

04-10-2000



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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 Effective Date
Month Day Year _____

Change of Name

Other _____

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name Nutrition Warehouse, Inc.

03022000

Formerly _____

Individual General Partnership Limited Partnership Corporation Association

Other _____

Citizenship/State of Incorporation/Organization New York

Receiving Party

Mark if additional names of receiving parties attached

Name NBTY, INC.

DBA/AKA/TA _____

Composed of _____

Address (line 1) 90 Orville Drive

Address (line 2) _____

Address (line 3) Bohemia New York 11716

Individual General Partnership Limited Partnership

Corporation Association

Other _____

Citizenship/State of Incorporation/Organization Delaware

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.)

04/10/2000 JSNBAZZ 00000176 2175690

FOR OFFICE USE ONLY

01 FC:481
02 FC:482

40.00 OP
250.00 OP

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

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

305 446 6789

Name

Olga Gonzalez, Esq.

Address (line 1)

OLGA GONZALEZ, P.A.

Address (line 2)

3191 Coral Way

Address (line 3)

Suite 609

Address (line 4)

Miami, FL 33145

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)

2175690

2093224

2021954

2004410

2141741

2008317

1941744

1854015

1796747

Number of Properties

Enter the total number of properties involved.

#

11

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

290

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:

#

071550

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.

OLGA GONZALEZ

March 10, 2000

Name of Person Signing

Signature

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 Nutrition Warehouse, Inc.

03022000

Formerly

Individual General Partnership Limited Partnership Corporation Association

Other

Citizenship State of Incorporation/Organization New York

Receiving Party

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name NBTY, INC.

DBA/AKA/TA

Composed of

Address (line 1) 90 Orville Drive

Address (line 2)

Address (line 3) Bohemia New York 11716

City

State/Country

Zip Code

Individual General Partnership Limited Partnership

Corporation Association

Other

Citizenship/State of Incorporation/Organization Delaware

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 the Assignment.)

Trademark Application Number(s) or Registration Number(s)

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Mark if additional numbers attached

Trademark Application Number(s)

Registration Number(s)

1785015	1561658	

ASSIGNMENT

WHEREAS, Nutrition Warehouse, Inc., a New York corporation having its principal place of business at 106 East Jericho Turnpike, Mineola, NY 11501, (hereinafter "ASSIGNOR"), is the owner of all right, title and interest in and to the marks shown on Exhibit "A" hereto (hereinafter "The Marks"); and

WHEREAS, NBTY, INC., a Delaware corporation having its principal place of business at 90 Orville Drive, Bohemia, New York 11716, (hereinafter "ASSIGNEE"), is desirous of acquiring the entire right, title and interest in, to and under The Marks, and the goodwill associated therewith;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby mutually acknowledged, ASSIGNOR hereby irrevocably sells, assigns, transfers and conveys unto ASSIGNEE, its successors and assigns, ASSIGNOR'S entire right, title and interest in and to: (a) The Marks; (b) all registrations of The Marks, whether state, federal or foreign; (c) any and all applications to register The Marks, whether state, federal or foreign; (d) all common law rights in, to and under The Marks; (e) all other rights in, to and under The Marks, together with the goodwill of the business symbolized by The Marks; (f) any and all rights to royalties, profits, compensations, license fees or other payments or remuneration of any kind relating to The Marks and/or the goodwill under The Marks; and (g) all claims or causes of action ASSIGNOR has or may have in connection with The Marks, including but not limited to, the right to sue and recover damages for any and all past infringements of The Marks.

AND, FURTHER, ASSIGNOR hereby covenants that it has full right to convey the entire right herein assigned, and that it has not executed, and will not execute, any agreements inconsistent herewith.

IN WITNESS WHEREOF, Nutrition Warehouse, Inc., by an authorized officer of same, has caused this Assignment to be executed on this 2nd day of March, 2000.

Nutrition Warehouse, Inc.

BY: Michael C. Duban
Michael C. Duban
Vice President Legal

State of New York)
County of SUFFOLK)

On the 2nd day of March, 2000, before me personally came Michael C. Duban, to me known, who, being by me duly sworn, did depose and say that he resides at 90 Orville Drive, Bohemia, New York 11716, that he is the Vice-President Legal of Nutrition Warehouse, Inc., the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by authority of the Board of Directors of said corporation.

By: Minna D. Mukamal (Seal)
Notary Public

MINNA D. MUKAMAL
Notary Public, State of New York
No. 4849444
Qualified in Nassau County
Certified in Suffolk & New York Counties
Commission Expires June 23, 192000

ASSIGNMENT OF MARKS
FROM NUTRITION WAREHOUSE, INC. TO NBTY, INC.

Exhibit "A"

Mark	U. S. Registration No.
LIFE'S GREENS	2175690
MEGA-VITES	2093224
PROSTA-METTO	2021954
EYE-GUARD	2004410
SUPER SNOOZE	2141741
FIBER FORCE-6	2008317
OSTEO-GEST	1941744
PRO-SANOA	1854015
O2 THE MAX AND DESIGN¹	1796747
X32	1785015
BIO-NUTRITIONAL FORMULAS	1561658



¹Corresponding design is shown above