Form **PTO-1594**

Tab settings ⇔ ⇔ ⇔

(Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

04-12-2002

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

12 2002	

102053∩⊿Ձ

	To the honorable Commissioner		Please record the attached original documents or copy thereof.
1. 1	Name of conveying party(ies):		Name and address of receiving party(ies)
Encor	e Orthopedics, Inc.	3-25-02	Name: Encore Orthopedics, Inc.
)	Internal Address:
_	☐ Individual(s) ☐ General Partnership	☐ Association☐ Limited Partnership	Street Address: 9800 Metric Boulevard
	☐ Corporation-State		City: Austin State: TX Zip: 78758
	Other		☐ Individual(s) citizenship
			Association
Additi	onal name(s) of conveying party(ies) attached? ☐ Yes ☒ No	☐ General Partnership
3. 1	Nature of conveyance		Limited Partnership
[Assignment		□ Corporation-State Delaware
[☐ Security Agreement	☐ Change of Name	☐ Other
[Other		If assignee is not domiciled in the United States, a domestic — representative designation is attached: ☐ Yes ☐ No
Execu	ution Date: January 2, 1998		(Designations must be a separate document from assignment) Additional name(s) & address(es) attached? ☐ Yes ☐ No
	Application number(s) or registration A. Trademark Application No.(s)	number(s):	B. Trademark Registration No.(s)
			1,806,706 1,806,707 2,201,833 1,791,469 1,668,974 2,087,777
		Additional number(s) att	tached 🗌 Yes 🗵 No
	Name and address of party to whom nent should be mailed:	correspondence concerning	6. Total number of applications and registrations involved:
١	Name: Carl C. Butzer, Esq.		_
1	nternal Address: Jackson Walker	L.L.P.	7. Total fee (37 CFR 3.41)\$ 165.00
			☑ Enclosed
_			Authorized to be charged to deposit account
5	Street Address: 901 Main Street, 5	Suite 6000	8. Deposit account number:
-	City: Dallas State:	TX Zip: 75202	(Attach duplicate copy of this page if paying by deposit account)
		DO NOT USE	
9.	Statement and signature.		88
	To the best of my knowledge and be copy of the original document.	lief, the foregoing information is	s true and correct and any attached copy is a true
	Carl C. Butzer, Esq.	(a)	2-24-02
-	Name of Person Signing		Signature Date
	Total number of	of pages including cover sheet, attachmen	nts, and document: 3

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 03:00 PM 02/03/1998 981043086 - 2830583

CERTIFICATE OF MERGER OF ENCORE ORTHOPEDICS, INC. (Texas) WITH AND INTO ENCORE ORTHOPEDICS, INC. (Delaware)

Pursuant to the provisions of Section 252 of the General Corporation Law of the State of Delaware, Encore Orthopedics, Inc., a Delaware corporation, certifies that:

FIRST: The name and state of domicile of each of the constituent entities of the merger is as follows:

Name

State of Incorporation

Encore Orthopedics, Inc.

Delaware

Encore Orthopedics, Inc.

Texas

SECOND: An Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with the requirements of Subsection (c) of Section 252 of the General Corporation Law of Delaware.

THIRD: The name of the surviving corporation of the merger is Encore Orthopedics, Inc., a Delaware corporation.

FOURTH: The Certificate of Incorporation of Encore Orthopedics, Inc., a Delaware corporation, which is surviving the merger, shall be the Certificate of Incorporation of the surviving corporation.

ł

SIXTH: A copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent entity.

SEVENTH: The authorized capital stock of each foreign entity which is a party to the merger is as follows:

Corporation	Class	Number of shares	Par value per share
Encore Orthopedics, Inc. (Texas)	Common	15,000,000	\$0.01
	Preferred	5,000,000	\$1.00

EIGHTH: The merger shall be effective upon the filing of this Certificate with the Secretary of State of Delaware.

Executed as of the date written below.

