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FORM COVER SHEET

09-16-2004

Docket No.:

7553.5

Tab settings To the Director of the United States Patent and Trademark Office



102837338

original documents or copy thereof.

1. Name of conveying party(ies):

Excellent Foods, Inc.  
218 South 200 West  
Farmington, UT 84025

9-14-04

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

- Association
- Limited Partnership

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

Name of receiving party(ies):

Name: Cornerstone Nutritional Labs, L.C.

Internal Address: Same

Street Address: 218 South 200 West

City: Farmington State: UT ZIP: 84025

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

Other Limited Liability Company

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: September 10, 2004

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,187,773

Additional numbers  Yes  No

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

Name: Berne S. Broadbent

Internal Address: Same

09/15/2004 METACHE 00000053 2187773

01 FC:0521

40.00 DP

Street Address: KIRTON & McCONKIE

60 East South Temple, Suite 1800

City: Salt Lake City State: UT ZIP: 84111

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:

5000843

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.

Berne S. Broadbent  
Name of Person Signing

Signature

September 10, 2004  
Date

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

Mail documents to be recorded with required cover sheet information to:  
Mail Stop Recordation Services  
Director of the United States Patent and Trademark Office  
P.O. Box 1450, Alexandria, VA 22313-1450

TRADEMARK  
REEL: 003048 FRAME: 0462

ASSIGNMENT  
(Nunc Pro Tunc)

WHEREAS, sometime prior to about October 15, 1999, Excellent Foods, Inc. (hereinafter referred to as "Assignor"), a corporation of the state of Utah having a principal business office at 218 South 200 West, Farmington, Utah 84025, had adopted and used, and was using, and was the owner of all right, title, and interest in and to the following trademark:

"EXCEL NUTRACEUTICALS", which was registered in the United States Patent and Trademark Office as Registration No. 2,187,773 on September 8, 1998 (hereinafter referred to as the "mark");


WHEREAS, Cornerstone Nutritional Labs, L.C. (hereinafter referred to as "Assignee"), a limited liability company of the state of Utah having a principal business office at 218 South 200 West, Farmington, Utah 84025, has previously been assigned the entire right, title, and interest in and to the mark and the aforesaid registration thereof and is now desirous of confirming such assignment and of further securing its ownership of the mark;

NOW, THEREFORE, Assignor hereby confirms that on or about October 15, 1999, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to the Assignor by the Assignee, the receipt and sufficiency of which are hereby acknowledged, THE ASSIGNOR ASSIGNED TO THE ASSIGNEE the entire right, title, and interest, and all accrued rights, in and to the mark and the above-identified registration thereof, together with the goodwill of the business symbolized by and associated with the mark.

The Assignor hereby authorizes and requests the United States Commissioner for Trademarks, and such officials in foreign countries as are duly authorized by their laws to register trademarks, to issue any and all certificates of registration of the mark to the Assignee as the owner of the entire interest, for the sole use and benefit of the said Assignee, its successors, assigns and legal representatives.

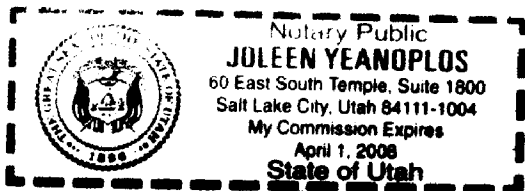
IN WITNESS WHEREOF, the Assignor has caused the hand of its duly authorized representative to be subscribed hereto.

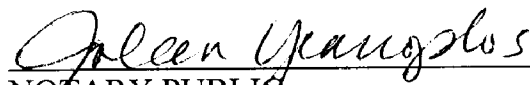
EXCELLENT FOODS, INC.

  
\_\_\_\_\_  
Gary Anderson  
President

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

On the 10<sup>th</sup> day of September, 2004, before me personally appeared Gary Anderson, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.



  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at Salt Lake City

My Commission Expires:  
4-1-08  
777073.1