

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
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<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
ASSOCIATED HEALTH FOODS LIMITED		08/13/2003	private limited company: UNITED KINGDOM
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	MERCK KGaA		
<b>Street Address:</b>	Frankfurter Str. 250, D-64293		
<b>City:</b>	Darmstadt		
<b>State/Country:</b>	GERMANY		
<b>Entity Type:</b>	COMPANY: GERMANY		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Serial Number:</b>	75288452	LAMBERTS	
<b>CORRESPONDENCE DATA</b>			
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<b>DOMESTIC REPRESENTATIVE</b>			
<b>Name:</b>	William C. Wright		
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**OP \$40.00 75288452**

NAME OF SUBMITTER:	William C. Wright
Signature:	/william c. wright/
Date:	01/04/2006

**Total Attachments: 21**

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THIS ASSIGNMENT is made on 18 August 2003

**BETWEEN:**

- (1) **ASSOCIATED HEALTH FOODS LIMITED** (No. 654806) whose registered office is at Aire Valley Business Centre, Lawkholme Lane, Keighley, West Yorkshire, BD21 3BB (the "Assignor");
- (2) **PETER BLACK HEALTHCARE LIMITED** (No. 931141) whose registered office is at Aire Valley Business Centre, Lawkholme Lane, Keighley, West Yorkshire, BD21 3BB ("PBHC");
- (3) **PETER BLACK DIRECT MARKETING LIMITED** (No. 04500877) whose registered office is at Aire Valley Business Centre, Lawkholme Lane, Keighley, West Yorkshire, BD21 3BB ("PBDM"); and
- (4) **MERCK KGaA** a company registered in Germany, whose registered office is at Frankfurter Str. 250, 64293, Darmstadt, Germany (the "Assignee").

**RECITALS**

- (A) The Assignor is the registered proprietor and beneficial owner of the registered trade marks (the "Trade Marks") and the trade mark applications (the "Applications") as set out in schedules 1, 2 and 3 of this agreement.
- (B) Under an option agreement dated 23 August 2002 (the "Option Agreement") and made between PBHC (1) and the Assignor (2), the Assignor granted PBHC the right to call on the Assignor to assign to PBHC the Trade Marks and the Applications, together with the goodwill of the business of the Assignor relating to the goods in respect of which the Trade Marks and the Applications are registered (the "Associated Goodwill"), the Intellectual Property as defined in Option Agreement (the "Intellectual Property") and the Exclusive Know-How as defined in the Option Agreement (the "Exclusive Know-How").
- (C) Pursuant to a hive-up agreement dated 23 August 2002 (the "Hive-up Agreement") and made between PBHC (1) and Busy Romantic Limited (2) and a subsequent transfer agreement dated 31 August 2002 (the "Transfer Agreement") and made between Busy Romantic Limited (in liquidation) (1), Timothy Gerard Walsh and Richard Victor Yerburgh Setchim (as joint liquidators of Busy Romantic Limited) (2) and PBDM (3), the benefit of the Option Agreement was assigned to PBDM.
- (D) PBDM wishes to exercise the right contained in the Option Agreement, subject to the variation to such agreement agreed pursuant to clause 2, and the Assignor has agreed to assign the Trade Marks and the Applications, the Associated Goodwill, Intellectual Property and the Exclusive Know-how on the terms set out in this agreement.

**THE PARTIES AGREE AS FOLLOWS:**

**1. DEFINITIONS AND INTERPRETATION**

In this agreement the following words and expressions and abbreviations have the following meanings, unless the context otherwise requires:

"**Encumbrance**" means any mortgage, charge (fixed or floating), pledge, lien, hypothecation, trust, right of set-off, licence, option or other third party right or interest (legal or equitable) including any right of pre-emption, assignment by way of security, reservation of title or any other security interest of any kind howsoever created or arising or any other agreement or arrangement (including a sale and repurchase arrangement) having similar effect.

