

TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	Release of Security Interest in Trademark Rights on Reel/Frame 4935/0327

<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
MidCap Funding IV, LLC (successor in interest to MidCap Funding V, LLC)		02/21/2014	LIMITED LIABILITY COMPANY: DELAWARE

<b>RECEIVING PARTY DATA</b>	
<b>Name:</b>	Hawthorn Pharmaceuticals, Inc.
<b>Street Address:</b>	135 Industrial Boulevard
<b>City:</b>	Madison
<b>State/Country:</b>	MISSISSIPPI
<b>Postal Code:</b>	39110
<b>Entity Type:</b>	CORPORATION: MISSISSIPPI

<b>PROPERTY NUMBERS Total: 14</b>		
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>
Serial Number:	85615823	TUZENDA
Serial Number:	85374196	XIREZ
Serial Number:	77763422	HAWTHORN PHARMACEUTICALS, INC.
Registration Number:	4059980	ARBINOXA
Registration Number:	4105641	ZUTRIPRO
Registration Number:	3749753	HYLIRA
Registration Number:	3749061	VERIPRED
Registration Number:	3751655	ZAMICET
Registration Number:	3749059	ELIPHOS
Registration Number:	2850562	DYTAN
Registration Number:	2850561	ICAR
Registration Number:	2842771	XIRATUSS
Registration Number:	4303591	REZIRA

OP \$365.00 85615823

Serial Number:

85615837

VITUZ

**CORRESPONDENCE DATA**

Fax Number:

8004947512

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.*

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

ATTORNEY DOCKET NUMBER:

F148582

NAME OF SUBMITTER:

Mariee Pilkington

Signature:

/Mariee Pilkington/

Date:

02/24/2014

**Total Attachments: 10**

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**TRADEMARK RECORDATION COVER SHEET**

**SCHEDULE 2**

to

**RELEASE OF SECURITY INTEREST IN TRADEMARK RIGHTS**

**B. Hawthorn Pharmaceuticals, Inc.**

**Trademark Applications**

<b>Trademark/Service Mark</b>	<b>Serial Number</b>	<b>Filing Date</b>	<b>Goods/Services</b>
Tuzenda	85615823	05/03/2012 <i>Abandoned</i> 08/12/2012	Pharmaceutical preparations for the treatment of cough and upper respiratory symptoms associated with allergy or common cold
Xirez	85374196	07/18/2011 <i>Abandoned</i> 06/07/2012	Pharmaceutical preparations for the relief of cough and congestion in the common cold
Hawthorn Pharmaceuticals, Inc. (and Design)	77763422	06/18/2009 <i>Abandoned</i> 09/30/2012	Pharmaceutical preparations for the treatment of pediatric conditions, renal conditions, and the relief of pain.

**Trademarks**

<b>Trademark/Service Mark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Goods/Services</b>
Arbinoxa	4059980	11/22/2011	Allergy medications
Zutripro	4105641	02/28/2012	Cough treatment preparations; Preparations for treating colds
Hylira	3749753	02/16/2010	Pharmaceutical preparations for the treatment of xerosis
Veripred	3749061	02/16/2010	Steroids
Zamicet	3751655	02/23/2010	Analgesics
Eliphos	3749059	02/16/2010	Pharmaceutical preparations for the treatment of hyperphosphatemia in end stage renal failure
DYTAN	2850562	06/08/2004	Antihistaminic for amelioration of allergic reactions
ICAR	2850561	06/08/2004	Vitamin and mineral supplements
Xiratuss	2842771	05/18/2004	Pharmaceutical preparation for the symptomatic relief of the cough and nasal congestion associated with the common cold
Rezira	4303591	03/19/2013	Cough treatment preparations; Preparations for treating colds
Vituz	4440956	11/26/2013	Pharmaceutical preparations for the treatment of cough and upper respiratory symptoms associated with allergy or common cold

**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 Funding V, 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 the parties set forth on Schedule 1 hereto (the "Assignees"). Capitalized terms used but not defined herein shall have the meanings set forth in the Credit Agreement.

