

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM867861

SUBMISSION TYPE:	RESUBMISSION
NATURE OF CONVEYANCE:	Correction by Declaration erroneously filed against reel/frame 8203/0279
RESUBMIT DOCUMENT ID:	900826784

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Elutia Inc.	FORMERLY Aziyo Biologics, Inc.	01/09/2024	Corporation: DELAWARE

RECEIVING PARTY DATA

Name:	Elutia Inc.
Street Address:	12510 Prosperity Drive, Suite 370
City:	Silver Spring
State/Country:	MARYLAND
Postal Code:	20904
Entity Type:	Corporation: DELAWARE

PROPERTY NUMBERS Total: 10

Property Type	Number	Word Mark
Registration Number:	2122952	TRANZGRAFT
Registration Number:	5088097	AZIYO
Registration Number:	5157942	INTEGUPLY
Registration Number:	5229597	ALTIPLY
Registration Number:	5229598	VIBONE
Registration Number:	5439036	ALTIPLAST
Registration Number:	5449281	OSTEGRO
Registration Number:	5916295	FIBERCEL
Registration Number:	5992687	SIMPLIDERM
Registration Number:	6207259	SIMPLIDERM ELLIPSE

CORRESPONDENCE DATA

Fax Number: 8602515211

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.

Phone: 860-251-5703

Email: trademarks@goodwin.com

Correspondent Name: Shipman & Goodwin LLP

Address Line 1: ONE CONSTITUTION PLAZA

Address Line 4: HARTFORD, CONNECTICUT 06103-1919

NAME OF SUBMITTER: Barb Villandry, Paralegal

SIGNATURE: /Barb Villandry/

DATE SIGNED: 01/12/2024

Total Attachments: 27

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TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM866827

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CORRECTION BY DECLARATION		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Aziyo Biologics, Inc.		01/09/2024	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	Elutia Inc.		
Street Address:	12510 Prosperity Drive, Suite 370		
City:	Silver Spring		
State/Country:	MARYLAND		
Postal Code:	20904		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 10			
Property Type	Number	Word Mark	
Registration Number:	2122952	TRANZGRAFT	
Registration Number:	5088097	AZIYO	
Registration Number:	5157942	INTEGUPLY	
Registration Number:	5229597	ALTIPLY	
Registration Number:	5229598	VIBONE	
Registration Number:	5439036	ALTIPLAST	
Registration Number:	5449281	OSTEGRO	
Registration Number:	5916295	FIBERCEL	
Registration Number:	5992687	SIMPLIDERM	
Registration Number:	6207259	SIMPLIDERM ELLIPSE	
CORRESPONDENCE DATA			
Fax Number:	8602515211		
<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:	860-251-5703		
Email:	trademarks@goodwin.com		
Correspondent Name:	Shipman & Goodwin LLP		
Address Line 1:	ONE CONSTITUTION PLAZA		
Address Line 4:	HARTFORD, CONNECTICUT 06103-1919		

OP \$265.00 2122952

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re U.S. Reg. Nos.

- 2,122,952 (TRANZGRAFT)
- 5,088,097 (AZIYO)
- 5,157,942 (INTEGUPLY)
- 5,229,597 (ALTIPLY)
- 5,229,598 (VIBONE)
- 5,439,036 (ALTIPLAST)
- 5,449,281 (OSTEGRO)
- 5,916,295 (FIBERCEL)
- 5,992,687 (SIMPLIDERM)
- 6,207,259 (SIMPLIDERM ELLIPSE)

CORRECTION BY DECLARATION

I, David Ewen, hereby declare and state as follows:

1. I am an attorney at Shipman & Goodwin LLP. I represent Elutia Inc., formerly known as Aziyo Biologics, Inc. I also represent the related company Elutia MED LLC, formerly known as Aziyo MED LLC.

2. I submit this Declaration to correct the chain of title for the ten above-captioned trademark registrations (hereafter, the “Elutia Inc. Registrations”). Specifically, this Declaration sets forth facts demonstrating that, based on the documents previously recorded with the Assignment Branch, *the USPTO’s records should be corrected to show Elutia Inc. as the owner of each of the Elutia Inc. Registrations.*

3. The need for this Declaration arises out of two changes of name. First, Aziyo Biologics, Inc. changed its name to Elutia Inc. Second, Aziyo MED LLC changed its name to Elutia MED LLC.

