

08-12-1998



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*MAR*  
*8-6-98*

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

New

Resubmission (Non-Recordation)  
Document ID #

Correction of PTO Error  
Reel #  Frame #

Corrective Document  
Reel #  Frame #

Conveyance Type

Assignment  License

Security Agreement  Nunc Pro Tunc Assignment

Merger

Change of Name

Other

Effective Date  
Month Day Year  
08 03 98

Conveying Party

Mark if additional names of conveying parties attached

Name  Execution Date  
Month Day Year  
08 03 98

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City State/Country Zip Code

Individual  General Partnership  Limited Partnership  If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

08/10/1998 SSMITH 00000107 75486392

01 FC:481 40.00 OP  
02 FC:482 1075.00 OP

FOR OFFICE USE ONLY

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

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

TRADEMARK  
REEL: 1766 FRAME: 0833

**Domestic Representative Name and Address** Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address** Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages** Enter the total number of pages of the attached conveyance document including any attachments. #

**Trademark Application Number(s) or Registration Number(s)**  Mark if additional numbers attached  
Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text" value="75486392"/>	<input type="text" value="75391229"/>	<input type="text" value="75216934"/>	<input type="text" value="908433"/>	<input type="text" value="2162090"/>	<input type="text" value="2040557"/>
<input type="text" value="75352514"/>	<input type="text" value="75360923"/>	<input type="text" value="75194112"/>	<input type="text" value="2039000"/>	<input type="text" value="1359833"/>	<input type="text" value="2038999"/>
<input type="text" value="75391223"/>	<input type="text" value="75352513"/>	<input type="text"/>	<input type="text" value="1985706"/>	<input type="text" value="2086016"/>	<input type="text" value="2143565"/>

**Number of Properties** Enter the total number of properties involved. #

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment: Enclosed  Deposit Account

Deposit Account  
(Enter for payment by deposit account or if additional fees can be charged to the account.)  
Deposit Account Number: #

Authorization to charge additional fees: Yes  No

**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. Charges to deposit account are authorized, as indicated herein.

Donna M. Pheiland, Legal Assistant  
Name of Person Signing

  
Signature

8/6/98  
Date Signed

RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship State of Incorporation/Organization

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**Registration Number(s)**

<input type="text"/> 2055460	<input type="text"/> 2086017	<input type="text"/> 2035779
<input type="text"/> 2039062	<input type="text"/> 2086018	<input type="text"/> 2039002
<input type="text"/> 1979128	<input type="text"/> 720267	<input type="text"/> 1890010
<input type="text"/> 2035780	<input type="text"/> 2119843	<input type="text"/> 2125516
<input type="text"/> 958543	<input type="text"/> 2097318	<input type="text"/> 2119844
<input type="text"/> 2055378	<input type="text"/> 719563	<input type="text"/> 2039001
<input type="text"/> 2128740	<input type="text"/> 2057487	<input type="text"/> 2169506

**RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY**

FORM PTO-1618C  
Expires 06/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
**TRADEMARK**

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name



Formerly

Individual     General Partnership     Limited Partnership     Corporation     Association

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<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>

**Registration Number(s)**

1869198	<input type="text"/>	<input type="text"/>
2127146	<input type="text"/>	<input type="text"/>
1189071	<input type="text"/>	<input type="text"/>
2049037	<input type="text"/>	<input type="text"/>
2037256	<input type="text"/>	<input type="text"/>
2162070	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

TRADEMARK

REEL: 1766 FRAME: 0836

**ASSIGNMENT OF REGISTERED TRADEMARKS  
AND  
TRADEMARK APPLICATIONS**

**ASSIGNMENT**

WHEREAS, BARTH-SPENCER CORPORATION, a New York corporation ("Assignor"), having its principal offices at 865 Merrick Avenue, Westbury, New York, has adopted, used, is using and is the owner of trademarks registered in the United States Patent and Trademark Office (the "Office") and of certain trademarks for which applications for registration have been filed in the Office as more fully set forth on Exhibit A.

WHEREAS, NBTY, INC., a Delaware corporation ("Assignee"), having its principal offices at 90 Orville Drive, Bohemia, New York, is desirous of acquiring said registered trademarks and applications

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee all right, title and interest in the United States in and to said trademarks and applications together with the goodwill of the business symbolized by said trademarks and registrations thereof, together with all claims for damages by reason of past infringement of said registered trademarks and registrations, with the right to sue for and collect the same.

Signed at New York, New York, this 3 day of August, 1998.

