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U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Tab settings ☐ ☐ ☐ ☒ 9.22.00

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

The Hygenic Corporation

☐ Individual(s)☐ General Partnership☒ Corporation-State☐ Other☐ Association☐ Limited PartnershipAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No3. Nature of conveyance: NRD 9.22.00☒ Assignment☐ Security Agreement☐ Other☐ Merger☐ Change of NameExecution Date: April 30, 2000

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

Name: Hygenic Acquisition, Inc.c/o Key Mezzanine Capital, L.L.C.Internal Address: 28th FloorStreet Address: 127 Public SquareCity: Cleveland State: Ohio ZIP: 44114☐ Individual(s) citizenship☐ Association☐ General Partnership☐ Limited Partnership☒ Corporation-State Delaware☐ OtherIf 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 patent number(s):

## A. Trademark Application No.(s)

75/463,68175/578,57975/712,381

1,063,239 1,380,599 1,927,943 2,262,494

1,173,854 1,542,392 1,966,739 2,295,811

## B. Trademark Registration No.(s)

1,932,938

1,238,548 1,541,408 2,144,933

1,241,177 1,011,451 2,120,982

1,269,061 1,890,535 2,037,964

1,379,345 1,895,004 2,037,966

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Meredith M. WilkesInternal Address: Jones, Day, Reavis & PogueNorth PointStreet Address: 901 Lakeside AvenueCity: Cleveland State: Ohio ZIP: 441146. Total number of applications and registrations involved: 257. Total fee (37 CFR 3.41).....\$ 640☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

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

## 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.

Kathie J. Kopczyk

Name of Person Signing

Kathie J. Kopczyk

Signature

September 22, 2000

Date

Total number of pages including cover sheet, attachments, and document: 14

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents &amp; Trademarks, Box Assignments

Washington, D.C. 20231

TRADEMARK

REEL: 002267 FRAME: 0400

**DECLARATION CONCERNING ASSIGNMENT PURSUANT TO 15 U.S.C. § 1060**

I, Stewart Lorenzen, do hereby declare as follows:

1. I am currently the President of the Hygenic Corporation, a corporation organized and existing under the laws of the state of Delaware with its principal place of business located at 1245 Home Avenue, Akron, Ohio.

2. Until April 30, 2000, I served as the President of the Hygenic Corporation, a corporation organized and existing under the laws of the state of Ohio with its principal place of business located at 1245 Home Avenue, Akron, Ohio.

3. On April 30, 2000, the Hygenic Corporation assigned all right, title, interest and goodwill to certain United States Trademark Applications and Registrations to Hygenic Acquisition, Inc., a corporation organized and existing under the laws of the state of Delaware. A true and correct copy of the instrument assigning these Applications and Registrations is attached hereto as Exhibit A and by this reference incorporated herein. Mr. Joseph Di Rocco executed Exhibit A in his capacity as Vice President of Finance of the Hygenic Corporation and the signature on Exhibit A is Mr. Di Rocco's.

4. On May 2, 2000, Hygenic Acquisition, Inc. changed its name to the Hygenic Corporation. True and correct certified copies of the documents evidencing the name change from Hygenic Acquisition, Inc. to the Hygenic Corporation are attached hereto as Exhibit B and by this reference incorporated herein.

Under the penalty of perjury of laws of the United States, I do hereby declare that the foregoing is true and correct.

Dated this 18 day of September, 2000.



Stewart Lorenzen  
President  
The Hygenic Corporation

## **HYGENIC TRADEMARK, TRADE NAME AND DOMAIN NAME ASSIGNMENT**

### **THIS TRADEMARK, TRADE NAME AND DOMAIN NAME ASSIGNMENT**

(the "Assignment") is made and entered into as of this 30th day of April, 2000, ("Effective Date"), by and between The Hygenic Corporation, an Ohio corporation, with its principal place of business located at 1245 Home Avenue, Akron, Ohio 44310-2575 ("Assignor"), and Hygenic Acquisition, Inc., a Delaware corporation, with its principal place of business located at c/o Key Mezzanine Capital, L.L.C., 127 Public Square, 28th Floor, Cleveland, Ohio 44114-1306 ("Assignee").

