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01-29-2001

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



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To the Honorable Commissioner of Patents

and original documents or copy thereof.

1. Name of conveying party(ies):

VitaminCity LLC

- Individual(s)
- General Partnership
- Corporation-State
- Other Limited Liability Company
- Association
- Limited Partnership

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

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

Name: Manufacturers and Traders Trust Company

Internal Address: \_\_\_\_\_

Street Address: One M & T Plaza

City: Buffalo State: NY ZIP: 14240

- 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

3. Nature of conveyance:

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

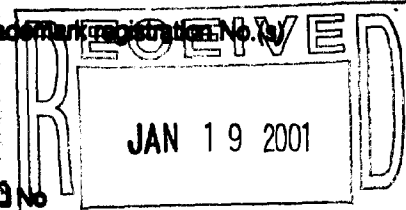
Execution Date: December 21, 2000

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)

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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

Rowland Richards  
Signature

January 16, 2001  
Date

Total number of pages: \_\_\_\_\_

**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, ("Assignor") has adopted and is using the mark VITAMINCITY for retail stores featuring vitamins, herbs and supplements (the "Mark"); and

WHEREAS, Assignor is 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, Manufacturers and Traders Trust Company, having a place of business at One M&T Plaza, Buffalo, New York 14240, ("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 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 21 day of December, 2000.

VITAMINCITY LLC

By 

Name: Michael N. Coppola

Title: President

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

On this 21<sup>st</sup> day of December, 2000, before me, the subscriber, personally appeared, MICHAEL N. COPPOLA, 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

Notarial Seal

NOTARY PUBLIC  
STATE OF NEW YORK  
— 2001

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