

FORM PTO-1594 Rev. (6-93)  
OMB No. 0651-0011 (exp. 4/94)

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

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

1. Name of conveying party(ies):  
NBTY, Inc.

Individual                       Association  
 General Partnership         Limited Partnership  
 Corporation-State Delaware  
 Other \_\_\_\_\_

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

2. Name and address of receiving party(ies)  
Name: Oxyca Laboratories, Inc.  
Internal Address: \_\_\_\_\_  
Street Address: 6735 Inter-Cal Way  
City: Prescott State: Arizona Zip: 86301

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

If assignee is not domiciled in the United States, a domestic representative designation is attached:     Yes     No  
Additional names(s) & addresses(es) attached?     Yes     No

3. Nature of conveyance:

Assignment                       Merger  
 Security Agreement         Change of Name  
 Other \_\_\_\_\_

Execution Date: 16 June 2003

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s) 78/150,436    B. Trademark Registration No.(s) \_\_\_\_\_

Additional numbers attached?     Yes     No

5. Name and address of party to whom correspondence should be mailed:  
Name: Polster, Lieder, Woodruff & Lucchesi, L.C.  
Internal Address: Suite 230  
Street Address: 763 South New Ballas Road  
City: St. Louis State: MO Zip: 63141

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: 162201  
(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.*

Ronald W. Hind (24,643)                      Ronald W. Hind.                      11 July 2003  
Name of person Signing                      Signature                      Date

Total number of pages including cover sheet, attachments, and document: 2

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner of Patent and Trademarks (703) 306-5995, Box Assignments, Washington, D.C. 20231, on July 11, 2003.

Ronald W. Hind.  
Ronald W. Hind (24,643)

CH \$40.00 162201 78150436

**ASSIGNMENT AND AGREEMENT**

WHEREAS NBTY, INC., a Delaware corporation, having its principal offices at 90 Orville Drive, Bohemia, New York 11716, has adopted, used, and is using the following trademark for which application is now pending in the United States Patent and Trademark Office:

<b>Trademark</b>	<b>Application No.</b>	<b>Date of Application</b>
ESTEROLA-C PLUS	Ser. No. 78/150,436	August 2, 2002

AND WHEREAS OXYCAL LABORATORIES, INC., an Arizona corporation, located and doing business at 6735 Inter-Cal Way, Prescott, Arizona 86301, is desirous of acquiring said trademark and prosecuting the application for registration,

AND WHEREAS NBTY, INC., has made application for the use and ownership of the following trademarks:

<b>Trademark</b>	<b>Application No.</b>	<b>Date of Application</b>
ESTEROLA	Ser. No. 78/150,353	August 2, 2002
ESTEROLA-C	Ser. No. 78/150,429	August 2, 2002

NOW THEREFORE, in consideration of the Exclusive License Agreement between Zila Nutraceuticals, Inc., and NBTY for exclusive use of the ESTEROLA-C PLUS mark, the receipt of which is hereby acknowledged, NBTY, INC., assigns to OXYCAL LABORATORIES, INC. all right, title and interest in and to the right to prosecute the application for the "ESTEROLA-C PLUS" and own said trademark, together with the goodwill of the business symbolized by said trademark.

For said good and valuable consideration, NBTY, INC., also agrees to expressly abandon the applications for the "ESTEROLA" and ESTEROLA-C" trademarks by June 30, 2003.

Signed at Bohemia, New York, this 16 day of June, 2003

By *[Signature]*  
Name Michael C. Slade  
Title Senior V.P.

STATE OF NEW YORK    )  
                                  ) ss.  
COUNTY OF Suffolk    )

On this 16 day of June, 2003, Michael C Slade, known to me to be an officer of NBTY, Inc., personally appeared before me and acknowledged that he signed the foregoing document in the capacity therein set forth.

*[Signature]*  
Notary Public

Marialice Dunphy  
Notary Public, State of New York  
No. 01DU5026492  
Qualified in Nassau County  
Commission Expires April 18 2004  
Certified Suffolk City  
**TRADEMARK**

My Commission Expires: