

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT																										
NATURE OF CONVEYANCE:	Release of Security Interest in Trademark Rights on Reel/Frame 5030/0583																										
CONVEYING PARTY DATA																											
<table border="1"> <thead> <tr> <th>Name</th> <th>Formerly</th> <th>Execution Date</th> <th>Entity Type</th> </tr> </thead> <tbody> <tr> <td>MidCap Funding IV, LLC (successor in interest to MidCap Funding V, LLC)</td> <td></td> <td>02/21/2014</td> <td>LIMITED LIABILITY COMPANY: DELAWARE</td> </tr> </tbody> </table>				Name	Formerly	Execution Date	Entity Type	MidCap Funding IV, LLC (successor in interest to MidCap Funding V, LLC)		02/21/2014	LIMITED LIABILITY COMPANY: DELAWARE																
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<p>Fax Number: 8004947512 <i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i></p> <p>Phone: 202-370-4761 Email: ipteam@nationalcorp.com Correspondent Name: Thomas Fahey Address Line 1: 1025 Vermont Ave NW, Suite 1130 Address Line 2: National Corporate Research, Ltd. Address Line 4: Washington, DISTRICT OF COLUMBIA 20005</p>																											
ATTORNEY DOCKET NUMBER:	F148582																										
NAME OF SUBMITTER:	Mariee Pilkington																										

OP \$65.00 3473585

Signature:	/Mariee Pilkington/
Date:	02/24/2014
Total Attachments: 5 source=#85622643v1 - (Pernix Sleep, Inc. Trademark Release (5.8.13 Agmt))#page2.tif source=#85622643v1 - (Pernix Sleep, Inc. Trademark Release (5.8.13 Agmt))#page3.tif source=#85622643v1 - (Pernix Sleep, Inc. Trademark Release (5.8.13 Agmt))#page4.tif source=#85622643v1 - (Pernix Sleep, Inc. Trademark Release (5.8.13 Agmt))#page5.tif source=#85622643v1 - (Pernix Sleep, Inc. Trademark Release (5.8.13 Agmt))#page6.tif	

TRADEMARK RECORDATION COVER SHEET

SCHEDULE 1

to

RELEASE OF SECURITY INTEREST IN TRADEMARK RIGHTS

Trademarks:

Mark	Country	Status	Serial No.	Filing Date	Reg. No.	Reg. Date
SOMAXON PHARMACEUTICALS	US	Registered	78/289,118	8/19/2003	3473585	7/22/2008
SOMAXON PHARMACEUTICALS	AU	Registered	989762	2/19/2004	989762	2/4/2005
SOMAXON PHARMACEUTICALS	CA	Registered	1207206	2/18/2004	TMA745587	8/18/2009
SOMAXON PHARMACEUTICALS	EU	Registered	3672102	2/19/2004	3672102	6/15/2005
SOMAXON PHARMACEUTICALS	JP	Registered	2004- 014086	2/18/2004	4783446	7/2/2004
SILENOR	US	Registered	78/640,504	5/31/2005	3477986	7/29/2008
SILENOR	CA	Registered	1280190	11/9/2005	TMA744387	7/30/2009
SILENOR	EU	Registered	4737284	11/14/2005	4737284	12/11/2006
SILENOR	KR	Pending	2012- 57808	9/14/2012		
SILENOR (Korean Transliteration)	KR	Pending	40-2012- 0058236	9/17/2012		

RELEASE OF SECURITY INTEREST IN TRADEMARK RIGHTS

This **RELEASE OF SECURITY INTEREST IN TRADEMARK RIGHTS**, dated as of February 21, 2014 (this "Release"), is made by **MIDCAP FUNDING IV, LLC**, as successor in interest to MidCap Financial, LLC (the "Assignor"), in its capacity as administrative agent under that certain Amended and Restated Credit Agreement dated as of May 8, 2013 (as amended, amended and restated, extended, supplemented or otherwise modified from time to time, including, without limiting the foregoing, by that certain Amendment No. 1 to Amended and Restated Credit Agreement dated as of the date hereof, the "Credit Agreement"), in favor of Pernix Sleep, Inc. (the "Assignee"). Capitalized terms used but not defined herein shall have the meanings set forth in the Credit Agreement.

W I T N E S S E T H:

WHEREAS, the Assignor and the Assignee are parties to (i) that certain Security and Pledge Agreement, dated as of December 31, 2012 (as amended, restated, supplemented or otherwise modified prior to the date hereof) and (ii) that certain Trademark Security Agreement, dated as of May 8, 2013 (the "Trademark Security Agreement");

WHEREAS, pursuant to the Trademark Security Agreement, the Assignee pledged and granted to the Assignor a continuing security interest in and Lien on the Assignee's right, title and interest in and to the items set forth on Schedule 1 hereto (collectively, the "Trademark Collateral");

WHEREAS, the Trademark Security Agreement was recorded with the United States Patent and Trademark Office ("USPTO") on May 17, 2013, on Reel 5030, Frame 0583.

WHEREAS, the Assignee desires that the Assignor terminate and release its continuing security interest in and Lien on the Assignee's right, title and interest in and to the Trademark Collateral.

NOW THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 1. *Release of Security Interest in Trademark Collateral.* The Assignor hereby terminates, releases and discharges fully, without representation, warranty or recourse of any kind, its continuing security interest in and Lien on the Assignee's right, title and interest in and to the Trademark Collateral, and reassigns and transfers to the Assignee all right, title and interest that the Assignor may have in the Trademark Collateral.

SECTION 2. *Recordation of Release.* The Assignor hereby authorizes the Assignee, or the Assignee's authorized representative or representatives, as the case may be, to record this Release with the USPTO. The Assignor further authorizes and requests that the Commissioner

for Trademarks in the USPTO, and any other necessary United States government officer, record this Release; it being understood that such recordation shall be at the Assignee's sole expense.

SECTION 3. *Governing Law.* This Release shall be governed by and construed in accordance with the laws of the State of New York.

[Signature Page Follows]

IN WITNESS WHEREOF this Release of Security Interest in Trademark Rights
has been duly executed as of the date first written above.

**MIDCAP FUNDING IV, LLC, as
Assignor**

By: 
Name: *Brett Robinson*
Title: *Managing Director*

[Signature Page to Trademark Release (Pernix Sleep, Inc.)]

**TRADEMARK
REEL: 005222 FRAME: 0643**

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