WHEREAS, Assignor and Assignee are parties to that certain Asset Purchase Agreement dated as of April 30, 2000, (the "Purchase Agreement"), pursuant to which Assignor has agreed to sell and Assignee has agreed to purchase substantially all of the assets, properties, rights and interests pertaining to the Business as defined in the Purchase Agreement;

WHEREAS, Assignor owns the entire right, title and interest in, to and under the United States trademark registrations identified and set forth on Schedule A, and the trademarks, service marks and applications for registration identified and set forth on Schedule B, and the foreign trademark registrations and applications for registrations identified and set forth on Schedule C (collectively, the "Marks"), and various trade names and domain names, identified and set forth on Schedules D and E, respectively, including variations thereof (collectively, the "Trade/Domain Names"), and the goodwill of the business associated therewith;

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the Marks and the Trade/Domain Names together with the goodwill of the business in connection with which the Marks and the Trade/Domain Names are used;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee the entire right, title and interest in and to the Marks and the Trade/Domain Names and all registrations for such Marks and Trade/Domain Names together with the goodwill of the business in connection with which the Marks and the Trade/Domain Names are used; together with all income, royalties or payments due or payable as of the Effective Date or thereafter, including, without limitation, all claims for damages by reason of past, present or future infringement or other unauthorized use of the Marks and the Trade/Domain Names, all causes of action (in law or equity) and the right to sue for, and collect the same for Assignee's own use and enjoyment and for the use and enjoyment of its successors, assigns or other legal representatives.

Assignor hereby represents and warrants that its right, title and interest in and to the Marks and the Trade/Domain Names set forth in Schedules A, B, C, D and E are free and clear of any liens and encumbrances, that it has full right to assign all of its interests therein, and that it has not executed and will not execute any agreement or other instrument in conflict herewith.

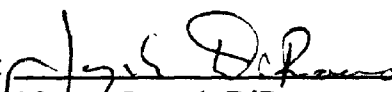
Assignor shall provide to Assignee, its successors, assigns or other legal representatives, cooperation and assistance at Assignee's request and expense (including, without limitation, the execution and delivery of any and all affidavits, declarations, oaths, samples, exhibits, specimens and other documentation as may be reasonably required): (1) in the preparation and prosecution of any application for registration or any application for renewal of a registration covering any of the Marks or the Trade/Domain Names; (2) in the prosecution or defense of any interference, opposition, infringement or other proceedings that may arise in connection with any of the Marks or the Trade/Domain Names, including, without limitation, testifying as to any facts

relating to the Marks and Trade/Domain Names assigned herein and this Assignment; (3) in obtaining any additional trademark protection for the Marks or any of the Trade/Domain Names that Assignee reasonably may deem appropriate that may be secured under the laws now or hereafter in effect in the United States or for all foreign countries; and (4) in the implementation or perfection of this Assignment.

This Assignment may be executed in counterparts, any one of which need not contain the signatures of more than one party, but all of which, taken together, constitute one and the same agreement.

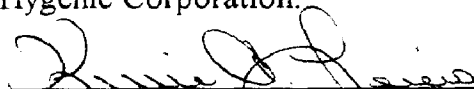
IN WITNESS WHEREOF, the undersigned have executed this instrument as of April 30, 2000.

THE HYGENIC CORPORATION

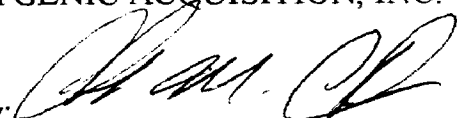
By:   
Name: Joseph DiRocco  
Title: Vice President of Finance

STATE OF OHIO )  
SS:  
COUNTY OF CUYAHOGA )

On this 30th day of April, 2000 personally appeared before me Joseph DiRocco, known to me to be Vice President of The Hygenic Corporation, who acknowledged that he/she signed this instrument as a free act on behalf of The Hygenic Corporation.


