

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

|                       |  |
|-----------------------|--|
| SUBMISSION TYPE:      | NEW ASSIGNMENT                               |
| NATURE OF CONVEYANCE: | ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL |
| EFFECTIVE DATE:       | 10/11/2005                                   |

**CONVEYING PARTY DATA**

| Name                     | Formerly | Execution Date | Entity Type          |
|--------------------------|----------|----------------|----------------------|
| Linde Aktiengesellschaft |          | 10/11/2005     | CORPORATION: GERMANY |

**RECEIVING PARTY DATA**

|                 |                          |
|-----------------|--------------------------|
| Name:           | Linde Medical Sensors AG |
| Street Address: | Austrasse 25             |
| City:           | Basel                    |
| State/Country:  | SWITZERLAND              |
| Postal Code:    | 4051                     |
| Entity Type:    | CORPORATION: SWITZERLAND |

**PROPERTY NUMBERS Total: 1**

| Property Type        | Number  | Word Mark |
|----------------------|---------|-----------|
| Registration Number: | 2826880 | TOSCA     |

**CORRESPONDENCE DATA**

Fax Number: (212)468-4888  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 212-468-4800  
 Email: jkatz@dglaw.com  
 Correspondent Name: Jeffrey C. Katz  
 Address Line 1: 1740 Braodway  
 Address Line 4: New York, NEW YORK 10019

|                         |                |
|-------------------------|----------------|
| ATTORNEY DOCKET NUMBER: | 21743-0001-000 |
|-------------------------|----------------|

**DOMESTIC REPRESENTATIVE**

Name: DAVIS & GILBERT LLP  
 Address Line 1: 1740 Broadway

CH \$40.00 2826880

Address Line 2: c/o Jeffrey C. Katz  
Address Line 4: New York, NEW YORK 10019

|                    |                   |
|--------------------|-------------------|
| NAME OF SUBMITTER: | Jeffrey C. Katz   |
| Signature:         | /Jeffrey C. Katz/ |
| Date:              | 02/16/2006        |

Total Attachments: 3  
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RECORDATION FORM COVER SHEET  
**TRADEMARKS ONLY**

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

1. Name of conveying party(ies):

Linde Aktiengesellschaft

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

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

2. Name and address of receiving party(ies)

Name: Linde Medical Sensors AG

Internal

Address: \_\_\_\_\_

Street Address: Austrasse 25, 4051 Basel

City: Switzerland State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

3. Nature of conveyance:

- Assignment                       Merger  
 Security Agreement               Change of Name  
 Other \_\_\_\_\_

Execution Date: October 11, 2005

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

A. Trademark Application No.(s) \_\_\_\_\_

B. Trademark Registration No.(s) 2826880

Additional number(s) attached  Yes  No

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

Name: Jeffrey C. Katz

Internal Address: c/o DAVIS & GILBERT LLP

Street Address: 1740 Broadway

City: New York State: NY Zip: 10019

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:

502293

**DO NOT USE THIS SPACE**

9. Signature.

Jeffrey C. Katz

Name of Person Signing

[Signature]

Signature

2-16-06

Date

Total number of pages including cover sheet, attachments, and document: 3

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

ASSIGNMENT

WHEREAS, Linde Aktiengesellschaft., a corporation of Germany, located at Abraham-Lincoln-Strasse 21, 65189 Wiesbaden, Germany (hereinafter "Assignor"), is the owner of the mark listed below which is registered in United States Patent and Trademark Office.

| Mark Name | Reg. No. | Reg. Date      |
|-----------|----------|----------------|
| TOSCA     | 2826880  | March 30, 2004 |

WHEREAS, Linde Medical Sensors AG, a corporation of Switzerland, located at Austrasse 25, 4051 Basel, Switzerland (hereinafter "Assignee"), is desirous of acquiring said mark and said registration thereof.

THEREFORE, for good and valuable consideration receipt of which is hereby acknowledged, said Assignor does hereby assign unto said Assignee all right, title and interest in and to said mark, together with the goodwill of the business symbolized by the mark, and the registration thereof, and all rights to damages or profits, due or accrued, arising out of past infringement of said marks or injury to said goodwill, and the right to sue for and recover the same in the Assignee's own name.

IN WITNESS WHEREOF, this Assignment has been executed to be effective as of the 11th day of October 2005.

Linde Aktiengesellschaft

*Rainer Kasseber*  
 Name: *Rainer Kasseber*  
 Title: *General Patent Counsel*

Linde Medical Sensors AG

*P. Eberhard*  
 Name: *P. Eberhard*  
 Title: *CEO*

*T. Aebischer*  
 Title: *Sales Manager*

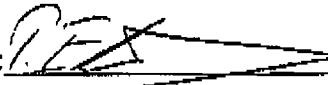
TRADEMARK

REEL: 003248 FRAME: 0826

APPOINTMENT OF DOMESTIC REPRESENTATIVE

The undersigned hereby appoints, jointly and severally, DAVIS & GILBERT LLP, and members and associates of that firm who are members of the Bar of the State of New York, having their offices at 1740 Broadway, New York, New York 10019, as applicant's representative upon whom notices of process in proceedings affecting the mark may be served.

Linde Medical Sensors AG

By:   
Name: *P. Eberhard*  
Title: *CEO* *T. Actischer*  
*Sales Manager*

Date: ~~November~~ December 27, 2005