

09-06-2002

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Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings



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EET U.S. DEPARTMENT OF COMMERCE Y U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

Bank of America, N.A.

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

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other Release of Security Interest

Execution Date: August 29, 2002 (08/29/2002)

2. Name and address of receiving party(ies)

Name: Home Diagnostics, Inc.

Internal Address:

Street Address: 2400 N.W. 55th Court

City: Ft. Lauderdale State: FL Zip 33309

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Delaware Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No (Designations 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) 76-091568 76-186497 76-092196 75-150528 76-092197

B. Trademark Registration No.(s)

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Deborah D. Corey

Internal Address: King & Spalding

Street Address: 191 Peachtree Street

City: Atlanta State: GA Zip: 30303

6. Total number of applications and registrations involved:

6

7. Total fee (37 CFR 3.41): \$ 165.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

(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.

Deborah D. Corey

Name of Person Signing

Deborah D. Corey Signature

September 3, 2002

Date

5

Total number of pages including cover sheet, attachments, and document:

09/06/2002 DBYRNE 00000128 76091568

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

01 FC:481 40.00 DP 02 FC:482 125.00 DP

TRADEMARK REEL: 2576 FRAME: 0655

**RELEASE OF PATENT AND TRADEMARK COLLATERAL SECURITY INTEREST**

WHEREAS, pursuant to the Assignment of Security Interest in United States Patents and Trademarks dated as of March 29, 2001 (the "Security Document") between Home Diagnostics, Inc., a corporation organized and existing under the laws of the State of Delaware ("HDI"), as assignor, and Bank of America, N.A., a national banking association (the "Lender"), as assignee, and originally filed with the United States Patent and Trademark Office (the "PTO") on April 27, 2001 at Reel 2285, Frame 0048 of the Trademark Record as an assignment, and re-filed with the PTO on August 28, 2001 at Reel 2359, Frame 0575 of the Trademark Record in a corrective filing as a security interest, the Lender became the holder of a security interest and conditional assignment in and to all of HDI's right, title and interest in certain United States trademarks; trademark registrations, trademark applications, patents and other intangible assets more particularly described on Exhibit A attached hereto (the "Collateral"); and

WHEREAS, the obligations secured by the Security Document have been paid in full and the Lender no longer claims a security or any other interest in the Collateral under the Security Document or otherwise.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Lender hereby expressly releases and discharges its security interest in and to the Collateral and reassigns, without representation, warranty or recourse, to HDI all of the Lender's right, title and interest in and to the Collateral.

IN WITNESS WHEREOF, the Lender has duly executed this Release of Patent and Trademark Collateral Security Interest as of this 29<sup>th</sup> day of August, 2002.

BANK OF AMERICA, N.A.

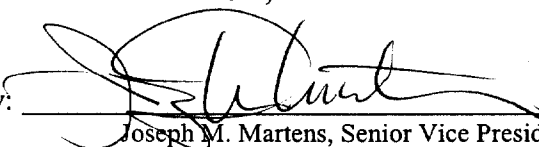
By:   
Joseph M. Martens, Senior Vice President

Exhibit A

DESCRIPTION OF COLLATERAL

The Collateral consists of (i) all of HDI's right, title and interest in and to the United States trademarks, trademark registrations and trademark applications set forth on Schedule 1 attached hereto (the "Marks"), (ii) all of HDI's right, title and interest in and to the United States patents set forth on Schedule 2 attached hereto (the "Patents"), in each case together with (iii) all Proceeds (as such term is defined in the Security Agreement dated as of December 16, 1999, among HDI, the Lender and the other parties thereto (as amended, supplemented or modified from time to time) and products of the Marks and Patents, (iv) the goodwill of the businesses symbolized by the Marks and (v) all causes of action arising prior to or after the date hereof for infringement of any of the Marks and Patents or unfair competition regarding the same.

TRADEMARKS AND TRADEMARK APPLICATIONS

<u>Serial No. or Registration No.</u>	<u>Country</u>	<u>Issue or Filing Date</u>	<u>Mark</u>
76-091568	USA		Prestige Smart System (Logo)
76-091569	USA	07/19/2000	Lite Touch (Block)
76-092196	USA	07/19/2000	Prestige Lite Touch (Logo)
76-092197	USA	07/19/2000	Prestige Smart Systems (Block)
75-150528	USA	10/18/2000	Prestige IQ (Block)
76-186,497	USA		Prestige LX (Block)

PATENTS AND PATENT APPLICATIONS

<u>Serial No. or Patent No.</u>	<u>Country</u>	<u>Issue or Filing Date</u>	<u>Mark</u>
09/448,711 (serial no.)	USA	11/24/1999 (filed)	Protective Test Strip Platform
09/512,919 (serial no.)	USA	02/25/2000 (filed)	Modem Capable of Uploading Data from Diagnostic Meter
6,040,195 (patent no.)	USA	03/21/2000 (issued)	Diagnostic Sanitary Test Strip
D315210 (patent no.)	USA	03/05/1991 (issued)	Combined portable cardiac and respiratory monitor
4,909,260 (patent no.)	USA	03/20/1990 (issued)	Portable belt monitor of physiological functions and sensors therefor
5,995,236 (patent no.)	USA	11/30/1999 (issued)	Blood fluid characteristics analysis instrument

# KING & SPALDING

191 PEACHTREE STREET  
ATLANTA, GEORGIA 30303-1763  
TELEPHONE: 404/572-4600  
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[www.kslaw.com](http://www.kslaw.com)

September 5, 2002

## VIA UPS

Commissioner of Patents and Trademarks, Box Assignments  
Crystal Gateway 4, Suite 300  
1213 Jefferson Davis Highway  
Arlington, Virginia 22202

**Re: Home Diagnostics, Inc.**

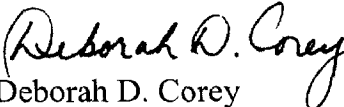
To The Addressee:

Enclosed are the following:

1. Trademark Recordation Cover Sheet accompanied by a Release of Patent and Trademark Collateral Security Interest dated as of August 29, 2002, by Bank of America, N.A. in favor of Home Diagnostics, Inc.;
2. King & Spalding's check in the amount of \$165.00 representing recording fees for the Release, payable to the Commissioner of Patents & Trademarks;
3. Trademark Recordation Cover Sheet accompanied by an Acknowledgement of Intellectual Property Collateral Lien dated as of September 3, 2002, by Home Diagnostics, Inc. in favor of CapitalSource Finance LLC;
4. King & Spalding's check in the amount of \$390.00 representing recording fees for the Lien, payable to the Commissioner of Patents & Trademarks; and
5. self-addressed, stamped post cards for acknowledgement of receipt.

Please provide me with confirmation that these documents have been received. Thank you for your assistance in this matter.

Very truly yours,



Deborah D. Corey  
Legal Assistant

Enclosures  
#09715.015003

1730 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20006-4706  
TELEPHONE: 202/737-0500  
FACSIMILE: 202/626-3737

1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-4003  
TELEPHONE: 212/556-2100  
FACSIMILE: 212/556-2222

1100 LOUISIANA STREET, SUITE 4000  
HOUSTON, TX 77002-5213  
TELEPHONE: 713/751-3200  
FACSIMILE: 713/751-3290

TRADEMARK

RECORDED: 09/06/2002

REEL: 2576 FRAME: 0660