

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM425071

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|---|--|-----------------------|-----------------------|
| SUBMISSION TYPE: | RESUBMISSION | | |
| NATURE OF CONVEYANCE: | ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL | | |
| RESUBMIT DOCUMENT ID: | 900400177 | | |
| CONVEYING PARTY DATA | | | |
| Name | Formerly | Execution Date | Entity Type |
| Ellman International, Inc. | | 09/05/2014 | Corporation: NEW YORK |
| RECEIVING PARTY DATA | | | |
| Name: | Cynosure, Inc. | | |
| Street Address: | 5 Carlisle Road | | |
| City: | Westford | | |
| State/Country: | MASSACHUSETTS | | |
| Postal Code: | 01886 | | |
| Entity Type: | Corporation: DELAWARE | | |
| PROPERTY NUMBERS Total: 1 | | | |
| Property Type | Number | Word Mark | |
| Registration Number: | 4368479 | EMPIRE | |
| CORRESPONDENCE DATA | | | |
| Fax Number: | 9142317822 | | |
| <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> | | | |
| Phone: | 9142317822 | | |
| Email: | tm@kimwinston.com | | |
| Correspondent Name: | Laura J. Winston | | |
| Address Line 1: | 73 Market Street, Suite 376 | | |
| Address Line 2: | Kim Winston LLP | | |
| Address Line 4: | Yonkers, NEW YORK 10710 | | |
| ATTORNEY DOCKET NUMBER: | 2007.0020 | | |
| NAME OF SUBMITTER: | Laura J. Winston | | |
| SIGNATURE: | /Laura J. Winston/ | | |
| DATE SIGNED: | 04/26/2017 | | |
| Total Attachments: 5 | | | |
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TRADEMARK ASSIGNMENT

WHEREAS Ellman International, Inc., a New York corporation having a place of business at 400 Karin Lane, Hicksville, New York 11801 ("Seller"), has used and is using the trademarks identified on Schedule A hereto; and

WHEREAS, Seller, Cynosure, Inc., a Delaware corporation ("Buyer"), and certain other parties have entered into the Asset Purchase Agreement, dated as of the date hereof (the "Agreement"); and

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller hereby assigns to Buyer, having a place of business at 5 Carlisle Road, Westford, Massachusetts 01886, the entire right, title and interest in and to the Trademarks listed on Schedule A hereto, all registrations and applications for registration therefor, the right to recover for past, present or future infringement thereof, and the goodwill of the business connected with the use of, and symbolized by, said Trademarks.

Seller further agrees, for itself, its successors and assigns, at Buyer's expense, to execute such further documents and to perform such further lawful acts as may reasonably be requested by Buyer to effectuate this assignment.

Witness my hand and seal this 5th day of September, 2014.

ELLMAN INTERNATIONAL, INC.

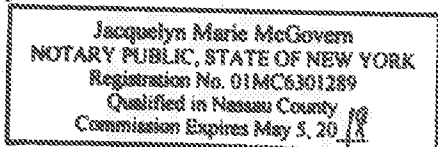
By: [Signature]
Name: Frank D'Amelio
Title: President and Chief Executive Officer

STATE OF NEW YORK

County of Nassau

On this 5th day of September, 2014, before me, the undersigned notary public, personally appeared Frank D'Amelio, proved to me through satisfactory evidence of identification, which was Drivers license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[affix seal]



[Signature]
Notary Public
My commission expires:

