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06-18-2003

Docket No.:



102476123

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To the Honorable Commissioner of Patents and Trademarks, 102476123 attached original documents or copy thereof.

1. Name of conveying party(ies):

**Ben Venue Laboratories, Inc.**

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FINANCE SECTION

- Individual(s)
- General Partnership
- Corporation-State **Pennsylvania**
- Other \_\_\_\_\_

- Association
- Limited Partnership

Additional names(s) of conveying party(ies)  Yes  No

2. Name and address of receiving party(ies):

Name: **HPS RX Enterprises, Inc.**

Internal Address: 6-16-03

Street Address: **3229 Brandon Avenue, Suite #2**

City: **Roanoke** State: **VA** ZIP: **24018**

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

If assignee is not domiciled in the United States, a domestic designation is  Yes  N  
(Designations must be a separate document from Additional name(s) & address(es)  Yes  N

3. Nature of conveyance:

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

Execution Date: **May 30, 2003**

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

**323,111**

Additional numbers  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Janet P. Peyton, Esquire**

Internal Address: **McGuireWoods LLP**

Street Address: **One James Center, 901 East Cary Street**

City: **Richmond** State: **VA** ZIP: **23219**

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

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40.00 UP

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.

**Janet P. Peyton, Esquire**  
Name of Person Signing

Signature

**June 13, 2003**  
Date

Total number of pages including cover sheet, attachments, and

**TRADEMARK**

Exhibit A

UNITED STATES TRADEMARK AND SERVICE MARK ASSIGNMENT

WHEREAS, Ben Venue Laboratories, Inc., a corporation duly organized and existing under the laws of the State of Pennsylvania and having offices at 300 Northfield Road, Bedford, Ohio 44146, United States of America, hereinafter referred to as "ASSIGNOR," has adopted and used and is the owner of the trademark ERGOTRATE (the "Mark"), together with the goodwill of the business in connection with which the Mark has been used (the "Goodwill"), and the United States Trademark Registration for the Mark (U.S. Reg. No. 0323,111) and

WHEREAS, HPS RX Enterprises, Inc., a corporation duly organized and existing under the laws of the State of Virginia and having its principal offices at 3229 Brandon Avenue, Suite #2, Roanoke, Virginia, 24018, United States of America, hereinafter referred to as "ASSIGNEE," is desirous of acquiring the Mark, together with the Goodwill, and the Registration;

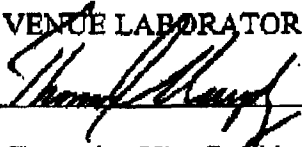
NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has agreed to sell and has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over unto ASSIGNEE and its successors and assigns ASSIGNOR's entire right, title and interest in and to the Mark, the Goodwill, and the Registration, to be held and enjoyed by ASSIGNEE for its own use and benefit and for the use and benefit of its subsidiaries, successors, assigns and legal representatives, for the full extent of the life of the Mark and the term of the Registration, to be used as fully and entirely as such rights would have been held and enjoyed by ASSIGNOR had this Assignment and sale not been made.

ASSIGNOR covenants that ASSIGNOR is the owner of the Mark and the holder of record title to the Registration; that ASSIGNOR has full power to make this Assignment and that ASSIGNOR agrees to execute such further assignments and related documents with respect to the Mark, the Goodwill, and the Registration as ASSIGNEE shall reasonably request.

IN WITNESS WHEREOF, ASSIGNOR has caused this Assignment to be executed by its proper officers thereunto duly authorized, the 30 day of May, 2003.

BEN VENUE LABORATORIES, INC.

By: \_\_\_\_\_



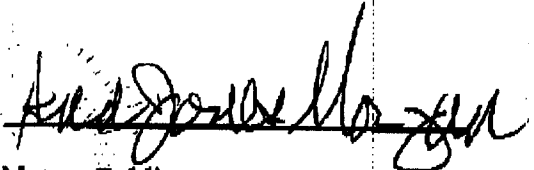
Title: Executive Vice President

Exhibit A

of Ohio-

ty/County of Bedford/ Cuyahoga:

On this 30 day of May, 2003, before me personally appeared Thomas J Murphy, to me known to be the Executive Vice President of Ben Venue Laboratories, Inc., a Pennsylvania corporation, on whose behalf he executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



Notary Public

ANN JONES MORGAN, Notary Public  
State of Ohio, Cuyahoga County  
My Commission Expires Sept. 8, 2008