

11-05-2003

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

3ET



102593293

11/3/03

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Encore Medical Asset Corporation

Individual(s) Association
 General Partnership Limited Partnership
 Corporation - State of Nevada
 Other _____

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies):
Name: Bank of America, National Association
Internal Address: _____
Street Address: 55 South Lake Avenue, Suite 900
City: Pasadena State CA ZIP: 91101

Individual(s) citizenship
 Association National Association
 General Partnership
 Limited Partnership -
 Corporation-State of _____
 Other _____

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: September 26, 2003

If assignee is not domiciled in the United States, a domestic representative designation is attached:
 Yes No
(Designation must be a separate document from Assignment)
Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):
A. Trademark Application No(s).
See Attached List

B. Trademark registration No(s).
See Attached List

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Cathryn A. Berryman
Jenkins & Gilchrist, a Professional Corporation
Internal Address: _____
Street Address: 1445 Ross Avenue, Suite 3200
City: Dallas State: Texas Zip: 75202-2799

6. Total number of applications and registrations involved: 60

7. Total fee (37 CFR 3.41): \$ 1515.00
 Enclosed
 Authorized to be charged to deposit account.

(If check is not received with this correspondence or additional fees are required, please charge to deposit account 10-0447.)

8. Deposit Account number:
10-0447
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Cathryn A. Berryman
Name of Person Signing

Cathryn A. Berryman
Signature

10 28 03
Date

Total number of pages comprising cover sheet: -1-

11/04/2003 ECOOPER 00000184 74223328

01 FC:8521 40.00 OP
02 FC:8522 1475.00 OP

Dallas 2 1007076 v 1, 46715.01252

TRADEMARK
REEL: 002855 FRAME: 0619

2003 NOV -3 AM 8:53
OPR/FINANCE

Schedule 1
to
Trademark Security Agreement

| Owner of Record/ Next Owner | Country of Registration | Trademark | Application No./ Registration No. | Filing/ Registration Date | Goods |
|-------------------------------------|----------------------------|---|--------------------------------------|---------------------------------|--|
| Encore Medical Asset Corporation | USA | 911 FIRST RESPONSE COLLAR | 74223328/ 1711470 | 11/19/1991/ 9/1/1992 | Int'l Cl 10 – Medical products, namely, cervical supports |
| Encore Medical Asset Corporation | USA | EVER GREEN BECAUSE IT'S OUR WORLD TOO | 74579602/ 2133619 | 12/27/1993/ 2/3/1998 | Int'l Cl 10 – Disposable medical products, namely, surgical, medical and procedure facemasks Int'l Cl 42 – Promoting public awareness of the need for environmental protection, recycling and waste management |
| Encore Medical Asset Corporation | USA | INDUSTRY'S CHOICE | 74230966/ 1773535 | 12/31/1991/ 5/25/1993 | Int'l Cl 10 – Orthopedic appliances, namely, back supports, wrist supports, knee supports, ankle supports, hand supports, elbow supports, shoulder supports |
| Encore Medical Asset Corporation | USA | KALLASSY ANKLE SUPPORT | 73759116/ 1557807 | 10/24/1998/ 9/26/1989 | Int'l Cl 10 – Orthopedic ankle supports |
| Encore Medical Asset Corporation | USA | NAVIGATOR | 74222161/ 1859136 | 11/18/1991/ 10/18/1994 | Int'l Cl 10 – Medical rehabilitation devices, namely knee braces |
| Encore Medical Asset Corporation | USA | REBOUND | 74474444/ 2029443 | 12/27/1993/ 1/14/1997 | Int'l Cl 10 – Medical rehabilitation devices, namely knee, wrist, ankle and elbow supports, elastic bandages, hot and cold packs, compress hosiery, cervical collars and arm slings |
| Encore Medical Asset Corporation | USA | SPORTS SUPPORTS & Design | 73477121/ 1376496 | 4/25/1984/ 12/17/1985 | Int'l Cl 42 – Retail and wholesale distributorship services, namely, catalog services in the field of orthopedic supports |
| Encore Medical Asset Corporation | USA | SPORTS SUPPORTS (Stylized) | 75218474/ 2167088 | 12/26/1996/ 6/23/1998 | Int'l Cl 35 – Retail and wholesale distributorship services, namely, catalog services in the field of orthopedic supports |
| Encore Medical Asset Corporation | USA | TURTLE NECK | 73754246/ 1578810 | 9/26/1988/ 1/23/1990 | Int'l Cl 10 – Cervical collar |
| Encore Medical Asset Corporation | USA | ENCORE | 74313604/ 1806706 | 9/14/1992/ 11/23/1993 | Int'l Cl 10 – Orthopedic prostheses, namely, joint replacements |
| Encore Medical Asset Corporation | USA | ENCORE ORTHOPEDECS (and design) | 74313605/ 1806707 | 9/14/1992/ 11/23/1993 | Int'l Cl 10 – Orthopedic prostheses, namely, joint replacements |
| Encore Medical Asset Corporation | USA | Foundation | 74313608/ 1819447 | 9/14/1992/ 2/1/1994 | Int'l Cl 10 – Orthopedic prostheses, namely, joint replacements |

