



RECORD

06-30-1999

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

06-17-1999

6-17-99



101079576

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #58

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

<p>1. Name of conveying party(ies):</p> <p>ANTARES LEVERAGED CAPITAL CORPORATION n/k/a ANTARES CAPITAL CORPORATION 311 S. Wacker Drive; Suite 2725 Chicago, IL 60606</p> <p>A Corporation of the State of Delaware</p>	<p>2. Name and address of receiving party(ies)</p> <p>MEDICAL COMPANIES ALLIANCE, INC. P.O. Box 680788 2078 Prospector Avenue Park City, UT 84068-0788</p> <p>A Corporation of the State of Utah</p>
<p>3. [] Assignment [X] Security Agreement Release [] Change of Name</p> <p>Execution Date: <u>June 15, 1999</u></p>	
<p>4. Application number(s) or patent number(s) listed below</p> <p>If this document is being filed together with a new application, the execution date of the application is: <u>NO</u></p>	
<p>A. Patent Application No.(s)</p>	<p>B. Patent No. <u>See attached schedule A</u></p>
<p>Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: <u>ANDREA G. HILBORN</u> DECHERT, PRICE & RHOADS 4000 BELL ATLANTIC TOWER 1717 ARCH STREET PHILDELPHIA, PA. 19103-2793 TEL (215) 955-2711</p> <p><u>06/29/1999</u> <u>INBUYEN</u> <u>00000274</u> <u>040475</u> <u>4607637</u> <u>01 EC:581</u> <u>240.00 CH</u></p>	<p>6. Total number of applications and patents involved: <input checked="" type="checkbox"/> 6</p> <p>7. Total fee (37 CFR 3.41) <u>\$240.00</u></p> <p><input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: <u>Deposit Account No. 04-0475</u> (Attach duplicate copy of this page if paying by deposit account)</p>
<p>DO NOT USE THIS SPACE</p>	
<p>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.</p> <p>Heather S. Richman, Patent Paralegal</p> <p><u>Heather S. Rich</u> Signature</p> <p><u>JUNE 17, 1999</u> Date</p> <p>Total number of pages including cover sheet, attachments, and document: [6]</p>	

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

(Form PTO-1595-Recordation Form Cover Sheet [16-5]-page 1 of 1)

PATENT
REEL: 010052 FRAME: 0019

SCHEDULE A

Release of Security Interest in U.S. Patents from
Antares Leveraged Capital Corporation to
Medical Companies Alliance, Inc.

<u>U.S. Patent No.</u>	<u>Date of Issue</u>	<u>Title</u>
4,607,637	26 Aug 1986	Surgical Instrument for Performing Anastomosis With the Aid of Ring-like Fastening Elements and the Fastening Elements for Performing Anastomosis
4,624,257	25 Nov 1986	Surgical Instrument for Performing Anastomosis
4,917,090	17 Apr 1990	Method for Performing Anastomosis
4,917,091	17 Apr 1990	Annular Fastening Means
5,036,868	06 Aug 1991	Anastomosis Preparation Technique
5,323,789	02 Aug 1991	Anastomosis Preparation Technique with Easily Insertable Member

RELEASE OF PATENTS

THIS RELEASE OF PATENTS is dated as of ^{Time} ~~January~~ 15, 1999 by ANTARES LEVERAGED CAPITAL CORP., as Agent, n/k/a/ Antares Capital Corporation, a Delaware corporation ("Antares").

WHEREAS, MEDICAL COMPANIES ALLIANCE, INC., a California corporation ("MCA"), entered into that certain Patent Security Agreement dated as of July 30, 1998 (the "Patent Security Agreement"), in favor of Antares;

WHEREAS, the Patent Security Agreement granted Antares a security interest in, among other things, certain Patents, including, without limitation, the Patents listed on Schedule A attached hereto as security for certain obligations of MCA to Antares (the "Obligations");

WHEREAS, MCA has satisfied all of the Obligations and has requested that Antares release its security interests in the Patents.

