

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM546702

<b>SUBMISSION TYPE:</b>	RESUBMISSION		
<b>NATURE OF CONVEYANCE:</b>	Correction by Declaration of an erroneously filed assignment for registration number 2,300,495 at Reel 4596, Frame 0926, as detailed in the Correction by Declaration form executed August 14, 2019		
<b>RESUBMIT DOCUMENT ID:</b>	900511324		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Ivy Sports Medicine, LLC		08/14/2019	Limited Liability Company: DELAWARE
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Ivy Sports Medicine, LLC		
<b>Street Address:</b>	102 Chestnut Ridge Road		
<b>Internal Address:</b>	Suite 204		
<b>City:</b>	Montvale		
<b>State/Country:</b>	NEW JERSEY		
<b>Postal Code:</b>	07645		
<b>Entity Type:</b>	Limited Liability Company: DELAWARE		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	2300495	SHARPSHOOTER	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	2693815465		
<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>	269-381-1156		
<b>Email:</b>	docket@flynnthiel.com		
<b>Correspondent Name:</b>	Flynn Thiel, P.C.		
<b>Address Line 1:</b>	2026 Rambling Road		
<b>Address Line 4:</b>	Kalamazoo, MICHIGAN 49008-1631		
<b>ATTORNEY DOCKET NUMBER:</b>	3025.T0648US		
<b>NAME OF SUBMITTER:</b>	Eugene J. Rath III		
<b>SIGNATURE:</b>	/Eugene J. Rath III/		
<b>DATE SIGNED:</b>	10/25/2019		
<b>Total Attachments: 12</b>			

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**CORRECTION BY DECLARATION TO CORRECT ERRONEOUS OWNER IDENTIFICATION/  
RECORDATION AT THE U.S. PATENT AND TRADEMARK OFFICE**

I, Dean H. Bergy, do hereby declare as follows:

1. I am Vice President and Secretary for Ivy Sports Medicine, LLC, a limited liability company organized and existing under the laws of Delaware and having an address of 102 Chestnut Ridge Road, Suite 204, Montvale, New Jersey 07645 ("Ivy Sports"). I have personal knowledge of the facts stated herein, the authority of Ivy Sports to sign on behalf of Ivy Sports, and if called as a witness, could and would testify competently to the matters set forth below.
2. On August 29, 1997, ReGen Biologics, Inc. ("ReGen Biologics") filed an application at the USPTO for the mark SHARPSHOOTER. That application was assigned Serial No. 75/349,489. The 75/349,489 application matured into a registration on December 14, 1999, and was assigned Registration No. 2,300,495 ("the '495 registration").
3. On May 12, 2010, as a result of a lawsuit filed against ReGen Biologics by Off Madison Ave, Inc. ("Off Madison Ave"), the Superior Court of the State of Arizona, County of Maricopa issued a Judgment By Default ("Judgment") against ReGen Biologics. The default judgment resulted in an Order of June 24, 2010, which included a lien ("Judgment Lien") against the '495 registration, among other U.S. trademark registrations and U.S. patents then owned by ReGen Biologics. The Judgment and subsequent Order were recorded with the USPTO at Reel 4238, Frame 0146.
4. On August 25, 2010, ReGen Biologics executed an Assignment Of Patent And Trademark Properties, assigning various patent and trademark properties, including the '495 registration, to Off Madison Ave. This assignment contained the language that ReGen Biologics assigned "all the benefits of all right, title and interest in and to such ReGen Intellectual Properties, unless and until the Judgment in this matter is fully satisfied." In other words, the assignment was conditional. As part of the Assignment, the Judgment Lien would be released and all of the properties would revert back to ReGen Biologics upon satisfaction of the Judgment referenced above in paragraph 3. The Assignment Of Patent And Trademark Properties was recorded with the USPTO at Reel 4267, Frame 0833, and is attached hereto as Exhibit 1.
5. On May 11, 2011, ReGen Biologics entered into an Asset Purchase Agreement with Sports Medicine Holding Company, LLC. As part of the Asset Purchase Agreement, ReGen Biologics transferred its rights in the '495 registration to Sports Medicine Holding

Company, LLC. The Asset Purchase Agreement noted that the trademarks that were part of the Asset Purchase Agreement, including the '495 registration, were then currently assigned to Off Madison Ave with reversion back to ReGen Biologics when the Judgment was satisfied. The page of the Asset Purchase Agreement indicating such is attached as Exhibit 2 hereto. The Asset Purchase Agreement was recorded with the USPTO at Reel 5133, Frame 0895. As a result of the Asset Purchase Agreement, Sports Medicine Holding Company, LLC received all of the rights in the '495 registration that ReGen Biologics then had, which were reversion rights (to assume all right, title and interest) when ReGen Biologics satisfied the Judgment in the Off Madison Ave litigation.