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| Encore Medical Asset Corporation | USA | LINEAR | 75322354/ 2196711 | 7/10/1997/ 10/13/1998 | Int'l Cl 10 – Medical rehabilitation devices, namely knee braces |
| Encore Medical Asset Corporation | USA | MAXIMUM POLY | 75409374/ 2369129 | 12/22/1997/ 7/18/2000 | Int'l Cl 10 – Device for pulverizing bones for surgical use by the medical profession |
| Encore Medical Asset Corporation | USA | REVELATION | 75409372/ 2438831 | 12/22/1997/ 3/27/2001 | Int'l Cl 10 – Orthopedic implants |
| Encore Medical Asset Corporation | USA | TRUE/FIX | 74281390/ 1791469 | 6/4/1992/ 9/7/1993 | Int'l Cl 10 – Medical devices, namely, orthopedic implants for attaching ligaments |
| Encore Medical Asset Corporation | USA | TRUE/FLEX | 74045078/ 1668974 | 4/2/1990/ 12/17/1991 | Int'l Cl 10 – Orthopedic implants for the fixation of fractures of the skeleton |
| Encore Medical Asset Corporation | USA | VITALITY | 75169418/ 2087777 | 9/20/1996/ 8/12/1997 | Int'l Cl 10 – Orthopedic implants |
| Encore Medical Asset Corporation | USA | 3D MATRIX | 75727296/ Intent to Use Appl. | 6/11/1999 | Int'l Cl 10 – Coating to provide a porous surface for bony attachment to orthopedic implants |
| Encore Medical Asset Corporation | USA | CLEAR CUT | 75919591/ 2530590 | 2/10/2000/ 1/15/2002 | Int'l Cl 10 – Hip bone plug implants |
| Encore Medical Asset Corporation | USA | KEYSTONE | 75727294/ 2,496,855 | 6/11/1999/ 10/9/2001 | Int'l Cl 10 – Orthopedic joint implants |
| Encore Medical Asset Corporation | USA | Adapta | 1,097,329 | 9/19/1977/ 7/25/1978 | |
| Encore Medical Asset Corporation | USA | Autoflex | 1,410,735 | 3/3/1986/ 9/23/1986 | |
| Encore Medical Asset Corporation | USA | Autotrac | 1,419,075 | 3/20/1986/ 12/2/1986 | |
| Encore Medical Asset Corporation | USA | Colpac | 871,377 | 6/19/1967/ 6/17/1969 | |
| Encore Medical Asset Corporation | USA | Colpac | 2,332,842 | 12/28/1999/ 3/21/2000 | |
| Encore Medical Asset Corporation | USA | Cover-Sling | 737,972 | 10/16/1961/ 9/18/1962 | |
| Encore Medical Asset Corporation | USA | Durastick | 2,465,072 | 8/9/1999/ 4/10/2001 | |
| Encore Medical Asset Corporation | USA | EMG Retrainer | 2,188,549 | 4/14/1997/ 9/8/1998 | |
| Encore Medical Asset Corporation | USA | Ergowave | 2,373,574 | 5/14/1998/ 8/1/2000 | |
| Encore Medical Asset Corporation | USA | Flexipac | 2,368,547 | 8/9/1999/ 7/18/2000 | |
| Encore Medical Asset Corporation | USA | Hydrocollator | 574,604 | 12/13/1951/ 5/19/1953 | Therapeutic Steam Packs |
| Encore Medical Asset Corporation | USA | Hydrocollator | 675,045 | 11/25/1957/ 3/3/1959 | Electric Units |
| Encore Medical Asset Corporation | USA | Hydrocollator Colpac | 864,244 | 11/27/1967/ 1/28/1969 | |
| Encore Medical Asset Corporation | USA | Intellect | 1,302,476 | 9/30/1983/ 10/30/1984 | |
| Encore Medical | USA | Myossage | 872,017 | 10/20/1967/ | |