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

Antares hereby fully releases and terminates its security interests in and liens on:

(a) all of MCA's now existing or hereafter acquired right, title and interest in and to: all Patents which are now filed with the U.S. Patent and Trademark Office, any similar office or agency of any state, territory or possession of the United States or Canada or any similar office or agency of any other country or used in the United States, any state, territory or possession thereof including, without limitation, Puerto Rico, or any other country, and (i) any renewals thereof, (ii) all income, royalties, damages and payments now and hereafter due or payable with respect thereto, including, without limitation, payments under all licenses entered into in connection therewith and damages and payments for past or future infringements thereof, (iii) the right to sue for past, present and future infringements thereof, (iv) all documents, packages, prints and labels on which said Patents have appeared and all designs and general intangibles of a like nature, and (v) all rights corresponding thereto throughout the world;

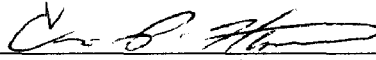
(b) the goodwill of MCA's business connected with or symbolized by the Patents; and

(c) any and all of the proceeds of any of the foregoing, including, without limitation, any claims by MCA against third parties for infringement of the Patents or of any license with respect thereto.

Antares further agrees, at the sole cost and expense of MCA, to perform all acts reasonably necessary to effect the release and termination of its security interest and liens, including, but not limited to the recording, filing and entering into any agreements, documents forms or papers needed to accomplish such release and termination.

IN WITNESS WHEREOF, Antares has caused this Release of Patents to be duly executed as of the day and year first above written.

ANTARES CAPITAL CORPORATION

By: 
Name: Eric P. Hansen
Title: Director

Schedule 1
[to Medical Companies Alliance, Inc. Patent Agreement]

1. Pursuant to the terms of a Purchase Agreement dated March 29, 1996 (the "MAS Purchase Agreement"), Medical Companies Alliance, Inc. ("MCA") acquired certain intellectual property rights in connection with the acquisition of certain assets now utilized by MCA in conducting its Microvascular Anastomotic System ("MAS") business. The MAS Purchase Agreement, particularly Sections 3.07 and 3.10 thereof, expressly limits the nature of the intellectual property rights acquired by MCA. In addition, the MAS Purchase Agreement obligates MCA to indemnify and hold harmless Minnesota Mining and Manufacturing Company with respect to certain claims of infringement relating to the MCA intellectual property rights.

The patents acquired pursuant to the MAS Purchase Agreement and owned by MCA are as follows:

- a. U.S. Patent No. 4,607,637, issued on August 26, 1986, entitled "Surgical Instrument for Performing Anastomosis with the Aid of Ring-like Fastening Elements and the Fastening Elements for Performing Anastomosis"
- b. U.S. Patent No. 4,624,257, issued on November 25, 1986, entitled "Surgical Instrument for Performing Anastomosis."

Patent Cooperation Treaty Application No. PCT/SE83/00253 was filed on June 17, 1983 with regard to U.S. Patent No. 4,624,257 designating the following countries for protection: Brazil, Denmark, Japan, and the Soviet Union.

Regional European Patent No. 112363 was issued with regard to U.S. Patent No. 4,624,257 which designated the following countries: Austria, Belgium, France, United Kingdom, Switzerland, Liechtenstein, Sweden, Netherlands, and Luxembourg.

Patent No. P. 3366827.2 was issued in Germany with regard to U.S. Patent No. 4,624,257.

Patent No. 557,822 was issued in Australia with regard to U.S. Patent No. 4,624,257.

- c. U.S. Patent No. 4,917,090, issued on April 17, 1990, entitled "Method for Performing Anastomosis."

Equivalent applications to U.S. Patent No. 4,917,090 were filed in Denmark (S.N. 749/84), Brazil (PI8307408), and Japan (502213/83).

- d. U.S. Patent No. 4,917,091, issued on April 17, 1990, entitled "Annular Fastening Means"
- e. U.S. Patent No. 5,036,868, issued on August 6, 1991, entitled "Anastomosis Preparation Technique."

Patent Cooperation Treaty Application No. PCT/SE87/00596 was filed on December 11, 1987 with regard to this patent designating the following countries for protection: Australia (Patent No. 604,521, issued May 7, 1991), Denmark (Application No. 4529/88, filed August 12, 1988), Canada (Application No. P-554,448, filed December 16, 1987), Brazil (Application No. PI 8707589, filed August 17, 1988), Sweden (Patent No. 8605455-8, issued July 19, 1989).

European Patent Application No. EP-88900479-2 was filed on July 4, 1988.

- f. U.S. Patent No. 5,323,789, issued on August 2, 1991, entitled "Anastomosis Preparation Technique with Easily Insertable Member"