

12-02-2003

Form PTO-1594 **6-2-03** RE  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):  
 Encore Medical Corporation  
 9800 Metric Boulevard  
 Austin, TX 78758

Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation-State  
 Other \_\_\_\_\_

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

2. Name and address of receiving party(ies)  
 Name: Encore Medical Asset Corporation  
 Internal  
 Address: 2920 N. Green Valley Pkwy

Street Address: Building 3, Suite 321  
 City: Henderson State: NV Zip: 89014

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Nevada  
 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

OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARKS  
 FINANCE SECTION  
 2003 JUN -2 AM 11:13

3. Nature of conveyance:  
 Assignment                       Merger  
 Security Agreement               Change of Name  
 Other \_\_\_\_\_

Execution Date: 5/16/03

4. Application number(s) or registration number(s):  
 A. Trademark Application No.(s) 76364890  
 B. Trademark Registration No.(s) \_\_\_\_\_

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
 Name: Harry L. Zimmerman  
 Internal Address: Encore Medical Corporation

Street Address: 9800 Metric Boulevard

City: Austin State: TX Zip: 78758

6. Total number of applications and registrations involved: ..... **1**

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number: \_\_\_\_\_

06/03/2003 DBYRNE 00000132 76364890  
 01 FC:0521

DO NOT USE THIS SPACE

9. Signature. 40.00 OP

Harry L. Zimmerman                      [Signature]  
 Name of Person Signing                      Signature

Date: 5-16-03

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

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

TRADEMARK  
 REEL: 002871 FRAME: 0774

**TRADEMARK ASSIGNMENT**

WHEREAS, Encore Medical Corporation, a Delaware corporation having a place of business at 9800 Metric Boulevard, Austin, Texas 78758 ("EMC"), is the owner of the Trademark and the Registration thereof in the United States of America (hereinafter TRADEMARK), as follows

**U.S. TRADEMARK**

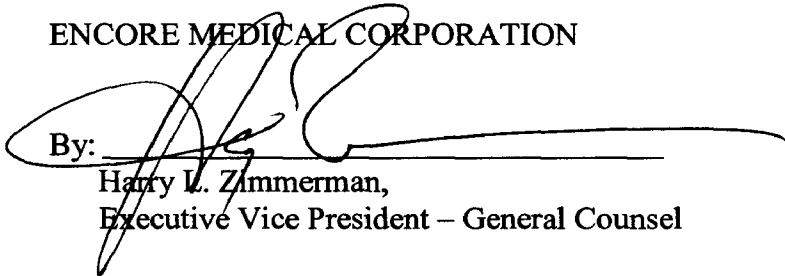
THERATHERM	76,364,890	January 31, 2002
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WHEREAS, EMC desires to transfer its entire right, title and interest in and to said TRADEMARK, said application thereof, and the goodwill of the business symbolized thereby to Encore Medical Asset Corporation, a Nevada corporation having its principal place of business at 2920 N. Green Valley Parkway, Building 3, Suite 321, Henderson, Nevada 89014 ("EMAC");

NOW, THEREFORE, in consideration of the sum of One United States Dollar (U.S.\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, EMC hereby sells, assigns, transfers and sets over unto EMAC the entire right, title and interest of EMC in and to said TRADEMARK, together with said application thereof and the goodwill of the business symbolized thereby.

Signed in Austin, Texas this 16<sup>th</sup> day of May, 2003

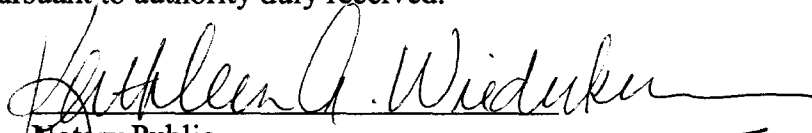
ENCORE MEDICAL CORPORATION

By:   
Harry L. Zimmerman,  
Executive Vice President – General Counsel

State of Texas }  
County of Travis }  
*th*

ss:

On this 16<sup>th</sup> day of May, 2003, personally appeared Harry L. Zimmerman to me known and known to me to be the Executive Vice President – General Counsel of Encore Medical Corporation, and acknowledged that he executed the foregoing Assignment on behalf of Encore Medical Corporation and pursuant to authority duly received.

  
Notary Public  
My commission expires on: 12-17-2005

