



102097455

Tab settings => => =>

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: 4-26-02

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

2. Name and address of receiving party(ies):

Name: Interpore Cross International, Inc.

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)

75/560633  
76/017133

B. Trademark Registration No. (s)

none

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:..... : 2

7. Total fee (37 CFR 3.41)..... \$65.00

- 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

4/26/02

Date

05/20/2002 DBYRNE 00000113 75560633

Total number of pages including cover sheet, attachments, and document: 10

01 FC:481  
02 FC:482

40.00 OP  
25.00 OP

## 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.

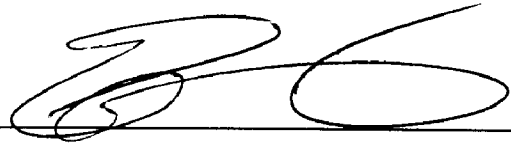
With respect to the active registrations for the marks **INTERPORE**, **INTERPORE 200** and **OPERATIVE EXCELLENCE** (U.S. Registration Nos. 1512308, 1510665 and 2155337), when the Parties record the Revocation, the Parties will record the merger of Interpore International, a California corporation,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

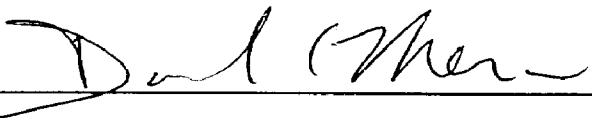


---

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]

# State of California



## SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 3 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

*IN WITNESS WHEREOF*, I execute this certificate and affix the Great Seal of the State of California this day of

MAR 19 2002



*Bill Jones*

Secretary of State

2112966

ARTICLES OF INCORPORATION  
OF  
INTERPORE CROSS INTERNATIONAL, INC.

FILED *SC*  
In the office of the Secretary of State  
of the State of California

JUN 29 1998

*Bill James*  
BILL JAMES, Secretary of State

ARTICLE ONE

Name: The name of the corporation is Interpore Cross International, Inc.

ARTICLE TWO

Purpose: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE THREE

Agent for Service: The name and address in the State of California of the corporation's initial agent for service of process are:

Richard L. Harrison  
181 Technology Drive  
Irvine, California 92618

ARTICLE FOUR

Authorized Shares: The total number of shares which the corporation is authorized to issue is Ten Thousand (10,000) shares of Common Stock, no par value.

ARTICLE FIVE

Director Liability: The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

ARTICLE SIX

Indemnification of Agents: The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the California Corporations Code) to the fullest extent permissible under California law, in excess of that indemnification otherwise permitted by Section 317 of the California Corporations Code.



IN WITNESS WHEREOF, the undersigned incorporator has executed the foregoing Articles of Incorporation this 26th day of June, 1998.

*Sally G. Burns*  
\_\_\_\_\_  
Sally G. Burns, Sole Incorporator

**INTERPORE**  
INTERNATIONAL

141 Technology Drive  
Cupertino, California 95014-2402  
Phone: (415) 450-3200  
Fax: (415) 450-3200

David C. Mercer  
President and CEO

June 26, 1998

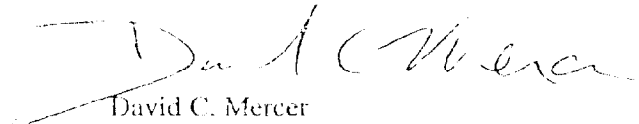
To: California Secretary of State

RE: Consent to Use of Similar Name

Dear Secretary of State:

Interpore International, Inc., a Delaware corporation qualified to transact business in the State of California, hereby consents to the use of the name "Interpore Cross International, Inc." by the corporation to be formed in California under such name. Said corporation will be its wholly-owned subsidiary.

Very truly yours,

  
David C. Mercer



TRADEMARK

REEL: 002510 FRAME: 0641

BOSTON  
BRUSSELS  
CHICAGO  
FRANKFURT  
HAMBURG  
HONG KONG  
LONDON  
LOS ANGELES  
MOSCOW  
NEW JERSEY

# Latham & Watkins

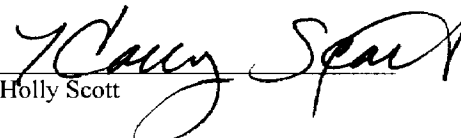
ATTORNEYS AT LAW  
WWW.LW.COM

NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
PARIS  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
SINGAPORE  
TOKYO  
WASHINGTON, D.C.

April 26, 2002

FILE NO. 029933-0105/0138

**CERTIFICATE OF MAILING:** I hereby certify that the below listed correspondence and documents are addressed to the Assistant Commissioner of Trademarks, BOX ASSIGNMENTS - FEE, 2900 Crystal Drive, Arlington, Virginia, 22202-3513, and are being deposited with the United States Postal Service via Express Mail No.: EL 706 409 945 US on April 26, 2002 by:

  
Holly Scott

**VIA EXPRESS MAIL**

Assistant Commissioner of Trademarks  
BOX ASSIGNMENTS - FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Revocation of Trademark Assignment

Dear Sir or Madam:

Enclosed for recordation with the U.S. Patent & Trademark Office are the following documents:

1. Trademark Recordation Form Cover Sheet in one (1) page;
2. Revocation of Trademark Assignment with attached Schedules A and B;
3. Certified copy of the Articles of Incorporation for Interpore Cross International, Inc. with attached Consent to Use Similar Name;
4. A stamped, self addressed postcard to acknowledge receipt; and
5. A check for \$65 to cover the filing fee.

Please note that Interpore Cross International, Inc. inadvertently omitted the designation "Inc." when it filed its trademark applications for the marks PRO OSTEON and INTERPORE CROSS (respectively Serial Nos. 76/017133 and 75/560633), and inadvertently listed its state of incorporation as Delaware in its application for PRO OSTEON. Therefore, we have enclosed a certified copy of the Articles of Incorporation for Interpore Cross International, Inc. as evidence in support that (1) the company's complete corporate name includes the designation "Inc." and (2) that the company was incorporated in the state of California at the time the application for PRO OSTEON was filed.

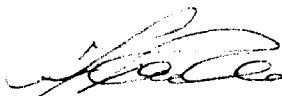
Assistant Commissioner of Trademarks

April 26, 2002

Page 2

If you have any questions regarding the enclosed Revocation of Trademark Assignment, please call me at (714) 755-8027.

Sincerely,



Greg Phillips  
Senior IP Paralegal

Enclosures

cc: Karen Miyakawa, Docketing Department