

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM542568

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	RELEASE OF SECURITY INTEREST IN PATENTS AND TRADEMARKS		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Biopharma Secured Investments III Holdings Cayman LP		09/25/2019	Exempted Limited Partnership: CAYMAN ISLANDS
RECEIVING PARTY DATA			
Name:	VIVUS, Inc.		
Street Address:	900 E. Hamilton Avenue		
Internal Address:	Suite 550		
City:	Campbell		
State/Country:	CALIFORNIA		
Postal Code:	95008		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	4295224	QSYMIA	
CORRESPONDENCE DATA			
Fax Number:	2123108007		
<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:	212.310.8000		
Email:	juan.arias@weil.com		
Correspondent Name:	Nick Nikic		
Address Line 1:	Weil, Gotshal & Manges LLP		
Address Line 2:	767 Fifth Avenue		
Address Line 4:	New York, NEW YORK 10153		
ATTORNEY DOCKET NUMBER:	N.Nikic - 79202.0009		
NAME OF SUBMITTER:	Nick Nikic		
SIGNATURE:	/Nick Nikic/		
DATE SIGNED:	09/25/2019		
Total Attachments: 6			
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RELEASE OF SECURITY INTEREST IN PATENTS AND TRADEMARKS

This RELEASE OF SECURITY INTEREST IN PATENTS (this "Release"), dated as of September 25, 2019 (the "Effective Date"), is made by Biopharma Secured Investments III Holdings Cayman LP, a Cayman Islands exempted limited partnership, in its capacity as Secured Party (as defined in the IP Security Agreement referred to below), in favor of VIVUS, Inc., a Delaware corporation (the "Grantor").

WHEREAS, pursuant to that certain Purchase and Sale Agreement, dated as of March 25, 2013, by and among the Grantor and the Secured Party (as amended, amended and restated, supplemented or otherwise modified from time to time, the "Agreement"), the Grantor granted to the Secured Party a security interest in and to certain collateral;

WHEREAS, pursuant to the Agreement, the Grantor executed and delivered a Patent and Trademark Security Agreement, dated as of April 9, 2013 (the "IP Security Agreement"), for recordation with the United States Patent and Trademark Office; and

WHEREAS, the IP Security Agreement was recorded with the United States Patent and Trademark Office on April 9, 2013 at Reel/Frame 030183/0030;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Secured Party hereby agrees as follows:

1. Defined Terms. All capitalized terms used, but not otherwise defined herein, shall have the respective meanings ascribed in or otherwise referenced in the Agreement or the IP Security Agreement, as applicable.

2. Release. The Secured Party, without representation or warranty of any kind, hereby releases, discharges, terminates and cancels all of its security interest in and to the Additional Collateral, including the patents and patent applications set forth on Schedule I (the "Patent Collateral") and the trademarks and trademark applications set forth on Schedule II (the "Trademark Collateral") and, together with the Additional Collateral and the Patent Collateral, the "Collateral"), in each case, attached hereto, arising under the Agreement and the IP Security Agreement. If and to the extent that the Secured Party has acquired any right, title or interest in and to the Collateral under the IP Security Agreement, the Secured Party, without representation or warranty of any kind, hereby re-transfers, re-conveys and re-assigns such right, title or interest to the Grantor.

3. Termination. The Secured Party, without representation or warranty of any kind, terminates and cancels the IP Security Agreement.


4. Further Assurances. The Secured Party agrees to take all further actions, and provide to the Grantor and its successors, assigns or other legal representatives, all such cooperation and assistance (including, without limitation, the execution and delivery of any and all documents or other instruments), reasonably requested by the Grantor, at the Grantor's sole cost and expense, to more fully and effectively effectuate the purposes of this Release. The Secured Party hereby authorizes and requests that the Commissioner for Patents of the United States Patent and Trademark Office record this Release.

5. Governing Law. This Release shall be governed exclusively under the laws of the State of New York, without regard to conflicts of law or choice of law principles.