WITNESSETH:

**WHEREAS**, the Assignor and the Assignees 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 December 31, 2012 (the "Trademark Security Agreement");

**WHEREAS**, pursuant to the Trademark Security Agreement, the Assignees pledged and granted to the Assignor a continuing security interest in and Lien on the Assignees' right, title and interest in and to the items set forth on Schedule 2 hereto (collectively, the "Trademark Collateral");

**WHEREAS**, the Trademark Security Agreement was recorded with the United States Patent and Trademark Office ("USPTO") as follows: in respect of Cypress Pharmaceuticals, Inc. on January 3, 2013, on Reel 4935, Frame 0160; in respect of Hawthorn Pharmaceuticals, Inc. on January 3, 2013, on Reel 4935, Frame 0327, with a corrective filing recorded with the USPTO on January 7, 2013, on Reel 4937, Frame 0580; in respect of Pernix Therapeutics, LLC on January 3, 2013, on Reel 4935, Frame 0175, with a corrective filing recorded with the USPTO on January 7, 2013, on Reel 4937, Frame 0599; and in respect of Pernix Therapeutics Holdings, Inc. on January 3, 2013, on Reel 4935, Frame 0245, with a corrective filing recorded with the USPTO on January 7, 2013, on Reel 4937, Frame 0620.

**WHEREAS**, the Assignees desire that the Assignor terminate and release its continuing security interest in and Lien on the Assignees' 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 Assignees' right, title and interest in

and to the Trademark Collateral, and reassigns and transfers to the Assignees all right, title and interest that the Assignor may have in the Trademark Collateral.

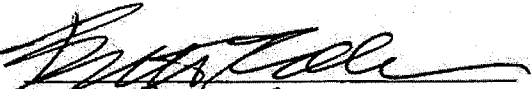
SECTION 2. *Recordation of Release.* The Assignor hereby authorizes the Assignees, or the Assignees' authorized representative or representatives, as the case may be, to record this Release with the USPTO. The Assignor further authorizes and requests that the Commissioner for Trademarks in the USPTO, and any other necessary United States government officer, record this Release; it being understood that such recordation shall be at the Assignees' 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]*

TRADEMARK  
REEL: 005222 FRAME: 0662

**SCHEDULE 1**  
**to**  
**RELEASE OF SECURITY INTEREST IN TRADEMARK RIGHTS**  
**ASSIGNEES**

Cypress Pharmaceuticals, Inc.  
Hawthorn Pharmaceuticals, Inc.  
Pernix Therapeutics Holdings, Inc.  
Pernix Therapeutics, LLC

**SCHEDULE 2**  
to  
**RELEASE OF SECURITY INTEREST IN TRADEMARK RIGHTS**

**A. Cypress Pharmaceuticals, Inc.**

**Trademarks**

Trademark/Service Mark	Registration Number	Registration Date	Goods/Services
Cypress Pharmaceutical, Inc. (and Design)	2101153	09/30/1997	Pharmaceutical preparations for the treatment of pain, histamine production, congestion, cough, urinary tract disorders, respiratory ailments, psychotic conditions, hemorrhoids, gastrointestinal disorders, spasms, pinworms, urinary incontinence, and nausea

**B. Hawthorn Pharmaceuticals, Inc.**

**Trademark Applications**

Trademark/Service Mark	Serial Number	Filing Date	Goods/Services
Tuzenda	85615823	05/03/2012 <i>Abandoned</i> 08/12/2012	Pharmaceutical preparations for the treatment of cough and upper respiratory symptoms associated with allergy or common cold
Xirez	85374196	07/18/2011 <i>Abandoned</i> 06/07/2012	Pharmaceutical preparations for the relief of cough and congestion in the common cold
Hawthorn Pharmaceuticals, Inc. (and Design)	77763422	06/18/2009 <i>Abandoned</i> 09/30/2012	Pharmaceutical preparations for the treatment of pediatric conditions, renal conditions, and the relief of pain.

