

06-05-2002

Form PTO-1594
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)
Tab settings ⇌ ⇌ ⇌ ▼



U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

102109190

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

1. Name of conveying party(ies):

SURGICAL ACUITY, INC. *325102*

- Individual(s)
- General Partnership
- Corporation-State
- Other _____
- Association
- Limited Partnership

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other _____
- Merger
- Change of Name

Execution Date: **02/01/2002**

2. Name and address of receiving party(ies)

Name: **KERR CORPORATION**

Internal

Address: **1717 West Collins Avenue**

Street Address: **1717 West Collins Avenue**

City: **Orange** State: **CA** Zip: **92867**

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State **Delaware (state of incorporation)**
- Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? Yes No

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

A. Trademark Application No.(s)

76/132,129

B. Trademark Registration No.(s)

2,046,589

2,029,679

Please see attached list Additional number(s) attached Yes No Please see attached list

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

Name: **Sandra S. Carberry**

Internal Address: **Legal Dept.**

1717 West Collins Avenue

Orange, CA 92867

Street Address: **1717 West Collins Avenue**

City: **Orange** State: **CA** Zip: **92867**

6. Total number of applications and registrations involved: **8**

7. Total fee (37 CFR 3.41).....\$ **215.00**

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

501780

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

DO NOT USE THIS SPACE

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.

Sandra S. Carberry

Name of Person Signing

Signature

02/20/2002

Date

Total number of pages including cover sheet, attachments, and document: **5**

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignments
Washington, D.C. 20231

04/08/2002 6TOM11 00000144 501780 76132129

01 FC:481 40.00 CH
02 FC:482 175.00 CH

TRADEMARK
REEL: 002479 FRAME: 0990

OFFICE OF PRIORITY RECORDS
2002 MAR 25 AM 9:42
FINANCE SECTION

Schedule AU.S. Trademarks

Mark	(Reg. (App.) No.	Reg. (App.) Date	File No.
SURGICAL ACUITY	(76/132,129)	(09/15/2000)	90724
ZEON	2,046,589	03/18/1997	90726
DIMENSION-3	2,029,679	01/14/1997	90730
Design Only (Logo)	1,973,777	05/14/1996	90728
ORASCOPTIC	1,973,776	05/14/1996	90729
ACUITY	2,396,648	10/24/2000	90777
ORASCOPTIC TELESCOPES	1,544,274	06/20/1989	90727
BODYGUARD	1,547,420	07/11/1989	90731

eg 3225 Deming Way, Madison, Wisconsin 53562
NW

Confirmatory Assignment of Trademarks

1 Wilt

This Confirmatory Assignment of Trademarks is made effective as of this 31 day of February, 2002, by and between Surgical Acuity, Inc., a Delaware corporation located at ~~5225-3 Verona Road, Madison, Wisconsin 53744~~ ("Seller"), and Kerr Corporation, a Delaware corporation located at 1717 West Collins Avenue, Orange, California 92867 ("Buyer").

Whereas, Seller is the owner of the trademarks and trademark application and registrations listed in the attached Schedule A, and the goodwill of the business symbolized by said trademarks and trademark application and registrations; and

Whereas, Buyer wishes to acquire said trademarks and trademark application and registrations, and the goodwill of the business symbolized by said trademarks and trademark application and registrations.

Whereas, this Confirmatory Assignment of Trademarks is made pursuant to the Purchase and Sale Agreement by and among Kerr Corporation, Surgical Acuity, Inc. and Colorado Mezzanine Fund, Ltd., dated as of January 31, 2002 (the "Purchase Agreement").

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, Seller hereby sells, assigns, and transfers unto the Buyer, Seller's entire right, title and interest in and to said trademarks and the application and registrations therefor, together with the good will of the business symbolized by said trademarks and trademark application and registrations, and Seller's entire right, title and interest in and to any and all claims and demands it may have, at law or in equity, for past infringement of said trademarks.

In witness whereof, Seller has caused this Confirmatory Assignment of Trademarks to be executed by its duly authorized officer as of the date written below.

SURGICAL ACUITY, INC.

By: [Signature]
Print Name: Brian L. Wilt
Print Title: Vice President/Secretary

STATE OF Wisconsin)
Dane COUNTY)

Personally came before me this 31st day of January, 2002, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public, State of Wisconsin
My commission expires: _____

(SEAL)

KERR CORPORATION

By: *Steven J. Semmelmayer*
Print Name: Steven J Semmelmayer
Print Title: President

STATE OF Wisconsin)
)
Dane COUNTY)

Personally came before me this 31st day of January, 2002, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Joseph M. Clark
Notary Public, State of Wisconsin
My commission expires: _____

(SEAL)