**2. VARIATION**

In consideration of the payment of £1.00 paid by PBDM to each of the Assignor and PBHC, the Assignor, PBHC and PBDM agree the following variations to the Option Agreement:

(a) Clause 3.1 shall be deleted in its entirety and replaced with the following:

"In consideration of the payment of £1.00 (receipt of which is hereby acknowledged) at any time during the term of this Agreement PBHC shall have the right on delivery of notice to require the transfer of the Assets from the Company to PBHC or its nominee".

(b) Part B of schedule 1 shall be amended to include the Trade Marks identified in schedule 2 of this agreement.

(c) Part A of schedule 1 shall be amended to include the Applications identified in schedule 3 of this agreement.

**3. ASSIGNMENT**

In pursuance of the Option Agreement the Assignor does **HEREBY ASSIGN** and transfer with full title guarantee and free of Encumbrances all right, title and interest in the Trade Marks, the Applications, Associated Goodwill, the Intellectual Property and the Exclusive Know-How including all statutory and common law rights attaching to the foregoing and the right to sue for past infringements thereof and to retain any damages obtained as a result of such action, to the Assignee.

**4. ASSIGNOR'S OBLIGATIONS**

4.1 The Assignor shall at the expense of the Assignee do and execute or procure that there shall be done and executed all such documents, deeds, matters, acts and things as the Assignee may at any time reasonably require properly to vest the Trade Marks, the Applications, the Intellectual Property, the Associated Goodwill and the Exclusive Know-how in the Assignee or otherwise to perfect the Assignee's title thereto.

4.2 The Assignor shall disclose to the Assignee all information necessary to effect the transfer of the Exclusive Know-How and to provide the Assignee with access to and copies of all such information in any form whatsoever.

5. **GOVERNING LAW AND JURISDICTION**

5.1 This agreement (and any dispute, controversy, proceedings or claim of whatever nature arising out of or in any way relating to this agreement or its formation) shall be governed by and construed in accordance with English law.

5.2 Each party to this agreement irrevocably agrees that the courts of England shall have exclusive jurisdiction to hear and decide any suit, action or proceedings and/or to settle any disputes which may arise out of or in connection with this agreement and, for these purposes, each party irrevocably submits to the jurisdiction of the courts of England.

6. **COUNTERPARTS**

This agreement and any of the documents referred to in it may be executed in any number of counterparts which shall together constitute one agreement. Any party may enter into this agreement by executing a counterpart and this agreement shall not take effect until it has been executed by all parties.

**IN WITNESS** whereof this agreement has been executed as a deed on the date first above written.

**SCHEDULE 1**  
**Applications and Trade Marks**

**The Applications**

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Qatar*	10964	LAMBERTS [WORD WITH ARABIC EQUIVALENT]	5	27 Jun 1993 Pending	Pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations including evening primrose oils, fish oils and other marine products, ginseng, royal jelly and other bee products, and digestive aids such as fibre and enzyme products; including combinations of these.
United States	75/28845 2	LAMBERTS [WORD]	5	08 May 1997 Pending	Dietetic and nutritional preparations adapted for medical use; vitamins, minerals, amino acids, herbal preparations, evening primrose oils, fish oils, ginseng, royal jelly, bee propolis, bee pollen, all being food substances adapted for medical use; fibre and enzyme products, all being digestive aids; combinations of the aforesaid goods.

