

RECO



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Box Assignment  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068

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

|   |  |
|---|--|
| <p>1. Name of conveying party(ies):<br/><b>Bioghurt Biogarde GmbH</b> <i>9-17-02</i></p> <p><input type="checkbox"/> Individual(s)      <input type="checkbox"/> Association<br/> <input type="checkbox"/> General Partnership      <input type="checkbox"/> Limited Partnership<br/> <input checked="" type="checkbox"/> Corporation<br/> <input type="checkbox"/> Other<br/> <input checked="" type="checkbox"/> Exists Under Laws of Germany</p> <p>Additional name(s) of conveying party(ies) attached: <b>No</b></p> | <p>2. Name and address of receiving party(ies):<br/>Name: <b>SKW BIOSYSTEMS GmbH &amp; Co. KG</b><br/>Street Address:<br/><b>Lise-Meitner-Str. 34, 85354 Freising, Germany</b></p> <p><input type="checkbox"/> Individual(s) citizenship<br/> <input type="checkbox"/> Association<br/> <input type="checkbox"/> General Partnership<br/> <input checked="" type="checkbox"/> Limited Partnership<br/> <input type="checkbox"/> Corporation<br/> <input type="checkbox"/> Other:<br/> <input checked="" type="checkbox"/> Exists Under Laws of <b>Germany</b></p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <b>Yes *See Attachment</b><br/><br/>(Designation must be a separate document from Assignment).<br/>Additional name(s) &amp; address(es) attached? <b>No</b></p> |
| <p>3. Name of conveyance:</p> <p><input type="checkbox"/> Assignment      <input type="checkbox"/> Merger<br/> <input type="checkbox"/> Security Agreement      <input type="checkbox"/><br/> <input checked="" type="checkbox"/> Other: <b>Exhibit A is a certified copy of extract from commercial register of Local Court in Hamburg and English translation, showing reorganization and change of name</b></p> <p>Execution Date: <b>August 23, 2000</b></p>  |  |
| <p>4. A. Trademark Application No.(s)</p>   | <p>4. B. Trademark Registration No.(s)<br/>791,522, 1,866,149, 1,866,150</p> <p>Additional numbers attached? <b>No</b></p>   |
| <p>5. Please return the recorded document and address all correspondence to:<br/><br/><b>CHRISTIE, PARKER &amp; HALE, LLP</b><br/>P.O. Box 7068<br/>Pasadena, CA 91109-7068<br/>Attention: <b>D. Bruce Prout</b></p>  | <p>6. Total number of applications or registrations involved..... <span style="border: 1px solid black; padding: 2px;">3</span></p> <p>7. <input checked="" type="checkbox"/> Total fee enclosed (37 CFR 3.41):      \$ 90</p> <p>8. <input checked="" type="checkbox"/> Any deficiency or overpayment of fees should be charged or credited to <b>Deposit Account No. 03-1728</b>, except for payment of issue fees required under 37 CFR § 1.18. Please show our docket number with any credit or charge to our Deposit Account.</p>   |
| <p>10. <input checked="" type="checkbox"/> Explanatory letter is enclosed.</p>  |  |
| <p>9. Statement and signature.<br/>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.</p> <p>Date: September 17, 2002      By <u><i>D. Bruce Prout</i></u><br/>Name: <b>D. Bruce Prout</b><br/>626/795-9900</p> <p>Total number of pages including cover sheet, attachments, and document: <span style="border: 1px solid black; padding: 2px;">16</span></p>   |  |

10/16/2002 DBYRNE 00000116 791522  
01 FC:8521  
02 FC:8522

I hereby certify that this correspondence is being deposited with the U.S. Patent Office as first class mail in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-4313

DBP/djp Date of Deposit: *9/17/02*  
DIP PAS361097.1 \*9/17/02 11:42 AM *Prout*

*ja*

## Attachment

The new company, SKW BIOSYSTEMS GmbH & Co. KG, has changed its name to Bioghurt Biogarde GmbH & Co. KG as evidenced by Exhibit B, a certified copy of extract from commercial register of local court in Munich, and English translation thereof.