4. On September 15, 2023, a Change of Name conveyance from Aziyo Biologics, Inc. to Elutia Inc. was recorded at Reel/Frame 8203/0266 (the “Elutia Inc. Name Change”). The Elutia Inc. Name Change was filed against each of the Elutia Inc. Registrations.¹ A copy of the Elutia Name Change filed by Holland & Knight LLP is attached as **Exhibit A**.

5. That same day, a Change of Name conveyance from Aziyo MED, LLC to Elutia MED LLC was recorded at Reel/Frame 8203/0279 (the “Elutia MED Name Change”). A copy of the Elutia MED Name Change filed by Holland & Knight LLP is attached as **Exhibit B**. The Elutia MED Name Change should have been recorded against the four MED Registrations only. However, the Elutia MED Name Change was *erroneously* recorded against the Elutia Inc. Registrations as well. *See id.* Because Aziyo MED, LLC never owned the Elutia Inc. Registrations, the Elutia MED Name Change should not have been recorded against those properties and should not have any effect on the chain of title for these registrations.

6. On November 3, 2023, the USPTO recorded a Corrective Assignment filed by Declarant’s firm, which was recorded at Reel/Frame 8249/0020. *See **Exhibit C***. This Corrective Assignment sought to clear up the ambiguity created by the conflicting conveyances referenced in Paragraphs 4-5. Specifically, the Corrective Assignment (1) reaffirmed the change of name from Aziyo Biologics, Inc. to Elutia Inc. with respect to the ten Elutia Inc. Registrations, and (2) requested that the four MED Registrations be removed from the list of affected properties. The end goal of this Corrective Assignment was to have USPTO records show Elutia Inc. as the owner of the ten Elutia Inc. Registrations.

¹ The Elutia Inc. Name Change was also *erroneously* filed against four other trademark registrations owned by Aziyo MED, LLC—not Aziyo Biologics, Inc. The four registrations erroneously cited were Reg. No. 4,646,691 (CANGAROO); 5,087,769 (TYKE); 5,608,103 (PROXICOR); and 5,608,104 (VASCURE) (the “MED Registrations”).

7. On November 30, 2023, Declarant received a Post-Registration Office Action concerning Elutia Inc.'s registration for OSTEGR0 (Reg. No. 5,449,281). See **Exhibit D**. The Office Action noted a gap in the chain of title, in that the renewal application was filed (in June 2023) in the name of Aziyo Biologics, Inc., but the USPTO records currently showed Elutia MED LLC as the record owner—not Elutia Inc. In light of the Office Action, it was clear that the Corrective Assignment referenced in Paragraph 6 did not have the intended effect.

8. Accordingly, it is requested that the chain of title for each of the ten Elutia Inc. Registrations be updated to (1) list Elutia Inc. as the record owner pursuant to the conveyance recorded at Reel/Frame 8203/0266; and (2) remove from the chain of title the conveyance recorded at 8203/0279. As explained above, the Elutia MED Name Change had no bearing on the ownership of the Elutia Inc. Registrations, as Aziyo MED LLC (now Elutia MED LLC) never owned those registrations.

I hereby declare 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 may jeopardize the validity of the application or documents or any registration resulting therefrom.

January 9, 2024
Date



David Ewen
Counsel
Shipman & Goodwin LLP

EXHIBIT A

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM839740

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Aziyo Biologics, Inc.		09/06/2023	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	Elutia Inc.		
Street Address:	12510 Prosperity Drive, Suite 370		
City:	Silver Spring		
State/Country:	MARYLAND		
Postal Code:	20904		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 14			
Property Type	Number	Word Mark	
Registration Number:	2122952	TRANZGRAFT	
Registration Number:	4646691	CANGAROO	
Registration Number:	5087769	TYKE	
Registration Number:	5088097	AZIYO	
Registration Number:	5157942	INTEGUPLY	
Registration Number:	5229597	ALTIPLY	
Registration Number:	5229598	VIBONE	
Registration Number:	5439036	ALTIPLAST	
Registration Number:	5449281	OSTEGRO	
Registration Number:	5608103	PROXICOR	
Registration Number:	5608104	VASCURE	
Registration Number:	5916295	FIBERCEL	
Registration Number:	5992687	SIMPLIDERM	
Registration Number:	6207259	SIMPLIDERM ELLIPSE	
CORRESPONDENCE DATA			
Fax Number:	6175236850		
<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:	617-523-2700		