**Trademarks**

Trademark/Service Mark	Registration Number	Registration Date	Goods/Services
Arbinoxa	4059980	11/22/2011	Allergy medications
Zutripro	4105641	02/28/2012	Cough treatment preparations; Preparations for treating colds
Hylira	3749753	02/16/2010	Pharmaceutical preparations for the treatment of xerosis
Veripred	3749061	02/16/2010	Steroids
Zamicet	3751655	02/23/2010	Analgesics



Eliphos	3749059	02/16/2010	Pharmaceutical preparations for the treatment of hyperphosphatemia in end stage renal failure
DYTAN	2850562	06/08/2004	Antihistaminic for amelioration of allergic reactions
ICAR	2850561	06/08/2004	Vitamin and mineral supplements
Xiratuss	2842771	05/18/2004	Pharmaceutical preparation for the symptomatic relief of the cough and nasal congestion associated with the common cold
Rezira	4303591	03/19/2013	Cough treatment preparations; Preparations for treating colds
Vituz	4440956	11/26/2013	Pharmaceutical preparations for the treatment of cough and upper respiratory symptoms associated with allergy or common cold


C. Pernix Therapeutics, LLC

**Trademark Applications**

<b>Trademark/Service Mark</b>	<b>Serial Number</b>	<b>Filing Date</b>	<b>Goods/Services</b>
Allanhist PDX	85347049	06/15/2011	Pharmaceutical preparations for the treatment of coughing; Pharmaceutical preparations for treating allergic rhinitis and asthma; Pharmaceutical products for treating respiratory diseases; Drug delivery agents consisting of compounds that facilitate delivery of a wide range of pharmaceuticals; Medicinal preparations for the mouth to be applied in the form of drops, capsules, tablets and compressed tablets; Pharmaceutical preparations, namely, drug delivery agents consisting of compounds that facilitate the delivery of a continuous release of a wide variety of therapeutic agents
Pediahist	85347018	06/15/2011	Pharmaceutical preparations for the treatment of coughing; Drug delivery agents consisting of compounds that facilitate delivery of a wide range of pharmaceuticals; Medicinal preparations for the mouth to be applied in the form of drops, capsules, tablets and compressed tablets; Pharmaceutical preparations for treating

			allergic rhinitis and asthma; Pharmaceutical preparations, namely, drug delivery agents consisting of compounds that facilitate the delivery of a continuous release of a wide variety of therapeutic agents; Pharmaceutical products for treating respiratory diseases and asthma
Z-Pro	77541481	08/07/2008 <i>Abandoned</i> 04/30/2012	Pharmaceutical preparations in the nature of a pediatric antihistamine; Pharmaceutical preparations for coughing; Cough medicine
Infatuss	85292460	04/12/2011	Pharmaceutical preparations for the treatment of coughing; Cough medicines
Infahist	85292466	04/12/2011	Pharmaceutical preparations in the nature of antihistamines
Encinta	85097598	07/31/2010	Vitamins; Pharmaceutical preparations for allergy relief; Pharmaceutical preparations for treatment of nausea
NaZyne	77542160	08/08/2008 <i>Abandoned</i> 08/06/2012	Pharmaceutical preparations in the nature of a pediatric antihistamine; Pharmaceutical preparations for coughing; Cough medicine
Infahist	77247036	08/03/2007 <i>Abandoned</i> 05/16/2011	Pharmaceutical preparations in the nature of antihistamines
Infatuss	77247057	08/03/2007 <i>Abandoned</i> 05/16/2011	Pharmaceutical preparations for the treatment of coughing. Cough medicines
Infapred	85637869	05/29/2012	Liquid steroid-containing drug preparation for oral use, namely, pharmaceutical preparation for the treatment of respiratory inflammation
Painergy	85744457	10/03/2012	Pharmaceutical preparation for providing energy and pain relief
Epi-Twin	85277378	03/25/2011 <i>Abandoned</i> 12/22/2011	Injectable pharmaceuticals for the treatment of allergies


