# TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

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|---|---|
| SUBMISSION TYPE: | NEW ASSIGNMENT |
| NATURE OF CONVEYANCE: | Release of Security Interest in Trademark Rights on Reel/Frame 4937/0599 |

CONVEYING PARTY DATA

| 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 |

RECEIVING PARTY DATA

| | |
|---|---|
| Name: | Pernix Therapeutics, LLC |
| Street Address: | 135 Industrial Boulevard |
| City: | Madison |
| State/Country: | MISSISSIPPI |
| Postal Code: | 39110 |
| Entity Type: | LIMITED LIABILITY COMPANY: LOUISIANA |

PROPERTY NUMBERS Total: 31

| Property Type | Number | Word Mark |
|---|---|---|
| Serial Number: | 85347049 | ALLANHIST PDX |
| Serial Number: | 85347018 | PEDIAHIST |
| Serial Number: | 77541481 | Z-PRO |
| Serial Number: | 85292460 | INFATUSS |
| Serial Number: | 85292466 | INFAHIST |
| Serial Number: | 85097598 | ENCINTA |
| Serial Number: | 77542160 | NAZYNE |
| Serial Number: | 77247036 | INFAHIST |
| Serial Number: | 77247057 | INFATUSS |
| Serial Number: | 85637869 | INFAPRED |
| Serial Number: | 85744457 | PAINERGY |
| Serial Number: | 85277378 | EPI-TWIN |
| Registration Number: | 4076351 | PERNIX THERAPEUTICS |

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|---|---|---|
| Registration Number: | 3897832 | PERNIX |
| Registration Number: | 3986999 | CARDEC |
| Registration Number: | 2684051 | PEDIATEX |
| Registration Number: | 1610363 | CEDAX |
| Registration Number: | 2764357 | BROVEX |
| Registration Number: | 3347390 | BROVEX |
| Registration Number: | 2748943 | ALDEX |
| Registration Number: | 3794748 | ZEMA-PAK |
| Registration Number: | 3703028 | REZYST |
| Registration Number: | 3703027 | QUINZYME |
| Registration Number: | 3854065 | COCO-COF |
| Registration Number: | 3962007 | NODOLOR |
| Registration Number: | 2738086 | Z-COF |
| Registration Number: | 2995512 | TCT |
| Registration Number: | 3085781 | TCT TANNATE CONVERSION TECHNOLOGY |
| Registration Number: | 3133887 | TCT |
| Registration Number: | 4129092 | TUSSINAC |
| Registration Number: | 3592228 | ALLRES |

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: 13

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**TRADEMARK RECORDATION COVER SHEET**

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

**C. Pernix Therapeutics, LLC**

**Trademark Applications**

| Trademark/Service Mark | Serial Number | Filing Date | Goods/Services |
|---|---|---|---|
| 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 *Abandoned 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 |

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|---|---|---|---|
| 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 *Abandoned 08/06/2012* | Pharmaceutical preparations in the nature of a pediatric antihistamine; Pharmaceutical preparations for coughing; Cough medicine |
| Infahist | 77247036 | 08/03/2007 *Abandoned 05/16/2011* | Pharmaceutical preparations in the nature of antihistimines |
| Infatuss | 77247057 | 08/03/2007 *Abandoned 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 *Abandoned 12/22/2011* | Injectable pharmaceuticals for the treatment of allergies |

**Trademarks**

| Trademark/Service Mark | Registration Number | Registration Date | Goods/Services |
|---|---|---|---|
| PERNIX | 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 |
| BrōveX | 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 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; nutriceuticals for use as a dietary supplement |
| TCT TANNATE CONVERSION | 3085781 | 04/25/2006 | Pharmaceutical preparations for human and veterinary use, namely decongestants, cough |

| | | | |
|---|---|---|---|
| TECHNOLOGY | | | 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 nacetylcysteine as an active ingredient |
| Allres | 3592228 | 03/17/2009 | Pharmaceutical preparations, namely, prescription cough and cold medication |

EXECUTION VERSION

# 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.

W I T N E S S E T H:

**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]*

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

**ASSIGNEES**

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

#85588132v6

**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 *Abandoned 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 *Abandoned 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 *Abandoned 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**

| Trademark/Service Mark | Serial Number | Filing Date | Goods/Services |
|---|---|---|---|
| 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 *Abandoned 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 *Abandoned 08/06/2012* | Pharmaceutical preparations in the nature of a pediatric antihistamine; Pharmaceutical preparations for coughing; Cough medicine |
| Infahist | 77247036 | 08/03/2007 *Abandoned 05/16/2011* | Pharmaceutical preparations in the nature of antihistimines |
| Infatuss | 77247057 | 08/03/2007 *Abandoned 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 *Abandoned 12/22/2011* | Injectable pharmaceuticals for the treatment of allergies |

**Trademarks**

| Trademark/Service Mark | Registration Number | Registration Date | Goods/Services |
|---|---|---|---|
| PERNIX THERAPEUTICS | 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 |
| BrōveX | 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 |

| | | | |
|---|---|---|---|
| | | | 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; nutriceuticals 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 nacetylcysteine as an active ingredient |
| Allres | 3592228 | 03/17/2009 | Pharmaceutical preparations, namely, prescription cough and cold medication |

**D. <u>Pernix Therapeutics Holdings, Inc.</u>**

**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. |