6. On June 17, 2011, Sports Medicine Holding Company, LLC formally changed its name to Ivy Sports Medicine, LLC. This formal name change was recorded with the USPTO at Reel 5138, Frame 0708.
7. On July 12, 2011, Off Madison Ave executed a Release Of Security Interest In Patent And Trademark Properties ("Release of Security Interest") with respect to the '495 registration, among other intellectual property. The Release Of Security Interest released the Judgment Lien as to the '495 registration and was recorded with the USPTO at Reel 4599, Frame 0661.<sup>1</sup>
8. The effect of the Release Of Security Interest by Off Madison Ave with respect to the '495 registration, in conjunction with the assignment of registration from ReGen Biologics to Sports Medicine Holding Company, LLC (which changed its name formally to Ivy Sports Medicine, LLC), resulted in Ivy Sports Medicine, LLC obtaining all right, title, and interest in the '495 registration. Accordingly, the owner of the '495 registration should be indicated at the USPTO as being Ivy Sports Medicine, LLC.
9. The erroneous execution and recordation of the Assignment Of Registration from Off Madison Ave to ReGen Biologics and the convoluted title history has resulted in the ownership of the '495 registration being incorrectly identified by the USPTO. Ivy Sports respectfully requests that the USPTO records correctly identify the owner of the '495 registration as Ivy Sports Medicine, LLC. If necessary, Ivy Sports hereby requests that all reference to the recording of the Assignment Of Registration at Reel 4596, Frame 0926 (see footnote 1) be removed, and that the recording be deemed nullified and without any effect.

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<sup>1</sup> Off Madison Ave also executed an Assignment Of Registration on July 12, 2011, purportedly assigning the '495 registration, among other things, to ReGen Biologics. However, since Off Madison Ave had no rights in the '495 registration other than those reverted to ReGen Biologics through the Release Of Security Interest, this assignment, apparently completed as a backup provision, was unnecessary and transferred no rights between the parties. The Assignment Of Registration was recorded at the USPTO at Reel 4596, Frame 0926.

The undersigned, being hereby advised that willful false statements and the like so made are punishable by fine or imprisonment; declares that the facts set forth in this Declaration are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

IVY SPORTS MEDICINE, LLC

Dated: August 14, 2019

By: Dean H. Bergy  
Name (printed): Dean H. Bergy

# Exhibit 1

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
ReGen Biologics, Inc.		08/25/2010	CORPORATION: DELAWARE

**RECEIVING PARTY DATA**

Name:	Off Madison Ave, Inc.
Street Address:	80 East Rio Salado Parkway
Internal Address:	Ste 711
City:	Tempe
State/Country:	ARIZONA
Postal Code:	85281
Entity Type:	Limited Corporation: ARIZONA

**PROPERTY NUMBERS Total: 6**

Property Type	Number	Word Mark
Registration Number:	3345499	REGEN BIOLOGICS
Registration Number:	3308864	CMI
Registration Number:	3674026	
Serial Number:	77175753	MENAFLEX
Registration Number:	2300495	SHARPSHOOTER
Registration Number:	2032386	REGEN

**CORRESPONDENCE DATA**

Fax Number: (314)231-1776  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 314-889-8000  
 Email: uspt@polsinelli.com  
 Correspondent Name: Christine Meis McAuliffe  
 Address Line 1: 100 S. Fourth St.  
 Address Line 2: Suite 1000  
 Address Line 4: St. Louis, MISSOURI 63102

**TRADEMARK**

**900170355**

REEL: 004267 FRAME: 0833  
**TRADEMARK**

REEL: 006781 FRAME: 0876

CH \$165.00 3345499

ATTORNEY DOCKET NUMBER:	082142-407992
NAME OF SUBMITTER:	Christine Meis McAuliffe
Signature:	/Christine Meis McAuliffe/
Date:	08/26/2010
Total Attachments: 6 source=Assignment#page1.tif source=Assignment#page2.tif source=Assignment#page3.tif source=Assignment#page4.tif source=Order#page1.tif source=Order#page2.tif	



**ASSIGNMENT OF PATENT AND TRADEMARK PROPERTIES**

This Assignment of Patent and Trademark Properties from ReGen Biologics, Inc., a Delaware corporation ("Assignor"), to Off Madison Ave, Inc., an Arizona limited corporation, 80 East Rio Salado Parkway, Ste 711, Tempe, Arizona 85281 ("Assignee") is effective as of the Effective Date below.