OP \$365.00 2122952

Email: susan.dinicola@hklaw.com
Correspondent Name: Holland & Knight LLP
Address Line 1: 10 St. James Avenue
Address Line 4: Boston, MASSACHUSETTS 02116

NAME OF SUBMITTER: Susan C. DiNicola

SIGNATURE: /Susan C. DiNicola/

DATE SIGNED: 09/15/2023

Total Attachments: 2

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Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AZIYO BIOLOGICS, INC.", CHANGING ITS NAME FROM "AZIYO BIOLOGICS, INC." TO "ELUTIA INC.", FILED IN THIS OFFICE ON THE SIXTH DAY OF SEPTEMBER, A.D. 2023, AT 8:05 O`CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTH DAY OF SEPTEMBER, A.D. 2023 AT 4 O`CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

5798913 8100
SR# 20233423059

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 204099210
Date: 09-06-23

TRADEMARK
REEL: 008313 FRAME: 0362

**CERTIFICATE OF AMENDMENT TO THE
RESTATED CERTIFICATE OF INCORPORATION OF AZIYO BIOLOGICS, INC.**

Aziyo Biologics, Inc. ("Aziyo"), a corporation organized and existing under the General Corporation Law of the State of Delaware, hereby certifies as follows:

1. This Certificate of Amendment (the "Certificate of Amendment") amends the provisions of the corporation's Restated Certificate of Incorporation filed with the Secretary of State on October 13, 2020 (the "Certificate of Incorporation").

2. The title of the Certificate of Incorporation is hereby amended and restated in its entirety as follows:

Restated Certificate of Incorporation of Elutia Inc.

3. The first paragraph of the Certificate of Incorporation is hereby amended and restated in its entirety as follows:

The name of the corporation is Elutia Inc. The corporation was incorporated as Aziyo Biologics, Inc. by the filing of its original Certificate of Incorporation with the Secretary of State of the State of Delaware on August 6, 2015. This Restated Certificate of Incorporation of the corporation was duly adopted in accordance with the provisions of Sections 242 of the General Corporation Law of the State of Delaware. The Certificate of Incorporation is hereby amended, integrated and restated to read in its entirety as follows:

4. Article FIRST of the Certificate of Incorporation is hereby amended and restated in its entirety as follows:

FIRST: The name of the Corporation is Elutia Inc. (the "Corporation").

5. The effective time of this Certificate of Amendment shall be 4:00 p.m. Eastern Daylight Time on September 6, 2023.

6. All other provisions of the Certificate of Incorporation shall remain in full force and effect.

IN WITNESS WHEREOF, Aziyo has caused this Certificate of Amendment to be signed by C. Randal Mills, its President and Chief Executive Officer, this 6th day of September, 2023.

By: /s/ C. Randal Mills
C. Randal Mills
Title: President and Chief Executive Officer

EXHIBIT B

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM839744

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Aziyo Med, LLC		09/06/2023	Limited Liability Company: DELAWARE
RECEIVING PARTY DATA			
Name:	Elutia Med LLC		
Street Address:	12510 Prosperity Drive, Suite 370		
City:	Silver Spring		
State/Country:	MARYLAND		
Postal Code:	20904		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 14			
Property Type	Number	Word Mark	
Registration Number:	2122952	TRANZGRAFT	
Registration Number:	4646691	CANGAROO	
Registration Number:	5087769	TYKE	
Registration Number:	5088097	AZIYO	
Registration Number:	5157942	INTEGUPLY	
Registration Number:	5229597	ALTIPLY	
Registration Number:	5229598	VIBONE	
Registration Number:	5439036	ALTIPLAST	
Registration Number:	5449281	OSTEGRO	
Registration Number:	5608103	PROXICOR	
Registration Number:	5608104	VASCURE	
Registration Number:	5916295	FIBERCEL	
Registration Number:	5992687	SIMPLIDERM	
Registration Number:	6207259	SIMPLIDERM ELLIPSE	
CORRESPONDENCE DATA			
Fax Number:	6175236850		
<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>			

