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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):

Darrell J. Smith

- Individual(s) [checked], Association, General Partnership, Limited Partnership, Corporation-State, Other

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

3. Nature of conveyance:

- Assignment [checked], Merger, Security Agreement, Change of Name, Other

Execution Date: 03/12/2004

2. Name and address of receiving party(ies)

Name: Dioptics Medical Products, Inc.

Internal

Address:

Street Address: 51 Zaca Lane

City: San Luis Obispo State: CA Zip: 93401

- Individual(s) citizenship, Association, General Partnership, Limited Partnership, Corporation-State [checked], Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No [checked] (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? Yes No [checked]

APR 19 2004

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2148491

Additional number(s) attached Yes No [checked]

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

Name: Derek J. Westberg

Internal Address: Law Offices of Derek J.

Westberg

Street Address: 2 N. 2nd Street, Suite 1390

City: San Jose State: CA Zip: 95113

6. Total number of applications and registrations involved:

1

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

- Enclosed [checked], Authorized to be charged to deposit account

8. Deposit account number:

50-1610

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9. Signature.

Derek J. Westberg Name of Person Signing

[Signature] Signature

April 7, 2004 Date

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

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

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TRADEMARK REEL: 002966 FRAME: 0508

ASSIGNMENT

THIS ASSIGNMENT is executed this 12th day of March, 2004, by Darrell J. Smith (the "Assignor").

WITNESSETH

WHEREAS, Assignor is the owner of the mark POLAR-EYES with Design, which is registered in the United States Patent and Trademark Office, Registration No. 2,148,491, on April 7, 1998 (the "Trademark"); and

WHEREAS, DIOPTICS MEDICAL PRODUCTS, INC. (the "Assignee") having a principal place of business at 51 Zaca Lane, San Luis Obispo, CA 93401 is desirous of acquiring the Trademark and the registration thereof;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which hereby is acknowledged by the parties, Assignor does hereby assign, transfer, and set over to Assignee all right, title, and interest in the Trademark, together with the goodwill of the business symbolized by the Trademark, and the above identified registration thereof:

Darrell J. Smith
Darrell J. Smith

3/12/04
Date

STATE OF VIRGINIA

COUNTY OF ARLINGTON

On 3/12/04 before me, Rosemary Loney, Notary Public, personally appeared _____, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

SEAL

Rosemary Loney
Notary Public

My Commission Expires August 31, 2005