### Trademarks

Trademark/Service Mark	Registration Number	Registration Date	Goods/Services
	4076351	12/27/2011	Full line of medical, pharmaceutical, and therapeutic preparations for use in connection with humans
Pernix	3897832	12/28/2010	Full line of medical, pharmaceutical, and therapeutic preparations for use in connection

			with humans
Cardec	3986999	06/28/2011	Cough syrups
Pediatex	2684051	02/04/2003	Pharmaceutical preparations in the nature of a pediatric antihistamine
Cedax	1610363	08/21/1990	Antibiotic preparation
<b>BroveX</b>	2764357	09/16/2003	Pharmaceutical preparation for the treatment of allergies, seasonal and perennial rhinorrhea, itchy watery eyes, nose and throat, and hay fever
Brovex	3347390	12/04/2007	Pharmaceutical preparation for the treatment of allergies, seasonal and perennial rhinorrhea, itchy watery eyes, nose and throat, and hay fever
Aldex	2748943	08/05/2003	Allergy and cold relief medication for adults and children
Zema-Pak	3794748	05/25/2010	Pharmaceutical preparations and products for treatment of poison ivy, poison oak, eczema, and skin rashes; Pharmaceutical products, drugs, and medicines for treatment of skin rashes
ReZyst	3703028	10/27/2009	Pharmaceutical preparations, drugs, medicines, and medical foods for treatment of respiratory diseases and disorders; pharmaceutical preparations, drugs, medicines, and medical foods for respiratory relief; antibiotics; antibiotic pharmaceuticals, drugs, medicines and medical foods; pharmaceutical preparations, drugs, medicines, and medical foods for providing antibiotic aid
QuinZyme	3703027	10/27/2009	Pharmaceutical preparations, drugs, medicines, and medical foods for treatment of respiratory diseases and disorders; pharmaceutical preparations, drugs, medicines, and medical foods for respiratory relief; cardiovascular pharmaceuticals, drugs, medicines and medical foods; pharmaceutical preparations, drugs, medicines, and medical foods for treatment of cardiovascular related disorders and diseases
Coco-Cof	3854065	09/28/2010	Pharmaceutical products for treating respiratory diseases and asthma; and nutritional supplements for respiratory relief
Nodolor	3962007	05/17/2011	Pharmaceutical preparation used as an antihistamine; pharmaceutical preparation for pain relief; pharmaceutical preparation for

TRADEMARK

REEL: 005222 FRAME: 0667

			treating upper respiratory diseases and asthma
Z-Cof	2738086	07/15/2003	Cough medicine
TCT	2995512	09/13/2005	Pharmaceutical preparations for human and veterinary use, namely decongestants, cough suppressants, antitussives, pharmaceutical preparations for neuroleptic purposes; pharmaceutical preparations for sleeping purposes; nutraceuticals for use as a dietary supplement
TCT TANNATE CONVERSION TECHNOLOGY	3085781	04/25/2006	Pharmaceutical preparations for human and veterinary use, namely decongestants, cough suppressants, antitussives
	3133887	08/22/2006	Full line of pharmaceuticals
TussiNAC	4129092	04/17/2012	Prescription medical food products for treating respiratory diseases and asthma comprising n-acetylcysteine as an active ingredient; nutritional supplements for respiratory relief comprising n-acetylcysteine as an active ingredient
Allres	3592228	03/17/2009	Pharmaceutical preparations, namely, prescription cough and cold medication

**D. Pernix Therapeutics Holdings, Inc.**

**Trademark Applications**

Trademark	Serial Number	Filing Date	Registration Number	Registration Date
DR. COCOA	85700789	08/10/2012	None	None.
DR. COCOA	85700783	08/10/2012	None	None.
FIGHT THE COUGH NOT THE KID	85772252	11/06/2012	None	None.