OP \$365.00 2122952

Phone: 617-523-2700
Email: susan.dinicola@hklaw.com
Correspondent Name: Holland & Knight LLP
Address Line 1: 10 St. James Avenue
Address Line 4: Boston, MASSACHUSETTS 02116

NAME OF SUBMITTER: Susan C. DiNicola

SIGNATURE: /Susan C. DiNicola/

DATE SIGNED: 09/15/2023

Total Attachments: 2

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Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AZIYO MED, LLC", CHANGING ITS NAME FROM "AZIYO MED, LLC" TO "ELUTIA MED LLC", FILED IN THIS OFFICE ON THE SIXTH DAY OF SEPTEMBER, A.D. 2023, AT 8:12 O`CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTH DAY OF SEPTEMBER, A.D. 2023 AT 4 O`CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

6414867 8100
SR# 20233423098

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 204099252
Date: 09-06-23

TRADEMARK
REEL: 008313 FRAME: 0367

**CERTIFICATE OF AMENDMENT TO THE
CERTIFICATE OF FORMATION OF AZIYO MED, LLC**

Aziyo Med, LLC, a limited liability company organized and existing under the Delaware Limited Liability Company Act, Chapter 18, Title 6, Delaware Code, Section 18-101 *et seq.* as amended, hereby certifies as follows:

1. This Certificate of Amendment (the "Certificate of Amendment") amends the provisions of the company's Certificate of Formation filed with the Secretary of State on May 19, 2017 (the "Certificate of Formation").

2. The title of the Certificate of Formation is hereby amended and restated in its entirety as follows:

**STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION**

of

ELUTIA MED LLC

3. Article 1 of the Certificate of Formation is hereby amended and restated in its entirety as follows:

The name of the limited liability company is **Elutia Med LLC** (the "Company").

4. The effective time of this Certificate of Amendment shall be 4:00 p.m. Eastern Daylight Time on September 6, 2023.

5. All other provisions of the Certificate of Formation shall remain in full force and effect.

6. This amendment has been duly adopted in accordance with Section 18-202 of the Delaware Limited Liability Company Act.

IN WITNESS WHEREOF, the undersigned, being the authorized person, has executed, signed and acknowledged Certificate of Amendment this 6th day of September, 2023.

By: /s/ C. Randal Mills
C. Randal Mills, Authorized Person

EXHIBIT C

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM850985

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT		
NATURE OF CONVEYANCE:	Corrective Assignment to correct the to remove incorrect trademark registration numbers 4646691, 5087769, 5608104, and 5608103 previously recorded on Reel 008203 Frame 0266. Assignor(s) hereby confirms the Change of Name.		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Aziyo Biologics, Inc.		09/06/2023	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	Elutia Inc.		
Street Address:	12510 Prosperity Drive, Suite 370		
City:	Silver Spring		
State/Country:	MARYLAND		
Postal Code:	20904		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 10			
Property Type	Number	Word Mark	
Registration Number:	5088097	AZIYO	
Registration Number:	2122952	TRANZGRAFT	
Registration Number:	5992687	SIMPLIDERM	
Registration Number:	6207259	SIMPLIDERM ELLIPSE	
Registration Number:	5157942	INTEGUPLY	
Registration Number:	5916295	FIBERCEL	
Registration Number:	5449281	OSTEGRO	
Registration Number:	5439036	ALTIPLAST	
Registration Number:	5229597	ALTIPLY	
Registration Number:	5229598	VIBONE	
CORRESPONDENCE DATA			
Fax Number:	8602515211		
<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:	860-251-5703		
Email:	trademarks@goodwin.com		
Correspondent Name:	Shipman & Goodwin LLP		
Address Line 1:	One Constitution Plaza		

OP \$265.00 5088097

Address Line 4:	Hartford, CONNECTICUT 06103-1919
NAME OF SUBMITTER:	Barb Villandry, Paralegal
SIGNATURE:	/Barb Villandry/
DATE SIGNED:	11/03/2023
Total Attachments: 4 source=Aziyo Biologics Inc. to Elutia Inc. attachments#page1.tif source=Aziyo Biologics Inc. to Elutia Inc. attachments#page2.tif source=Aziyo Biologics Inc. to Elutia Inc. attachments#page3.tif source=Aziyo Biologics Inc. to Elutia Inc. attachments#page4.tif	

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AZIYO BIOLOGICS, INC.", CHANGING ITS NAME FROM "AZIYO BIOLOGICS, INC." TO "ELUTIA INC.", FILED IN THIS OFFICE ON THE SIXTH DAY OF SEPTEMBER, A.D. 2023, AT 8:05 O`CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTH DAY OF SEPTEMBER, A.D. 2023 AT 4 O`CLOCK P.M.

Handwritten signature of Jeffrey W. Bullock, Secretary of State, written in black ink over a horizontal line.

Jeffrey W. Bullock, Secretary of State

5798913 8100
SR# 20233423059

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 204099210
Date: 09-06-23

TRADEMARK
REEL: 008313 FRAME: 0372

**CERTIFICATE OF AMENDMENT TO THE
RESTATED CERTIFICATE OF INCORPORATION OF AZIYO BIOLOGICS, INC.**

Aziyo Biologics, Inc. ("Aziyo"), a corporation organized and existing under the General Corporation Law of the State of Delaware, hereby certifies as follows:

1. This Certificate of Amendment (the "Certificate of Amendment") amends the provisions of the corporation's Restated Certificate of Incorporation filed with the Secretary of State on October 13, 2020 (the "Certificate of Incorporation").

2. The title of the Certificate of Incorporation is hereby amended and restated in its entirety as follows:

Restated Certificate of Incorporation of Elutia Inc.

3. The first paragraph of the Certificate of Incorporation is hereby amended and restated in its entirety as follows:

The name of the corporation is Elutia Inc. The corporation was incorporated as Aziyo Biologics, Inc. by the filing of its original Certificate of Incorporation with the Secretary of State of the State of Delaware on August 6, 2015. This Restated Certificate of Incorporation of the corporation was duly adopted in accordance with the provisions of Sections 242 of the General Corporation Law of the State of Delaware. The Certificate of Incorporation is hereby amended, integrated and restated to read in its entirety as follows:

4. Article FIRST of the Certificate of Incorporation is hereby amended and restated in its entirety as follows:

FIRST: The name of the Corporation is Elutia Inc. (the "Corporation").

5. The effective time of this Certificate of Amendment shall be 4:00 p.m. Eastern Daylight Time on September 6, 2023.

6. All other provisions of the Certificate of Incorporation shall remain in full force and effect.

IN WITNESS WHEREOF, Aziyo has caused this Certificate of Amendment to be signed by C. Randal Mills, its President and Chief Executive Officer, this 6th day of September, 2023.

By: /s/ C. Randal Mills
C. Randal Mills
Title: President and Chief Executive Officer

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM839740

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Aziyo Biologics, Inc.		09/06/2023	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	Elutia Inc.		
Street Address:	12510 Prosperity Drive, Suite 370		
City:	Silver Spring		
State/Country:	MARYLAND		
Postal Code:	20904		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 14			
Property Type	Number	Word Mark	
Registration Number:	2122952	TRANZGRAFT	
Registration Number:	4646691	CANGAROO	
Registration Number:	5087769	TYKE	
Registration Number:	5088097	AZIYO	
Registration Number:	5157942	INTEGUPLY	
Registration Number:	5229597	ALTIPLY	
Registration Number:	5229598	VIBONE	
Registration Number:	5439036	ALTIPLAST	
Registration Number:	5449281	OSTEGRO	
Registration Number:	5608103	PROXICOR	
Registration Number:	5608104	VASCURE	
Registration Number:	5916295	FIBERCEL	
Registration Number:	5992687	SIMPLIDERM	
Registration Number:	6207259	SIMPLIDERM ELLIPSE	
CORRESPONDENCE DATA			
Fax Number:	6175236850		
<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:	617-523-2700		

