



10-22-2003



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DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Form PTO-1594  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
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): 10.16.03  
RMS Health Systems, Inc.  
 Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation-State (Delaware)  
 Other \_\_\_\_\_  
Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
Name: RMS DM, LLC  
Internal Address: c/o Davita Inc.  
Street Address: 601 Hawaii Avenue  
City: El Segundo State: CA Zip: 90245  
 Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State \_\_\_\_\_  
 Other Delaware limited liability company  
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 Nunc Pro Tunc Trademark Assignment  
Execution Date: August 31, 2003

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s)  
B. Trademark Registration No.(s)  
2400019; 2438264  
Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: Susan Neuberger Weller  
Internal Address: Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
Street Address: 12010 Sunset Hills Road,  
Suite 900  
City: Reston State: VA Zip: 20190

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:  
50-0311  
(Attach duplicate copy of this page if paying by deposit account)

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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.*  
Susan Neuberger Weller      [Signature]      October 16, 2003  
Name of Person Signing      Signature      Date

10/21/2003 EDDPER 00000199 2400019

Total number of pages including cover sheet, attachments, and document: 2

01 FC:8521  
02 FC:8522

40.00 OP  
25.00 OP

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

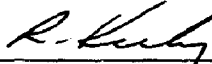
**NUNC PRO TUNC TRADEMARK ASSIGNMENT**

WHEREAS, **RMS HEALTH SYSTEMS INC.**, a Delaware corporation with a business address at One Baxter Parkway, Deerfield, Illinois, 60015 ("Assignor"), has adopted and used in commerce the trademarks which are registered in the U.S. Patent and Trademark Office, Registration No. 2,400,019, registered October 31, 2000, for the mark RMS, and Registration No. 2,438,264, registered March 27, 2001, for the mark RMS (& Design) (collectively "Marks"); and

WHEREAS, **RMS DM, LLC**, a Delaware limited liability company with a business address at c/o Davita Inc., 21250 Hawthorne Boulevard, Suite 800, Torrance, California, 90503-5517 ("Assignee") desires to acquire the Mark, registration, and the goodwill thereof.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Assignor does hereby confirm the assignment to Assignee, effective June 30, 2003, of all rights, titles and interests in and to the Marks and U.S. Registration Nos. 2,400,019 and 2,438,264, the goodwill of the business symbolized by the Marks, and the right to sue and to recover for all infringements thereof, including past infringements.

RMS HEALTH SYSTEMS INC.

By: 

Name: ROBERT KEELEY

Title: PRESIDENT RMS HEALTHSYSTEMS INC.

Date: August 31, 2003