

05-21-2002

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



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

Tab settings => => =>

102097456

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

1. Name of conveying party(ies): Interpore International
[ ] Individual(s) [ ] Association
[ ] General Partnership [ ] Limited Partnership
[ ] Corporation - State of California
[ ] Other:
Additional name(s) of conveying party(ies) attached? [ ] Yes [ ] No

2. Name and address of receiving party(ies):
Name: Interpore International
Internal
Address: 181 Technology Drive
Street Address:
City: Irvine State: CA Zip: 92618
[ ] Individual(s) citizenship
[ ] Association
[ ] General Partnership
[ ] Limited Partnership
[ ] Corporation-State of California
[ ] 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

3. Nature of conveyance:
[ ] Assignment [ ] Merger
[ ] Security Agreement [ ] Change of Name
[ ] Other: Revocation of Prior Trademark Assignment
Execution Date: April 1, 2002

4. Application number(s) or registration number(s):
A. Trademark Application No.(s)
none
Additional number(s) attached [ ] Yes [ ] No

B. Trademark Registration No.(s)
1512308
1510665
2155337
Additional number(s) attached [ ] Yes [ ] No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Perry J. Viscounty, Esq.
Internal Address: Latham & Watkins
Street Address: 650 Town Center Drive, Suite 2000
City: Costa Mesa State: CA Zip: 92626

6. Total number of applications and registrations involved: 3
7. Total fee (37 CFR 3.41)..... \$90.00
[ ] Enclosed
[ ] Authorized to be charged to deposit account
8. Deposit account number
(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.
Perry J. Viscounty
Name of Person Signing
Signature
Date 4/26/02

05/20/2002 BYRNE 00000112 1512308

Total number of pages including cover sheet, attachments, and document: 6

01 FC:481 40.00 OP
02 FC:482 50.00 OP

OC\_DOCS493145.2[W2000]

TRADEMARK
REEL: 002510 FRAME: 0623

## REVOCATION OF TRADEMARK ASSIGNMENT

This Revocation of Trademark Assignment (hereinafter the "Revocation") dated this 1st day of April, 2002, is by and between Interpore International, a California corporation; Interpore International, Inc., a Delaware corporation; Interpore Cross International, Inc., a California corporation; and Interpore Orthopaedics, Inc., a Delaware corporation (hereinafter collectively the "Parties"); all of which have a principal place of business at 181 Technology Drive, Irvine, California 92618.

### Relationship of Parties

WHEREAS, the Parties are related in the following manner:

1. Interpore International, a California corporation, merged into Interpore Delaware, Inc., a Delaware corporation, which then changed its name to Interpore International, Inc., a Delaware corporation, on May 6, 1998. Interpore International, a California corporation, subsequently dissolved on May 11, 1998.

2. Interpore Cross International, Inc., a California corporation, is a wholly owned subsidiary of Interpore International, Inc., a Delaware corporation.

3. Interpore Orthopaedics, Inc., a Delaware corporation, is also a wholly owned subsidiary of Interpore International, Inc., a Delaware corporation.

### Prior Trademark Assignment

WHEREAS, a trademark assignment (hereinafter the "Trademark Assignment") was executed on June 23, 2000, whereby Interpore International, a California corporation (the listed Assignor) assigned all rights, title, and interest in the trademark applications and registrations listed in Schedule A, attached hereto and incorporated herein by this reference (hereinafter the "Applications and Registrations"), as well as all common law rights, trade name rights, domain name rights, causes of action, and the right to recover for past infringement in connection with the marks subject of the Applications and Registration, to Interpore Cross International Limited, a California corporation (the listed Assignee);

WHEREAS, the Trademark Assignment was recorded with the U.S. Patent and Trademark Office in connection with the Applications and Registrations on July 10, 2000, entered on Reel #2113, Frame #0756.

### Statements To Void Trademark Assignment

NOW, THEREFORE, for the reasons listed below, the purpose of the Revocation is to void the Trademark Assignment and return all rights, title, and interest in the Applications and Registrations, as well as all common law rights, trade name rights, domain name rights, causes of action, and the right to recover for past infringement in connection with the marks subject of the Applications and Registration, to the original Applicants or Registrants of the Applications and Registrations, as outlined in Schedule B, attached hereto and incorporated herein by this reference.

For the reasons set forth below, the Parties declare that the Trademark Assignment is void:

1. With the exception of the registrations for the marks **PRO OSTEON**, **INTERPORE**, **INTERPORE 200** and **OPERATIVE EXCELLENCE** (U.S. Registration Nos. 1769078, 1512308, 1510665 and 2155337), the Assignor listed in the Trademark Assignment, namely, Interpore International, a California corporation, was not the Applicant or Registrant of the listed Applications and Registrations. Therefore, because the Assignor listed in the Trademark Assignment did not own the respective Applications and Registrations at the time the Trademark Assignment was executed on June 23, 2000, except for the previously noted marks, it was not in a position to transfer ownership of the Applications and Registrations to the Assignee, namely, Interpore Cross International Limited, a California corporation.