The Trade Marks

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Benelux	532322	LAMBERTS [WORD]	3 5	11 May 2003	<p>Class 3 soaps, perfumery, essential oils, cosmetics manufactured with or without vitamin and herbal preparations, hair and skin lotions and other personal health and beauty requisites not included in other classes.</p> <p>Class 5 pharmaceutical, veterinary and sanitary products and preparations, medicinal and dietetic food stuffs and food supplements; vitamin preparations; medicinal herbs and acids, laxatives and digestives; food preparations and substances adapted for nutritional use such as minerals, flower oils, fish oils and marine products, ginseng, royal jelly and other bee products, fibre and enzyme products, as well as combinations of all the aforementioned products.</p>
Denmark	1578/199 4	LAMBERTS HEALTHCARE LTD [WORDS WITH APPLE DEVICE]	3 5	11 March 2004	All goods in Classes 3 and 5
European Union	828772	LAMBERTS [WORD]	3 5	19 May 2008	Class 3 cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soaps for personal use and other personal health and beauty requisites.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
					Class 5 food and dietary supplements; nutritional preparations and substances; vitamins, minerals, amino acids, herbal and marine substances, enzymes, plant and fish oils, cultured bacteria preparations and substances, bee products, fibre; preparations consisting of combinations of the aforesaid; tonic preparations and substances.
France	93468881	LAMBERTS [WORD]	3 5	18 May 2003	<p>Class 3 perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soap for personal use and other personal health and beauty requisites.</p> <p>Class 5 pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations including evening primrose oils, fish oils and other marine products, ginseng, and digestive aids such as fibre and enzyme products; including combinations of these.</p>



Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Germany	2082003	LAMBERTS [WORD]	3 5	17 May 2003	<p>Class 3 perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soap for personal use and other personal health and beauty requisites.</p> <p>Class 5 pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations for medical purposes including evening primrose oils, fish oils and other marine products for medical purposes, ginseng, royal jelly and other bee products for medical purposes, and digestive aids for medical purposes such as fibre and enzyme products; combinations of the aforementioned products for medical purposes.</p>
Israel	87415	LAMBERTS [WORD]	3	14 May 2014	Skin care products containing vitamin and herbal preparations; all included in Class 3.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Israel	87416	LAMBERTS [WORD]	5	14 May 2014	Dietetic and other food substances adapted for medical use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations including evening primrose oils, fish oils and other marine products, ginseng, royal jelly and other bee products, and digestive aids such as fibre and enzyme products including combinations of these; all included in Class 5.
Italy	660613	LAMBERTS [WORD]	3 5	26 May 2003	<p>Class 3 perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soap for personal use and other personal health and beauty requisites.</p> <p>Class 5 pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations including evening primrose oils, fish oils and other marine products, ginseng, royal jelly and other bee products, and digestive aids such as fibre and enzyme products; including combinations of these.</p>

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Norway	163472	LAMBERTS HEALTHCARE LTD [WORDS WITH APPLE DEVICE]	3 5	30 June 2004	All goods in Classes 3 and 5.
Portugal	292569	LAMBERTS [WORD]	3	06 Oct 2004	Perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soaps for personal use and other personal health and beauty requisites.
Portugal	292570	LAMBERTS [WORD]	5	06 Oct 2004	Pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use.
Qatar*	10963	LAMBERTS [WORD WITH ARABIC EQUIVALENT]	3	20 June 2003	Perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soap for personal use and other personal health and beauty requisites in Class 3.
Saudi Arabia*	309/71	LAMBERTS [WORD]	3	09 Mar 2003	Perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soap for personal use and other personal health and beauty requisites.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Saudi Arabia*	321/91	LAMBERTS [WORD]	5	09 Mar 2003	Pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations including evening primrose oils, fish oils and other marine products, ginseng, royal jelly and other bee products, and digestive aids such as fibre and enzyme products; including combinations of these.
South Africa	B92/1111 2	LAMBERTS [WORD]	5	18 Dec 2002	Pharmaceutical preparations and substances; tonic preparations and substances; food supplements, vitamins, minerals; herbal preparations and substances; digestive aids including acidophilus enzyme and fibre products, nutritional accessories including herbal oils, fish oils and other marine products, evening primrose oil, royal jelly; infant's and invalids' foods.
Sweden	254860	LAMBERTS HEALTHCARE LTD [WORDS WITH APPLE DEVICE]	3 5	28 Jan 2004	All goods in Classes 3 and 5.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
Switzerland	412449	LAMBERTS [WORD]	3 5	13 May 2003	<p>Class 3 Perfumery, essential oils, cosmetics in particular those including vitamin and herbal preparations, hair and skin lotions, soap for personal use and other personal health and beauty requisites.</p> <p>Class 5 pharmaceutical, veterinary and sanitary preparations, dietetic and other food substances adapted for nutritional use such as vitamins, minerals, amino acids, herbal preparations, and other nutritional preparations including evening primrose oils, fish oils and other marine products, ginseng, royal jelly and other bee products, and digestive aids such as fibre and enzyme products; including combinations of these.</p>
United Kingdom	2005953	APPLE [DEVICE] 93009	3 5	19 Dec 2004	<p>Class 3 skin cream and skin lotion; scalp shampoo.</p> <p>Class 5 homopathic preparations and substances, herbal products, food and dietary supplements, vitamins, minerals, amino acids and other nutritional preparations, evening primrose oils, fish oils and other marine products, digestive aids, fibre and enzyme products; tonic preparations and substances.</p>
United Kingdom	2266408	AQUATONE [WORD]	5	Registered 05 April 2001	TBC

