

10-25-2002

10-25-02

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings



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U.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): Tyler Distribution, Inc. 10-25-02
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: Antares Capital Corporation, \*
Internal Address: \* as agent
Street Address: 311 S. Wacker Dr., Suite 6400
City: Chicago State: IL Zip: 60606
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 Amend to add to reel 2066frame 0742
Execution Date: 3/31/2000

4. Application number(s) or registration number(s):
A. Trademark Application No.(s) 76/016689
Additional number(s) attached Yes No

B. Trademark Registration No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Federal Research Co., LLC
Internal Address: Attn: Penelope A.J. Agodoa
Street Address: 1030 15th Street, NW, 9th Floor
City: Washington State: DC Zip: 20005

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:

DO NOT USE THIS SPACE

9. Signature.
Deneen Sanders Name of Person Signing
Signature
October 24, 2002 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

10/28/2002 LUMELLER 00000049 76016689

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TRADEMARK REEL: 002605 FRAME: 0370

**AMENDMENT NO. 1 TO  
MORTGAGE OF PATENTS, TRADEMARKS AND COPYRIGHTS**

THIS AMENDMENT NO. 1 ("**Amendment**") to that certain MORTGAGE OF PATENTS, TRADEMARKS AND COPYRIGHTS dated as of March 31, 2000 (the "**Mortgage**") made by Tyler Distribution, Inc., a Oregon corporation (the "**Mortgagor**") in favor of Antares Capital Corporation, a Delaware corporation, as agent ("**Agent**") for its own benefit and the benefit of the Lenders, is made as of September 10, 2002.

WHEREAS, the Enzymatic Therapy, Inc., a Wisconsin corporation ("**Borrower**"), and Agent are parties to that certain Credit Agreement dated as of March 30, 2000, as it has been and may be further amended from time to time, pursuant to which the Agent and Lenders have agreed to extend loans and certain other financial accommodations to the Borrower; and the Mortgagor has granted to the Agent a security interest in substantially all of the Mortgagor's assets, including, without limitation, its patents, patent applications, trademarks, trademark applications, tradenames, service marks, service mark applications, goodwill and licenses (collectively, "**Intellectual Property**");

WHEREAS, a certain Security Agreement dated as of March 30, 2000 between Agent and the Mortgagor (the "Security Agreement") grants to Agent, for its own benefit and on behalf of the Lenders, a continuing security interest in certain of the Grantor's assets, including, without limitation, its patents, patent rights and applications therefor, trademarks and applications therefor, copyrights and all applications and registrations therefor, license rights and goodwill;

WHEREAS, the Mortgage was duly recorded in the United States Patent and Trademark Office on April 18, 2000;

WHEREAS, since the date of the Mortgagor's execution of the Mortgage, the Mortgagor has acquired interests in certain specific applications for Intellectual Property (the "New Intellectual Property"); and

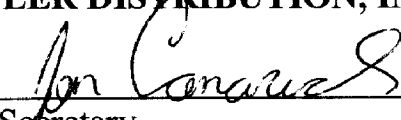
WHEREAS, in accordance with Section 3 of the Mortgage, the Mortgagor has agreed to amend the Mortgage to confirm the inclusion of such New Intellectual Property;

NOW, THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties hereto hereby agree to amend the Mortgage as follows:

1. Exhibits. Exhibit C as referred to in the Mortgage shall be deemed to refer to Exhibit C, as amended by Amendment No. 1 to Exhibit C which is attached hereto.
2. Effect of Amendment. Except as expressly amended by this Amendment, the terms of the Mortgage shall remain in full force and effect as executed.

IN WITNESS WHEREOF, the Mortgagor and Agent have each caused this Amendment to be duly executed and delivered by an officer thereunto duly authorized as of the date first above written.

**TYLER DISTRIBUTION, INC.**

By   
Its Secretary

Agreed and Accepted this \_\_\_\_ day of  
September, 2002

**ANTARES CAPITAL CORPORATION**

By \_\_\_\_\_  
Its \_\_\_\_\_

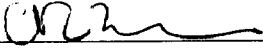
IN WITNESS WHEREOF, the Mortgagor and Agent have each caused this Amendment to be duly executed and delivered by an officer thereunto duly authorized as of the date first above written.

**TYLER DISTRIBUTION, INC.**

By \_\_\_\_\_  
Its \_\_\_\_\_

Agreed and Accepted this 18<sup>th</sup> day of  
September, 2002

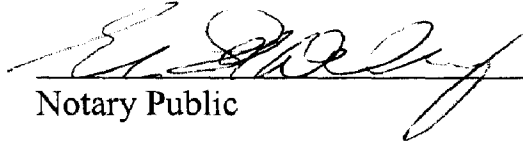
**ANTARES CAPITAL CORPORATION**

By   
Its DIRECTOR

**ACKNOWLEDGMENT**

STATE OF CT )  
 )SS.  
COUNTY OF FAIRFIELD )

The foregoing Amendment No. 1 to Mortgage of Patents, Copyrights and Trademarks was executed and acknowledged before me this 17<sup>th</sup> day of September, 2002, by Jon Canarick, personally known to me to be the Secretary of Tyler Distribution, Inc., an Oregon corporation, on behalf of such corporation.

  
\_\_\_\_\_  
Notary Public

FAIRFIELD County, CT.

My Commission Expires:  
**ELISA M. DELANEY**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES NOV. 30, 2006

**AMENDMENT NO. 1 TO EXHIBIT C**

<b>Application Number</b>	<b>Mark</b>
76016689	Integrative Therapeutics

Trademarks

Canadian

<u>Mark</u>	<u>Registration No.</u>	<u>Date</u>
Enzymes for Absorption	TMA 504,323	11/19/98
Tyler	TMA 503,951	11/12/98
Advancing the Standard, Naturally	TMA 503,950	11/12/98

U.S.