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|-------------------------------------|----------------------------|--------------------|--------------------------------------|---------------------------------|-------|
| Asset Corporation | | | | 7/1/1969 | |
| Encore Medical Asset Corporation | USA | Nylatex | 1,023,095 | 1/29/1975/ 10/21/1975 | |
| Encore Medical Asset Corporation | USA | Opti-Flex | 2,318,990 | 1/19/1999/ 2/15/2000 | |
| Encore Medical Asset Corporation | USA | Para-Care | 2,217,692 | 11/18/1996 / 1/12/1999 | |
| Encore Medical Asset Corporation | USA | PresSsion | 1,713,380 | 11/14/1991/ 9/8/1992 | |
| Encore Medical Asset Corporation | USA | Spinalator | 357,815 | 1/24/1938/ 6/14/1938 | |
| Encore Medical Asset Corporation | USA | Steam Pack | 1,112,672 | 5/2/1977/ 2/6/1979 | |
| Encore Medical Asset Corporation | USA | Triax | 1,471,340 | 2/13/1987/ 1/5/1988 | |
| Encore Medical Asset Corporation | USA | Triton | 1,361,658 | 10/30/1984/ 9/24/1985 | |
| Encore Medical Asset Corporation | USA | TX | 1,109,261 | 12/23/1977/ 12/19/1978 | |
| Encore Medical Asset Corporation | USA | Wellness by Design | 1,767,341 | 6/29/1989/ 4/27/1993 | |
| Encore Medical Asset Corporation | USA | E ENCORE | 76324826 | 10/10/2001 | |
| Encore Medical Asset Corporation | USA | WARM 'N FORM | 73026352/ 1,012,936 | 07/09/1974/ 06/10/1975 | |
| Encore Medical Asset Corporation | USA | ENCORE | 76324825 | 10/10/2001 | |
| Encore Medical Asset Corporation | USA | ENCORE (Stylized) | 76324827 | 10/10/2001 | |
| Encore Medical Asset Corporation | USA | CYCLONE | 76481716 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | CYCLONE (Stylized) | 76481717 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | EPIK | 76467294 | 11/15/2002 | |
| Encore Medical Asset Corporation | USA | REVERSE | 76467293 | 11/15/2002 | |
| Encore Medical Asset Corporation | USA | REVERSE (Stylized) | 76481714 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | RSP | 76481715 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | STEALTH | 74222162/ 1742238 | 12/22/1992 | |
| Encore Medical Asset Corporation | USA | THERATHERM | 76364890 | 01/31/2002 | |
| Encore Medical Asset Corporation | USA | VECTRA | 76040122/ 2596841 | 07/23/2002 | |

Trademark Licenses

| Name of Agreement | Trademark | Date of Agreement |
|-------------------|-----------|-------------------|
| None. | | |

TRADEMARK SECURITY AGREEMENT

(Encore Medical Asset Corporation)

THIS TRADEMARK SECURITY AGREEMENT ("Agreement") is between ENCORE MEDICAL ASSET CORPORATION, a Nevada corporation (the "Debtor"), and BANK OF AMERICA, NATIONAL ASSOCIATION, a national banking association (the "Secured Party"), acting in its capacity as administrative agent under the Credit Agreement described hereinbelow, and is executed pursuant to that certain Amended and Restated Credit Agreement dated as of September 26, 2003 (as such agreement may be amended, restated, or otherwise modified from time to time, the "Credit Agreement"; all terms defined in the Credit Agreement, wherever used herein, shall have the same meanings herein as are prescribed by the Credit Agreement) among ENCORE MEDICAL CORPORATION, each of its Subsidiaries party thereto, the Lenders party thereto, and the Secured Party.

