registration No. 1,045,843 3

registrant to be the owner of the above-identified registration; the trademark/service mark is in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Aesculap Aktiengesellschaft

By: \_\_\_\_\_ Date: Tuttlingen, June 26, 1996  
(Signature)  
*Michael Ungethum* *Ralph Hoppin*  
Prof. Dr. Dr. Michael Ungethum Dr. Ralph Hoppin  
(Name Printed)  
Chairman of the Board Confidential Clerk  
\_\_\_\_\_  
(Title)

APPLICATION FOR RENEWAL OF REGISTRATION OF A MARK  
UNDER SECTION 9 OF THE TRADEMARK ACT OF 1946,  
AS AMENDED

Registration No. 1,038,752 2

Mark: AESCULAP  
Registration No.: 1,038,752  
Date of Registration: May 4, 1976

BOX POST REG FEE  
TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS

Registrant's Name: Aesculap Aktiengesellschaft

Registrant's Current Mailing  
Address: Am Aesculap-Platz  
78532 Tuttlingen  
Federal Republic of Germany

Goods and Use in Commerce Statement:

The mark in Registration No. 1,038,752 owned by the above-identified registrant is still in use in foreign commerce between the U.S. and Germany on or in connection with all of the goods identified in the registration, namely, surgical, medical, dental, and veterinary instruments and apparatus, except for the following:

\_\_\_\_\_ as  
evidenced by the attached specimen showing the mark as currently used.

POWER OF ATTORNEY  
AND APPOINTMENT OF DOMESTIC REPRESENTATIVE

The above-identified Registrant hereby appoints Barry R. Lipsitz, Reg. No. 28,637, a member of the Bar of the State of Connecticut, and Ralph F. Hoppin, Registration No. 38,494, a member of the Bars of the States of Connecticut and New York, both of the Law Office of Barry R. Lipsitz, whose post office address is 755 Main Street, Monroe, Connecticut 06468, and whose telephone number is (203) 459-0200, as Registrant's attorney to transact all business in the U.S. Patent and Trademark Office in connection with this registration, and to receive any further communications directed to this registration.

Barry R. Lipsitz is also designated as Registrant's domestic representative upon whom notices or process in proceedings affecting the mark may be served.

All previous powers of attorney and appointments of domestic representative in this registration are hereby revoked.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the registrant; he/she believes the

Registration No. 1,038,752 3

registrant to be the owner of the above-identified registration; the trademark/service mark is in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Aesculap Aktiengesellschaft

By: Hans-Peter Welsch  
(Signature)

Date: April 24, 1996

Hans-Peter Welsch  
(Name Printed)

Sales Manager Surgery Overseas  
(Title)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Aesculap AG )  
 )  
 Serial No.: 74/604,572 )  
 )  
 Filed: November 30, 1994 )  
 )  
 Mark: FLEXIMED )

Assistant Commissioner for Trademarks  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

POWER OF ATTORNEY  
AND APPOINTMENT OF DOMESTIC REPRESENTATIVE

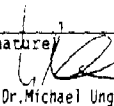
Dear Sir:

The above-identified Applicant hereby appoints Barry R. Lipsitz, Reg. No. 28,617, a member of the Bar of the State of Connecticut, whose post office address is 755 Main Street, Monroe, Connecticut 06468, and whose telephone number is (203) 459-0200, as Applicant's attorney to transact all business in the U.S. Patent and Trademark Office in connection with this application, and to receive any further communications directed to this application.

Barry R. Lipsitz is also designated as Applicant's domestic representative upon whom notices or process in proceedings affecting the mark may be served.

All previous powers of attorney and appointments of domestic representative in this application are hereby revoked.

Aesculap AG

By: \_\_\_\_\_ Date: April 02, 1996  
 (Signature)   
 Prof. Dr. Dr. Michael Ungeth Dr. Harald Staiforth  
 (Name Printed)  
 Chairman of the Board Confidential Clerk  
 \_\_\_\_\_  
 (Title)