Exhibits C1, C2 and C3 are Appointment of Domestic Representatives for registration numbers 791,522, 1,866,149, and 1,855,150 and each is signed by the Manager of Bioghurt Biogarde GmbH & Co. KG.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registration No. : 791,522  
Registered : June 22, 1965  
Mark : BIOGARDE  
Registrant : Bioghurt Biogarde GmbH  
Docket No. : 19704/DBP/G44

## APPOINTMENT OF DOMESTIC REPRESENTATIVE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Commissioner:

Christie, Parker & Hale, LLP is hereby designated as Bioghurt Biogarde GmbH & Co. KG's domestic representative upon whom notices or process in proceedings affecting the mark may be served.

Please address all correspondence concerning this registration to CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, California 91109-7068, U.S.A.

Customer Number: 23363

BIOGHURT BIOGARDE GMBH & CO. KG

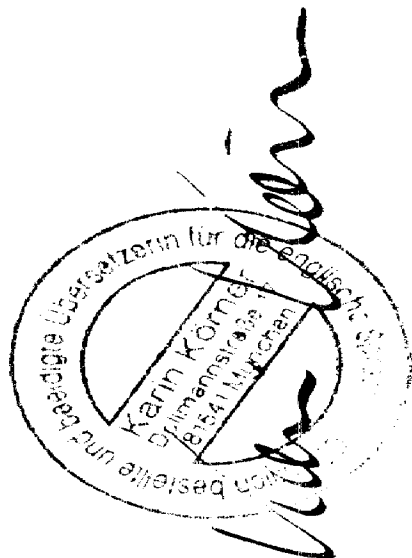
Date: 18.9.02


By: Norbert Koch  
Print Name: Norbert Koch  
Title: Manager

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DJP PAS9454756.1 \* 8/13/02 6:48 PM

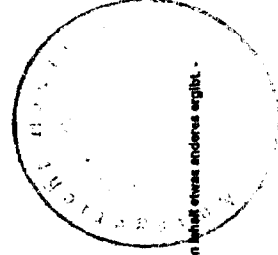
I, Karin Körner of Dollmannstraße 17, D-81541 München, hereby certify that I am a sworn translator and that I am fully conversant with both the English and the German languages and that the attached document is a true and complete translation, and that nothing has been added to or omitted therefrom.

Munich, this 14<sup>th</sup> day of August 2002



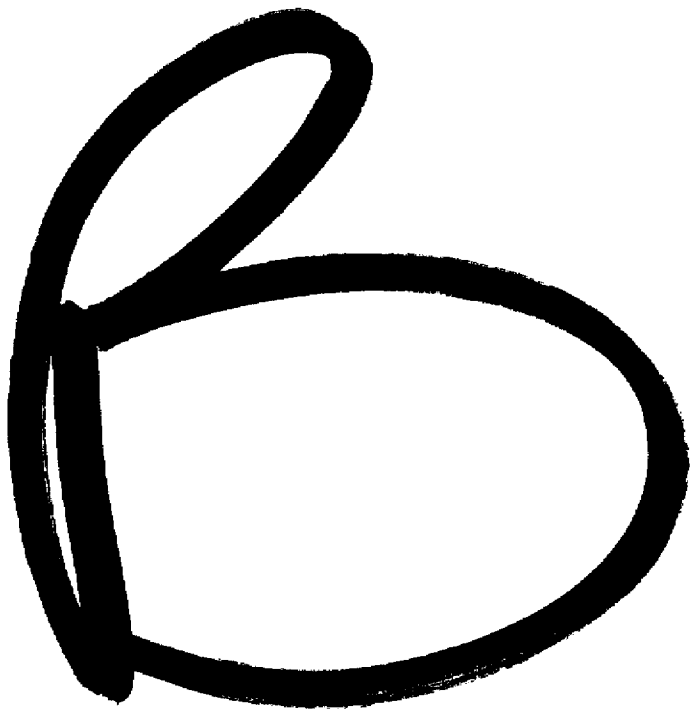
| No. Of Registration and Signature Remarks | Legal Relations   | "Prokura" (commercial power of representation)  | Proprietor of the firm Personally Liable Partners Board of Directors Liquidators | a) Company<br>b) Place of business (Seat of the Company)<br>c) Object of the Company (in case of legal persons) | 1<br>2<br>3<br>4<br>5<br>6  |
|---|---|---|--|---|---|
| 1.  | <p>Limited partnership.<br/>The company has emerged from a reorganization of Bioghurt Biograde GmbH, Hamburg (Local Court Hamburg, HRB 76747).</p> <p>Limited partner:<br/>SKW Nature Products GmbH, Trostberg, deposit ..... EUR 25,000.</p> <p>The personally liable partner SKW Nature Products Services GmbH is entitled to conclude legal transactions with itself or with itself as representative of third parties.</p> <p>The managing directors of the personally liable limited partners Norbert Hüsing, Helmut Lebert, Bruno Saquet and Antonius Txxentelmann* are entitled to conclude legal transactions with themselves or with themselves as representative of third parties</p> <p>* ) Remark of the translator: 2<sup>nd</sup> letter in the name is illegible</p> | <p>"Prokura" jointly with a personally liable partner:<br/>Klaus Kopischke,<br/>Düsseldorf.<br/>Norbert Koch, Düsseldorf.</p> | <p>SKW Nature Products Services GmbH,<br/>Trostberg</p>                          | <p>a) SKW BIOSYSTEMS GmbH &amp; Co. KG<br/>b) <u>Hamburg</u></p>  | <p>a) August 23, 2000<br/>Signature<br/>b) compare Local Court Traunstein HRB12221 HRB 9123</p>   |
| 2.  | <p>The seat of the company was moved to Freising.</p>   |   |  | <p>b) Freising</p>  | <p>a) August 30, 2001 (signature)<br/>b) Local Court München HRB 78468<br/>The company now reads:<br/>Bioghurt Biograde GmbH &amp; Co. KG</p> |
|   | <p>It is hereby certified that the above copy corresponds to the xxx(illegible) Hamburg, this 4<sup>th</sup> day of March, 2002</p> <p>Seal (illegible)</p> <p>The underlined entries are canceled, if nothing else is derived from the content</p> <p style="text-align: right;">cont. overleaf</p>  |   |  | <p>RS 101 record HR A</p>   |   |