Recitals:

A. The Debtor and the Secured Party are parties to that certain Amended and Restated Subsidiary Security Agreement dated as of September 26, 2003 (as amended, restated, or otherwise modified, the "Security Agreement").

B. Pursuant to the terms of the Security Agreement, the Debtor has granted to the Secured Party a lien and security interest in all General Intangibles of the Debtor, including, without limitation, all of the Debtor's right, title, and interest in, to, and under all now owned and hereafter acquired Trademarks (as defined below), together with the goodwill of the business symbolized by the Debtor's Trademarks, and Trademark Licenses (as defined below), and all products and proceeds thereof, to secure the payment of the Obligations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Debtor hereby grants and assigns to the Secured Party a continuing security interest, lien, and collateral assignment in all of the Debtor's right, title, and interest in, to, and under the following (all of the following items or types of property being herein collectively referred to as the "Trademark Collateral"), whether presently existing or hereafter created or acquired:

(1) (a) any written agreement now or hereafter in existence granting to the Debtor any right to use any Trademark ("Trademark License"); (b) (i) all trademarks, trade names, corporate names, company names, business names, fictitious business names, trade styles, service marks, logos, other business identifiers, prints and labels on which any of the foregoing appear, all registrations and recordings thereof, and all applications in connection therewith, including, without limitation, registrations, recordings, and applications in the United States Patent and Trademark Office or in any similar office or agency of the U.S., any state thereof, or any other country or any political subdivision thereof, (ii) all reissues, extensions, and renewals thereof, (iii) all income, royalties, damages, and payments now or hereafter relating to or payable under any of the foregoing, including, without limitation, damages or payments for past or future infringements of any of the foregoing, (iv) the right to sue for past, present, and

future infringements of any of the foregoing; (v) all rights corresponding to any of the foregoing throughout the world, and (vi) all goodwill associated with and symbolized by any of the foregoing; in each case, whether now owned or hereafter acquired by the Debtor (all of such items in this clause (b) being referred to herein collectively as the “Trademarks”); (c) each trademark registration (“Trademark Registration”); and (d) each trademark application (“Trademark Application”) (including, without limitation, each Trademark, Trademark Registration, and Trademark Application referred to in Schedule 1 annexed hereto, together with the goodwill of the business symbolized thereby);

(2) each Trademark License, to the extent allowable under the applicable license agreement (including, without limitation, each Trademark License listed in Schedule 1 annexed hereto); and

(3) all products and proceeds of the foregoing, including, without limitation, any claim by the Debtor against third parties for past, present, or future (a) infringement, dilution, or breach of any Trademark, Trademark Registration, Trademark Application, or Trademark License (including, without limitation, any Trademark, Trademark Registration, or Trademark License referred to in Schedule 1 annexed hereto, and any Trademark Registration issued pursuant to a Trademark Application referred to in Schedule 1 annexed hereto), or (b) injury to the goodwill associated with any Trademark, Trademark Registration, or Trademark Application.

The lien and security interest contained in this Agreement is granted in conjunction with the liens and security interests granted to the Secured Party pursuant to the Security Agreement.

The Debtor hereby acknowledges and affirms that the rights and remedies of the Secured Party with respect to the liens and security interests in the Trademark Collateral made and granted hereby are more fully set forth in the Credit Agreement and the Security Agreement, the terms and provisions of which are incorporated by reference herein as if fully set forth herein.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Debtor has caused this Agreement to be duly executed by its duly authorized officer as of the 26th day of September, 2003.

DEBTOR:

ENCORE MEDICAL ASSET
CORPORATION

By: 
Harry L. Zimmerman
Executive Vice President, General Counsel

SECURED PARTY:

BANK OF AMERICA, NATIONAL
ASSOCIATION, as administrative agent

By: _____
Name: _____
Title: _____

IN WITNESS WHEREOF, the Debtor has caused this Agreement to be duly executed by its duly authorized officer as of the 26th day of September, 2003.

