

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	Release of Security Agreement filed 12/8/03

CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Enterprise Partners VI, L.P.		02/12/2004	LIMITED PARTNERSHIP: DELAWARE
KPCB Holdings, Inc., as nominee, c/o Kleiner Perkins Caufield & Byers		02/13/2004	CORPORATION: CALIFORNIA
Dionis Trust		02/13/2004	Trust:

RECEIVING PARTY DATA	
<b>Name:</b>	Ophthonix, Inc.
<b>Street Address:</b>	10455 Pacific Center Court
<b>City:</b>	San Diego
<b>State/Country:</b>	CALIFORNIA
<b>Postal Code:</b>	92121
<b>Entity Type:</b>	CORPORATION: DELAWARE

PROPERTY NUMBERS Total: 7

Property Type	Number	Word Mark
Serial Number:	76218638	OPHTHONIX
Serial Number:	76218640	OPHTHONIX
Serial Number:	76218642	OPHTHONIX
Serial Number:	76218639	Z-LENS
Serial Number:	76218641	Z-LENS
Serial Number:	78270026	Z VIEW
Serial Number:	78270043	OPHTHONIX

**CORRESPONDENCE DATA**

Fax Number: (858)550-6420  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Email: trademarks@cooley.com

CH \$190.00 76218638

Correspondent Name: Kent M. Walker, Esq. /Cooley Godward LLP  
Address Line 1: 4401 Eastgate Mall  
Address Line 4: San Diego, CALIFORNIA 92121-1909

NAME OF SUBMITTER:

Kent M. Walker, Esq.

**Total Attachments: 9**

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## OPHTHONIX, INC.

### RELEASE OF INTELLECTUAL PROPERTY SECURITY AGREEMENT

Each of the lenders listed on **Exhibit A** hereto (each, a "*Lender*" and collectively, the "*Lenders*") under the **INTELLECTUAL PROPERTY SECURITY AGREEMENT** dated November 26, 2003 (the "*Agreement*") by and among each of the Lenders and **OPHTHONIX, INC.**, a Delaware corporation ("*Debtor*"), hereby releases and discharges, for good and valuable consideration, the entire security interest granted under the Agreement in and to Debtor's entire right, title and interest in, to and under any and all Intellectual Property now or hereafter existing, created, acquired or held by Debtor (including, without limitation, those U.S. Copyrights and Copyright applications set forth on **Exhibit B**, those U.S. Patents and Patent applications set forth on **Exhibit C** and those U.S. Trademarks and Trademark applications set forth on **Exhibit D**, all of which are incorporated herein by this reference). Capitalized terms used but not otherwise defined herein have the meanings given them in the Security Agreement (as defined in the Agreement).


**IN WITNESS WHEREOF**, the Lenders have duly executed this release on the day and year written below.

**{THE REMAINDER OF THIS PAGE TO THE RELEASE OF INTELLECTUAL PROPERTY  
SECURITY AGREEMENT INTENTIONALLY LEFT BLANK}**

**LENDERS:**

**ENTERPRISE PARTNERS VI, L.P.**  
By: Enterprise Management Partners VI, LLC,  
its General Partner

Date: February 11, 2004

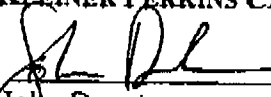
By:   
Andrew Senyei  
Managing Director

Address: 2223 Avenida de la Playa, Suite 300  
La Jolla, CA 92037

**LENDERS:**

**KPCB HOLDINGS, INC., AS NOMINEE,  
C/O KLEINER PERKINS CAUFIELD & BYERS**

February 13, 2004

By:   
John Denniston  
President

Address: 2750 Sand Hill Road  
Menlo Park, CA 94025

[SIGNATURE PAGE TO THE RELEASE OF INTELLECTUAL PROPERTY SECURITY AGREEMENT]

**TRADEMARK**

02/13/04 17:55 FAX 202 628 1700

JONES DAY

☑002

02/13/04 16:04 ☎609 921 9458

GUND INVESTMENT

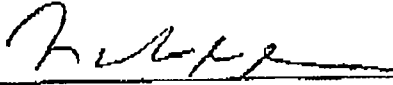
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**LENDERS:**

**DIONIS TRUST**

Date: February 12, 2004

By: \_\_\_\_\_

  
Gordon Gund  
Trustee  
c/o Gund Investment Corporation

Address: 14 Nassau Street  
Princeton, NJ 08542-0449  
Attn: Warren Thaler

**EXHIBIT A**

**LENDERS**

<u>LENDER NAME</u>	<u>MAXIMUM ADVANCE UNDER NOTE</u>
Enterprise Partners VI, L.P.	\$1,000,000.00
KPCB Holdings, Inc., as Nominee, c/o Kleiner Perkins Caufield & Byers	\$1,000,000.00
Dionis Trust	\$1,000,000.00
<b>Total:</b>	<b>\$3,000,000.00</b>