 \mathbb{C}

ENCORE ORTHOPEDICS, INC., a Delaware corporation

Nick Cindrich, Chief Executive Officer

ATTESTED BY:

Harry L. Zimmerman, Secretary

Dated: January ______ 1998

corp_doc\delawarc.com

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 03:00 PM 02/03/1998 981043086 - 2830583

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ATTESTED BY:

Harry L. Zimmerman, Secretary

Dated: January 2, 1998

corp_doc\delaware.com

Incoming Correspondence Routing Sheet

To: Post Registration (PRU)

Serial No: 75143542



Mail Date: 03252002





Reg. No.: 2201833



No Fee

RAM Mail Date: 032502



ATTORNEYS & COUNSELORS
901 Main Street, Suite 6000
Dallas, Texas 75202
(214) 953-6000 • fax (214) 953-5822
www.jw.com



March 25, 2002

Carl C. Butzer (214) 953-5902 cbutzer@jw.com

VIA EXPRESS MAIL NO. EK855819255US BOX ASSIGNMENT FEE Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, Virginia 22202-3513

'al Chare & Sue

Re:

Recordation of Merger

Our Files: 103376-K007US, 103376-K008US and 13376-K012US

through 103376-K015US

Dear Sir:

Enclosed are the following:

- 1. A Recordation Form Cover Sheet (and supporting documentation) evidencing the merger of Encore Orthopedics, Inc. a Texas corporation, into Encore Orthopedics, Inc. (a Delaware corporation) against U.S. Registration Nos. 1,806,706, 1806,707, 2,201,833, 1,791,469, 1,668,974 and 2,087,777; and
 - 3. A check in the amount of \$165.00 to cover the applicable recordation fee.

If the enclosed check is insufficient or unacceptable for any reason, please charge the remaining fees due to Jackson Walker Deposit Account No. 10-0096. Should you have any questions or any problems processing the enclosed document, please do not hesitate to notify the undersigned attorney for the applicant. Thank you for your usual cooperation and assistance with regard to this matter.

Very truly yours,

Carl C. Butzer

CCB/smk/Enclosures 103376.2/3054673

Austin Dallas Fort Worth Houston Richardson San Angelo San Antonio

Member of GLORALAW's

Assistant	Commiss	ioner for	Trademarks
March 25,	2002		
Page 2			

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number EK855819255US

I hereby certify that this correspondence is addressed to the Assistant Commissioner for Trademarks, BOX ASSIGNMENT FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" on this the 25th day of March, 2002.

Susie Kunzle

Form **PTO-1594** (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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

		0031-002 ngs ⇔ ⇔	:/ (exp. 5/01/ ⇔	▼	•	▼	* * *
					tents and Trad	lemarks: P	Please record the attached original documents or copy thereof.
1.			reying party(i				Name and address of receiving party(ies)
		rthopedic					Name: Encore Orthopedics, Inc.
	J, U U	, ii lopoulo	o,o.				Internal Address:
			al(s) Partnership tion-State		Association Limited Part	nership	Street Address: 9800 Metric Boulevard City: Austin State: TX Zip: 78758 Individual(s) citizenship Association
Add	itiona	ıl name(s)	of conveying	g party(ies) attac	hed? 🔲 Yes	⊠ No	☐ General Partnership
3.		ure of con	_				☐ Limited Partnership
	П	Assignm	ent	Ø	Merger		☐ Corporation-State Delaware
	\Box		Agreement		Change of N	ame	☐ Other
		Other			•		If assignee is not domiciled in the United States, a domestic
Exe	cutio	n Date: J	anuary 2, 19				representative designation is attached: Yes No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? Yes No
4.	App A.		umber(s) or r	egistration numl n No.(s)		mber(s) att	B. Trademark Registration No.(s) 1,806,706
5, doc	Nan umer	ne and ad	dress of part be mailed:	y to whom corre			6. Total number of applications and registrations involved:6
	Nan	ne: <u>Carl</u>	C. Butzer, E	sq.			
1	Inte	mal Addre	ess: <u>Jacks</u>	on Walker L.L.P			7. Total fee (37 CFR 3.41)\$ 165.00
l							☑ Enclosed
				····		····	Authorized to be charged to deposit account
	Stre	et Addres	s: <u>901 Ma</u>	in Street, Suite	5000		8. Deposit account number:
	City	:	Dallas	State: T)	C Zip:	75202	(Attach duplicate copy of this page if paying by deposit account)
					DO	NOT USE	THIS SPACE
9.	Sta	tement an	d signature.				
			f my knowled riginal docum		ne foregoing in	formation is	is true and correct and any attached copy is a true
		C	arl C. Butzer	. Esa.		(all	Upw/\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
			ne of Person	, ,			Signature Date
			ר	otal number of page	s including cover sh	eet, attachmen	ents, and document:3

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 03:00 PM 02/03/1998 981043086 - 2830583

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State of Incorporation

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Delaware

Encore Orthopedics, Inc.

