

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
George S. Allen		09/11/1997	INDIVIDUAL: UNITED STATES

RECEIVING PARTY DATA

Name:	Acustar, L.L.C.
Street Address:	4405 Warner Place
City:	Nashville
State/Country:	TENNESSEE
Postal Code:	37205
Entity Type:	limited liability company: TENNESSEE

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	2046335	ACUSTAR

CORRESPONDENCE DATA

Fax Number: (703)610-6200
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: 703-610-6159
 Email: boxip@hhlaw.com
 Correspondent Name: Valerie Brennan
 Address Line 1: 8300 Greensboro Drive, Suite 1100
 Address Line 2: Box Intellectual Property
 Address Line 4: McLean, VIRGINIA 22102

ATTORNEY DOCKET NUMBER:	88813.05 ACUSTAR
NAME OF SUBMITTER:	Valerie Brennan

Total Attachments: 3
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CH \$40.00 2046335

ASSIGNMENT***Nunc Pro Tunc***

This reflects an Assignment by and between GEORGE S. ALLEN ("Assignor" or "Dr. Allen"), an individual resident of the State of Tennessee and ACUSTAR, L.L.C., formerly a limited liability company organized under the laws of the State of Tennessee and formerly having a place of business at 4405 Warner Place, Nashville, TN 37205 ("Assignee" or "Acustar").

WHEREAS, at least as early as July 31, 1997, Assignor was the owner of all rights, title, and interest in and to the trademark ACUSTAR and the federal trademark registration relating thereto (namely, U.S. Trademark Reg. No. 2046,335) (collectively, "the Mark and Registration"), along with the goodwill of the business symbolized by the Mark and Registration; and

WHEREAS, on September 11, 1997, Dr. Allen, who was chief manager of Acustar, entered into an agreement on behalf of the company that assigned all of Acustar's rights, title, and interest in and to the Mark and Registration to Picker International, Inc. ("Picker"), a New York corporation with a place of business at 595 Miner Road, Cleveland, Ohio 44143; and

WHEREAS, as part of that assignment of rights from Acustar to Picker, Dr. Allen also had intended to convey to Picker, through Acustar, any rights that Dr. Allen personally held in the Mark and Registration as of the date of that transfer;

NOW, THEREFORE, for and in consideration of past good and valuable consideration received, the receipt and sufficiency of which is hereby acknowledged, and for the purpose of fulfilling the intent of the parties as reflected in the September 11, 1997, assignment from Acustar to Picker, Assignor does hereby sell, assign, and transfer to Assignee *nunc pro tunc* and effective September 11, 1997, Assignor's entire right, title, and interest in and to the Mark and


Registration, together with the goodwill appurtenant thereto along with the portions of the business associated therewith, the same to be held and enjoyed by Assignee as fully and entirely as the same would have held by Assignor had such Assignment not been made.

Signed this 17th day of December 2003.

George S. Allen by P.W.K.

GEORGE S. ALLEN

By:



Paul W. Kruse
BASS, BERRY & SIMS PLC
315 Deaderick Street
AmSouth Center, Suite #2700
Nashville, Tennessee 37238-3001

*Counsel for Dr. Allen and Authorized by Dr. Allen
to Execute the Assignment on Dr. Allen's Behalf*

DCA73575:12370/8

Schedule A

Assets mean the assets of Acustar LLC related generally to the Acustar development project, including technology related to localization and positioning systems, fiducial markers, and surgical guides, together with associated intellectual property, inventory, and equipment, including the following, wherever located:

- All of the Assets listed on a certain asset list prepared on or about January 3, 1997 and attached to a certain Asset Purchase Agreement with Picker;
- All temporary surface and temporary, rigidly affixed fiducial marker and related fixation, implantation, and protection tool and device, surgical guide, and localization and positioning technology and know-how, all data from consultants, all manufacturing information and specifications, and all research data.
- All software (the "Software") related to the localization and positioning systems, fiducial markers, and surgical guide, including source code, object code, documentation, testing procedures and algorithms, and copies of same, and associated copyrights; provided that all software for the registration of markers in physical space and image space (the "Licensed Registration Software") is the property of Dr. George S. Allen ("Dr. Allen") personally and will be licensed to Picker pursuant to a certain License Agreement between Dr. Allen and Picker.
- All existing marketing information and plans, including pricing information and strategies, costs and projected costs, training plans, consultant reports, and prospect lists.
- All correspondence, approvals and/or clearances from the FDA and other agencies, together with copies of all regulatory files and other information.
- The Acustar trademark and all associated goodwill (the "Trademark"), including U.S. Trademark Registration No. 2,046,335.
- All studies, analyses, and strategic plans for future development, including manufacturing, customers, products, and marketing strategies.

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