**EXHIBIT B**

**U.S. COPYRIGHTS AND COPYRIGHT APPLICATIONS**

**I. REGISTERED U.S. COPYRIGHTS:**

None

**II. U.S. COPYRIGHT APPLICATIONS IN PROCESS:**

None



## EXHIBIT C

### U.S. PATENTS AND PATENT APPLICATIONS

#### I. REGISTERED U.S. PATENTS:

None

#### II. U.S. PATENT APPLICATIONS IN PROCESS:

1. "Custom Eyeglass Manufacturing Method," U.S. Patent Application Serial No. 10/046,656 filed on October 25, 2001.
2. "Custom Eyeglass Manufacturing Method," PCT Application Serial No. PCTUS02/34335 filed on October 23, 2002.
3. "System And Method For Wavefront Measurement," U.S. Patent Application Serial No. 10/014,037 filed on December 10, 2001.
4. "System and Method for Wavefront Measurement," U.S. Continuation-in-part, Application Serial No. 10/314,906 filed on December 9, 2002.
5. "System and Method for Wavefront Measurement," PCT Application Serial No. PCTUS02/39526 filed on December 9, 2002.
6. "Apparatus And Method For Determining Subjective Responses Using Objective Characterization Of Vision Based On Wavefront Sensing," U.S. Patent Application Serial No. 10/653,552 filed on September 2, 2003.
7. "Apparatus And Method For Determining Objective Refraction Using Wavefront Sensing," U.S. Patent Application Serial No. 10/076,218 filed on February 13, 2002.
8. "Apparatus And Method For Determining Objective Refraction Using Wavefront Sensing," PCT Application Serial No. PCTUS03/04921 filed on February 13, 2003.
9. "Eyeglass Manufacturing Method Using Variable Index Layer," U.S. Patent Application Serial No. 10/044,304 filed on October 25, 2001. Notice of allowance received.
10. "Eyeglass Manufacturing Method Using Variable Index Layer," PCT Application Serial No. PCTUS02/34334 filed on October 23, 2002.
11. "Optical Elements And Methods For Making Thereof," U.S. Patent Application Serial No. 10/253,956 filed on September 24, 2002.
12. "Optical Elements And Methods For Making Thereof," PCT Application Serial No. PCTUS03/19935 filed on June 24, 2003.

13. "Wavefront Aberrator And Method Of Manufacturing," U.S. Patent Application Serial No. 09/875,447 filed on June 4, 2001. Notice of allowance received.
14. "Apparatus And Method Of Correcting Higher Order Aberrations Of The Human Eye," U.S. Patent Application Serial No. 10/218,049 filed on August 12, 2002.
15. "Apparatus And Method Of Correcting Higher Order Aberrations Of The Human Eye," PCT Application Serial No. PCTUS03/24150 filed on July 30, 2003.
16. "Apparatus And Method Of Fabricating Waveplate For Wavefront Correction Using Spatially Localized Curing Of Epoxy," Application Serial No. 10/265,517 filed on October 3, 2002.
17. "Apparatus And Method Of Fabricating Waveplate For Wavefront Correction Using Spatially Localized Curing Of Epoxy," PCT Application Serial No. PCTUS03/27936 filed on September 4, 2003.
18. "Structures And Methods For Achieving Improved Vision," U.S. Provisional Patent Application Serial No. 60/446,384 filed on February 10, 2003.
19. "Apparatus And Method For Curing Of UV-Protected UV Curable Monomers," U.S. Provisional Patent Application Serial No. 60/472,669 filed on May 21, 2003.
20. "Method of Prescribing, Fabricating And Dispensing To A Patient Lenses That Are Customized To Correct For Low And High Order Aberrations," provisional patent application filed on November 14, 2003. Application Serial No. not yet assigned.
21. "Ophthalmic Diagnostic Instrument," U.S. Provisional Patent Application Serial No. 60/520,294 filed on November 14, 2003.

**EXHIBIT D**

**U.S. TRADEMARKS AND TRADEMARK APPLICATIONS**

**I. REGISTERED U.S. TRADEMARKS:**

None

**II. U.S. TRADEMARK APPLICATIONS IN PROCESS:**

1. Mark: OPHTHONIX  
Application Serial No.: 76/218,638  
Filing Date: March 2, 2001  
Class: 10
2. Mark: OPHTHONIX  
Application Serial No.: 76/218,640  
Filing Date: March 2, 2001  
Class: 40
3. Mark: OPHTHONIX  
Application Serial No.: 76/218,642  
Filing Date: March 2, 2001  
Class: 9
4. Mark: Z-LENS  
Application Serial No.: 76/218,639  
Filing Date: March 2, 2001  
Class: 9
5. Mark: Z-LENS  
Application Serial No.: 76/218,641  
Filing Date: March 2, 2001  
Class: 10
6. Mark: Z VIEW  
Application Serial No.: 78/270,026  
Filing Date: July 2, 2003  
Classes: 7,9,10 & 40
7. Mark: OPHTHONIX and Design  
Application Serial No.: 78/270,043  
Filing Date: July 2, 2003  
Classes: 7,9,10 & 40