

11-04-1998

VER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



ONLY

To the Honorable Commissic

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rd the attached original documents or copy thereof.

8/10/98  
med 10/26/98  
Daw

1. Name of conveying party(ies):

E. MERCK

- Individual(s)
- General Partnership
- Corporation-State
- Other German open co-partnership
- Association
- Limited Partnership

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

3. Nature of conveyance:

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

Execution Date: July 2, 1998

2. Name and address of receiving party(ies):

Name: MERCK KGaA  
 Internal Address: \_\_\_\_\_  
 Street Address: Frankfurter Strasse 250  
 City: 64293 Darmstadt Country: Federal Republic of Germany

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership Federal Republic of Germany
- Corporation-State \_\_\_\_\_
- 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)  
75/219,914

B. Trademark registration No.(s)

Additional numbers attached?  Yes  No

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

Name: Lile H. Deinard, Esq.  
 Internal Address: Greenberg Traurig  
 \_\_\_\_\_  
 Street Address: 200 Park Avenue  
 \_\_\_\_\_  
 City: New York State: NY Zip: 10166

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41):

\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(Attached 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

Lile H. Deinard

Name of Person Signing

Lile H. Deinard

Signature

10/22/98

Date

11/02/1998 DNGUYEN 00000269 75219914

FC:481

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Total number of pages comprising cover sheet:

4

OMB No. 0651-0011

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Mail documents to be recorded with required cover sheet information to:

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

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

ASSIGNMENT OF UNITED STATES APPLICATION

WHEREAS, E. MERCK, ("offene Handelsgellschaft (o.H.G.)"), an open co-partnership existing under the laws of the Federal Republic of Germany composed of the general partners Prof. Dr. Hans Joachim Langmann (German citizen); Dr. Michael Romer (German citizen); Klaus Gruber (German citizen); Wolfgang Honn (German citizen); Peter Merck (German citizen); Edward Roberts (English citizen); Prof. Dr. Thomas Schreckenbach (German citizen); and Dr. Harald J. Schoder (German citizen); the country of incorporation of the general partners being the Federal Republic of Germany, having a principal place of business at Frankfurter Strasse 250, 64293 Darmstadt, Germany (hereinafter the "ASSIGNOR") owns all common law and statutory right, title and interest in and to the United States trademark application number 75/219914 filed on December 31, 1996 for the mark "TOXALERT."

WHEREAS, MERCK KGaA, ("Kommanditgesellschaft auf Aktien"), a limited partnership by shares, organized and existing under the laws of the Federal Republic of Germany, having a principal place of business at Frankfurter Strasse 250, 64293 Darmstadt, Germany (hereinafter the "ASSIGNEE"), having acquired the business of Assignor, is desirous of acquiring the United States trademark application number 75/219914 filed on December

31, 1996 for the mark "TOXALERT" and the goodwill of the business symbolized thereby.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR does hereby assign, sell and transfer to ASSIGNEE its entire right, title and interest in and to said United States Mark, together with the goodwill of the business symbolized by the Mark, and the right to sue and recover damages for past infringements, if any.

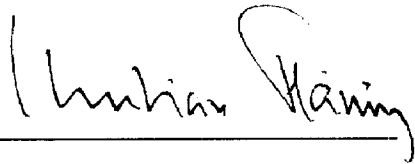
IN WITNESS WHEREOF, ASSIGNOR has caused this instrument to be executed in its name and on its behalf by its officers, duly authorized thereunto, effective this 2nd day of July, 1998.

(ASSIGNOR)  
E. MERCK

ppa.

Dated: July 2, 1998

By: \_\_\_\_\_

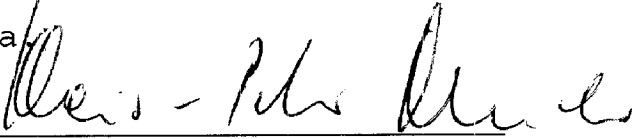
  
Name: Prof. Dr. Christian Flämig  
Principal Officer:

E. MERCK

ppa.

Dated: July 2, 1998

By: \_\_\_\_\_

  
Name: Klaus-Peter Brandis  
Principal Officer:

IN RE:

MARK : TOXALERT  
APPL. NO. : 75/219914  
FILING DATE : December 31, 1996

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

DESIGNATION OF DOMESTIC REPRESENTATIVE

Merck KGaA, ("Kommanditgesellschaft auf Aktien"), a limited partnership by shares, organized and existing under the laws of the Federal Republic of Germany, having a principal place of business at Frankfurter Strasse 250, 64293 Darmstadt, Germany hereby appoints Lile H. Deinard, Esq. at Greenberg Traurig Hoffman Lipoff Rosen & Quentel, MetLife Building, 200 Park Avenue - 15<sup>th</sup> Floor, New York, New York 10166 as its representative upon whom notice or process in proceedings affecting the above mark may be served.

Respectfully submitted,

MERCK KGaA

ppa.

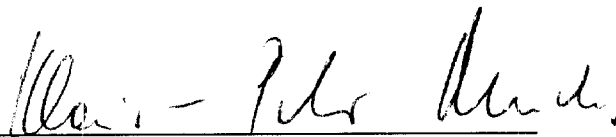


Dated: July 2, 1998

By: \_\_\_\_\_

Name: Prof. Dr. Christian Flämig  
Principal Officer:

ppa.



Dated: July 2, 1998

By: \_\_\_\_\_

Name: Klaus-Peter Brandis  
Principal Officer: