

3/20/02

04-05-2002

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

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

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

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

Bankers Trust Company  
One Bankers Trust Plaza  
New York, New York 10006

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

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

## 3. Nature of conveyance:

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

Execution Date: 01/28/02

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

Name: Makers of Kal, Inc.

Internal

Address:

Street Address: 1400 Kearns Boulevard, 2nd  
City: Park City State: UT Zip: 84060

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

See Attached

B. Trademark Registration No.(s)

Additional number(s) attached ☒ Yes ☐ No

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

Name: Danice Kowalczyk, Esq.

Internal Address: White &amp; Case

Street Address: 1155 Avenue of the Americas

City: New York State: NY Zip: 10036

## 6. Total number of applications and registrations involved:

26

7. Total fee (37 CFR 3.41).....\$ 665.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

## 8. Deposit account number:

23-1705

(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.

Danice Kowalczyk, Esq.

Name of Person Signing

Signature

02/21/02 03/19/02

Date

Total number of pages including cover sheet, attachments, and document: 5

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

04/05/2002 6TON11 00000003 1194980

01 FC:481  
02 FC:482

40.00 OP  
625.00 OP

TRADEMARK  
REEL: 002475 FRAME: 0750

SCHEDULE A

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
40 WINKS	1,194,980	05/11/82
BIO-GENICS	1,277,794	05/15/84
BODY DEFENSE	1,901,450	06/27/95
C. DINOSAURS and Design	1,740,823	12/22/92
C. DINOSAURS	1,732,341	11/17/92
CELL DEFENSE	1,772,186	05/18/93
CRUTN (Stylized)	559,361	05/27/52
DINOSAURS	1,748,086	01/26/93
ENERMAX and Design	1,813,352	12/28/93
FRUIT VEG ACTIVES and Design	1,948,103	01/16/96
GROWTH PHASE	1,631,267	01/15/91
HAIR FORCE	1,621,999	11/13/90
HEALTHWAY	972,196	11/06/73
HERB CAPS and Design	1,992,371	08/13/96
KAL (Stylized)	502,629	10/05/48
KAL	1,844,068	07/12/94
KALNZYME and Design	753,801	07/30/63
KALNZYME and Design	740,852	11/20/62
KALVELAX	344,530	03/30/37
MEDICOLOGY	1,686,997	05/12/92
METABO-STIM	1,660,495	10/15/91
MULTI-MAX	1,748,085	01/26/93
PRO COLON	1,644,918	05/21/91
SLIM & FIRM	1,750,967	02/09/93

STRATA	1,458,962	09/29/87
VIRILITY TWO	1,621,999	11/13/90

**TRADEMARK RELEASE**

This Release granted on this 28<sup>th</sup> day of January, 2002, by Bankers Trust Company, as Collateral Agent ("Collateral Agent"), to Makers of Kal, Inc., a Delaware corporation with principal offices at 1400 Kearns Boulevard, 2<sup>nd</sup> Floor, Park City, Utah 84060 ("Assignor"), as follows:

**W I T N E S S E T H**

WHEREAS, the Assignor has heretofore granted to the Collateral Agent a security interest in certain U.S. trademarks, trademark registrations and trademark applications as more particularly set forth on Schedule A attached hereto (the "Marks") to secure the Obligations (as defined in the Security Agreement, dated February 25, 1998 (as amended from time to time), between the Collateral Agent and the Assignor (the "Security Agreement")); and

WHEREAS, the Collateral Agent wishes to release and restore all right, title and interest in and to the Marks to the Assignor and to dissolve any and all Liens and encumbrances respecting the Marks shown on the attached Schedule A hereto.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Collateral Agent hereby releases, discharges, quit claims and relinquishes unto the Assignor any and all right, title and interest in and to the Marks, and more particularly, (i) the security interest in the trademarks, trademark registrations and trademark applications as set forth on Schedule A hereto, (ii) all Proceeds (as such term is defined in the Security Agreement) and products of the Marks, (iii) the goodwill of the businesses with which the Marks are associated and (iv) all causes of action arising prior to or after February 25, 1998 for infringement of any of the Marks or unfair competition regarding the same, and granted to Collateral Agent by the Assignor by the Security Agreement, which Assignment was duly

recorded on March 24, 1998 at Trademark Reel 1707, Frame 0034 in the United States Patent and Trademark Office.

\* \* \*

IN WITNESS WHEREOF, the undersigned, by and through its authorized officer,  
has caused this instrument to be executed under seal on the date first written above.

Dated: January \_\_, 2002

BANKERS TRUST COMPANY,  
as Collateral Agent

By   
Name:  
Title: **Mary Kay Coyle**  
**Managing Director**

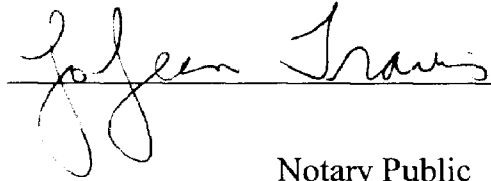
STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF NEW YORK    )

On this \_\_\_\_ day of January, 2002, before me personally appeared MARY KAY

COYLE, to me known who, being by me duly sworn, did depose and say that ~~he~~/she is

MANAGING DIRECTOR of Bankers Trust Company described herein and which executed the  
foregoing instrument and that ~~he~~ signed <sup>her</sup> ~~his~~ name thereto pursuant to the authority granted by

CORPORATION.

\_\_\_\_\_

Notary Public

JOJEAN TRAVIS  
Registration No. 01TR5013241  
New York County  
July 15, 2003