OP \$365.00 2122952

Email: susan.dinicola@hklaw.com
Correspondent Name: Holland & Knight LLP
Address Line 1: 10 St. James Avenue
Address Line 4: Boston, MASSACHUSETTS 02116

NAME OF SUBMITTER: Susan C. DiNicola

SIGNATURE: /Susan C. DiNicola/

DATE SIGNED: 09/15/2023

Total Attachments: 2

source=ELUTIA INC. - DE - Amendment#page1.tif

source=ELUTIA INC. - DE - Amendment#page2.tif

EXHIBIT D

To: ELUTTIA MED LLC (trademarks@goodwin.com)
Subject: U.S. Trademark Registration No. 5449281 - OSTEGR0 - 2446-03
Sent: November 30, 2023 02:56:17 PM
Sent As: prg@uspto.gov
Attachments:

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Owner's Trademark Registration**

U.S. Registration No. 5449281

Mark: OSTEGR0

Correspondence Address:

David Ewen
SHIPMAN & GOODWIN LLP
One Constitution Plaza
Hartford, CT 06103-1919

Owner: ELUTTIA MED LLC

Reference/Docket No. 2446-03

Correspondence Email Address:

trademarks@goodwin.com

OFFICE ACTION

The USPTO must receive the owner's response to this letter within the **time period specified below**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears below.

Issue date: November 30, 2023

The Sections 8 & 15 Combined Affidavit was received on June 1, 2023. The Section 15 portion of the Combined Affidavit can be acknowledged. However, the Section 8 portion is not accepted for the reason(s) set forth below.

SECTIONS 8 AND 15 COMBINED AFFIDAVIT ISSUES

I. OWNERSHIP INQUIRY

The party who filed the Section 8 Affidavit must establish its ownership of the registration. Trademark Act Section 8 requires the current owner of the registration to file the Section 8 Affidavit. 15 U.S.C. §1058; 37 C.F.R. §§2.161(a)(1), 3.73(b); TMEP §1604.07(a). Office records do not show clear chain of title in the party who filed the Section 8 Affidavit.

Office records show clear chain of title to the registration in ELUTIA MED LLC (DELAWARE LIMITED LIABILITY COMPANY). However, the party who filed the Section 8 Affidavit is identified as AZIYO BIOLOGICS, INC. (DELAWARE CORPORATION).

The party who filed the Section 8 Affidavit or Declaration must establish its current ownership of the registration. 15 U.S.C. §1058; 37 C.F.R. §2.161(a)(1); TMEP §1604.07(a). Ownership can be established by satisfying one of the following: (1) recording the appropriate documents with the Assignment Recordation Branch of the Office; or (2) submitting actual evidence showing the transfer of title to the party who filed the Section 8 Affidavit or Declaration. 37 C.F.R. §3.73(b); TMEP §§502.01, 1604.07(b). More information about these two methods for

establishing ownership of the registration appears directly below.

- (1) If the present owner chooses to record the appropriate documents with the Assignment Recordation Branch, the documents must be recorded before expiration of the time for filing a response. In addition, you must notify the undersigned when the documents have been recorded. For information regarding recording assignments, name changes and mergers, please visit the webpage <https://www.uspto.gov/trademark/trademark-assignments-change-search-ownership> and see TMEP §§503 et seq. For specific questions, please contact the Assignment Recordation Branch at 571-272-3350. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System (ETAS) at <http://etas.uspto.gov>. To record an assignment, the owner must submit the assignment documents along with a cover sheet and the required fee. 37 C.F.R. §§3.28, 3.31. The fees for recording an assignment are \$40.00 for the first mark in a document and \$25.00 for each additional mark in the same document. 37 C.F.R. §2.6(b)(6). The Office will accept for recording a copy of an original document, a copy of an extract from the document evidencing the effect on title, or a statement signed by both the party conveying the interest and the party receiving the interest explaining how the conveyance affects title. 37 C.F.R. §3.25.
- (2) If the present owner prefers to **submit actual evidence of ownership** directly to the undersigned trademark specialist, copies of the actual documents transferring title or a statement explaining the valid transfer of legal title must be submitted. If submitting a statement of facts explaining the transfer of title, this statement must be verified with an affidavit or a signed declaration under 37 C.F.R. §2.20. See 37 C.F.R. §3.73; TMEP §§502 et seq.