| Nr. der Eintragung | a) Firma<br>b) Ort der Niederlassung (Sitz der Gesellschaft)<br>c) Gegenstand des Unternehmens (bei juristischen Personen) | Zahn: 13579<br>Nummer: 13579<br>Zahnr: 24680 | Geschäftsinhaber<br>Persönlich haftende Gesellschafter<br>Vorstand<br>Abwickler | Prokura   | Rechtsverhältnisse  | a) Tag der Eintragung und Unterschrift<br>b) Bemerkungen   |
|--------------------|--|--|---|---|---|--|
|                    |  |  | 3   | 4   | 5   | 6  |
| 1                  | a) SKV BIOSYSTEMS GmbH & Co. KG<br>b) <u>Hamburg</u>   |  | SKV Nature Products Services GmbH,<br>Trostberg.                                | Prokura gemeinsam mit einem persönlich haftenden Gesellschafter:<br>Klaus Kopischke, Düsseldorf.<br>Norbert Koch, Düsseldorf. | Kommanditgesellschaft.<br>Die Gesellschaft ist entstanden durch formwechselnde Umwandlung der Bioghurt Biograde GmbH, Hamburg (Amtsgericht Hamburg, HRB 76747).<br>Kommanditistin:<br>SKV Nature Products GmbH, Trostberg,<br>Einlage.....25.000,-- EUR.<br>Die persönlich haftende Gesellschafterin SKV Nature Products Services GmbH ist befugt, Rechtsgeschäfte mit sich selbst oder mit sich als Vertreter Dritter abzuschließen.<br>Die Geschäftsführer der persönlich haftenden Gesellschafterin Norbert Rösing, Helmut Lebert, Bruno Saquet und Antonius Trentelmann sind befugt, Rechtsgeschäfte mit sich selbst oder mit sich als Vertreter Dritter abzuschließen. | a) 23.8.2000<br>b) <i>maas</i><br>Vgl. AG Traunstein HRB 12221 (HbG); HRB 9123 (Hdt.)              |
| 2                  | b) <u>Freising</u>   |  |   |   | Der Sitz der Gesellschaft ist nach Freising verlegt.  | a) 30.8.2001<br>b) AG München HRB 78468<br>Die Firma lautet jetzt: Bioghurt Biograde GmbH & Co. KG |



*Antonia...*  
 Hamburg  
 als *...*  
 der *...*

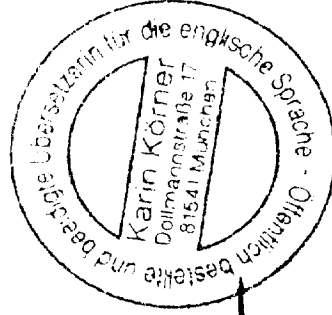
- Die unterzeichneten Eintragungen sind gelöscht, falls sich nicht aus dem sonstigen Inhalt etwas anderes ergibt.



