

Form PTO-1594 (Rev. 06/04)  
OMB Collection 0851-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

New Fizz Corporation

- Individual(s)
- General Partnership
- Corporation-State New York
- Other
- Association
- Limited Partnership

Citizenship (see guidelines) \_\_\_\_\_

Execution Date(s) 07/30/04

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

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

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

Additional names, addresses, or citizenship attached?  Yes  No

Name: BeautyBank Inc.

Internal Address: \_\_\_\_\_

Street Address: 767 Fifth Avenue

City: New York

State: New York

Country: USA Zip: 10153

- Association Citizenship \_\_\_\_\_
- General Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship Delaware
- Other Citizenship \_\_\_\_\_

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)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

76/441295

B. Trademark Registration No.(s)

Additional sheet(s) attached?  Yes  No

**C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):**

AMERICAN BEAUTY

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

Name: Darlene Volk

Internal Address: The Estee Lauder Companies Inc., 46th Fl.

Street Address: 767 Fifth Avenue

City: New York

State: NY Zip: 10153

Phone Number: \_\_\_\_\_

Fax Number: 212-572-6743

Email Address: \_\_\_\_\_

**6. Total number of applications and registrations involved:**

1

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment information:**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 051315

Authorized User Name Darlene Volk

9. Signature: Rita M. Odin  
Signature

12/25/04  
Date

Rita M. Odin  
Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

CH \$40.00 061315 76441295

### ASSIGNMENT

WHEREAS, New Fizz Corporation, a New York corporation with an address at P.O. Box 1627, New York, New York 10276 ("Assignor") is a party to an Agreement and Assignment of Rights dated November 21, 2003 (the "Agreement") between Assignor and Mr. Richard Peck, an individual with a business address at 16 Holly Lane, Essex Fells NJ 07021 ("Peck"), and Mr. Robert Kapnek, an individual with a business address at 24 West 30th Street- 9th floor, New York, NY 10001 ("Kapnek");

WHEREAS, pursuant to the Agreement Peck and Kapnek assigned and transferred to Assignor all of their respective right, title and interest in and to (i) any trademark, fictitious business name, trade name or domain name that includes "American Beauty" (the "American Beauty Mark") and (ii) Applications Serial Nos. 76/114264, 76/139977 and 76/441295 in the United States Patent and Trademark Office for the trademark AMERICAN BEAUTY (together, the "Applications");

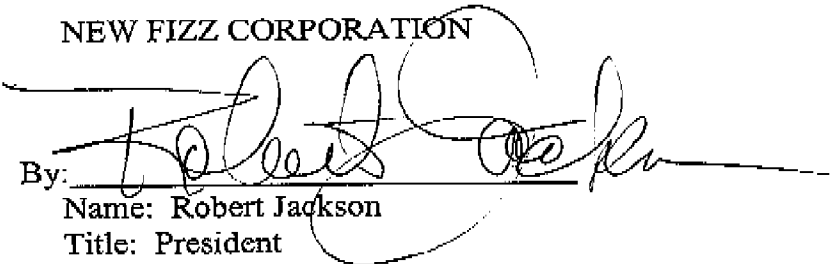
WHEREAS, Assignor wishes to irrevocably transfer and assign to BeautyBank, Inc., a New York Corporation with a principal place of business at 767 Fifth Avenue, New York, New York 10153 ("Assignee"), all of its rights and obligations under the Agreement and all of its right, title and interest in and to the American Beauty Mark and the Applications, such transfer and assignment to be effective as of the effective date of the Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby irrevocably assigns and transfers to Assignee, its successors and assigns, absolutely and forever, as of the effective date of the Agreement, (i) all of its rights and obligations under the Agreement; (ii) its entire right, title and interest, whether statutory or at common law, throughout the world, in and to the American Beauty Mark,

together with the goodwill of the business symbolized thereby, all causes of action for previously occurring infringements of the rights being assigned and the right to receive and retain the proceeds relating to those infringements and all of Assignor's other rights and interests in the American Beauty Mark; and (iii) its entire right, title and interest in and to the Applications.

Dated: ~~New York, New York~~  
July 30, 2004

NEW FIZZ CORPORATION

By:   
Name: Robert Jackson  
Title: President

\\unp1\vol2\firmdocs\zhilden\lau\American Beauty\Assignment of Kapnek Peck Agreement.doc