Acceptance Notice Issued in Name of Owner of Record

Please note that if the party who filed the Section 8 Affidavit or Declaration submits sufficient evidence to establish ownership but the ownership documents are not recorded with the Assignment Recordation Branch before expiration of the time to file a response, then the acceptance notice will issue in the name of the owner of record. 37 C.F.R. §3.85; TMEP §502.02. An updated acceptance notice will not issue if ownership documents are recorded following the expiration of the time to file a response; however, the new owner may file a request for a new certificate in the new owner's name, along with the required fee. See 37 C.F.R. §2.6(a)(8); TMEP §502.03.

There is no deficiency, and no deficiency surcharge is required for providing evidence to establish ownership. TMEP §1604.07(a).

Information for Section 8 Affidavits or Declarations Not Filed in the Name of the Owner

If the Section 8 Affidavit or Declaration was not filed in the name of the owner of the registration and there **is time remaining** in the statutory filing period, including grace period, when responding to this Office action, the true owner may (1) submit a correction of the name in the filing of record or (2) file a complete new Section 8 Affidavit or Declaration with a new specimen and filing fee. Please note that a deficiency surcharge is required if the Section 8 Affidavit or Declaration was submitted before the grace period began and a correction of the name in the filing of record is received during the grace period. 37 C.F.R. §2.164(a)(1); TMEP §1604.17(a). The deficiency surcharge is \$100. 37 C.F.R. §2.6. The fee for filing a Section 8 Affidavit or Declaration is \$225 per class. 37 C.F.R. §2.6. If the new Section 8 Affidavit or Declaration is filed during the six-month grace period, the owner must pay the filing fee for the Section 8 Affidavit or Declaration *and* the grace period fee. 15 U.S.C. §1058; 37 C.F.R. §§2.160, 2.161; TMEP §1604.07(a). The grace period fee is \$100 per class. 37 C.F.R. §2.6.

If the Section 8 Affidavit or Declaration was not filed in the name of the owner of the registration and there is **no time remaining** in the grace period when responding to this Office action, the true owner may submit a correction of the name in the filing of record with payment of the deficiency surcharge, but may not file a new Section 8 Affidavit or Declaration. 15 U.S.C. §1058.

Confirmation Required: Affidavit or Declaration Signed by Authorized Signatory

If a correction of the name in the filing of record is submitted at any time, the true owner must confirm that the original affidavit or declaration was signed by a person properly authorized to sign on behalf of the owner. 37 C.F.R. §§2.161(a)(2), 2.193(e)(1); TMEP §1604.08(a). If the original affidavit or declaration was not signed by an authorized signatory, the owner must also submit a statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20 by a person properly authorized to sign on behalf of the owner, attesting to the use or excusable nonuse of the mark during the relevant period for filing the 6-year Section 8.

II. SIGNATURE ON RESPONSES – ADVISORY

Responses to Office actions must be properly signed. 37 C.F.R. §§2.163(b), 2.193(e)(2); TMEP §611.03(b). When an owner is represented by an attorney, the attorney must sign the response. 37 C.F.R. §2.193(e)(2)(i); TMEP §611.03(b). The only attorneys who may sign responses and otherwise practice before the USPTO in trademark matters are (1) attorneys in good standing with a bar of the highest court of any U.S. state, the

District of Columbia, Puerto Rico and other federal territories and possessions of the United States; and (2) Canadian agents/attorneys reciprocally recognized by the USPTO's Office of Enrollment and Discipline (OED) who are appointed in connection with a U.S.-licensed attorney. See 37 C.F.R. 2.17(a), 11.14(a), (c), (e). Attorneys who fail to meet these requirements, as well as non-attorneys, are generally not permitted to represent owners in trademark matters before the USPTO; and thus, they may not sign responses. See 5 U.S.C. §500(b), (d); 37 C.F.R. §11.14(a)-(c), (e); TMEP §§602, 602.02, 608.01.

