

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM323500

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Encore Medical Asset Corporation		10/29/2014	CORPORATION: NEVADA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Zimmer Spine, Inc.		
<b>Street Address:</b>	7375 Bush Lake Road		
<b>City:</b>	Minneapolis		
<b>State/Country:</b>	MINNESOTA		
<b>Postal Code:</b>	55439		
<b>Entity Type:</b>	CORPORATION: DELAWARE		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	2087777	VITALITY	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	3176377561		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
<b>Phone:</b>	317-634-3456		
<b>Email:</b>	DocketDept@uspatent.com		
<b>Correspondent Name:</b>	Marta L. Paul		
<b>Address Line 1:</b>	111 Monument Circle		
<b>Address Line 2:</b>	Suite 3700		
<b>Address Line 4:</b>	Indianapolis, INDIANA 46204-5137		
<b>ATTORNEY DOCKET NUMBER:</b>	65035-450		
<b>NAME OF SUBMITTER:</b>	Marta L. Paul		
<b>SIGNATURE:</b>	/Marta L. Paul/		
<b>DATE SIGNED:</b>	11/18/2014		
<b>Total Attachments: 2</b>			
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OP \$40.00 2087777

## TRADEMARK ASSIGNMENT

**WHEREAS**, Encore Medical Asset Corporation, a corporation of the State of Nevada, with an office located at 1430 Decision Street, Vista, California 92081 (hereinafter "Assignor"), is the owner of the mark VITALITY for orthopedic implants and the goodwill thereto, including United States Federal Trademark Registration No. 2,087,777, issued August 12, 1997 (hereinafter "Trademark");

**WHEREAS**, Zimmer Spine, Inc., a corporation of the State of Delaware, located at 7375 Bush Lake Road, Minneapolis, Minnesota 55439, United States (hereinafter "Assignee") desires to acquire said Trademark;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Assignor hereby assigns to the Assignee its entire right, title and interest in and to the Trademark, together with the goodwill associated therewith; as well as the right to sue for all causes of action related to the Trademark, including but not limited to infringement, dilution, unfair competition, priority, concurrent use, and cybersquatting; and the right to recover remedies, including but not limited to damages, injunctive and other equitable relief, seizure, interest, attorneys' fees, and costs, relative to those causes of action, to hold unto the Assignee absolutely; upon assignment of the Trademark to Assignee, Assignor assumes no liability related to the use of the Trademark by the Assignee or any subsequent successor or assign after such assignment and Assignee shall be responsible for all judgments, costs, and expenses related to any claim, demand, or settlement resulting from Assignee's use of the Trademark after execution of this assignment.

Said Trademark is to be held and enjoyed by Assignee for its own use and benefit and for its successors and assigns to the full end of the present or extended term for which the Certificate of Registration has been granted, as fully and entirely as the same would have been held by Assignor if this assignment and contribution had not been made.

**IN WITNESS WHEREOF**, Assignor has caused this Assignment to be executed and effective as of the 29<sup>th</sup> day of October, 2014.

WITNESS Assignor's hand:

Assignor:

By: 

Name: Donald M. Roberts

Title: Executive V.P. & General Counsel

Date: October 29, 2014

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Diego

On 10-29-2014 before me, Jeri A. McDonnell, Notary Public  
(Here insert name and title of the officer)

personally appeared Donald M. Roberts

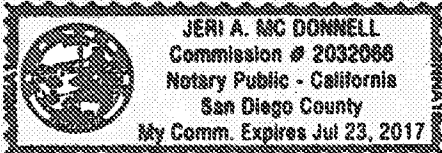
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
 Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

**DESCRIPTION OF THE ATTACHED DOCUMENT**

Trade Mark Assignment  
(Title or description of attached document)

"VITALITY II"  
(Title or description of attached document continued)

Number of Pages 1 Document Date 10-29-14  
(Additional information)

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ◆ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ◆ Indicate title or type of attached document, number of pages and date.
  - ◆ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

**CAPACITY CLAIMED BY THE SIGNER**

Individual (s)

Corporate Officer  
Ex. VP on Grand Court  
(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other \_\_\_\_\_