

7-31-06



OFFICE OF PUBLIC RECORDS

103286053

2006 JUL 21 AM 11:55

To the Director of the U. S. Patent and Trademark Office, please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):

Sherwood Services AG
Bahnhofstrasse 29
8200 Schaffhausen
Switzerland

- Individual(s)
- General Partnership
- Corporation- State: SWITZERLAND
- Other
- Association
- Limited Partnership

Citizenship (see guidelines)

Additional names of conveying parties attached? Yes No

3. Nature of conveyance /Execution Date(s) :

Execution Date(s) 6/7/06; 7/17/06

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

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: Vivant Medical, Inc.

Internal Address:

Address:

Street Address: 150 Glover Avenue

City: Norwalk

State: Connecticut

Country: USA Zip: 06856

- Association Citizenship
- General Partnership Citizenship
- Limited Partnership Citizenship
- Corporation Citizenship USA
- Other Citizenship

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)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

78/815,124; 78/815,173; 78/815,141; 78/815,160; 78/842,192

B. Trademark Registration No.(s)

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

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

Name: Mark Farber, Esq.

Internal Address:

Street Address: 195 McDermott Road

City: North Haven

State: Connecticut Zip: 06473

Phone Number: 203-492-8193

Fax Number: 203-492-8232

Email Address:

6. Total number of applications and registrations involved:

5

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 200

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number 21-0550

Authorized User Name Mark Farber

9. Signature:

Signature

7/26/06

Date

08/02/2006 DBYRNE Mark Farber Reg. No. 84,159

01 FC:8521 40.00 DA Name of Person Signing

02 FC:8522 100.00 DA Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

Total number of pages including cover sheet, attachments, and document: 6

ASSIGNMENT OF TRADEMARKS

THIS ASSIGNMENT OF TRADEMARKS effective the 15th day of February, 2006 by and between SHERWOOD SERVICES AG., a Switzerland corporation having its principal place of business at Bahnhofstrasse 29, 8200 Schaffhausen, Switzerland ("Assignor") and VIVANT MEDICAL, Inc. a Delaware corporation, having its principal place of business at 150 Glover Avenue, Norwalk, CT 06856 ("Assignee").

WHEREAS, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignee has agreed to purchase Trademarks, Service Marks and Common Law Marks of Assignor, and Assignor has agreed to cause the same to be transferred, assigned and contributed to Assignee;

WHEREAS, Assignor owns all right, title and interest to and is the sole exclusive owner of the emarks, Service Marks and Common Law Marks, including but not limited to those listed on Schedule A, attached hereto and incorporated herein (the "Trademarks") and all registrations, applications and good will represented by the Trademarks;

WHEREAS, Assignor owns all right, title and interest to and is the sole exclusive owner of the emarks, Service Marks and Common Law Marks, including but not limited to those listed on Schedule B, attached hereto and incorporated herein (the "Trademarks") and all future registrations, applications and good will represented by the Trademarks;

WHEREAS, Assignor desires to assign and transfer to Assignee, and its successors, assigns and legal representatives, Assignor's entire right, title, interest and the good will represented by the Trademarks, including the right to sue for present, past and future infringement, in the United States, its territorial possessions, and in all foreign countries, including all treaty and convention rights. Assignee is desirous of acquiring the same.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign, sell and transfer to Assignee all of its right, title, and interest in and to the Trademarks, all registrations, world-wide applications and the good will represented by the Trademarks.

IN WITNESS WHEREOF, Assignor and Assignee have executed this assignment as of the date first written above.

SHERWOOD SERVICES AG

By: 
Name: Michelle Glauser
Title: Managing Director

Agreed and accepted by Assignee:

Vivant Medical, Inc.

By: 
Alan R. Carlton
Asst. Secretary

STATE OF Connecticut SS: Norwalk
COUNTY OF Fairfield

On this 17th day of July, 2006, before me personally came Alan R. Carlton, to me known, who, being by me first duly sworn, did depose and say that he is the Asst. Secretary of the Assignee, Vivant Medical, the corporation described in and which executed the foregoing instrument; and that he signed his name to such instrument.

Michelle M. Bonenfant
Notary Public
My Commission Expires: 8/31/09

MICHELLE M. BONENFANT
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2009

Trademark Assignment Schedule A

Trademark	Docket Number/Subcase	Country Name	Application Number/Date	Publication Number/Date	Registration Number/Date	Status
-----------	-----------------------	--------------	-------------------------	-------------------------	--------------------------	--------

VIVARING	T-H-US-00146/	United States of America	78/815124 15-Feb-2006			Pending
----------	---------------	--------------------------	--------------------------	--	--	---------

Classes(s): 10 Int.
Business Unit: Vivant/Valleylab
Agent Name:
Division: UNITED STATES SURGICAL
Attorney(s): VR
Div. Ref#:
Agent Ref:

VIVARING ATOM	T-H-US-00150/	United States of America	78/815173 15-Feb-2006			Pending
---------------	---------------	--------------------------	--------------------------	--	--	---------

Classes(s): 10 Int.
Business Unit: Vivant/Valleylab
Agent Name:
Division: UNITED STATES SURGICAL
Attorney(s): VR
Div. Ref#:
Agent Ref:

VIVARING TRIO	T-H-US-00152/	United States of America	78/815141 15-Feb-2006			Pending
---------------	---------------	--------------------------	--------------------------	--	--	---------

Classes(s): 10 Int.
Business Unit: Vivant/Valleylab
Agent Name:
Division: UNITED STATES SURGICAL
Attorney(s): VR
Div. Ref#:
Agent Ref:

VIVARING UNO	T-H-US-00151/	United States of America	78/815160 15-Feb-2006			Pending
--------------	---------------	--------------------------	--------------------------	--	--	---------

Classes(s): 10 Int.
Business Unit: Vivant/Valleylab
Agent Name:
Division: UNITED STATES SURGICAL
Attorney(s): VR
Div. Ref#:
Agent Ref:

Trademark Assignment Schedule A

Trademark	Docket Number/Subcase Country Name	Application Number/Date	Publication Number/Date	Registration Number/Date	Status Next Renewal
VIVATIP Resp. Off.: Ussur	T-H-US-00147/ United States of America	78/842192 21-Mar-2006			Pending
<p><i>Class(es):</i> 10 Int. <i>Business Unit:</i> Vivant/Valleylab <i>Agent Name:</i> Division: UNITED STATES SURGICAL</p>					
<p><i>Attorney(s):</i> VR <i>Div. Ref#:</i> <i>Agent Ref:</i></p>					

TRADEMARK