I, Karin Körner of Dollmannstraße 17, D-81541 München, hereby certify that I am a sworn translator and that I am fully conversant with both the English and the German languages and that the attached document is a true and complete translation, and that nothing has been added to or omitted therefrom.

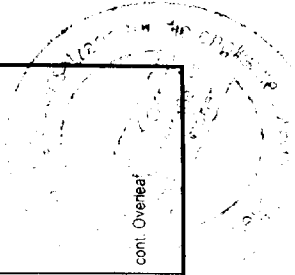
Munich, this 14<sup>th</sup> day of August 2002

*Karin Körner*



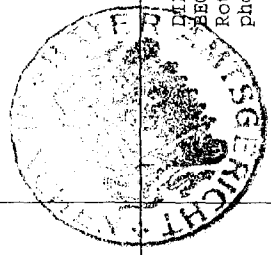


| No. Of Registration and Signature Remarks | a) Day of Registration and Signature<br>b) Remarks | Legal Relations   | "Prokura"<br>(commercial power of representation)   | Proprietor of the firm<br>Personally Liable Partners<br>Board of Directors<br>Liquidators | a) Company<br>b) Place of business<br>c) Object of the Company<br>(in case of legal persons) |
|---|--|---|---|---|--|
| 1   | 6  | 5   | 4   | 3   | 2  |
| 1.  | a) July 16, 2001<br>Signature<br>Knepper           | <p>Limited partnership.<br/>The company has commenced on August 23, 2000.</p> <p>The company has emerged from a reorganization of Bioghurt Biograde GmbH, having seat in Hamburg (Local Court Hamburg, HRB 76747).<br/>The seat was transferred from Hamburg (Local Court Hamburg, HRA 94853) to Freising.</p> <p>The company of the limited partnership SKW BIOSYSTEMS GmbH &amp; Co. KG is amended to Bioghurt Biogarde GmbH &amp; Co. KG</p> <p>The personally liable partner SKW Nature Products Services GmbH, seat in Trostberg (Local Court Traunstein, HRB 12221) has transferred its seat to Hamburg, amended the company into Degussa Health &amp; Nutrition Deutschland GmbH (Local Court Hamburg, HRB 76573) and has left the company.</p> <p>Registered as personal liable partner:<br/>PROVISTA Vierhundertsechzehnte Verwaltungsgesellschaft mbH, having seat in Hamburg (Local Court Hamburg, HRB 77656).</p> <p>The personally liable partner PROVISTA Vierhundertsechzehnte Verwaltungsgesellschaft mbH has transferred its seat to Freising and amended the company into Degussa BioActives GmbH (now Local Court München, HRB 137780);</p> <p>The personally liable partner Degussa BioActives GmbH is entitled to unrestrictedly represent the company in legal transactions with itself or as representative of a third party.</p> <p>Limited partner:<br/>1) SKW Nature Products GmbH, seat Trostberg (Local Court Traunstein, HRB 9123)<br/>Deposit: EUR 25,000.</p> <p>The limited partner<br/>1) SKW Nature Products GmbH has amended the company into Degussa Health &amp; Nutrition GmbH;</p> | <p>The holders of prokura:<br/>1) <u>Kopische Klaus, Dusseldorf</u><br/>2) <u>Koch Norbert, Dusseldorf</u><br/>have become extinct.</p> | <p>Degussa BioActives GmbH, seat Freising (Local Court München, HRB 137780)</p>           | <p>a) Bioghurt Biogarde GmbH &amp; Co. KG<br/>b) Freising</p>                                |
|   |  |   |   | <p>RS: 100 Record Trade Register Division A<br/>(3.80) Registry Straubing</p>             |  |



