

03-19-2003

Form PTO-1594

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(Rev. 03/01)

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

Tab settings

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



102394419

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

1. Name of conveying party(ies):

Roche Diagnostics Corporation

3-17-03

- 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: January 30, 2003

2. Name and address of receiving party(ies)

Name: Varian, Inc.

Internal

Address:

Street Address: 3120 Hansen Way, D-102

City: Palo Alto State: CA Zip: 94304

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Delaware
- 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) 75/257,339 (ONTRAK TESTSTIK)

B. Trademark Registration No.(s) 1,974,019 (ONTRAK TESTCUP)

Additional number(s) attached  Yes  No

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

Name: Varian, Inc.

Internal Address:

Street Address: 3120 Hansen Way, D-102

City: Palo Alto State: CA Zip: 94304

6. Total number of applications and registrations involved: 2

7. Total fee (37 CFR 3.41).....\$ 80

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

50-0895

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9. Signature.

Hunter L. Auyang

Name of Person Signing

*Hunter L. Auyang*  
Signature

March 11, 2003

Date

Total number of pages including cover sheet, attachments, and document: 4

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

03/18/2003 BBYRNE

0000016 500895 75257339

01 FC:0521  
02 FC:0522

40.00 CH  
25.00 CH

ASSIGNMENT OF ONTRAK TRADEMARKS

Pursuant to the Asset Purchase Agreement, dated January 31, 2003, by and between Roche Diagnostics Corporation, an Indiana corporation ("Assignor"), and Varian, Inc., a Delaware corporation ("Assignee"), for good and valuable consideration, hereby assigns effective as of January 31, 2003, to Assignee, all of its rights, title, and interest in and to the ONTRAK Trademarks listed in the attached Schedule A (the "Trademarks"), together with the goodwill of that portion of Assignor's business symbolized thereby.

For such good and valuable consideration, Assignor hereby further sells, assigns and transfers to Assignee, all rights and interests in, to and arising from any infringement of any of the Trademarks, including, without limitation, all claims for damages and profits for any infringements which occurred prior to the date of this Assignment, including the rights to sue for any infringements in its own name and stead and for its own benefit.

Assignor agrees to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all Assignor's rights, title, and interest in and to the trademarks in the Assignee and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by the Assignee, to the extent such evidence is in the possession or control of Assignor.

EXECUTED and EFFECTIVE on the date entered above.

ROCHE DIAGNOSTICS CORPORATION

By: [Signature]

Its: President & CEO

STATE OF Indiana )  
 ) SS:  
COUNTY OF Marion )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared as Martin Marcus of Roche Diagnostics Corporation, who having been duly sworn upon his oath acknowledged the execution of the foregoing Assignment of ONTRAK Trademarks for and on behalf of said corporation.

Witness my hand and Notarial Seal this 30 day of January, 2003.

[Signature]

ELIZABETH...  
NOTARY PUBLIC  
COMMISSION EXPIRES: JUNE 29, 2003

residing in Warrick County, Indiana, Notary Public

My Commission Expires: June 26, 2003

SCHEDULE A

ONTRAK TRADEMARKS

<u>Trademark</u>	<u>Country</u>	<u>Status</u>	<u>Application Number</u>	<u>Filing Date</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>Description of Goods</u>
OnTrak	Australia	Registered	806339	9/7/99	806339	5/17/2001	Test papers (chemical) for the detection of drugs of abuse; diagnostic reagents in this class (1); diagnostic test kits; diagnostic reagents; diagnostic reagents contained within a plastic housing device for detection.
OnTrak	New Zealand	Registered	315922	9/7/99	315922	9/8/99	Diagnostic test kits; diagnostic reagents; diagnostic reagents and test strips in a plastic housing device for detecting drugs of abuse.
OnTrak	Singapore	Registered	T99/12463A	11/1/99	T99/12463A	11/1/99	
OnTrak TesTcup	Brazil	Filed/Published	822184702	11/10/99			
OnTrak TesTcup	CTM	Filed/Published	1360080	10/26/99			Assays for detecting whether there are drugs of abuse in urine.
OnTrak TestTcup	Singapore	Registered	T99/12460G	11/1/99	T99/12460	11/1/99	Reagents for detecting drug of abuse; all including in
OnTrak TestTcup	Singapore	Registered	T99/12461E	11/1/99	T99/12461E	11/1/99	
OnTrak TesTcup	South Africa	Filed/Pending	99/16660	9/10/99			In vitro diagnostic test kit consisting of a specimen container with integrated reagents for detecting drugs of abuse.

TRADEMARK

OnTrak TesTcup	US	Registered	470694	12/20/93	1974019	5/14/96	Drug abuse assay
OnTrak TesTstik	Brazil	Filed/Published	822184710	11/10/99			
OnTrak TesTstik	CTM	Registered	001360098	10/26/99	001360098	12/20/00	Assays for detecting whether there are drugs of abuse in urine
OnTrak TesTstik	Singapore	Registered	T99/12462C	11/1/99	T99/12462	11/1/99	Diagnostic reagents and test strips in a plastic housing device for detecting drugs of abuse.
OnTrak TesTstik	South Africa	Filed/Pending	99/16661	9/10/99			Diagnostic reagents and test strips in plastic housing device for detecting drugs of abuse.
OnTrak TesTstik	US	Filed/Pending	75257339	3/14/97			Diagnostic reagents and test strips in a plastic housing device for detecting drugs of abuse.