

07-24-2002  
102166336  
TRADEMARK

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

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

Tab settings

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

1. Name of conveying party(ies):  
BOLLINGER INDUSTRIES, L.P.  
*7-16-02*

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

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

2. Name and address of receiving party(ies)  
Name: Isotec, Inc.  
Internal  
Address: 16541 Gothard St., Suite 208  
Street Address: \_\_\_\_\_  
City: Huntington Beach State: CA Zip: 98647

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

3. Nature of conveyance:  
 Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: \_\_\_\_\_

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s)  
78/064,094

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: John W. Eldredge  
Internal Address: STRADLING YOCCA CARLSON & RAUTH  
Street Address: 660 Newport Center Drive  
Suite 1600  
City: Newport Beach State: CA Zip: 92660

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00  
 Enclosed      CK. No.: 231834  
 Authorized to be charged to deposit account

8. Deposit account number:  
501329  
(Attach duplicate copy of this page if paying by deposit account)

OFFICE OF RECORDS  
FINANCE SECTION  
2002 JUL 16 AM 8:11

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.*

John W. Eldredge  
Name of Person Signing

[Signature]  
Signature

7/16/02  
Date

07/23/2002 DBYRNE 00000181 78064094  
01 FC:481

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

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

## TRADEMARK ASSIGNMENT

THIS Trademark Assignment is made and entered into by and between Bollinger Industries, L.P., a Texas limited partnership (hereinafter "Bollinger"), and Isotec, Inc., a Delaware corporation (hereinafter "Isotec");

WHEREAS, Bollinger has filed the following intent-to-use application for registration of the trademark ROCK FITNESS:

Application Serial No. 78/064,094;

WHEREAS, Isotec is desirous of acquiring an interest in the trademark;

NOW, THEREFORE, be it known by all whom it may concern, that for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration to Bollinger in hand paid, the receipt of which is hereby acknowledged, Bollinger hereby assigns and transfers to Isotec all of its rights, title and interest throughout the world in and to the trademark and the application, together with the goodwill of the business symbolized by the trademark, and including, without limitation, all of the rights and privileges pertaining to the trademark and any registrations and any extensions and continuations thereof.

Bollinger makes no representations or warranties of any kind regarding the trademark or application, including, but not limited to, marketable title, validity, incontestability, likelihood of confusion with other marks, or infringement of third party trademarks or servicemarks. Isotec assumes all obligations and responsibilities regarding the trademark and application. Bollinger intends to move to dismiss the oppositions pending against Fitness Quest's trademarks for ROCK and ROCK FIT (Nos. 91150794 and 91151089). Bollinger covenants and agrees that it will at any time, upon the request and at the expense of Isotec, execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to, and enforce, said trademark and application.

Bollinger Industries, L.P.

Isotec, Inc.

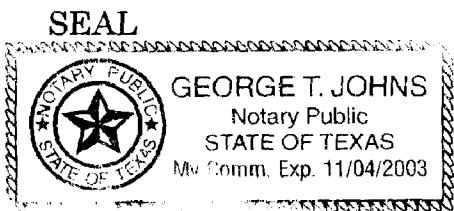
By: *Glenn Bollinger*  
Glenn Bollinger, CEO of  
Bollinger Operating Corp.,  
Its General Partner

By: \_\_\_\_\_  
Wayne H. Lee,  
Its Chief Financial Officer

STATE OF TEXAS           §  
                                      §  
COUNTY OF TARRANT   §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Glenn Bollinger, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of Bollinger Operating Corp. with authority to do so and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 26<sup>th</sup> day of June, 2002.



*George T. Johns*  
Notary Public for said County and State  
Print Name \_\_\_\_\_  
My Commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_ §  
                                      §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Wayne H. Lee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of Isotec, Inc. with authority to do so and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

SEAL

\_\_\_\_\_  
Notary Public for said County and State  
Print Name \_\_\_\_\_  
My Commission expires \_\_\_\_\_

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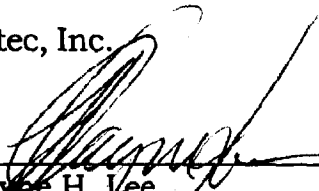
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Bollinger Industries, L.P.

By: \_\_\_\_\_  
Glenn Bollinger, CEO of  
Bollinger Operating Corp.,  
Its General Partner

Isotec, Inc.

By:   
Wayne H. Lee,  
Its Chief Financial Officer

STATE OF TEXAS §  
  §  
COUNTY OF TARRANT §

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GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

SEAL

State

\_\_\_\_\_  
Notary Public for said County and

Print Name \_\_\_\_\_

My \_\_\_\_\_ Commission

expires \_\_\_\_\_

STATE OF California §

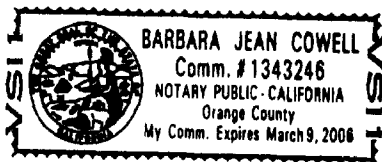
COUNTY OF Orange §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Wayne H. Lee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of Isotec, Inc. with authority to do so and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25<sup>th</sup> day of June, 2002.

SEAL

State



Barbara Jean Cowell  
Notary Public for said County and

Print Name Barbara Jean Cowell

My \_\_\_\_\_ Commission

expires March 9, 2006