

10-31-2001



Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings

RECC TR 101891002

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

NBTY, Inc.

10/19/01

- Individual(s) Association General Partnership Limited Partnership Corporation-State Delaware 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: July 6, 2000

2. Name and address of receiving party(ies)

Name: Cosmetic Pencil Manufacturing Services, LLC

Internal Address:

Street Address: 225 Millburn Avenue

City: Millburn State: NJ Zip: 07041

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Other limited liability company

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)

B. Trademark Registration No.(s)

2,028,941

Additional number(s) attached Yes No

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

Name: Lerner, David, Littenberg, Krumholz & Mentlik

Internal Address:

Street Address: 600 South Avenue West

City: Westfield State: NJ Zip: 07090

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:

12-1095

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

DO NOT USE THIS SPACE

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.

STEPHEN B. GOLDMAN Name of Person Signing

Signature

October 17, 2001 Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

10/30/2001 ANNED1 00000165 121095 2028941 01 FC:481 40.00 CH

TRADEMARK REEL: 002392 FRAME: 0445

CONFIRMATORY ASSIGNMENT

WHEREAS, NBTY, INC., a corporation of the state of Delaware, having a principal place of business at 90 Orville Drive, Bohemia, New York 11716, hereinafter called "ASSIGNOR", who adopted, used and is the sole and exclusive owner of the mark PETITE FLEUR (hereinafter "Trademark") which is registered in the United States Patent and Trademark Office on the Principal Register under U.S. Trademark Registration No. 2,028,941, granted January 7, 1997.

WHEREAS, COSMETIC PENCIL MANUFACTURING SERVICES, LLC (formerly known as Petite Fleur Cosmetics, LLC), a New Jersey limited liability company, having a principal place of business at 225 Millburn Avenue, Millburn, New Jersey 07041, has acquired the entire equitable and legal right, title and interest in and to said Trademark and said U.S. Trademark Registration No. 2,028,941, together with the goodwill appurtenant thereto, pursuant to an Asset Purchase Agreement between the parties dated March 4, 1998 (hereinafter "Asset Purchase Agreement").

WHEREAS, on or about April 30, 1998, Cosmetic Pencil Manufacturing Services, LLC changed its name to Cosmetic Pencil Manufacturing, LLC, (hereinafter called "Assignee"), which Certificate of Amendment was filed and recorded with the Secretary of State of New Jersey on or about May 1, 1998;

WHEREAS, ASSIGNOR and ASSIGNEE desire to provide this Confirmatory Assignment in implementation of and confirmation of the rights in and ownership of said Trademark and said Trademark Registration No. 2,028,941 so acquired by the ASSIGNEE pursuant to the Asset Purchase Agreement.

NOW, THEREFORE, for one dollar (\$1.00) and other good and valuable consideration as set forth in the Asset Purchase Agreement, receipt of which is hereby acknowledged, and in confirmation of the transfer and conveyance, said ASSIGNOR does hereby sell, assign, transfer and set over unto said ASSIGNEE, all of its right, title and interest for the United States, its

territories, dependencies and possessions, and for all foreign countries, in and to said Trademark PETITE FLEUR and said U.S. Trademark Registration No. 2,028,941, together with the goodwill of the business symbolized by said Trademark and said Trademark Registration thereon, the same to be held and enjoyed by said ASSIGNEE, its successors, assigns and legal representatives, for its own use and benefit and for the use and benefit of its successors, assigns and legal representatives, as fully and entirely as the same would have been held and enjoyed by said ASSIGNOR if this Assignment had not been made, together with all claims for damages by reason of past, present or future infringement of said Trademark and said trademark registration thereon, and the right to use and collect the same for ASSIGNEE's own use and benefit, and for the use and benefit of its successors, assigns and legal representatives.

IN WITNESS WHEREOF, said ASSIGNOR has caused this Confirmatory Assignment to be made and executed by its duly authorized officer, as of the date indicated hereinbelow.

ASSIGNOR
NBTY, INC.
(Delaware Corporation)

Dated: July 6, 2000



By: HARVEY KAMIL
Title: Executive Vice President

STATE OF New York :
COUNTY OF Suffolk :ss:

Sworn and subscribed to before me this 6th day of July
~~1998~~ 2000.



Notary Public
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MINNA D. MIKAMAL
Notary Public, State of New York
No. 4849444
Qualified in Nassau County
Certified in Suffolk & New York Counties
Commission Expires June 23, ~~1998~~ 2002