

01-29-2001

EET
YU.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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101596899

Attached original documents or copy thereof.

1. Name of conveying party(ies):

Manufacturers and Traders Trust Company

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State NY
☐ Other

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

3. Nature of conveyance:

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

Execution Date: December 22, 2000

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

Name: Vitamin City (NY), Inc.

Internal Address:

Street Address: 90 Orville Drive

City: Bohemia State: NY ZIP: 11716

- ☐ Individual(s) citizenship
☐ Association
☐ General Partnership
☐ Limited Partnership
☒ Corporation-State New York
☐ 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)

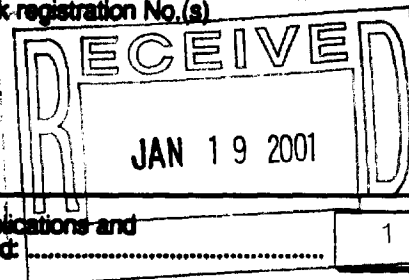
Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

75/596,294

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: Phillips, Lytle, Hitchcock, Blaine & Huber LLP

Internal Address: Intellectual Property Group

Street Address: 3400 HSBC Center

City: Buffalo State: NY ZIP: 14203

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:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

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40.00 DP

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.

Rowland Richards, Reg. No. 42,104

Name of Person Signing

Signature

January 16, 2001

Date

Total number of pages: 2

REEL: 002221 FRAME: 0954

ASSIGNMENT

WHEREAS, VitaminCity LLC, a New York limited liability company, having a place of business located at 6211 Senate Circle, East Amherst, New York 14051, ("VitaminCity") has adopted and has been using the mark VITAMINCITY for retail stores featuring vitamins, herbs and supplements (the "Mark"); and

WHEREAS, VitaminCity has been the sole and exclusive owner of U.S. Applications Serial No. 75/596,294, covering VITAMINCITY for retail stores featuring vitamins, herbs and supplements (the "Application"); and

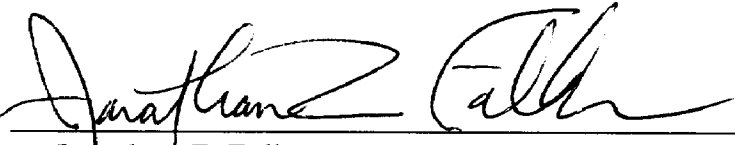
WHEREAS, by Assignment dated December 21, 2000, VitaminCity assigned the Mark and the Application to Manufacturers and Traders Trust Company, a New York banking corporation with a place of business located at One M&T Plaza, Buffalo, New York 14240 ("Assignor"); and

WHEREAS, Vitamin City (NY), Inc., having a place of business at 90 Orville Drive, Bohemia, New York 11716 ("Assignee"), is desirous of acquiring an interest in and to the Mark and Application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration to it in hand paid, the receipt whereof is hereby acknowledged, Assignor hereby assigns, sells, transfers and conveys unto Assignee, without recourse and without representation or warranty of any kind or nature, the full and exclusive right, title and interest in and to the Mark and Application, together with the good will of the business symbolized by the Mark, and any and all choses in action for damages for past infringement.

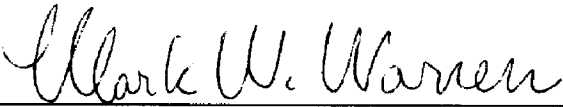
IN WITNESS WHEREOF, Assignor has caused this document to be executed by its duly
authorized representative this 22nd day of December, 2000.

MANUFACTURERS AND TRADERS TRUST COMPANY

By 
Name: Jonathan Z. Falk
Title: Vice President

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

On this 22nd day of December, 2000, before me, the subscriber, personally appeared, Jonathan Z. Falk, to be known and known to me to be the person described in the within instrument, who executed the within instrument in said capacity in my presence, and he acknowledged to me that he executed the same for the purposes therein mentioned.



Notary Public

Notaria! Seal

MARK W. WARREN
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 20, 20 02