  
Notary Public: KERRIE A. LEWIS  
My commission expires: 9-18-03

HYGENIC ACQUISITION, INC.

By:   
Name: Charles M. Chaikin  
Title: Treasurer and Assistant Secretary

STATE OF OHIO )  
SS:  
COUNTY OF CUYAHOGA )

On this 30th day of April, 2000 personally appeared before me Charles M. Chaikin, known to me to be Treasurer and Assistant Secretary of Hygenic Acquisition, Inc., who acknowledged that he/she signed this instrument as a free act on behalf of Hygenic Acquisition, Inc.

  
Notary Public: KERRIE A. LEWIS  
My commission expires: 9-18-03

# SCHEDULE A

## United States Trademark Registrations

| <u>Mark</u>   | <u>Reg. No.</u> | <u>Reg. Date</u> |
|---|-----------------|------------------|
| THERA-BAND<br>Resistive exerciser<br>(Class 10- Rubber<br>sheeting used for medical<br>purposes)                    | 1,063,239       | 09/13/1976       |
| HYGENIC & Design<br>(Class 5, 10 - Dental supplies<br>& accessories)  | 1,173,854       | 10/06/1978       |
| H & HYGENIC logo<br>(Class 27 - Floor Mats)   | 1,238,548       | 10/06/1978       |
| H & HYGENIC logo<br>(Class 17 - Rubber and<br>Plastic in the form of sheets<br>and tubing for industrial use)       | 1,241,177       | 10/06/1978       |
| H & HYGENIC logo<br>(Class 10 - Rubber and Plastic<br>in the form of sheets and tubing<br>for medical applications) | 1,269,061       | 10/06/1978       |
| DYNA- BAND-Resistive<br>exerciser (Class 28 - exercise<br>equipment; namely, resistive<br>exercisers)               | 1,379,345       | 05/31/1985       |
| H & HYGENIC logo<br>(Class 28 - Exercise equipment)   | 1,380,599       | 05/31/1985       |
| THERA - BAND & Design<br>(Class 10- Rubber sheeting for<br>medical purposes)  | 1,542,392       | 09/29/1988       |
| Color Band Design<br>(Class 10 - Rubber sheeting<br>for medical purposes)   | 1,541,408       | 09/29/1988       |



|  |             |            |
|--|-------------|------------|
| PARABATH- Unit, Paraffin<br>Bath, Paraffin Refills, Accessories<br>(Class 10)  | 1,011,451   | 06/13/1973 |
| HYSYNAL<br>(Class 17- Sunthetic Polyisoprene<br>Rubber Tubing for medical and<br>industrial use)                         | 1,890,535   | 08/24/1994 |
| THERA-BAND - Resistive<br>exercisers (Class 10 - for elastic<br>tensioning exerciser for rehab<br>physical therapy)      | 1,895,004   | 09/13/1976 |
| THERA- BAND<br>PRESCRIPTION PACK<br>Resistive Exercise System<br>(Class 10) (NO LONGER<br>USING PRODUCT)                 | 1,927,943   | 08/23/1994 |
| MARK H HYGENIC &<br>DESIGN (Class 28 -<br>G.P. Points, & 10 - Dental<br>Products)  | 1,966,739   | 10/06/1978 |
| HYTONE<br>(Class 24- latex rubber<br>sheeting sold in rolls used<br>in the manufacture of<br>evening wear)               | 2,144,993   | 07/10/1997 |
| H HYGENIC & DESIGN<br>(Class 17 Rubber and Plastic<br>in the Form of sheets and<br>tubing for General Industrial<br>Use) | 2,120,982   | 10/06/1978 |
| COLOR PINK (Dyna-Band)<br>(Class 28)   | 2,037,964   | 05/31/1985 |
| ↓ COLOR GREEN (Dyna-Band)<br>(Class 28)  | 2,037,965 ✓ | 05/31/1985 |
| COLOR PURPLE (Dyna-Band)<br>(Class 28)   | 2,037,966   | 05/31/1985 |