SCHEDULE A

Trademarks

| Trademark | Symbol | Application Number | Registration Number | Registration Date | Country |
|------------------|---------------|--------------------|---------------------|-------------------|---------|
| AcuSect | Circle R ® | 85017093 | 4091644 | 1/24/2012 | US |
| BITIP | Circle R ® | 76566455 | 2915873 | 1/4/05 | US |
| CHEVEUX | TM | 85793365 | NA | NA | |
| CITRIC-ETCH | Circle R ® | 73355143 | 1235583 | 4/26/1983 | US |
| CYANO-VENEER | Circle R ® | 73027720 | 1035621 | 3/16/1976 | US |
| ELLMAN | Circle R ® | E23356 | 1063386 | 5/16/1984 | GERMANY |
| ELLMAN | Circle R ® | 76446272 | 2904142 | 11/23/2004 | US |
| ELLUMINE | Circle R ® | 85541733 | 4241001 | 11/13/2012 | US |
| EMPIRE | Circle R ® | 85792962 | 2672841 | 1/7/2003 | US |
| GlideSafe | Circle R ® | 85017116 | 4057099 | 11/15/2011 | US |
| HEMOSCALPEL | Circle R ® | 76158923 | 2533945 | 1/29/2002 | US |
| HYPO-CAL | Circle R ® | 73027719 | 1010912 | 5/20/1975 | US |
| Medley | TM | 86093057 | Pending | | US |
| PELLEFIRM | TM | 86129907 | Pending | | US |
| PELLEVÉ | Circle R ® | 1297488 | 1297488 | 5/4/2009 | AU |
| PELLEVÉ | Circle R ® | 77722160 | 3998653 | 7/19/2011 | US |
| PELLEVÉ | TM | 90199334 | Pending | | BRAZIL |
| PELLEVÉ | Circle R ® | 008280844 | 008280844 | 12/1/2009 | EU |
| PELLEVÉ | Circle R ® | 200936319 | 5301519 | 2/12/2010 | Japan |
| PELLEVÉ | Circle R ® | 2009709849 | 417020 | 8/25/2010 | Russia |
| RADIAGE | TM | 76676713 | 3427364 | 5/13/2008 | US |
| RADIOLASE | Circle R ® | 75525844 | 2432608 | 3/6/2011 | US |
| RADIOSURGERY | Circle R ® | 75525844 | 3044129 | 1/17/2006 | US |
| RADIOTOMY TIP | Circle R ® | 74554241 | 2020136 | 12/3/96 | US |

| | | | | | |
|-------------|---------------|----------|---------|------------|----|
| RF COOL GEL | Circle R ® | 76672648 | 3524555 | 10/28/2008 | US |
| RF DOME | Circle R ® | 76672649 | 3524556 | 10/28/2008 | US |
| RODIN | Circle R ® | 76676329 | 3464658 | 7/08/2008 | US |
| SANDSTONE | TM | NA | NA | NA | |
| SQUEEZ-ETT | Circle R ® | 73355144 | 1249753 | 4/30/1983 | US |
| SURG-E | Circle R ® | 76623137 | 3093742 | 5/16/2006 | US |
| SURG-E-CARE | Circle R ® | 76682054 | 3537498 | 11/25/2008 | US |
| SURGITRON | Circle R ® | 76623138 | 3037439 | 1/3/2006 | US |
| TRI-LASE | Circle R ® | 85793350 | 4413556 | 10/8/2013 | US |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION IN SUPPORT OF CORRECTIVE ASSIGNMENT

I, Carolyn Whyte Radcliffe, declare that the following is true and correct pursuant to 28 U.S.C. § 1746:

1. I am the Chief IP Counsel of Cynosure, Inc. (“Cynosure”) and am authorized to make this declaration on its behalf.
2. On September 5, 2014, Ellman International, Inc. (“Ellman”) assigned all of its trademarks and the goodwill associated therewith to Cynosure as part of an asset purchase agreement. The assignment was recorded by the USPTO’s Assignment Division against 24 trademarks on August 13, 2015 at Reel 5598, Frame 0962. As a result of the asset purchase agreement, Ellman no longer exists as a separate entity.
3. Subsequent to the recordation of the assignment, it came to my attention that two trademark registrations that had been owned by Ellman were inadvertently omitted from schedule attached to the assignment document, and from the recordation. Ellman subsequently submitted for recordation a Corrective Assignment to include the two additional registrations. The Corrective Assignment was recorded on June 17, 2016 at Reel 5845, Frame 0545.
4. It has now come to my attention that another trademark registration that had been owned by Ellman was inadvertently omitted from the schedule attached to the assignment document, and from the recordation. This registration is:

| | |
|--------------|--------------------------|
| <u>Mark:</u> | <u>Registration No.:</u> |
| EMPIRE | 4368479 |

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**TRADEMARK
REEL: 006042 FRAME: 0027**


5. Inasmuch as Ellman sold substantially all of its assets to Cynosure, and transferred the trademarks and the goodwill associated with its trademarks, the above trademark and registration therefor was included in the sale and should have been listed in the assignment document.

6. In light of the above, Cynosure requests that the assignment from Ellman to Cynosure be recorded against the registration listed in Paragraph 4.

7. Cynosure is submitting herewith a corrective assignment together with the filing fees required to effect the correction of the recordation.

I hereby declare that I am authorized to execute this declaration on behalf of Cynosure; that I believe Cynosure to be the owner of the registered mark listed in paragraph 4; that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the registration.

Date: March 28, 2017

By: 
Carolyn Whyte Radcliffe
Chief IP Counsel
Cynosure, Inc.

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