

TRADEMARK ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT
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NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
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CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
NBTY, Inc.		05/14/2004	CORPORATION: DELAWARE

RECEIVING PARTY DATA

Name:	Met-Rx Substrate Technology, Inc.
Street Address:	1001 West 17th Street
Internal Address:	Suite H
City:	Costa Mesa
State/Country:	CALIFORNIA
Postal Code:	92627
Entity Type:	CORPORATION: CALIFORNIA

PROPERTY NUMBERS Total: 6

Property Type	Number	Word Mark
Serial Number:	76519221	MET-RX
Registration Number:	2058523	MET-RX
Registration Number:	2169788	MET-RX
Registration Number:	2470368	MET-RX NATURAL KRUNCH
Registration Number:	2556583	MET-RX PROTEIN PLUS
Registration Number:	2664282	MET-RX MASS

CORRESPONDENCE DATA

Fax Number: (888)325-1659
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: 203-353-6837
 Email: colson@edwardsangell.com
 Correspondent Name: Carrie Webb Olson
 Address Line 1: 301 Tresser Boulevard
 Address Line 2: Edwards & Angell, LLP
 Address Line 4: Stamford, CONNECTICUT 06901

CH \$165.00 76519221

ATTORNEY DOCKET NUMBER:

40681/0029 MET-RX ASSIGN

NAME OF SUBMITTER:

Carrie Webb Olson

Total Attachments: 2

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TRADEMARK ASSIGNMENT

This TRADEMARK ASSIGNMENT ("Assignment"), effective this 14th day of May, 2004, is made and entered into by and between NBTY, Inc., a Delaware Corporation, having an office and principle place of business at 90 Orville Drive, Bohemia, New York 11716 (hereinafter referred to as "Assignor"), and Met-Rx Substrate Technology, Inc., a California corporation, having an office and principal place of business at 1001 West 17th Street, Suite H, Costa Mesa, California 92627 (hereinafter "Assignee").

WHEREAS, Assignor is the owner of the trademarks and trademark registrations set forth on Schedule A hereto (the "Trademarks"); and

WHEREAS, Assignee desires to acquire all right, title, and interest in and to the Trademarks.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, its successors and assigns, the entire right, title and interest, in and to the Trademarks, together with the goodwill of the business symbolized by the Trademarks in the United States and throughout the world.

NBTY, INC.

MET-RX SUBSTRATE TECHNOLOGY,
INC.

By: 

Name: John Patrick Paraschos
Title: Assistant General Counsel

By: 

Name: Jennifer M. Mone
Title: Assistant General Counsel

SCHEDULE A

<u>Mark</u>	<u>Goods/Services</u>	<u>U.S. App. No.</u>	<u>U.S. Reg. No.</u>	<u>Reg. Date</u>
MET-RX and Design	"Nutritional supplements, namely powdered and solid food supplements consisting of proteins, carbohydrates, vitamins and minerals," in Class 5	76/519,221	N/A	N/A
MET-RX	"Nutritional supplements, namely powdered and solid food supplements consisting of proteins, carbohydrates, vitamins and minerals," in Class 5; and "Food consisting of proteins, carbohydrates, vitamins and minerals, namely bakery goods, fudge brownie and vanilla protein food bars, ice cream, ice milk, pizza, and turkey burger sandwiches," in Class 30	74/431,171	2,058,523	May 6, 1997
MET-RX	"Clothing, namely, shirts, T-shirts, tank tops, sweatshirts, pants, sweat pants, leggings, shorts, sweaters, jackets, socks, hats and caps," in Class 25	74/512,409	2,169,788	June 30, 1998
MET-RX NATURAL KRUNCH	"Nutritional food bars containing grain, processed fruits, proteins, vitamins, and minerals," in Class 30	75/722,506	2,470,368	July 17, 2001
MET-RX PROTEIN PLUS	"Cereal based food bars and ready to eat food bars, all containing protein," in Class 30	75/703,896	2,556,583	April 2, 2002
MET-RX MASS	"Dietary and nutritional supplements," in Class 5; and "Nutritionally fortified protein based snacks and ready to eat food bars derived from cereal," in Class 30; and "Powder sport drink mixes," in Class 32	76/201,664	2,664,282	December 17, 2002

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