|  |           |            |
|--|-----------|------------|
| H & HYGENIC LOGO<br>(Class 10 - Rubber and plastic<br>in the form of sheets and tubing<br>for medical applications)            | 2,262,494 | 10/06/1978 |
| THERA - BAND<br>(Class 28 - product for exercise<br>or recreational use- bands, tubing,<br>balls, kits, mats, aquatic devices) | 2,295,811 | 09/18/1998 |
| THERAEROBICS<br>(Class 12- Exercise physical<br>therapy services)  | 1,932,938 |            |

SCHEDULE B

United States  
Trademark Applications

| <u>Mark</u>  | <u>Serial No.</u> | <u>Filing Date</u>         |
|--|-------------------|----------------------------|
| HYSYNAL<br>(Synthetic rubber tubing<br>for medical and industrial<br>use Class 10; synthetic<br>rubber tubing and tourniquets<br>for medical and industrial use<br>Class 17) | 75/463,681        | Pending—replaces<br>US0050 |
| THERAEROBICS<br>(Class 28, 41-exercise kits<br>comprising resistive bands<br>and tubing)   | 75/578,579        |                            |
| AQUAFINS<br>(Class 10,28 - products for<br>physical therapy use; namely,<br>vests, belts, bands, floatation<br>devices, swim fins)   | 75/712,381        | 05/24/1998                 |

## SCHEDULE C

### Foreign Trademarks

| <u>Mark</u>  | <u>Country</u> | <u>Reg. No.</u> | <u>Reg. Date</u> |
|--|----------------|-----------------|------------------|
| DYNA-BAND<br>(Class 10 & 28)   | Austria        | 134,133         |                  |
| H HYGENIC<br>LOGO (Class 5<br>chemical products<br>and artificial resins<br>for dental purposes<br>& 10 - Medical<br>and dental instruments<br>and apparatus; all<br>remaining categories<br>are dental) | Austria        | 160,822         |                  |
| THERA-BAND<br>(Class 10)   | Austria        | 160,168         |                  |
| THERA-BAND<br>(Class 10)   | Australia      | A501926         |                  |
| DYNA-BAND<br>(Class 10)  | Australia      | A501925         |                  |
| THERAROBICS<br>(Classes 28, 41)  | Australia      | 763150          |                  |
| AQUAFINS<br>(Classes 10, 28)   | Australia      | 770960          |                  |
| THERA-BAND<br>(Class 28)   | Australia      | 772043          |                  |
| THERA-BAND<br>(Class 10)   | Brazil         | 816.666.180     |                  |
| THERA-BAND<br>(Class 5, 10)  | Benelux        | 450,458         |                  |

|   |             |         |
|---|-------------|---------|
| H & HYGENIC<br>logo (Class 5, 10<br>& 28 - dental and<br>medical) | Benelux     | 501,502 |
| DYNA-BAND<br>(Class 10 & 28)                                      | Benelux     | 483,254 |
| DYNAROBICS<br>(Class 16, 28, 41)                                  | Benelux     | 563,537 |
| HYGENIC H &<br>DESIGN<br>(Canada has no<br>class system)          | Canada      | 360,478 |
| THERA-BAND<br>(Canada has no<br>class system)                     | Canada      | 461,454 |
| THERA-BAND &<br>DESIGN<br>(Canada has no<br>class system)         | Canada      | 450,636 |
| THERA-BAND<br>(Class 10)  | Switzerland | 356,844 |
| DYNA-BAND<br>(Class 10 & 28)                                      | Switzerland | 384,212 |
| H HYGENIC<br>LOGO<br>(Class 10)                                   | Switzerland | 430,090 |
| THERAROBICS<br>(Class 28,41)                                      | Switzerland | 455.894 |
| THERA-BAND<br>(Class 10)  | Chile       | 390,492 |
| THERA-BAND<br>(Class 10)  | Columbia    | 144,549 |
| AQUAFINS<br>(Class 10)  | Columbia    | 216,809 |