WHEREAS, Assignor is the owner of all right, title and interest in and to Patent Properties listed on Exhibit A and the Trademark Properties listed on Exhibit B (collectively, the "ReGen Intellectual Properties");

WHEREAS, Assignee was awarded a judgment lien against the ReGen Intellectual Properties on June 24, 2010 by the Superior Court of the State of Arizona (Case No. CV2010-009079); and

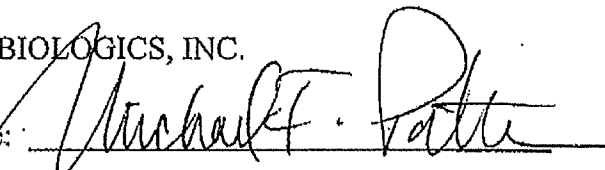
WHEREAS, the Superior Court of the State of Arizona has further ordered, authorized and directed Michael F. Patterson, attorney for Assignee, to execute and deliver, as this Court's duly appointed representative of Assignor, this Assignment, to assign the ReGen Intellectual Properties to Assignor to hold and enjoy all the benefits of all right, title and interest in and to such Regen Intellectual Properties, unless and until the Judgment in this matter is fully satisfied;

NOW, THEREFORE, in consideration of the Orders of the Superior Court of the State of Arizona and the unsatisfied judgments in Case No. CV2010-009079 in favor of Assignee, Assignor does hereby convey, assign, transfer and set over unto Assignee all right, title and interest in and to the ReGen Intellectual Properties, until such time the all Judgments in Case No. CV2010-009079.

Assignor hereby agrees that Assignee may file and record this instrument with the United States Patent and Trademark Office and to take such other actions necessary or helpful to effect the assignment set forth herein and recordation thereof. Assignee agrees that upon full and complete satisfaction and payment of all judgments in Case No. CV2010-009079, Assignee shall effect transfer of said ReGen Intellectual Properties back to Assignor and all right, title and interest in and to ReGen Intellectual Properties shall revert to Assignor thereon.

IN WITNESS WHEREOF, this Assignment is executed by the undersigned, this 25<sup>th</sup> day of August, 2010.

REGEN BIOLOGICS, INC.

Signature: 

By: Michael F. Patterson, duly appointed representative of Defendant/Judgment Debtor, ReGen Biologics, Inc.

Date: 8/25/2010 Pursuant to attached Court order authority

**EXHIBIT A**  
**PATENT PROPERTIES**

PAT. NO.	Title
1 <u>6,350,274</u>	<u>Soft tissue closure systems</u>
2 <u>6,042,610</u>	<u>Meniscal augmentation device</u>
3 <u>5,928,252</u>	<u>Device and method for driving a needle and meniscal repair</u>
4 <u>5,735,902</u>	<u>Hand implant device</u>
5 <u>5,681,353</u>	<u>Meniscal augmentation device</u>
6 <u>5,677,284</u>	<u>Charged collagen particle-based delivery matrix</u>
7 <u>5,624,463</u>	<u>Prosthetic articular cartilage</u>
8 <u>5,263,984</u>	<u>Prosthetic ligaments</u>

EXHIBIT B

TRADEMARK PROPERTIES

	Serial Number	Reg. Number	Word Mark
1	78710973	3345499	REGEN BIOLOGICS
2	78710959	3308864	CMI
3	77460697	3674026	
4	77175753		MENAFLEX
5	75349489	2300495	SHARPSHOOTER
6	74034871	2032386	REGEN

# Exhibit 2

Section 4.11  
Intellectual Property (continued)

*Disclosures related to Section 4.11(a), Intellectual property registrations (continued)*

Continuation of trademark list

Country	Mark	No.	Goods	Status
United States <sup>1</sup>	REGEN BIOLOGICS	3345499	Medical products, namely, biocompatible implants for soft tissue growth and repair	Registered 11/27/07, renewal due 11/27/13
United States <sup>1</sup>	SHARPSHOOTER	2300495	Medical devices and instruments used in implant procedures and for the surgical repair of tissue Soft tissue repair devices for use in orthopedic surgery	Registered 12/14/99, renewal due 12/14/19

<sup>1</sup>All U.S. Trademarks currently assigned to Off Madison Avenue with reversion back to Seller when lien against indicated trademarks is satisfied. Settlement agreement and release of lien currently pending court approval.

*Disclosures related to Section 4.11(a), Intellectual property not registered*

Following is a list of intellectual property that is not registered

- Trade secrets, including manufacturing processes
- In-process development projects, for which patents have not been sought
- Copyrightable training, surgical technique, and marketing materials

Following is a list of domain names:

- Regenbio.biz
- Regenbiologics.biz
- Menaplasty.com
- Meniplasty.com
- Sharpshooterai.com
- Sharpshooterallinside.com
- Regenbio.info
- Regenbiologics.info
- Regenbio.net