Texas

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Corporation	Class	Number of shares	Par value per share
Encore Orthopedics, Inc. (Texas)	Common	15,000,000	\$0.01
	Preferred	5,000,000	\$1.00

EIGHTH: The merger shall be effective upon the filing of this Certificate with the Secretary of State of Delaware.

Executed as of the date written below.

 \mathbb{C}

ENCORE ORTHOPEDICS, INC., a Delaware corporation

Nick Cindrich, Chief Executive Officer

ATTESTED BY:

Harry L. Zimmerman, Secretary

Dated: January _____, 1998

corp_doc\delaware.com

Incoming Correspondence Routing Sheet

To: Post Registration (PRU)

Serial No: 74281390



Mail Date: 03252002





Reg. No.: 1791469



No Fee

RAM Mail Date: 032502



ATTORNEYS & COUNSELORS
901 Main Street, Suite 6000
Dallas, Texas 75202
(214) 953-6000 • fax (214) 953-5822
www.jw.com



March 25, 2002

Carl C. Butzer (214) 953-5902 cbutzer@jw.com

VIA EXPRESS MAIL NO. EK855819255US BOX ASSIGNMENT FEE Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, Virginia 22202-3513

Re:

Recordation of Merger

Our Files: 103376-K007US, 103376-K008US and 13376-K012US

through 103376-K015US

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 - 3. A check in the amount of \$165.00 to cover the applicable recordation fee.

If the enclosed check is insufficient or unacceptable for any reason, please charge the remaining fees due to Jackson Walker Deposit Account No. 10-0096. Should you have any questions or any problems processing the enclosed document, please do not hesitate to notify the undersigned attorney for the applicant. Thank you for your usual cooperation and assistance with regard to this matter.

Very truly yours,

Cal Chare & Suc

Carl C. Butzer

CCB/smk/Enclosures 103376.2/3054673

Austin Dallas Fort Worth Houston Richardson San Angelo San Antonio

Mossberg of GLORALAW"

Assistant Commissioner for	Trademarks
March 25, 2002	
Page 2	

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"Express Mail" mailing label number EK855819255US

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Susie Kunzle

Form **PTO-1594** (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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

		. 0001-0027 (exp. 5/317.	·			
Tab	setti	ngs 🗢 🗢 🗢	▼	V	▼	<u> </u>
		To the honorable Com	missioner of Pa	tents and Tra	demarks:	Please record the attached original documents or copy thereof.
1.	Nar	ne of conveying party(ie	es):			2. Name and address of receiving party(ies)
Enco	ore C	orthopedics, Inc.				Name: Encore Orthopedics, Inc.
						Internal Address:
		Individual(s)		Association		
		General Partnership		Limited Pari	tnership	Street Address: 9800 Metric Boulevard
	Ø	Corporation-State				City: Austin State: TX Zip: 78758
		Other				Individual(s) citizenship
						Association
Addi	tiona	al name(s) of conveying	party(ies) attac	hed? 🔲 Yes	s 🖾 No	General Partnership
3.	Nat	ure of conveyance				☐ Limited Partnership
		Assignment	Ø	Merger		☑ Corporation-State Delaware
		Security Agreement		Change of N	lame	☐ Other
		Other				If assignee is not domiciled in the United States, a domestic
Exec	utio	n Date: January 2, 199				— representative designation is attached: ☐ Yes ☐ No (Designations must be a separate document from assignment) Additional name(s) & address(as) attached? ☐ Yes ☐ No
		lication number(s) or re	=	er(s):		
	Α.	Trademark Application	No.(s)			B. Trademark Registration No.(s)
						1,806,706 1,806,707 2,201,833 1,791,469 1,668,974 2,087,777
				Additional nu	mber(s) a	ttached ☐ Yes ☒ No
5.	Nan	ne and address of party	to whom corre			6. Total number of applications and registrations
		t should be mailed:		5 p011001100 00	g	involved:6
	Nan	ne: Carl C. Butzer, Es	q.			_
	Inte	mal Address: Jackson	n Walker L.L.P.			7. Total fee (37 CFR 3.41)\$ 165.0
						☑ Enclosed
						Authorized to be charged to deposit account
	Stre	et Address: 901 Main	Street, Suite 6	000		8. Deposit account number:
	City	Dallas s	State: TX	Zip:	75202	(Attach duplicate copy of this page if paying by deposit account)
	City.		otate. TA			
				DO	NOT USE	E THIS SPACE
		ement and signature.				
		he best of my knowledg / of the original docume		e foregoing ini	formation i	is true and correct and any attached copy is a true
						0142
_		Carl C. Butzer,	Esq.		للو	1-24-02
		Name of Person S	Signing			Signature Date
		Tot	al number of pages	including cover she	eet, attachme	ents, and document: 3