|   |          |           |
|---|----------|-----------|
| AQUAFINS<br>(Class 28)  | Columbia | 216,810   |
| THERA-BAND<br>(Class 28)  | Columbia | 217,536   |
| THERA-BAND<br>(Class 10)  | Germany  | 1,178,481 |
| H & HYGENIC<br>logo (Class 5, 10<br>& 28 - dental and<br>medical)   | Germany  | 2,006,219 |
| DYNA-BAND<br>(Class 10 & 28)  | Germany  | 1,178,451 |
| H & HYGENIC<br>logo<br>(Class 5, 10 &<br>28- dental and<br>medical)   | Denmark  | 08/362-92 |
| THERA-BAND<br>(Class 10)  | Denmark  | 08.919-93 |
| DYNA-BAND<br>(Class 10 & 28)  | Denmark  | 00998-94  |
| THERA-BAND<br>(Class 10)  | Spain    | 1,786,082 |
| THE HYGENIC<br>CORPORATION<br>& DESIGN<br>(Class 10- dental<br>and rubber and<br>plastic in the form<br>of sheets and tubing<br>for medical applications) | Spain    | 1,920,092 |
| DYAN-BAND<br>(Class 10)   | Spain    | 1,585,250 |
| DYNA-BAND<br>(Class 28)   | Spain    | 2,124,363 |

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| THERAROBICS<br>(Classes 9, 28, 41)   | CTM     | 000846071  |
| AQUAFINS<br>(Classes 9, 10,28)   | CTM     | 0009128816 |
| THERA-BAND<br>(Classes 9, 10, 16,<br>28)   | CTM     | 000920892  |
| DYNA-BAND<br>(Class 10 & 28)   | Finland | 119181     |
| HYGENIC LOGO<br>(Class 10- dental<br>only)   | Finland | 200442     |
| THERA-BAND<br>(Class 10)   | Finland | 201034     |
| THERA-BAND<br>(Class 5)  | France  | 1,467,991  |
| H & HYGENIC<br>logo (Class 10, 5,<br>& 28 - dental and<br>medical)   | France  | 1,651,880  |
| DYNA-BAND<br>(Class 10 & 28)   | France  | 1,610,223  |
| THERA-BAND<br>(Class 10)   | U.K.    | 1,319,651  |
| H & HYGENIC<br>logo (Class 10-<br>dental and rubber<br>and plastic in the<br>form of sheets and<br>tubing for medical<br>applications) | U.K.    | 1,453,018  |
| DYNA-BAND<br>(Class 9)   | U.K.    | 1,454,823  |
| DYNA-BAND<br>(Class 10)  | U.K.    | 1,419,170  |

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|--|---------|-----------|
| DYNA-BAND<br>(Class 28)  | U.K.    | 1,419,171 |
| H & HYGENIC<br>logo (Class 5, 10<br>& 28- dental and<br>rubber and plastic<br>in the form of<br>sheets and tubing<br>for medical<br>application) | Greece  | 103,904   |
| THERA-BAND<br>(Class 10)   | Greece  | 116,382   |
| DYNA-BAND<br>(Class 10 & 28)   | Greece  | 100,292   |
| H & HYGENIC<br>logo(Class 10 -<br>dental and medical)  | Ireland | 143,241   |
| THERA-BAND<br>(Class 10)   | Ireland | 157,724   |
| DYNA-BAND<br>(Class 10 & 28)   | Ireland | 141,486   |
| H & HYGENIC<br>logo (Class 5,10 &<br>28-dental and<br>medical)   | Italy   | 00623157  |
| THERA-BAND<br>(Class 10)   | Italy   | 00677912  |
| DYNA-BAND<br>(Class 10 &28)  | Italy   | 587,979   |
| THERA-BAND<br>(Class 1)  | Japan   | 2717467   |
| DYNA-BAND<br>(Class 28)  | Japan   | 4113423   |



