

PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Purchase Agreement
CONVEYING PARTY DATA	
Name	Execution Date
Bioheart, Inc.	06/24/2003
RECEIVING PARTY DATA	
Name:	Advanced Cardiovascular Systems, Inc.
Street Address:	3200 Lakeside Drive
City:	Santa Clara
State/Country:	CALIFORNIA
Postal Code:	95054
PROPERTY NUMBERS Total: 2	
Property Type	Number
Patent Number:	5972013
PCT Number:	US9819591
CORRESPONDENCE DATA	
Fax Number:	(612)766-1600
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Email:	joneil@faegre.com
Correspondent Name:	Faegre and Benson, LLP
Address Line 1:	2200 Wells Fargo Center
Address Line 2:	90 South Seventh Street
Address Line 4:	Minneapolis, MINNESOTA 55402
NAME OF SUBMITTER:	Jackie O'Neil
Total Attachments: 1 source=Purchase Agreement#page1.tif	

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REEL: 020243 FRAME: 0675

SECOND AMENDMENT TO ASSET PURCHASE AGREEMENT

This second amendment ("Second Amendment") to the Asset Purchase Agreement ("Agreement") that was entered into on the 24th day of June, 2003, between Advanced Cardiovascular Systems, Inc. ("Buyer") and Bioheart, Inc. ("Seller") (collectively "the Parties") is made this 26th day of October, 2007.

WHEREAS, the Parties acknowledge an error in the Agreement in which a third party patent and patent application were assigned to Buyer rather than being the subject of a license agreement that was transferred to Buyer ("License Agreement");

WHEREAS, the Parties wish to correct the error with this Amendment and the recording of the acknowledgement of the License Agreement at the United States patent office;

WHEREAS, the Buyer has, since the execution date of the Agreement, changed its name from Advanced Cardiovascular Systems, Inc. to Abbott Cardiovascular Systems, Inc. such that this Amendment is being signed in the name of Abbott Cardiovascular Systems, Inc.; and

WHEREAS, this amendment is referred to as the Second Amendment because the Parties previously executed an unrelated letter amendment to the Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

1. **Amendment.** In Schedule 1.1(a) of the Agreement, delete the following entries:

Cecil C. Schmidt	Direct Pericardial Access Device with Deflecting Mechanism and Method	U. S. 5,972,013
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Cecil C. Schmidt	Direct Pericardial Access Device with Deflecting Mechanism and Method	PCT/US98/19591.
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2. **Acknowledgement of License Agreement and Transfer.** Seller acknowledges having executed an agreement with the assignee of the patent and patent application noted above (Comedicus) by which Seller was granted a limited, exclusive license under the patent and patent application (as noted above, the "License Agreement"). In the Agreement, Seller transferred the License Agreement to Buyer.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be duly executed as of the date and year first above written.

ABBOTT CARDIOVASCULAR SYSTEMS, INC.

By: *Susan L. Walker*
Susan L. Walker, Assistant Secretary
Abbott Cardiovascular Systems, Inc.

BIOHEART, INC.

By: *Howard Leonardt*
Howard Leonardt, Chairman/CTO
Bioheart, Inc.