Where an owner is represented by an attorney, and then later retains a different attorney from a different firm, the newly retained attorney may not sign responses until the owner files a new power and/or revocation of attorney. See 37 C.F.R. §2.18(a)(7); TMEP §604.03.

Where an owner is not represented by an attorney, the response must be signed by the individual owner or someone with legal authority to bind a juristic owner (e.g., a corporate officer or general partner). See 37 C.F.R. §2.193(e)(2)(ii); TMEP §§611.03(b), 611.06 *et seq.* In the case of joint owners, all must sign. 37 C.F.R. §2.193(e)(2)(ii); TMEP §611.06(a).

III. RESPONSE GUIDELINES

RESPONSE TIME DEADLINE: A complete response must be received within 6 months from the issuance date of this Office action or prior to expiration of the 6th year anniversary date on April 17, 2024, whichever is later. The owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration. *If a response is not received, and there is no time remaining in the grace period to file a new affidavit, the registration will be cancelled in its entirety.* 37 C.F.R. §2.163(b)-(c); TMEP §1604.16.

ADVISORY: If a response to this Office action is not filed within the response deadline above, and time remains in the grace period, the owner may avoid cancellation of its registration by filing a new affidavit of use within the grace period. 37 C.F.R. §2.163(c). Additional fees are required to file a new affidavit during the grace period. 37 C.F.R. §2.161(a)(4)(i)-(ii). For more information about this, please contact the undersigned.

How to respond. [Click to file a Response to Post-Registration Office action.](#)

[Beware of trademark-related scams.](#) Owners/Holders are recommended to protect themselves from people and companies that may try to take financial advantage of them based on the information in their trademark registration. Private companies may call owners/holders and pretend to be the USPTO or may send communications that resemble official USPTO documents to trick owners/holders into paying unnecessary fees. Be advised that the USPTO will never request a credit card number or social security number over the phone. Owners/Holders are strongly encouraged to verify correspondence originating from the USPTO by entering the registration number in the USPTO database, [TSDR](#), to confirm that it appears under the "Documents" tab, or contacting the [Trademark Assistance Center](#).

Direct questions about this Office action to the Post Registration staff member below.

/Vanessa Barber/
Trademark Specialist
Post Registration Division
571 272-0989 Direct
Vanessa.Barber@uspto.gov

RESPONSE GUIDANCE

- **Response must be received** by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an owner's ability to timely respond.
- [Responses signed by an unauthorized party](#) are not accepted or processed. If the owner does not have an attorney, the response must be signed by the individual owner, all joint owners, or someone with [legal authority to bind a juristic owner](#). If the owner has an attorney, the response must be signed by the attorney.

- If needed, **find** contact information for the supervisor of the office or unit listed in the signature block.

To: ELUTTIA MED LLC (trademarks@gowdwin.com)
Subject: U.S. Trademark Registration No. 5449281 - OSTEGR0 - 2446-03
Sent: November 30, 2023 02:56:17 PM
Sent As: prg@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office action (Official Letter) or Notice has issued
on 11/30/2023 for

U.S. Trademark Application Ser./Registration No. 5449281

A USPTO staff member has reviewed your trademark document and issued an Office action or notice. You may be required to respond to this Office action or notice. Follow the steps below.

- (1) Read the Office action or notice. This email is NOT the Office action or notice.
- (2) **Respond to the Office action or notice, if a response is required.** Respond by the deadline using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application may be abandoned or registration may be cancelled and/or expired and/or your document rejected. See the Office action or notice itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO website, the application or registration maintenance process, the status of your application or registration, and whether there are outstanding deadlines to the Trademark Assistance Center (TAC). After reading the Office action or notice, address any question(s) regarding the specific content to the USPTO staff member identified in the Office action or notice.

GENERAL GUIDANCE

Check the status of your application or registration periodically in the Trademark Status & Document Retrieval (TSDR) database to avoid missing critical deadlines.

Update your correspondence email address to ensure you receive important USPTO notices about your application or registration.

Beware of trademark-related scams. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain "@uspto.gov." Verify the correspondence originated from us by using your application serial number or registration number in our database, TSDR, to confirm that it appears under the "Documents" tab, or contact the Trademark Assistance Center.

Hiring a U.S.-licensed attorney. If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration or registration maintenance process.