|   |               |                 |
|---|---------------|-----------------|
| <b>HYGENIC H<br/>&amp; DESIGN<br/>(Class 5-dental)</b>                  | <b>Japan</b>  | <b>4143278</b>  |
| <b>HYGENIC H<br/>&amp; DESIGN<br/>(Class 10-dental<br/>and medical)</b> | <b>Japan</b>  | <b>4362388</b>  |
| <b>HYGENIC H<br/>&amp; DESIGN<br/>(Class 17-dental<br/>and medical)</b> | <b>Japan</b>  | <b>4159679</b>  |
| <b>THERA-BAND<br/>(Class 28)</b>  | <b>Japan</b>  | <b>4086677</b>  |
| <b>THERA-BAND<br/>(Class 11) (Korean)</b>                               | <b>Korea</b>  | <b>259028</b>   |
| <b>AQUAFINS<br/>(Classes 10 &amp; 28)</b>                               | <b>Korea</b>  | <b>463,276</b>  |
| <b>DYNA-BAND<br/>(Class 10 &amp; 28)</b>                                | <b>Monoco</b> | <b>90.13441</b> |
| <b>DYNA-BAND<br/>(Class 10)</b>   | <b>Malta</b>  | <b>19,926</b>   |
| <b>DYNA-BAND<br/>(Class 28)</b>   | <b>Malta</b>  | <b>19,927</b>   |
| <b>THERA-BAND<br/>(Class 10)</b>  | <b>Mexico</b> | <b>416,337</b>  |
| <b>THERA-BAND<br/>(Class 28)</b>  | <b>Mexico</b> | <b>593,559</b>  |
| <b>DYNA-BAND<br/>(Class 10 &amp; 28)</b>                                | <b>Norway</b> | <b>152,399</b>  |
| <b>THERAROBICS<br/>(Classes 28,41)</b>                                  | <b>Norway</b> | <b>193,241</b>  |
| <b>AQUAFINS<br/>(Classes 10,28)</b>                                     | <b>Norway</b> | <b>198,726</b>  |

|   |              |         |
|---|--------------|---------|
| THERAROBICS<br>(Class 28)   | New Zealand  | 292,904 |
| THERAROBICS<br>(Class 41)   | New Zealand  | 292,905 |
| AQUAFINS<br>(Class 10)  | New Zealand  | 297,100 |
| AQUAFINS<br>(Class 28)  | New Zealand  | 297,101 |
| AQUAFINS<br>(Class 10)  | Peru         | 052773  |
| AQUAFINS<br>(Class 28)  | Peru         | 052960  |
| THERA-BAND<br>(Class 44-based<br>on old U.S.<br>classification)   | Puerto Rico  | 30,976  |
| H & HYGENIC<br>logo (Class 5-<br>dental and rubber<br>and plastic in the<br>form of sheets and<br>tubing for medical<br>applications) | Portugal     | 273,052 |
| H & HYGENIC<br>logo (Class 10-<br>dental only)  | Portugal     | 273,053 |
| THERA-BAND<br>(Class 10)  | Portugal     | 295,414 |
| DYNA-BAND<br>(Class 10)   | Portugal     | 266,675 |
| DYNA-BAND<br>(Class 28)   | Portugal     | 266,676 |
| THERA-BAND<br>(Class 10)  | Saudi-Arabia | 273/63  |