[signature page follows]

IN WITNESS WHEREOF, the Secured Party has caused this Release to be executed by its duly authorized representative as of the Effective Date:

**BIOPHARMA SECURED INVESTMENTS III
HOLDINGS CAYMAN LP**

By: 
Name: Pedro Gonzalez de Cos
Title: Managing Member

SCHEDULE I

UNITED STATES PATENT REGISTRATIONS AND PATENT APPLICATIONS

Title	Country	Patent Number	Application Number	Publication Number	Filing Date
Combination Therapy for Effecting Weight Loss and Treating Obesity	US	7,056,890	10/454,368	2004/0002462	6/3/03
Combination Therapy for Effecting Weight Loss and Treating Obesity	US	7,553,818	11/385,198	2006/0234950	3/20/06
Combination Therapy for Effecting Weight Loss and Treating Obesity	US	7,659,256	11/385,199	2006/0234951	3/20/06
Combination Therapy for Effecting Weight Loss and Treating Obesity	US	7,674,776	11/385,233	2006/0234952	3/20/06
Combination Therapy for Effecting Weight Loss and Treating Obesity	Australia	770068	200054896		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Canada	2,377,330	2377330		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Austria	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Belgium	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Cyprus	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Denmark	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Finland	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	France	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Greece	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Germany	60035870	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Ireland	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Italy	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Luxembourg	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Monaco	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Netherlands	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Portugal	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Spain	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Sweden	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	Switzerland	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	UK	1187603	00939884.3		6/14/00
Combination Therapy for Effecting Weight Loss and Treating Obesity	EPO		07011472.3		6/14/00
Compositions and Methods for Treating SleepApnea	US		12/683,353	2010/0105765	1/6/10
Compositions and Methods for Treating SleepApnea	EPO		10184955.2	EP1825851	12/6/07

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Combination Therapy for the Treatment of Sleep Apnea	EPO			EP2305226	9/30/10
Combination Therapy for the Treatment of Hypertension	EPO		10184959.4	EP 2308481	9/30/10
Combination Therapy for the Treatment of Diabetes	EPO		10184977.6	EP 2305227	9/30/10
Combination Therapy for the Treatment of Hyperlipidemia	EPO		10184981.8	EP 2305228	9/30/10
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	EPO		12/481,540	2010/0215739	6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Australia		2009257572		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Brazil		PI0914985-6		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Canada		2727319		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Chile		1365-2010		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	China		200980130379.5		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	EPO		09763479.4		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	India		6898/CHENP/2010		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Israel		209874		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Japan		2011-513646	JP2011522896A	6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Korea		10-2011-7000416		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	Mexico		MX/a/2010/013503		6/9/09
Low Dose Topiramate/ Phentermine Composition and Methods of Use Thereof	South Africa	2010/08839	2010/08839		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	US		12/481,548	2009/0304785	6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Australia		2009257573		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Brazil		PI0914991-0		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Canada		2727313		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Chile		1366-2010		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	China		200980130444.4		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	EPO		09763480.2		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	India		6897/CHENP/2010		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Israel		209875		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Japan		2011-513647	JP2011522897A	6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Korea		10-2011-7000417		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	Mexico		MX/a/2010/013505		6/9/09
Escalating Dosing Regimen for Effecting Weight Loss and Treating Obesity	South Africa	2010/08840	2010/08840		6/9/09

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SCHEDULE II

UNITED STATES TRADEMARK REGISTRATIONS AND TRADEMARK APPLICATIONS

Country	Trademark	Application Number <i>Application Date</i>	Registration Number <i>Registration Date</i>	Class	Description of Services
US	QSYMIA	85656775 6/20/2012	4295224 2/26/2013	IC 005. US 006 018 044046 051052.	Pharmaceutical preparations for the treatment of obesity, to facilitate weight loss and weight control, to suppress appetite and lower the threshold for satiety.
European Community	QSYMIA	011405198 12/7/2012		IC 005	Pharmaceutical preparations for the treatment of obesity, to facilitate weight loss and weight control, to suppress appetite and lower the threshold for satiety.
International-Madrid Protocol	QSYMIA	A0033230 6/20/2012	1146156 2/7/2013	IC 005	Pharmaceutical preparations for the treatment of obesity, to facilitate weight loss and weight control, to suppress appetite and lower the threshold for satiety.
Canada	QSYMIA	1606513 12/13/2012		IC 005	Pharmaceutical preparations for the treatment of obesity; to facilitate weight loss and weight control, to suppress appetite and lower the threshold for satiety.