**BARTH-SPENCER CORPORATION**

By: Michael Caputo

**ATTEST:**

Antonina Deaci  
Assistant Secretary

STATE OF NEW YORK     )  
                  NASSAU     ) ss.:  
COUNTY OF ~~NEW YORK~~ )

On this 3 day of August, 1998, personally appeared MICHAEL CAPUTO, to me known and known to me to be a PRESIDENT of BARTH-SPENCER CORPORATION, the assignor above named, and acknowledged that he executed the foregoing Assignment on behalf of said assignor and pursuant to authority duly received.

Katie M. Rambelle  
Notary Public

KATIE M. RAMBELLE  
NOTARY PUBLIC, State of New York  
No. 01RA8485820 Qualified in Nassau County  
Commission Expires Jan 31, 1999

**EXHIBIT "A"**  
**TO**  
**ASSIGNMENT OF TRADEMARKS**  
**AND**  
**TRADEMARK APPLICATIONS**  
**FROM**  
**BARTH-SPENCER CORPORATION**  
**TO**  
**NBTY, INC.**

**United States Registrations**

<u>Trademark</u>	<u>Registration Number</u>	<u>Date Issued</u>
All Day	908,443	02/23/71
Bacillium	2,039,000	02/18/97
Barth's	1,985,706	07/09/96
Barth's Brain Bar	2,162,090	06/02/98
Care & Comfort	1,359,833	09/10/85
CholesteRight	2,086,016	08/05/97
Citruduce	2,040,557	02/25/97
Dairy Sure	2,038,999	02/18/97
DHEA After Dark	2,143,565	03/10/98
Digesoothe	2,055,460	04/22/97
Earthly Energy	2,039,062	02/18/97
Earth Born	1,979,128	06/11/96
Easy Trim	2,035,780	02/04/97
E-Pect	958,543	05/08/73
Flex-a-Min	2,055,378	04/22/97
Flexwellia	2,128,740	01/13/98
Herbativa	2,086,017	08/05/97
Herbavision	2,086,018	08/05/97
Hi-Tor	720,267	08/22/61
H2Out	2,119,843	12/09/97
Joint Soother	2,097,318	09/16/97
Inst-E-Vite	719,563	08/08/61
L-Carnilean	2,057,487	04/29/97
Melajuven	2,035,779	02/04/97
New Man	2,039,002	02/18/97
Nutra Soup	1,890,010	04/18/97
Ocean Pure Sea Cucumber+	2,125,516	12/30/97
Phytorich	2,119,844	12/09/97
PMS Soother	2,039,001	02/18/97
Skin-D-Tox	2,169,506	06/30/98
Stone Age Kids	1,869,198	12/27/94
Ultimate Cranberry	2,127,146	01/06/98
Univitamin	1,189,071	02/09/82
Vascomplex	2,049,037	04/01/97
Vital Iron+	2,037,256	02/11/97
Vital Vein	2,162,070	06/02/98

**Registration Applications Pending in  
in the U.S. Patent and Trademark Office**

<u>Trademark</u>	<u>Serial Number</u>	<u>Date Filed</u>
3 Mighty Mushrooms	75/486392	05/18/98
CircSupport	75/352514	09/05/97
Ginger Soother	75/391223	11/17/97
Green Tea Remedy	75/391229	11/17/97
In the Mood	75/360923	09/22/97
PregnenAlert	75/352513	09/05/97
Prostene	75/216934	12/23/96
St. John's Mellow	75/194112	11/06/96



# EDWARDS & ANGELL, LLP

COUNSELLORS AT LAW

ONE BANKBOSTON PLAZA  
PROVIDENCE, RI 02903-2499  
(401) 274-9200  
FAX (401) 276-6611

August 6, 1998

**VIA EXPRESS MAIL**

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Re: Assignment of Registered Trademarks and Trademark Applications

Dear Sir or Madam:

Enclosed for filing are a Recordation Form Cover Sheet and an Assignment of Registered Trademarks and Trademark Applications with respect to the assignment of forty-four (44) trademarks of Barth-Spencer Corporation to NBTY, Inc. A check in the amount of \$1,115.00 in payment of the filing fee also is enclosed.

Thank you for your attention to this matter.

Sincerely,




Donna M. Pheland  
Legal Assistant

Enclosures

cc: Robert Novack, Esq.  
John E. Ottaviani, Esq.

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the enclosed Recordation Form Cover Sheet and Assignment of Registered Trademarks and Trademark Applications is being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231, on August 6, 1998.

  
Donna M. Pheland, Legal Assistant

EXPRESS MAIL NO.: EM354307251US

TRADEMARK