



## **Trademark & Logo Policy**

**Effective Date: September 20<sup>th</sup>, 2023**

**1. Auxano Medical Marks.** “Auxano Medical Marks” means any and all trademarks, trade names, logos, or other source identifying rights related to an Auxano Medical product. This policy is for any party wishing to use or using Auxano Medical Marks (“User”). By using Auxano Medical Marks, in whole or in part, User acknowledges that Auxano Medical is the sole owner of Auxano Medical Marks. User shall not interfere with Auxano Medical’s rights in Auxano Medical Marks, including challenging Auxano Medical use, registration of, or application to register Auxano Medical Marks, alone or with other words or symbols, anywhere in the world. If the User has come to a separate agreement with Auxano Medical involving usage of Auxano Medical Marks, the terms in that agreement apply to the extent they conflict with the terms in this policy.

**2. Authorized Use of Auxano Medical Marks.** A User may use Auxano Medical Marks in the following ways only:

1. To identify Auxano Medical products, but only when used narrowly to achieve this purpose.
2. To reference compatibility with an Auxano Medical product where that compatibility actually exists and only when used narrowly to achieve this purpose.
3. Other uses explicitly agreed to by Auxano Medical in writing.

**3. Prohibition on Registering Similar Marks.** User shall not register any Auxano Medical Mark, any mark confusingly similar to an Auxano Medical Mark, or any mark related to an Auxano Medical product (“Similar Marks”) in any jurisdiction. In the event that a User applies to register a Similar Mark in any jurisdiction the User shall transfer any and all right, title, and interest in the Similar Mark to Auxano Medical immediately. User shall execute any and all documents and perform any and all actions necessary to fully complete the transfer of the Similar Mark to Auxano Medical promptly, as directed by Auxano Medical.

**4. Rules for Proper use of Auxano Medical Marks.** User shall follow these rules for any use of Auxano Medical Marks:

1. Users shall only use Auxano Medical Marks to the sole interest and benefit of Auxano Medical.
2. Auxano Medical Marks are adjectives used to modify nouns; the noun is the generic name of a product or service.
3. Auxano Medical Marks should not be used in the plural or possessive form.
4. Use the correct spelling and format of Auxano Medical Marks as provided by Auxano Medical. Logos, images, videos, and similar media containing Auxano Medical Marks shall be exact copies of such material as provided to User by Auxano Medical, unless Auxano Medical consents in writing.
5. Use the proper trademark identifying symbol on Auxano Medical Marks to reflect the correct level of protection.
6. Use the proper Auxano Medical Mark for the corresponding Auxano Medical products.
7. Attribute Auxano Medical Marks to Auxano Medical. After using any of Auxano Medical Marks the User shall attribute that mark to Auxano Medical using the following or similar language: “(Name of Trademark) is a trademark or registered trademark of Auxano Medical, LLC.”

**5. Unauthorized Use of Auxano Medical Marks.** User shall not use Auxano Medical Marks in the following ways:

1. In advertising, promotional, sales, or other material used in commerce that is not an authorized use under section 2.
2. In a manner that would imply Auxano Medical’s affiliation with, endorsement of, sponsorship, or support of a third party product or service where that affiliation, endorsement, sponsorship, or support does not actually exist.
3. User shall not substitute, rename, alter, or otherwise modify Auxano Medical Marks without the express written consent of Auxano Medical.
4. User shall not use any other trademark or tradename to refer to an Auxano Medical product, except for the specific Auxano Medical Mark that corresponds to the specific product.

5. User shall not use Auxano Medical Marks in a way that would dilute the strength of any Auxano Medical Mark.
6. User shall not use any other trademark, tradename, or source identifying mark in packaging for Auxano Medical products without Auxano Medical's express written consent.
7. User shall not register or create any domain name, social media page, or online advertising including an Auxano Medical Mark or Similar Mark in the name without the express written consent of Auxano Medical. In the event that User registers a domain name including an Auxano Medical Mark or Similar Mark without Auxano Medical's consent, then User shall immediately transfer all right, title, and interest in the domain name to Auxano Medical. User shall execute any and all documents and take any and all actions necessary to fully transfer the domain name to Auxano Medical promptly, as directed by Auxano Medical.
8. Notwithstanding the other provisions of this policy, any use of Auxano Medical's trademarks in false or misleading advertising.
9. Notwithstanding the other provisions of this policy, any use that, in Auxano Medical's sole discretion, is disparaging or detrimental to Auxano Medical or Auxano Medical's products.
10. Notwithstanding the other provisions of this policy, any use of Auxano Medical Marks that, in Auxano Medical's sole discretion, is objectionable or obscene.

**6. Misuse of Auxano Medical Marks by Others.** If a User learns of any unauthorized uses of any Auxano Medical Marks or Similar Marks the user shall notify Auxano Medical by sending an email to [cs@auxanomedical.net](mailto:cs@auxanomedical.net). Also, if you become aware of a use of Auxano Medical Marks that violate any of the above provisions the User shall notify Auxano Medical by sending an email to [cs@auxanomedical.net](mailto:cs@auxanomedical.net). If possible, provide a copy of the use, Similar Mark, or misuse of Auxano Medical Marks.

**Auxano Medical Product Trademark Table.** The following table is meant to provide guidance to Users to properly use Auxano Medical Marks, may be incomplete, and shall not limit Auxano Medical’s rights in any way.

<b>Auxano Medical Trademark</b>	<b>Proper Trademark Designation</b>	<b>Generic Description</b>
Auxano	®	Pillared technology for the surface of orthopedic implants
INTREPED	®	Intraosseous fusion device
ARKEO	™	Medical, surgical, and orthopaedic implants made of artificial materials
Step into the Future	™	Medical, surgical, and orthopaedic implants made of artificial materials