



To the Honorable Commissioner of Patents and Trademarks

or copy thereof.

101495911

1. Name of conveying party(ies):

Physix, Inc.  
1720 Dryden, #205  
Houston, Texas 77030

Additional name(s) of

conveying party(ies) attached?  Yes  No

Address of receiving party(ies)

Data Critical Corporation  
2101 North 34<sup>th</sup> Street, Suite 195  
Seattle, Washington 98103

9-28-00

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other \_\_\_\_\_

Execution Date: September 20, 2000

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



09-28-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #70

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

A. Trademark Application No.(s)  
Serial No. 75/139,707

B. Trademark Registration No.(s)

Additional numbers attached?  Yes  No

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

Tim Cook  
Felsman, Bradley, Vaden, Gunter & Dillon, LLP  
One Riverway, Suite 1100  
Houston, Texas 77056

6. Total no. of applications and patents involved: 1

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

- Enclosed
- Authorized to be charged to deposit account
- Any deficiency is authorized to be charged to deposit account

8. Deposit account number:  
(attach duplicate copy if paying by deposit account)

10/25/2000 JJALLAH2 00000019 75139707

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40.00 DP

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.

Tim Cook

Date: 25 SEP 2000

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

Certificate of Mailing

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail envelope addressed Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Va. 22202-3513

On 25 SEP, 2000.

Tim Cook: Tim Cook

ASSIGNMENT

WHEREAS, Physix, Inc., a Texas corporation having a place of business at 1720 Dryden #205, Houston, Texas 77030 ("Assignor"), has adopted, used, and is using the trademark WEBCHART;

WHEREAS, Assignor has filed an application to register that trademark in the United States Patent and Trademark Office as Application No. 75/139,707, filed July 25, 1996 under 15 U.S.C. §1051(b);

WHEREAS, Data Critical Corporation, a corporation organized under the laws of the State of Delaware and having a Post Office Address of 2101 North 34<sup>th</sup> Street, Suite 195, Seattle, WA 98103, as part of the acquisition of the business of Assignor to which it pertains, is desirous of acquiring the Mark, the Application for Registration, and the associated goodwill;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Physix, Inc. does hereby assign to Data Critical Corporation all rights, title, and interest in and to the Mark and the Application to Register, together with the goodwill of the business symbolized by the Mark and the above-identified Application for Registration, together with the right to recover any damages for past infringement, if any.

Dated: 9/20/00

Physix, Inc.  
By: [Signature]  
Dr. Thomas Giannulli, President

The State of Washington §  
County of King §

On this 20<sup>th</sup> day of September, 2000, before me personally appeared Dr. Thomas Giannulli, President of Physix, Inc., and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

Notary Public  
State of Washington  
E.H. IANJUTCO  
My Appointment Expires Nov 15, 2002

[Signature]  
Notary Public in and for the State of Washington  
My commission expires: 11-16-02