

4/25/01

05-04-2001

Attorney Docket No. 4337-00132

U.S. Department of Commerce
Patent and Trademark Office



ION FORM COVER SHEET TRADEMARKS ONLY

101702433

Patents and Trademarks.

Submitted original documents or copy thereof.

<p>1. Name of conveying party(ies):</p> <p>TUNE CORPORATION 2107 Massachusetts Avenue Cambridge, MA 02140</p> <p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Ltd. Partnership <input checked="" type="checkbox"/> Corporation - State <u>Delaware</u> <input type="checkbox"/> Other</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>2. Name and address of receiving party(ies):</p> <p>GRABER PRODUCTS, INC. 5253 Verona Road Madison, Wisconsin 53711</p> <p><input type="checkbox"/> Individual(s) Citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u> <input type="checkbox"/> Other _____</p>			
<p>3. Nature of Conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>March 22, 2001</u></p>		<p>If assignee is not domiciled in the U.S., a domestic representative designation is attached: <input type="checkbox"/> Yes <input type="checkbox"/> No (Designation must be a separate document from Assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>4. Application number(s) or registration number(s):</p> <table border="0"> <tr> <td style="width: 50%;"> <p>A. Trademark Application No. (s)</p> <p>75/824,978 75/504,258</p> </td> <td style="width: 50%;"> <p>B. Trademark Registration No. (s)</p> <p>2,319,853</p> </td> </tr> </table> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				<p>A. Trademark Application No. (s)</p> <p>75/824,978 75/504,258</p>	<p>B. Trademark Registration No. (s)</p> <p>2,319,853</p>
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<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Cobby J. Shereff ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 East Wisconsin Avenue, Ste. 1100 Milwaukee, Wisconsin 53202</p>		<p>6. Total number of applications and registrations involved: <u>3</u></p> <p>7. Total fee (37 CFR 3.41).....\$<u>90.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to charge to deposit</p> <p>8. Deposit account number: <u>01.2000</u> (Attached duplicate copy of this page if paying by deposit account)</p>			
<p>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.</p> <p><u>Cobby J. Shereff</u> <u></u> <u>April 20, 2001</u> Name of Person Signing Signature Date</p> <p>Total number of pages including cover sheet, attachments and document: <u>4</u></p>					

OMB No. 0651-0011 (exp. 4/94)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on this 23rd day of April, 2001.

Cobby J. Shereff
Name

Signature

Reg. No.

4-23-2001

Date

TRADEMARK
REEL: 002286 FRAME: 0780

ASSIGNMENT OF TRADEMARKS, REGISTRATIONS AND APPLICATIONS

WHEREAS, **PERSONAL HEALTH MANAGEMENT, INC.**, a Delaware corporation, and **TUNE CORPORATION**, a Delaware corporation and a wholly owned subsidiary of **PERSONAL HEALTH MANAGEMENT, INC.** (hereafter together referred to as "Assignor"), own certain trademarks as reflected in the applications and registrations listed below; and

WHEREAS, **GRABER PRODUCTS, INC.**, a Wisconsin corporation located and doing business at 5253 Verona Road, Madison, Wisconsin 53711 (hereafter referred to as "Assignee"), desires to acquire the entire right, title and interest in and to the trademarks and trademark applications listed below;

Assignor is the owner of the following trademarks and registrations and applications thereof:

<u>Mark</u>	<u>Country</u>	<u>Registration/ Application No.</u>	<u>Registration/ Filing Date</u>
APPLY WITHIN	US	75/824,978	10/18/1999
POWERTAP	US	2,319,853	2/15/2000
TUNE	US	75/504,258	6/18/1998

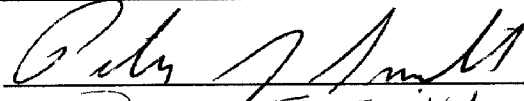
For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby transfers and assigns to Assignee its successors and assigns, Assignor's entire right, title and interest in and to the listed trademarks and any design, logo or the like associated therewith together with the goodwill of the business symbolized by the trademarks, and together with the applications and registrations of the trademarks and the right to sue for and recover damages for past infringement of the trademarks.

Assignor further assigns to Assignee any rights held by Assignor in any country in any of the listed trademarks, along with the goodwill associated therewith, such that the Assignee shall in all respects hold and enjoy any and all rights previously held and enjoyed by Assignor as user and owner of the listed trademarks.

Assignor represents to Assignee, its successors and assigns, that Assignor has not and shall not execute any writings or do any acts whatsoever conflicting with this Assignment. Assignor, and any representative, executor and/or administrator of Assignor, will at any time, upon request and without additional consideration but at the expense of Assignee, its successors, and assigns, execute any and all additional writings and do such additional acts as Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this Assignment and grant, and render any and all assistance in making application for and obtaining, maintaining and enforcing the rights granted herein in all countries.

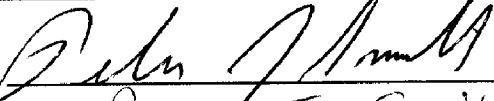
PERSONAL HEALTH MANAGEMENT, INC.

Dated this 22nd day of March, 2001.

By: 
Name: PETER J. Smith
Title: PRESIDENT

TUNE CORPORATION

Dated this 22nd day of MARCH, 2001.

By: 
Name: PETER J. Smith
Title: PRESIDENT

GRABER PRODUCTS, INC.

Dated this 22 day of March, 2001.

By: Christopher S. Fortone
Name: CHRISTOPHER S. FORTONE
Title: President