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|---|--------------|----------|
| THERA-BAND<br>(Class 28)  | Saudi-Arabia | 473/93   |
| THERA-BAND<br>(Class 10)  | Sweden       | 227,877  |
| DYNA-BAND<br>(Class 10 & 28)  | Sweden       | 231,723  |
| HYGENIC &<br>DESIGN (Class 10-<br>rubber in the form of<br>sheets and tubing for<br>use in the medical,<br>dental, industrial and<br>exercise fields) | Singapore    | 4624/95  |
| THERA-BAND<br>(Class 10)  | Thailand     | TM256339 |
| THERA-BAND<br>(Class 28)  | Thailand     | 374383   |

Foreign Trademark Applications

| <u>Mark</u>  | <u>Country</u> | <u>Serial No.</u> | <u>File Date</u> |
|--|----------------|-------------------|------------------|
| AQUAFINS<br>(Class 10)   | Bolivia        | 85320-21          |                  |
| AQUAFINS<br>(Class 28)   | Bolivia        |                   |                  |
| HYGENIC  | Bolivia        | 817726250         |                  |
| THERA-BAND<br>(Class 5 - Products<br>used specifically<br>in dental treatment) | Brazil         | 815746806         |                  |
| AQUAFINS<br>(Class 12)   | Brazil         | 821209787         | 11/13/98         |
| AQUAFINS<br>(Class 25)   | Brazil         | 821209795         | 11/13/98         |
| AQUAFINS<br>(Class 28)   | Brazil         | 821209809         | 11/13/98         |
| THERA-BAND<br>(Class 25)   | Brazil         | 821221183         | 11/17/98         |
| THERA-BAND<br>(Class 28)   | Brazil         | 821221191         | 11/17/98         |
| THERAROBICS<br>(Canada has no<br>class system)                                 | Canada         | 893,133           | 10/13/98         |
| AQUAFINS<br>(Canada has no<br>class system)                                    | Canada         | 1,015,327         | 5/11/99          |
| AQUAFINS<br>(Classes 10,28)  | Switzerland    | 07650/1998        | 9/17/98          |
| THERA-BAND<br>(Class 10)   | Switzerland    | 07649/1998        | 9/17/98          |

|  |             |                   |          |
|--|-------------|-------------------|----------|
| THERA-BAND<br>(Class 28)   | Chile       | 542,326           | 10/27/98 |
| AQUAFINS<br>(Class 10)   | Ecuador     | 90611             | 9/2/98   |
| AQUAFINS<br>(Class 28)   | Ecuador     | 90612             | 9/2/98   |
| THERAROBICS<br>(Classes 28,41)   | Japan       | 10(1998)<br>48820 |          |
| THERA-BAND<br>(Class 28)   | Korea       | 99-227            |          |
| HYGENIC &<br>DESIGN (Class<br>10- International<br>rubber goods,<br>dental and exercise<br>fields) | Malaysia    | 95/04467          |          |
| AQUAFINS<br>(Classes 10,28)  | Philippines |                   |          |
| HYGENIC LOGO<br>(Class 10- dental<br>only)   | Sweden      | 95-8257           |          |
| THERA-BAND<br>(Class 10)   | Venezuela   | S/N 5.857-92      |          |
| AQUAFINS<br>(Class 10)   | Venezuela   | 023802            |          |
| AQUAFINS<br>(Class 28)   | Venezuela   | 023803            |          |

SCHEDULE D

Trade Names

| <u>Name</u>           | <u>State</u> | <u>Reg. Number</u> |
|-----------------------|--------------|--------------------|
| J&B Foam Fabrications | Ohio         | RN240720           |

## SCHEDULE E

### Domain Names

HYTONEFASHION.COM

HYTONEFASHION.NET

HYSYNAL.COM

HYSYNAL.NET

THERA-BAND.COM

AQUAFINS.COM

HYGENIC.COM

TRADEMARK

REEL: 002267 FRAME: 0421

# Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: United States of America

This public document:

