

04-25-2002

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

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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): Nutrition Headquarters, Inc. 4-18-02

- 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: April 20, 1998

2. Name and address of receiving party(ies) Name: Nutrition Headquarters (DE), Inc. Internal Address:

Street Address: 90 Orville Drive City: Bohemia State: NY Zip: 11716

- 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 N/A (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)

1938546

Additional number(s) attached Yes No

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

Name: Eric S. Klee, Esq.

Internal Address:

Street Address: 90 Orville Drive

City: Bohemia State: NY Zip: 11716

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:

502153

(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.

Eric S. Klee Assistant General Counsel Name of Person Signing

Signature

April 15, 2002 Date

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

04/24/2002 DBYRNE 00000076 502153 1938546 Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

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ASSIGNMENT OF TRADEMARK

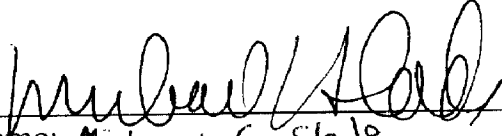
WHEREAS, Nutrition Headquarters, Inc. ("Assignor"), having its principal offices at 1 Nutrition Plaza, Carbondale, Illinois 62901, has adopted, used, is using and is the owner of the trademark filed in the United States Patent and Trademark Office, known as CALMERDAY, Registration No. 1,938,546 (the "Mark").

WHEREAS, Nutrition Headquarters (DE), Inc., a Delaware corporation ("Assignee"), having its principal offices at 90 Orville Drive, Bohemia, New York 11716, is desirous of acquiring the Mark.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee all right, title and interest in the United States in and to the Mark together with the goodwill of the business symbolized by the Mark and registrations thereof, together with all claims for damages by reason of past infringement of the Mark and registration, with the right to sue for and collect the same.

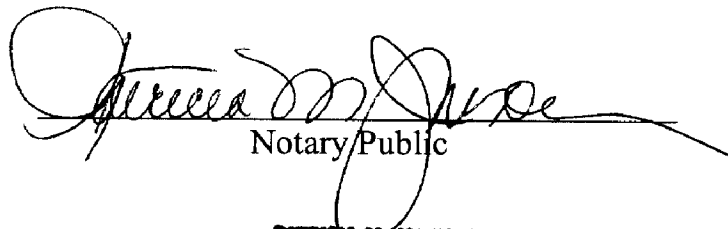
Signed in Bohemia, New York, as of the 20th day of April, 1998.

NUTRITION HEADQUARTERS, INC.

By: 
Name: Michael C. Slade
Title: President

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

On the 15th day of April in the year 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared Michael C. Slade, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as an officer of the within named entity and that by his signature on the instrument, the entity upon behalf of which the individual acted, executed the instrument.


Notary Public

**PATRICIA M. JOHNSON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 0100061513
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES 7/18/03**