

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNS 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>
Spectral Genomics, Inc.		01/31/2005	CORPORATION: DELAWARE
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Bacterial Barcodes, Inc.		
<b>Street Address:</b>	8080 North Stadium Drive		
<b>Internal Address:</b>	Suite 2200		
<b>City:</b>	Houston		
<b>State/Country:</b>	TEXAS		
<b>Postal Code:</b>	77054		
<b>Entity Type:</b>	CORPORATION: DELAWARE		
<b>PROPERTY NUMBERS Total: 2</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Registration Number:	2697108	BACTERIAL BARCODES	
Registration Number:	2671177	BACTERIAL BARCODES	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	(214)200-0853		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
<b>Phone:</b>	713-547-2301		
<b>Email:</b>	ipdocketing@haynesboone.com		
<b>Correspondent Name:</b>	Todd Mattingly		
<b>Address Line 1:</b>	901 Main Street		
<b>Address Line 2:</b>	Suite 3100		
<b>Address Line 4:</b>	Dallas, TEXAS 75202-3789		
<b>NAME OF SUBMITTER:</b>	Todd Mattingly		
<b>Signature:</b>	/Todd Mattingly/		

CH \$65.00 2697108

Date:

03/17/2005

**Total Attachments: 4**

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## **TRADEMARK ASSIGNMENT**

THIS TRADEMARK ASSIGNMENT (“Assignment”) is made and entered into as of the 31<sup>st</sup> day of January, 2005 (“Effective Date”), by and between Spectral Genomics, Inc., a Delaware corporation (“Assignor”), and Bacterial BarCodes, Inc., a Delaware corporation (“Assignee”).

**WHEREAS**, pursuant to that certain Asset Purchase Agreement dated as of January 31, 2005, by and between Assignor and Assignee, Assignor has agreed to transfer, assign, contribute, and convey to Assignee all assets relating to the intellectual property of Assignor's business, including, without limitation; (a) the United States registered trademark “BACTERIAL BARCODES” having the registration number 2697108 (registration date March 18, 2003); (b) the United States registered service mark “BACTERIAL BARCODES” having the registration number 2671177 (registration date January 7, 2003); (c) the common law trademark “DIVERSILAB”; and (d) all other trademarks and service marks (registered and unregistered) owned or used by Assignor in connection with its business ((a), (b), (c) and (d) hereinafter, collectively, the “Marks”); and (e) the goodwill of the business associated with the Marks; and

**WHEREAS**, Assignee wishes to acquire the entire right, title and interest in and to the Marks, together with the goodwill of the business with which the Marks are used.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the Marks, together with the goodwill of the business with which the Marks are used, for the United States and for all foreign countries, including any renewals and extensions of the registrations that are or may be secured under the laws

of the United States or any foreign countries, now or hereafter in effect, for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all income, royalties, damages or payments due or payable as of the Effective Date or thereafter, including, without limitation, all claims for damages by reason of past, present or future infringement or other unauthorized use of the Marks, with the right to sue for, and collect the same for Assignee's own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor shall provide to Assignee, its successors, assigns or other legal representatives, cooperation and assistance at Assignee's request and expense (including the execution and delivery of any and all affidavits, declarations, oaths, samples, exhibits, specimens and other documentation as may be reasonably required): (1) in the preparation and prosecution of any application for registration or any application for renewal of a registration covering the Marks; (2) in the prosecution or defense of any opposition, infringement or other proceedings that may arise in connection with the Marks including, but not limited to, testifying as to any facts relating to the Marks assigned herein and this Assignment; (3) in obtaining any additional trademark protection for the Marks that Assignee reasonably may deem appropriate that may be secured under the laws now or hereafter in effect in the United States and any foreign countries; and (4) in the implementation or perfection of this Assignment.

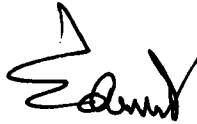
Assignor authorizes and requests the Commissioner of Patents and Trademarks to record Assignee as the assignee and owner of the Marks in the United States.

This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN TESTIMONY WHEREOF, Assignor and Assignee have caused this Assignment to be signed and executed by the undersigned officers thereunto duly authorized as of the Effective Date.

**“ASSIGNOR”**

**SPECTRAL GENOMICS, INC.,**  
a Delaware corporation

By:   
\_\_\_\_\_  
Edward M. Chait, Ph.D.  
Chief Executive Officer

**“ASSIGNEE”**

**BACTERIAL BARCODES, INC.,**  
a Delaware corporation

By: \_\_\_\_\_  
Thomas C. Thompson  
Chairman

**SIGNATURE PAGE  
TRADEMARK ASSIGNMENT**

**TRADEMARK  
REEL: 003048 FRAME: 0061**

**IN TESTIMONY WHEREOF**, Assignor and Assignee have caused this Assignment to be signed and executed by the undersigned officers thereunto duly authorized as of the Effective Date.

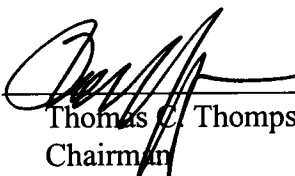
**“ASSIGNOR”**

**SPECTRAL GENOMICS, INC.**,  
a Delaware corporation

By: \_\_\_\_\_  
Edward M. Chait, Ph.D.  
Chief Executive Officer

**“ASSIGNEE”**

**BACTERIAL BARCODES, INC.**,  
a Delaware corporation

By:  \_\_\_\_\_  
Thomas C. Thompson  
Chairman