cont. Overleaf

| 1   | 2   | 3   | 4  | 5   | 6 |
|---|---|---|--|---|---|
| a) Firma<br>b) Ort der Niederlassung<br>c) Gegenstand des Unternehmens<br>(bei juristischen Personen) | Geschäftsinhaber<br>Persönlich haftende Gesellschafter<br>Vorstand<br>Abwickler                                   | Prokura   | Rechtsverhältnisse   | a) Tag der Eintragung<br>und Unterschrift<br>b) Bemerkungen |   |
| <p>1</p> <p>a) Bioghurt Biogarde GmbH &amp; Co. KG<br/>b) Freising</p>                                | <p>Die Prokuren<br/>1) Kopschke Klaus, Düsseldorf<br/>2) Koch Norbert, Düsseldorf<br/>sind jeweils erloschen.</p> | <p>Die Prokuren<br/>1) Kopschke Klaus, Düsseldorf<br/>2) Koch Norbert, Düsseldorf<br/>sind jeweils erloschen.</p> | <p>Kommanditgesellschaft.<br/>Beginn: 23. August 2000.</p> <p>Entstanden durch formwechselnde Umwandlung der Bioghurt Biogarde GmbH mit dem Sitz in Hamburg (AG Hamburg, HRB 76747).</p> <p>Der Sitz ist von Hamburg (AG Hamburg, HRA 94853) nach Freising verlegt.</p> <p>Die Firma der Kommanditgesellschaft SKW BIOSYSTEMS GmbH &amp; Co. KG ist geändert in Bioghurt Biogarde GmbH &amp; Co. KG.</p> <p>Die persönlich haftende Gesellschafterin SKW Mature Products Services GmbH, Sitz Trostberg (AG Traunstein, HRB 12221) hat den Sitz nach Hamburg verlegt, die Firma geändert in Degussa Health &amp; Nutrition Deutschland GmbH (AG Hamburg, HRB 76573) und ist aus der Gesellschaft ausgeschieden.</p> <p>Als persönlich haftende Gesellschafterin ist eingetreten: PROVISTA Vierhundertsebzehnte Verwaltungsgesellschaft mbH, Sitz Hamburg (AG Hamburg, HRB 77656).</p> <p>Die persönlich haftende Gesellschafterin PROVISTA Vierhundertsebzehnte Verwaltungsgesellschaft mbH hat den Sitz nach Freising verlegt und die Firma geändert in Degussa BioActives GmbH (nun AG München, HRB 137780);</p> <p>Die persönlich haftende Gesellschafterin Degussa BioActives GmbH ist befugt, die Gesellschaft bei der Vornahme von Rechtsgeschäften mit sich selbst oder als Vertreter eines Dritten uneingeschränkt zu vertreten.</p> <p>Kommanditistin:<br/>1) SKW Nature Products GmbH, Sitz Trostberg (AG Traunstein, HRB 9123)<br/>Einlage: 25.000,- EUR;</p> <p>Die Kommanditistin<br/>1) SKW Nature Products GmbH hat die Firma geändert in Degussa Health &amp; Nutrition GmbH;</p> | <p>a) 16.7.2001<br/>Knepper</p>                             |   |



DIE ÜBEREINSTIMMUNG DIESER PHOTOKOPIE MIT DEM HANDELSREGISTER WIRD BEGLAUBIGT.  
Rotunterstreichungen erscheinen in der Photokopie schwarz, aus phototechnischen Gründen nur undeutlich oder überhaupt nicht.

Amtsgericht - Registergericht - München, der: 16. Aug. 01  
naas  
Justizdienststelle

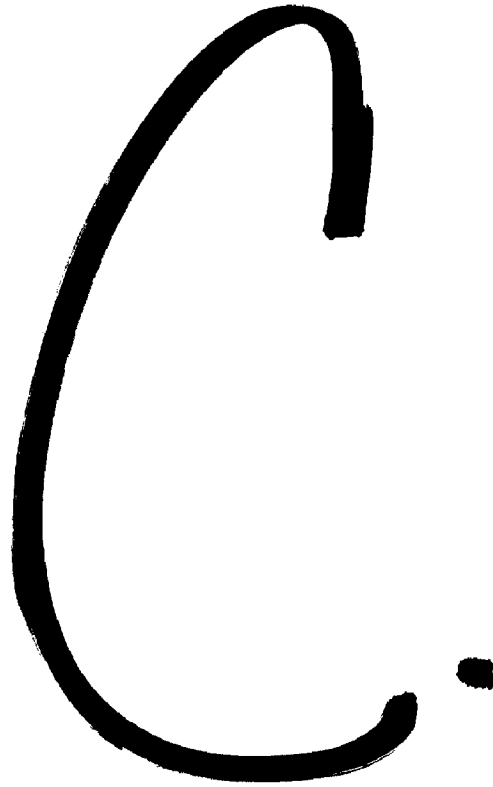
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Registration No. 791,522 #1



Registration No. 1,866,149 #2.



Registration No. 1,866,150 #3.