

07-18-2002



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REGISTRATION FORM COVER SHEET
TRADEMARKS ONLY

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

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

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

7-18-02

Resub

1. Name of conveying party(ies):

Nutraceutical Corporation

10/18/01

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Association
- Limited Partnership

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: October 16, 2001

2. Name and address of receiving party(ies)

Name: Makers of KAL, Inc.

Internal

Address:

Street Address: 1500 Kearns Blvd., Ste B-20

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)

75/246,548

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: Stanley E. Soper, Esq.

Internal Address:

Street Address: 1400 Kearns Boulevard
Second Floor

City: Park City State: UT Zip: 84060

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed applied 10/29/01 - see attached
- Authorized to be charged to deposit account

8. Deposit account number:

(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.

Alison Pitt

Name of Person Signing

Alison Pitt

Signature

7/17/02

Date

Total number of pages including cover sheet, attachments, and document: 9

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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TRADEMARK ASSIGNMENT

10-18-2001

U.S. Patent & TMOc/TM Mail Rcpt Dt. #59

THIS TRADEMARK ASSIGNMENT (the "Assignment") is made and entered into as of this 16th day of October, 2001 (the "Effective Date"), by and between NUTRACEUTICAL CORPORATION, a Delaware corporation, with its principal office located at 1400 Kearns Boulevard, 2nd Floor, Park City, Utah 84060 ("Assignor"), and MAKERS OF KAL, INC., a Delaware corporation, with its principal place of business located at 1500 Kearns Boulevard, B-200, Park City, Utah 84060 ("Assignee").

Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the United States trademark registration listed on Schedule "A" (the "Mark").

Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the Mark.

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 Mark, and all registrations in the United States, including any renewals and extensions of the registrations that are now or may be secured under the laws of the United States, now or hereafter in effect, for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by the Assignor if this Assignment had not been made; together with all income, royalties or payments due or payable as of the Effective Date of thereafter, including, without limitation, all claims for damages by reason of past, present or future, infringement or other unauthorized use of the Mark, with 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 requests the Commissioner of Patents and Trademarks to record Assignee as the assignee and owner thereof.

Assignor's right, title and interest is transferred subject to any liens and encumbrances of record. Assignor represents and warrants 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.

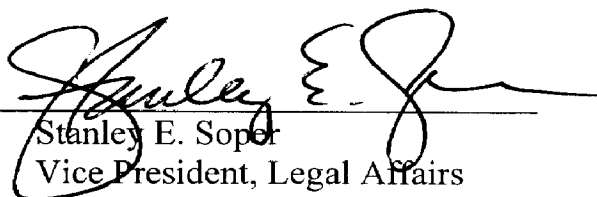
Assignor shall provide to assignee, its successors, assigns or other legal representatives, cooperation and assistance at Assignee's request (including the execution and delivery of any and all affidavits, declarations, oaths, samples, exhibits, specimens and other documentation as may be reasonably required): (I) in the preparation and prosecution of application for registration or any application for renewal of a registration covering the Mark; (II) in the prosecution or defense of any interference, opposition, infringement, or other proceedings that may arise in connection with the Mark, including, but not limited to, testifying as to any facts relating to the Mark assigned herein and this

Assignment; (III) in obtaining any additional trademark protection for the Mark 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 (IV) in the implementation or perfection of this Assignment.

IN TESTIMONY WHEREOF, the Assignor and Assignee have caused this Assignment to be signed and executed by the undersigned officers thereunto duly authorized this 16th day of October, 2001.

