

10-26-2000



101497454

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

001 1 2

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

Submission Type

New 10-12-00

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  
9 21 00

Conveying Party

Mark if additional names of conveying parties attached

Name P. LEINER NUTRITIONAL PRODUCTS, INC.

Execution Date  
Month Day Year  
9 21 00

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 ENZYMATIC THERAPY, INC.

DBA/AKA/TA

Composed of

Address (line 1) 825 CHALLENGER DRIVE

Address (line 2)

Address (line 3) GREEN BAY

WISCONSIN

54311

City

State/Country

Zip Code

Individual  General Partnership  Limited Partnership

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

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.)

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: 002162 FRAME: 0429

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name ENZYMATIC THERAPY, INC.

Address (line 1) 825 CHALLENGER DRIVE

Address (line 2) GREEN BAY, WI 54311

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number 920-469-4440

Name JEANENE MOENCKMEIER, DIRECTOR OF LEGAL AFFAIRS

Address (line 1) ENZYMATIC THERAPY, INC.

Address (line 2) 825 CHALLENGER DRIVE

Address (line 3) GREEN BAY, WI 54311

Address (line 4)

**Pages**

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

# 4

**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)

Three empty boxes for Trademark Application Number(s)

1387981 in first box, two empty boxes for Registration Number(s)

**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

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.

JEANENE MOENCKMEIER

*Jeanene Moenckmeier*

9/27/00

Name of Person Signing

Signature

Date Signed

# A S S I G N M E N T

WHEREAS, LEINER HEALTH SERVICES CORP. (hereinafter "Assignor"), a Delaware corporation having its address at 901 East 233rd Street, Carson, California, 90745, is the owner of the United States Trademark Registration No. 1,387,981 issued April 1, 1986 for the mark WOMAN'S CHOICE and of the trademark shown in said registration, and of the goodwill of the business symbolized by said mark;

AND WHEREAS, ENZYMATIC THERAPY, INC. (hereinafter "Assignee"), a corporation duly organized and existing under the laws of Wisconsin, and having its offices and principal place of business at 825 Challenger Dr. Green Bay Wisconsin, 54311 is desirous of acquiring the entire right, title and interest in and to the said United States trademark registration, and the trademark shown in said registration, the goodwill of the business symbolized by said mark, and the right to conduct business in the United States under the mark;

NOW THEREFORE, in consideration of the sum of twenty-five thousand dollars (\$25,000), the receipt of which is hereby acknowledged, Assignor does hereby assign, sell and transfer unto the said Assignee the entire right, title and interest in and to the said United States trademark registration, and the trademark shown in the said registration together with the goodwill of the business symbolized by said mark, the right to sue for past infringement, and the right of Assignor to conduct business under said trademark.

Assignor warrants that it is the sole legal owner of the trademark shown in said United States Trademark Registration, that the trademark is not licensed, pledged, assigned, or otherwise encumbered, that Assignor has secured the release of any security interests that may have been granted in this trademark, and that neither the trademark nor this Assignment knowingly infringes on the rights of any person.

Assignor shall hold Assignee and its agents harmless and defend and indemnify Assignee from and against all injuries, damages, losses and all costs and expenses (including reasonable attorney's fees) in connection with any claim or proceeding against Assignee for products or services offered by Assignor under the subject trademark.

Assignee shall hold Assignor and its agents harmless and defend and indemnify Assignee from and against all injuries, damages, losses and all costs and expenses (including reasonable attorney's fees) in connection with any claim or proceeding against Assignor for products or services offered by Assignee under the subject trademark.

Each party shall indemnify and hold the other harmless in respect of any liability, loss, expense (including reasonable attorneys fees), damages or other claims that are the proximate result of a breach of a representation as provided for in this Agreement.

Done, this 21st day of September, 2000.

LEINER HEALTH SERVICES CORPORATION

By: Robert L. Simmons

Name: Robert L. Simmons

Title: Secretary

ENZYMATIC THERAPY, INC.

By: Richard F. Danon

Name: Richard F. Danon

Title: Sr V.P. Finance

**Thank you for your request. Here are the latest results from the TARR web server.**

**Serial Number:** 73518517

**Registration Number:** 1387981

**Mark (words only):** WOMAN'S CHOICE

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 1991-09-12

**Filing Date:** 1985-01-22

**Registration Date:** 1986-04-01

**Law Office Assigned:** TMEO Law Office # 7

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**CURRENT APPLICANT(S)/OWNER(S)**

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I. P. LEINER NUTRITIONAL PRODUCTS, INC.

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**GOODS AND/OR SERVICES**

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DIETARY SUPPLEMENTS; NAMELY, VITAMIN TABLET

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**PROSECUTION HISTORY**

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1991-09-12 - REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.

1991-04-29 - REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED

1986-04-01 - REGISTERED-PRINCIPAL REGISTER

1986-01-07 - PUBLISHED FOR OPPOSITION

1985-12-08 - NOTICE OF PUBLICATION

1985-10-21 - APPROVED FOR PUB - PRINCIPAL REGISTER

1985-10-11 - COMMUNICATION RECEIVED FROM APPLICANT

1985-04-09 - NON-FINAL ACTION MAILED

1985-04-02 - ASSIGNED TO EXAMINER

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**CONTACT INFORMATION**

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**Attorney of Record:** MICHAEL A. PAINTER

**Address:**

MICHAEL A. PAINTER, ESQ.