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 03:00 PM 0Z/03/1998 981043086 - 2830583

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Executed as of the date written below.

 \odot

ENCORE ORTHOPEDICS, INC., a Delaware corporation

Nigk Cindrich, Chief Executive Officer

ATTESTED BY:

Harry L. Zimmerman, Secretary

Dated: January ______ 1998

corp_docidelaware.com

Incoming Correspondence Routing Sheet

To: Post Registration (PRU)

Serial No: 75169418



Mail Date: 03252002





Reg. No.: 2087777



No Fee

RAM Mail Date: 032502



ATTORNEYS & COUNSELORS
901 Main Street, Suite 6000
Dallas, Texas 75202
(214) 953-6000 • fax (214) 953-5822
www.jw.com



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Assistant Commissioner for Trademarks
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Arlington, Virginia 22202-3513

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Austin Dallas Fort Worth Houston Richardson San Angelo San Antonio

Assistant Commissioner for Tradema	arks
March 25, 2002	
Page 2	

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Susie Kunzle

Form **PTO-1594** (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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

Tab settings ⇔	→ →		▼	▼	* * *
To the	honorable Commissione	r of Pat	ents and Trac	iemarks: I	Please record the attached original documents or copy thereof.
1. Name of co	nveying party(ies):				Name and address of receiving party(ies)
Encore Orthopedics, Inc.				Name: Encore Orthopedics, Inc.	
					Internal Address:
☐ Individ	lual(e)		Association		Audress.
	al Partnership	П	Limited Part	nership	Street Address: 9800 Metric Boulevard
	ration-State			270.0IIIP	City: Austin State: TX Zip: 78758
☐ Other					☐ Individual(s) citizenship
					☐ Association
Additional name	(s) of conveying party(ies	s) attacl	hed? 🗆 Yes	. 1571 No.	Conomi Bartnership
3. Nature of co		<i>,</i>		- 23 140	Limited Partnership
□ Assign	•	Ø	Merger		☐ Corporation-State Delaware
			•		
l <u> </u>	ly Agreement	Ц	Change of N	ame	Other If assignee is not domiciled in the United States, a domestic
Other	1				representative designation is attached:
Execution Date:	January 2, 1998				Additional name(s) & address(es) attached? Yes No
4. Application	number(s) or registration	numb	ег(s):		
A. Traden	nark Application No.(s)				B. Trademark Registration No.(s)
					1,806,706 1,806,707 2,201,833 1,791,469 1,668,974 2,087,777
			Additional nu	mber(s) at	ttached 🗌 Yes 🖾 No
5. Name and a document should	address of party to whon I be mailed:	n corres	spondence co	ncerning	6. Total number of applications and registrations involved:
Name: Ca	ırl C. Butzer, Esq.				
Internal Add	lress: Jackson Walker	L.L.P.			7. Total fee (37 CFR 3.41) \$ 165.0
					☑ Enclosed
					Authorized to be charged to deposit account
Street Addre	ess: 901 Main Street,	Suite 6	000		8. Deposit account number:
City:	Dallas State:	ΤX	Zip:	75202	(Attach duplicate copy of this page if paying by deposit account)
			DO	NOT USE	THIS SPACE
9. Statement a	and signature.				
	of my knowledge and be original document.	elief, the	a foregoing inf	formation is	is true and correct and any attached copy is a true
	Carl C. Butzer, Esq.			Call	Just 3-24-02
Na	ame of Person Signing				Signature Date
Į.	Total number	of pages i	nduding cover she	eet, altachmer	nts, and document: 3

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 03:00 PM 02/03/1998 981043086 - 2830583

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ATTESTED BY:

Harry L. Zimmerman, Secretary

Dated: January ______ 1998

corp_doc\delaware.com

RECORDED: 03/25/2002