

12-08-2000

U.S. Department of Commerce  
Patent and Trademark Office  
**TRADEMARK**



101544337

OCT 30

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type**

- ☒ New
- ☐ Resubmission (Non-Recordation)  
Document ID #
- ☐ Correction of PTO Error  
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**Conveyance Type**

- ☐ Assignment ☐ License
- ☒ Security Agreement ☐ Nunc Pro Tunc Assignment
- ☐ Merger
- ☐ Change of Name
- ☐ Other
- Effective Date  
Month Day Year  
10 18 2000

**Conveying Party**

☐ Mark if additional names of conveying parties attached

- Name  Execution Date  
Month Day Year  
10/18/2000
- Formerly
- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association
- ☐ Other
- ☐ Citizenship/State of Incorporation/Organization

**Receiving Party**

☐ Mark if additional names of receiving parties attached

- Name
- DBA/AKA/TA
- Composed of
- Address (line 1)
- Address (line 2)
- Address (line 3)     
City State/Country Zip Code
- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☐ Corporation ☐ Association
- ☒ Other
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- If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

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**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

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**Pages** Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

☐ Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trademark Application Number(s)**

**Registration Number(s)**

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Deposit Account

Enclosed ☐

Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes ☒

No ☐

**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. Charges to deposit account are authorized, as indicated herein.*

Richard L. Mack, Esq.

Name of Person Signing

  
Signature

10-26-00

Date

## GRANT OF SECURITY INTEREST IN PATENTS AND TRADEMARKS

**WHEREAS**, OTHY, INC. (the “Pledgor”) is the owner of the trademarks and service marks listed on Schedule A attached hereto, which marks are registered or have pending registrations in the United States Patent and Trademark Office as set forth on Schedule A attached hereto (all such trademarks, service marks, registrations and applications, collectively, the “Trademarks”) and is the owner of the patents listed on Schedule A attached hereto, which patents are registered or have pending applications in the United States Patent and Trademark Office as set forth on Schedule A attached hereto (all such patents, registrations and applications, collectively, the “Patents”); and

**WHEREAS**, the Pledgor has entered into a Security Agreement (as amended, modified, restated or supplemented from time to time, the “Security Agreement”), dated as of October 18, 2000, in which the Pledgor has agreed with First Union National Bank, as Administrative Agent (the “Administrative Agent”), with offices at One First Union Center, 301 South College Street, Charlotte, North Carolina 28288-0735, to execute this Grant of Security Interest;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, as security for the payment and performance of the Secured Obligations (as defined in the Security Agreement), the Pledgor does hereby grant to the Administrative Agent a security interest in all of its right, title and interest in and to the Trademarks and the Patents, and the use thereof, together with all proceeds and products thereof and the goodwill of the businesses symbolized by the Trademarks and the Patents. This Grant of Security Interest has been given in conjunction with the security interest granted to the Administrative Agent under the Security Agreement, and the provisions of this Grant of Security Interest are without prejudice to and in addition to the provisions of the Security Agreement, which are incorporated herein by this reference.

**OTHY, INC.**

By:

Title: President & Chief Executive Officer

State of New York

County of New York

Before me appeared John B. Byrd, the person who signed this instrument, who acknowledged that he/she signed it as a free act on his/her own behalf or on behalf of the identified corporation or other juristic entity with authority to do so.

This 18<sup>th</sup> day of October, 2000.

Diane C. Skudin  
Notary Public

(Seal)

My Commission Expires: \_\_\_\_\_  
**DIANE C. SKUDIN**  
Notary Public, State of New York  
No. 018K4828725  
Qualified in Nassau County  
Certificate Filed in New York County  
Commission Expires April 30, 2001

**Schedule A**

1. Othy, Inc.

**A. COPYRIGHTS AND COPYRIGHT APPLICATIONS**

None.

**B. TRADEMARKS AND TRADEMARK APPLICATIONS**

Mark	Country	Application No.	Filing Date	Reg. No.	Reg. Date	Status (as of 9/1/2000)
OTHY TOTAL INSTRUMENT SOLUTIONS & Design	US	75/062,589	2/26/96	2,060,855	5/13/97	Registered
OTHY TOTAL INSTRUMENT SOLUTIONS	US	75/858,405	11/26/99			Pending
OPTIFLEX	US	75/430,695	2/9/98			Abandoned
OTHY	US	75/565,680	10/28/85	1,410,348	9/23/86	Registered
OTHY	JP	94332/96	8/26/96	4117526	2/20/98	
OTHY TOTAL INSTRUMENT SOLUTIONS & Design	EU	314310	8/9/96	314310	10/15/98	Registered
OTHY TOTAL INSTRUMENT SOLUTIONS & Design	CA	821592	8/26/96	517050	9/27/99	Registered

Title	Country	Application No.	Filing Date	Patent No.	Issue Date
Surgical Implement Handle Machine	US	08/588,993	1/19/96	5,824,181	10/20/98
Disposable Acetabular Reamer	US	668,926	3/13/91	5,100,267	3/31/92
Shielded Universal Joint, Jointed Tool and Guided Surgical Drill	US	667,180	3/11/91	5,236,289	8/17/93
Patella Cutting System	US	851,504	3/16/92	5,295,992	3/22/94
Surgical Tool Guide and Method	US	08/472,900	6/7/95		
Method and Apparatus for Tibial Resection*	US	479,363	6/7/95	5,643,272	7/1/97
Method and Apparatus for Femoral Resection*	US	08/300,379	9/2/94	5,514,139	5/7/96
Method and Apparatus for Femoral Resection Alignment*	US	342,143	11/18/94	5,597,379	1/28/97
Method and Apparatus for Bony Material Removal*	US	08/603,582	2/20/96	5,810,827	9/22/98
Femoral and Tibial Resection Method and Apparatus	PCT	PCT/US95/11120	9/2/95		
* Patents issued in the name of Hudson Surgical Design, Inc.					