2. In addition, at the time the Trademark Assignment was executed, the Parties believed that the Assignee, namely, Interpore Cross International Limited, a California corporation, was organized and incorporated under the laws of the State of California. Upon subsequent examination, the Parties discovered that Interpore Cross International Limited was never organized or incorporated. Therefore, because the Assignee listed in the Trademark Assignment does not exist, it is not in a position to accept ownership of the Applications and Registrations as granted by the Trademark Assignment.

#### Amendments to Applications and Registrations

With respect to the application for the mark **PRO OSTEON**, U.S. Serial No. 76/017133, the original Applicant, namely, Interpore Cross International, Inc., a California corporation, mistakenly listed its state of incorporation as Delaware and omitted the word "Inc." from its corporate name. In recording the Revocation, Interpore Cross International, Inc., a California corporation, will instruct the U.S. Patent and Trademark Office to amend its records to accurately reflect the state of incorporation as California and add the word "Inc." to Applicant's corporate name.

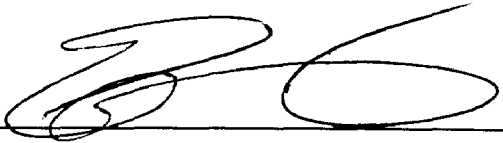
With respect to the active registrations for the marks **INTERPORE**, **INTERPORE 200** and **OPERATIVE EXCELLENCE** (U.S. Registration Nos. 1512308, 1510665 and 2155337), when the Parties record the Revocation, the Parties will record the merger of Interpore International, a California corporation, into Interpore Delaware, Inc., a Delaware corporation, and subsequent name change to Interpore International, Inc., a Delaware corporation.

With respect to the application for the mark **INTERPORE CROSS**, U.S. Serial No. 75/560633, the original Applicant, namely, Interpore Cross International, Inc., a California corporation, mistakenly omitted the word "Inc." from its corporate name. In recording the Revocation, Interpore Cross International, Inc., a California corporation, will instruct the U.S. Patent and Trademark Office to amend its records by adding the word "Inc." to Applicant's corporate name.

IN WITNESS WHEREOF, the Parties have executed this Revocation of Trademark Assignment on the dates shown below:

**Interpore International, Inc., a Delaware corporation,  
and the former Interpore International, a California corporation**

DATED: 4-1-02




---

By: Edwin C. Shors, Ph.D.  
Title: Vice President, Research  
and New Technology

**Interpore Cross International, Inc., a California corporation**

DATED: 4/1/02

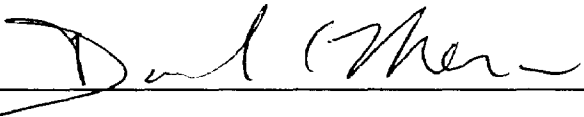


---

By: Richard L. Harrison  
Title: Senior Vice President  
and Chief Financial Officer

**Interpore Orthopaedics, Inc., a Delaware corporation**

DATED: 4/1/02



---

By: DAVID C. MERCER  
Title: CHIEF EXECUTIVE OFFICER

**SCHEDULE A****Trademark Applications and Registrations**

<b><u>MARK</u></b>	<b><u>SERIAL NO.</u></b>	<b><u>REG. NO.</u></b>	<b><u>REG. DATE</u></b>
AGF	75/551891	2527877	January 8, 2002
AUTOLOGOUS GROWTH FACTORS	75/516952	N/A	N/A
C-PLATE	75/688155	N/A	N/A
INTERPORE	73/723497	1512308	November 15, 1988
INTERPORE 200	73/723517	1510665	November 1, 1988
INTERPORE CROSS	75/560633	N/A	N/A
OPERATIVE EXCELLENCE	75/062573	2155337	May 5, 1998
PRO OSTEON	74/062908	1769078	May 4, 1993
PRO OSTEON	76/017133	N/A	N/A
VERTEBRALOK	75/724523	N/A	N/A

**SCHEDULE B****Original Owner of Trademark Applications and Registrations**

<b><u>MARK</u></b>	<b><u>SERIAL NO.</u></b>	<b><u>REG. NO.</u></b>	<b><u>ORIGINAL APPLICANT</u></b>
AGF	75/551891	2527877	Interpore Orthopaedics, Inc., a Delaware corporation
AUTOLOGOUS GROWTH FACTORS	75/516952	N/A	Interpore Cross International, Inc., a California corporation
C-PLATE	75/688155	N/A	Interpore Cross International, Inc., a California corporation
INTERPORE	73/723497	1512308	Interpore International, a California corporation
INTERPORE 200	73/723517	1510665	Interpore International, a California corporation
INTERPORE CROSS	75/560633	N/A	Interpore Cross International, Inc., a California corporation
OPERATIVE EXCELLENCE	75/062573	2155337	Interpore International, a California corporation
PRO OSTEON	74/062908	1769078	Interpore International, a California corporation
PRO OSTEON	76/017133	N/A	Interpore Cross International, Inc., a California corporation
VERTEBRALOK	75/724523	N/A	Interpore Cross International, Inc., a California corporation

OC\_DOCS\486502.2[W2000]

OC\_DOCS\486502.1[W2000]

Page 5 of 5

RECORDED: 04/26/2002

TRADEMARK  
REEL: 002510 FRAME: 0628