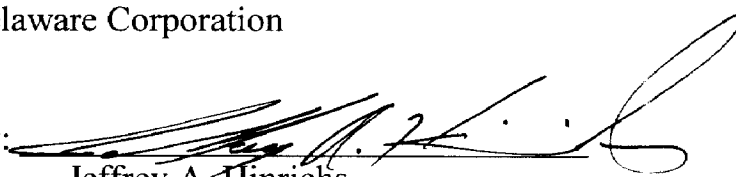
ASSIGNOR:

NUTRACEUTICAL CORPORATION, a
Delaware corporation

By: 
Stanley E. Soper
Vice President, Legal Affairs

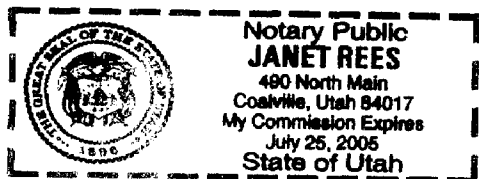
ASSIGNEE:

MAKERS OF KAL, INC., a
Delaware Corporation

By: 
Jeffrey A. Hinrichs
Vice President

STATE OF UTAH)
 :
 COUNTY OF SUMMIT) SS.

On the 16th day of October, 2001, before me, the undersigned Notary, personally appeared STANLEY E. SOPER, who proved to me his identity through documentary evidence to be the person whose name is signed on the foregoing document, and who being by me duly sworn, did say that he is the Vice President, Legal Affairs of NUTRACEUTICAL CORPORATION, a Delaware corporation, and that said instrument was signed on behalf of said corporation by authority of its bylaws, and said STANLEY E. SOPER acknowledged to me that said corporation executed the same voluntarily for its stated purpose.



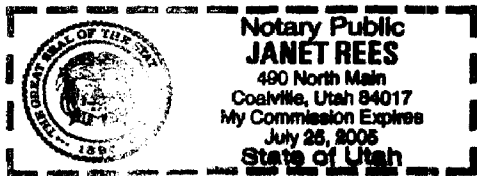
Janet Rees

NOTARY PUBLIC
Residing at Summit County, Utah

My Commission Expires: 7-25-05

STATE OF UTAH)
 :
 COUNTY OF SUMMIT) SS.

On the 16th day of October, 2001, before me, the undersigned Notary, personally appeared JEFFREY A. HINRICHS, who proved to me his identity through documentary evidence to be the person whose name is signed on the foregoing document, and who being by me duly sworn, did say that he is the Vice President of MAKERS OF KAL, INC., a Delaware corporation, and that said instrument was signed on behalf of said corporation by authority of its bylaws, and said JEFFREY A. HINRICHS acknowledged to me that said corporation executed the same voluntarily for its stated purpose.



Janet Rees

NOTARY PUBLIC
Residing at Summit County

My Commission Expires: 7/25/05

Thank you for your request. Here are the latest results from the TARR web server.

Serial Number: 75246548

Registration Number: (NOT AVAILABLE)

Mark (words only): FIZZ C

Current Status: A request for the fifth extension of time to file a statement of use has been granted.

Date of Status: 2001-04-19

Filing Date: 1997-02-24

The Notice of Allowance Date is: 1998-10-20

Registration Date: (DATE NOT AVAILABLE)

Law Office Assigned: TMO Law Office 115

CURRENT APPLICANT(S)/OWNER(S)

1. Nutraceutical Corporation

GOODS AND/OR SERVICES

dietary supplements containing vitamin C

PROSECUTION HISTORY

2001-04-19 - Extension 5 granted

2001-04-19 - Extension 5 filed

2001-01-09 - Extension 4 granted

2000-10-18 - Extension 4 filed

2000-06-05 - Extension 3 granted

2000-04-12 - Extension 3 filed

1999-10-12 - Extension 2 granted

1999-09-13 - Extension 2 filed

1999-05-24 - Extension 1 granted

1999-04-16 - Extension 1 filed

1998-10-20 - Notice of allowance - mailed
1998-07-28 - Published for opposition
1998-06-26 - Notice of publication
1998-05-05 - Approved for Pub - Principal Register (Initial exam)
1998-04-01 - Response to office action
1997-10-01 - Non-final action mailed
1997-09-11 - Case file assigned to examining attorney
1997-09-09 - Case file assigned to examining attorney

CONTACT INFORMATION

Attorney of Record: ANDREW D SORENSEN

Address:

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HOLLAND & HART LLP
PO BOX 8749
DENVER CO 80201-8749
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