

11-17-2000



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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 10-10-00

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 Assignment of Interest in Patent, Trademark and License Mortgage

Effective Date  
Month Day Year

#### Conveying Party

Mark if additional names of conveying parties attached

Name

Execution Date  
Month Day Year

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/AK/A/T/A

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

#### FOR OFFICE USE ONLY

11/16/2000 MTHN1 00000131 75498666

02 FC 481 40.00 GP  
02 FC 482 100.00 GP

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Mail documents to be recorded with required cover sheet(s) information to:  
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**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)**

**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.

Steven Goldberg

*Steven Goldberg*

10/4/00

Name of Person Signing

Signature

Date Signed

ASSIGNMENT OF INTEREST IN  
PATENT, TRADEMARK AND LICENSE MORTGAGE

WHEREAS, Banc of America Commercial Finance Corporation f/k/a NationsCredit Commercial Corporation, a Delaware corporation, with an office at 1177 Avenue of the Americas, 36<sup>th</sup> Floor, New York, New York 10036 ("Assignor") entered into a Loan and Security Agreement, dated May 6, 1998 (as amended from time to time, the "Loan Agreement") by and between Assignor as lender and Duramed Pharmaceuticals, Inc., a Delaware Corporation, with its chief executive office at 7155 East Kemper Road, Cincinnati, Ohio 45249 ("Mortgagor") as borrower; and

WHEREAS, pursuant to the Loan Agreement, and as evidenced by a Patent, Trademark and License Mortgage, dated November 6, 1998 (the "Mortgage"), Mortgagor granted to Assignor a security interest in substantially all of Mortgagor's assets, including, without limitation, its patents, patent applications, trademarks, trademark applications, tradenames, service marks, service mark applications, goodwill and licenses; and

WHEREAS, an executed copy of the Mortgage was filed at the United States Patent and Trademark Office in Reel \_\_\_\_, Frame \_\_\_\_ on \_\_\_\_\_, \_\_\_\_; and

WHEREAS, Foothill Capital Corporation, a California corporation, having an office at 2450 Colorado Avenue, Suite 3000 West, Santa Monica, California 90404 ("Assignee") has requested that Assignor assign its interest in the patents, trademarks and trademark applications listed on Exhibit A annexed hereto.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby:

1. assigns to Assignee any and all liens, security interests, right, title and interest of Assignor pursuant to the Mortgage including, without limitation, its interest in the patents, trademarks and trademark applications (together with the goodwill of the business symbolized thereby) which are described more fully on Exhibit A annexed hereto, without recourse or representation or warranty express or implied;
2. represents and warrants to Assignee that Assignor has not previously assigned or transferred any of its rights or interests in any security interests in or liens upon any such property; and
3. authorizes and requests the Commissioner of Patents and Trademarks of the United States of America to note and record the existence of the assignment hereby made.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be signed by its duly authorized officer as of this 30th day of September, 2000.

BANC OF AMERICA COMMERCIAL  
FINANCE CORPORATION

By: Phillip S. Blum

Title: Senior Vice President

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

On the 2nd day of Oct, 2000, before me personally came Phillip S. Blum to me known, who being by me duly sworn, did depose and say, that he/she is the Senior Vice President of BANC OF AMERICA COMMERCIAL FINANCE CORPORATION and that the foregoing instrument was signed on behalf of such corporation by authority of its Board of Directors, and he/she acknowledged the execution of said instrument to be the free act and deed of said corporation.

Daniel P. Greenstein

Notary Public

DANIEL P. GREENSTEIN  
Notary Public, State of New York  
No. 0028564  
Qualified in New York County  
Commission Expires August 2, 2001

EXHIBIT A

PATENTS

<u>Patent</u>	<u>Federal Registration No.</u>	<u>Registration Date</u>
Process to manufacture micronized Nifedipine granules for sustained release medicaments	5,543,099	8/6/96
Sustained release formulation containing three different types of polymers	5,695,781	12/9/97
Method for preparing a direct compression granulated acetaminophen composition	5,370,878	12/6/94

TRADEMARKS

<u>Trademark</u>	<u>Federal Registration No.</u>	<u>Registration Date</u>
DURA MED (Words and Design)	2010170	10/ 22/96
DURAMED (Words only)	1613482	9/18/90
DP (Stylized letters)	1491893	6/14/88

TRADEMARK APPLICATIONS

<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
DURADRIN (Words only)	75-498666	6/8/98
E-DIOL (Words only)	75-404972	12/15/9797