<u>Mark</u>	<u>Registration No.</u>	<u>Date</u>
Para-Relief	2,280,108	9/21/99
Similase	2,282,871	10/5/99
Prevail	2,287,281	10/19/99
Ele-max	2,293,539	11/16/99
Methyl-Max	2,258,118	6/29/99
Tyler	2,228,390	3/2/99
Para-Guard	2,224,293	2/16/99
Vitase	2,189,438	9/15/98
Inner Ecology	2,254,869	6/22/99
Meno-Balance	2,178,428	8/4/98
Advancing the Standard, Naturally	2,283,732	10/5/99
Detox Enzyme Formula (Supplemental Register)	2,157,858	5/12/98
Meno-Fem	2,038,333	2/18/97
Plant Source	2,012,372	10/29/96
Acid-Ease	1,909,134	8/1/95
Prevail	1,909,133	8/1/95

France

<u>Mark</u>	<u>Registration No.</u>	<u>Date</u>
Similase	387 787	

State of Oregon

<u>Mark</u>	<u>Registration No.</u>	<u>Date</u>
Lipotropic Complex	T30,447	4/29/96
Imuzyme	T30,446	4/29/96
Mercury Detox	T30,444	4/29/96
Panplex 8	T30,443	4/29/96

Detoxification Factors	T29,130	5/2/95
Glyco-Kinetic	T29,129	4/2/95
Lactazyme	T29,127	4/2/95
Fiberzyme	T29,126	3/2/95
Similase	T29,125	3/2/95
Solubilized Cartilage	T29,124	3/2/95
Nutrizyme	T26,724	Renewed 11/20/97
Glucochrome	T26,723	Renewed 11/20/97
Acid-ease	T26,144	Renewed 1/30/97
Vitazyme	T25,772	Renewed 8/20/96
Poly-C	T25,771	Renewed 8/20/96
Gluco-Chrome	T25,770	Renewed 8/20/96
Carbo-Multizyme	T25,514	Renewed 5/20/96
Proteo-Multizyme	T25,513	Renewed 5/20/96
Amylase Concentrate	T25,512	Renewed 5/20/96
Protease Concentrate	T25,511	Renewed 5/20/96
Lipase Concentrate	T25,510	Renewed 5/20/96
Disc Complex	T25,509	Renewed 5/20/96
Hepatic Complex	T25,508	Renewed 5/20/96
Anti-Oxidant Complex	T25,506	Renewed 5/20/96
Candida Complex	T25,504	Renewed 1996
Niacinol	T25,503	Renewed 1996
Lipo-Multizyme	T25,502	Renewed 1996
Fiberzyme Complex	T25,501	Renewed 1996
Gastritis Complex	T24,869	Renewed 9/5/96
Traumagesic	T24,775	Renewed 8/6/95
Plant Enzymes	T24,367	6/11/90
First Intention	T24,075	5/12/90
Tyler Prenatal	T23,744	10/13/89
Natural Care PMS	T23,731	Renewed 5/2/94, 9/12/99
GLA 250	T23,663	Renewed 5/2/94, 7/17/99
PMS Nutritional	T23,662	Renewed 7/17/99
PMS Herbal	T23,661	Renewed 9/2/94, 7/7/99
Cal-Plex	T23,275	Renewed 4/8/94, 1/20/99
FiberPlex	T23,274	Renewed 4/18/94, 1/20/99
Sedaplex	T23,273	Renewed 4/18/94, 1/20/99
Immuplex	T23,095	Renewed 4/18/94, 10/26/98
Immunacea	T23,094	Renewed 4/18/94, 10/26/98
Pro-flora	T23,093	Renewed 4/18/94, 10/26/98
Active Transport Minerals	T22,531	Renewed 5/20/03, 4/16/98
Para-Gard	T28,829	Renewed 8/20/99
Lipan E.C.	T28,828	Renewed 8/20/99
Chela-Max	T28,826	Renewed 8/20/99
Enteropan	T28,827	Renewed 8/20/99
Meno-Balance	T30,244	2/20/98
Permeability Factors	T26,175	2/21/97
Oxyperm	T26,174	Renewed 2/21/97



Enterogenic	T26,173	Renewed 2/21/97
Bifido-genic	T26,172	Renewed 2/21/97
Gastric Complex	T29,128	Renewed 1/4/00
Defense Factors	T30,445	4/29/96

Trademark Applications

Canadian

<u>Mark</u>	<u>Trademark Application No.</u>	<u>Date Applied</u>
Prevail	0847,165	6/6/97

U.S.

<u>Mark</u>	<u>Trademark Application No.</u>	<u>Date Applied</u>
Poly-C	75-310,711	6/17/97
Phytonutrition	75-638,969	2/15/99
Maxi-Mind	75-638,968	2/15/99
Hyper-Max	75-638,967	2/15/99
Maxi-Calm	75-638,966	2/15/99
Vascu-Max	75-469,134	4/16/98
Arthro-Complex	75-469,133	4/16/98
Sedaplex	75-469,121	4/16/98
Active Transport Minerals	75-458,238	3/27/98
Redox-Coupled Antioxidants	75-455,456	3/24/98
Plant Enzymes	75-450,126	3/13/98
Phyto-Enzymes	75-449,080	3/12/98
Neuro-Plus	75-643,337	2/16/99
Cyto-Rodoxin	75-315,250	6/26/97
Anthoredoxin	75-300,572	5/30/97
Redox Modulation	75-211,521	12/11/96
Redox Modulators	75-211,518	12/11/96
(Graphic Image)	75-436,594	4/23/99