DEBTOR:

ENCORE MEDICAL ASSET
CORPORATION

By: _____
Harry L. Zimmerman
Executive Vice President, General Counsel

SECURED PARTY:

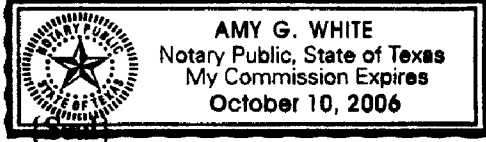
BANK OF AMERICA, NATIONAL
ASSOCIATION, as administrative agent

By: _____
Name: _____
Title: DANIEL PENKAR
SENIOR VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

This instrument was acknowledged before me this 26th day of September, 2003, by Harry L. Zimmerman, as Executive President and General Counsel of Encore Medical Asset Corporation, a Nevada corporation, on behalf of such corporation.



Amy G. White
Notary Public in and for
the State of Texas

My commission expires: October 10, 2006

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me this 26th day of September, 2003, by _____, as _____ of Bank of America, National Association, a national banking association, on behalf of such banking association.

{Seal}

Notary Public in and for
the State of Texas

My commission expires: _____

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

This instrument was acknowledged before me this 26th day of September, 2003, by Harry L. Zimmerman, as Executive President and General Counsel of Encore Medical Asset Corporation, a Nevada corporation, on behalf of such corporation.

{Seal}

Notary Public in and for
the State of Texas

My commission expires: _____

STATE OF TEXAS

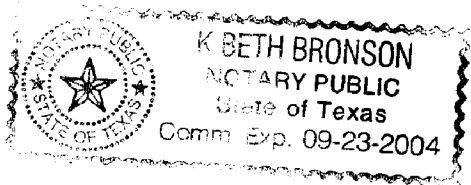
COUNTY OF DALLAS

This instrument was acknowledged before me this 26th day of September, 2003, by Daniel Parkin, as SVP of Bank of America, National Association, a national banking association, on behalf of such banking association.

{Seal}

K. Beth Bronson
Notary Public in and for
the State of Texas

My commission expires: 09-23-2004



Schedule 1
to
Trademark Security Agreement

| Owner of Record/ Next Owner | Country of Registration | Trademark | Application No./ Registration No. | Filing/ Registration Date | Goods |
|-------------------------------------|----------------------------|---|--------------------------------------|---------------------------------|--|
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| Encore Medical Asset Corporation | USA | EVER GREEN BECAUSE IT'S OUR WORLD TOO | 74579602/ 2133619 | 12/27/1993/ 2/3/1998 | Int'l Cl 10 – Disposable medical products, namely, surgical, medical and procedure facemasks Int'l Cl 42 – Promoting public awareness of the need for environmental protection, recycling and waste management |
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| Encore Medical Asset Corporation | USA | Intellect | 1,302,476 | 9/30/1983/ 10/30/1984 | |
| Encore Medical | USA | Myossage | 872,017 | 10/20/1967/ | |

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| Encore Medical Asset Corporation | USA | PresSsion | 1,713,380 | 11/14/1991/ 9/8/1992 | |
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| Encore Medical Asset Corporation | USA | Steam Pack | 1,112,672 | 5/2/1977/ 2/6/1979 | |
| Encore Medical Asset Corporation | USA | Triax | 1,471,340 | 2/13/1987/ 1/5/1988 | |
| Encore Medical Asset Corporation | USA | Triton | 1,361,658 | 10/30/1984/ 9/24/1985 | |
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| Encore Medical Asset Corporation | USA | WARM 'N FORM | 73026352/ 1,012,936 | 07/09/1974/ 06/10/1975 | |
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| Encore Medical Asset Corporation | USA | ENCORE (Stylized) | 76324827 | 10/10/2001 | |
| Encore Medical Asset Corporation | USA | CYCLONE | 76481716 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | CYCLONE (Stylized) | 76481717 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | EPIK | 76467294 | 11/15/2002 | |
| Encore Medical Asset Corporation | USA | REVERSE | 76467293 | 11/15/2002 | |
| Encore Medical Asset Corporation | USA | REVERSE (Stylized) | 76481714 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | RSP | 76481715 | 01/09/2003 | |
| Encore Medical Asset Corporation | USA | STEALTH | 74222162/ 1742238 | 12/22/1992 | |
| Encore Medical Asset Corporation | USA | THERATHERM | 76364890 | 01/31/2002 | |
| Encore Medical Asset Corporation | USA | VECTRA | 76040122/ 2596841 | 07/23/2002 | |

Trademark Licenses

| Name of Agreement | Trademark | Date of Agreement |
|-------------------|-----------|-------------------|
| None. | | |