2. has been signed by Edward J. Freel

3. acting in the capacity of Secretary of State of Delaware

4. bears the seal/stamp of Office of Secretary of State

## Certified

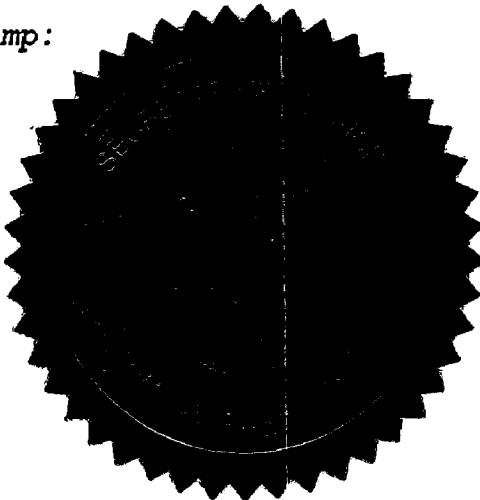
5. at Dover, Delaware

6. the nineteenth day of September, A.D. 2000

7. by Secretary of State, Delaware Department of State

8. No. 0137306

9. Seal/Stamp:



10. Signature:

*Edward J. Freel*

Secretary of State

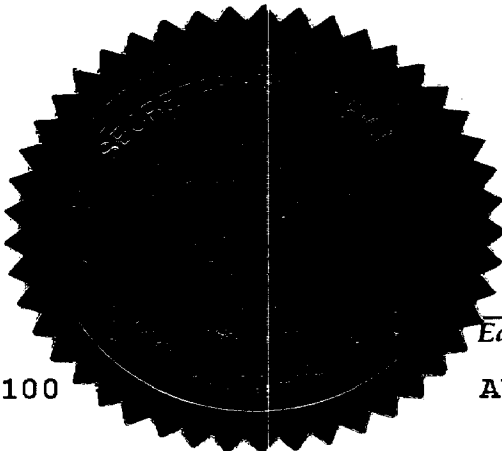


*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "HYGENIC ACQUISITION, INC.", CHANGING ITS NAME FROM "HYGENIC ACQUISITION, INC." TO "THE HYGENIC CORPORATION", FILED IN THIS OFFICE ON THE SECOND DAY OF MAY, A.D. 2000, AT 9 O'CLOCK A.M.



Edward J. Freel, Secretary of State

3199255 8100

AUTHENTICATION: 0684261

001472636

DATE: 09-19-00

TRADEMARK  
REEL: 002267 FRAME: 0423

**CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
HYGENIC ACQUISITION, INC.**

Hygenic Acquisition, Inc., a corporation organized and existing under and by  
virtue of the General Corporation Law of the State of Delaware,

**DOES HEREBY CERTIFY:**

**FIRST:** That the Board of Directors of said corporation, by the unanimous  
written consent of its members, filed with the minutes of the Board, adopted a resolution  
proposing and declaring advisable the following amendment to the Certificate of Incorporation of  
said corporation:

**RESOLVED,** that the Certificate of Incorporation of Hygenic Acquisition, Inc. be  
amended by changing the First Article thereof so that, as amended, said Article  
shall be and read as follows:

**"FIRST:** The name of the corporation is "The Hygenic  
Corporation."

**SECOND:** That in lieu of a meeting and vote of stockholders, the stockholders  
have given unanimous written consent to said amendment in accordance with the provisions of  
Section 228 of the General Corporation Law of the State of Delaware.

**THIRD:** That the aforesaid amendment was duly adopted in accordance with the  
applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of  
Delaware.

IN WITNESS WHEREOF, said Hygenic Acquisition, Inc. has caused this

certificate to be signed by Sean P. Ward, its Vice President and Secretary, this 28th day of April,

2000.

**HYGENIC ACQUISITION, INC.**

By:



Name: Sean P. Ward

Title: Vice President and Secretary