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	2148839	COLLADEEN [WORD]	5	22 Oct 2007	Class 5 food and dietary supplements; nutritional preparations and substances; vitamins, minerals, amino acids, herbal substances, preparations consisting of combinations of the aforesaid; tonic preparations and substances.
United Kingdom	1589237	DIGESTIZYME [WORD]	5	26 Oct 2001 Renewed	Pharmaceutical preparations and substances; homeopathic preparations and substances; herbal products; food and dietary supplements; vitamins, minerals, amino acids; combinations of the aforesaid goods; fibre and enzyme preparations all being digestive aids; tonic preparations and substances; all included in Class 5.
United Kingdom	2118243	ELIMINEASE [WORD SERIES OF 2]	5	11 Dec 2006	Class 5 food and dietary supplements; nutritional preparations and substances; vitamins, minerals, amino acids, herbal substances; preparations consisting of combinations of the aforesaid; tonic preparations and substances.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	2021475	ELIMINEX [word]	5	24 May 2005	Class 5 pharmaceutical preparations and substances consisting principally of fibre and enzymes; digestive aids; fibre and enzyme products; combinations of the aforesaid goods; all the aforesaid goods for use in the maintenance of normal digestive function.
United Kingdom	1589254	HEALTH INSURANCE PLUS [WORDS]	5	26 Oct 2001 Renewed	Preparations containing vitamins, amino acids and minerals; multi vitamins and mineral food supplements; all included in Class 5.
United Kingdom	2056641	IMUNO-STRENGTH [WORD]	5	13 Feb 2006	Class 5 food and dietary supplements, nutritional preparations and substances; vitamins, minerals, amino acids, herbal substances; preparations consisting of combinations of the aforesaid; tonic preparations and substances.
United Kingdom	1535872	LAMBERTS [WORD]	5	30 Apr 2010	Dietetic and nutritional preparations adapted for medical use; vitamins, minerals, amino acids, herbal preparations, evening primrose oils, fish oils, ginseng, royal jelly, bee propolis, bee pollen, all being food substances adapted for medical use; fibre and enzyme products, all being digestive aids; combinations of the aforesaid goods; all included in Class 5.
United Kingdom	1535871	LAMBERTS [WORD]	3	30 Apr 2010	Skin care products containing vitamin and herbal preparations; all included in Class 3.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	2156835	MAGASORB [STYLISTED WORD]	5	22 Jan 2008	Pharmaceutical preparations; food and dietary supplements; nutritional preparations and substances; vitamins, minerals, amino acids, herbal and marine substances, enzymes, plant and fish oils, cultured bacteria preparations and substances, fibre; preparations consisting of combinations of the aforesaid; tonic preparations and substances.
United Kingdom	1589249	MAXI HAIR [WORDS]	5	26 Oct 2001 Renewed	Vitamins, minerals and amino acids, preparations containing combinations of the aforesaid goods; all included in Class 5.
United Kingdom	1589255	MEGAVIT [WORD]	5	26 Oct 2001 Renewed	Pharmaceutical preparations and substances; homeopathic preparations and substances; herbal products; food and dietary supplements; vitamins, minerals, amino acids and other nutritional preparations; combinations of the aforesaid preparations; fibre and enzyme products all for use as digestive aids; tonic preparations and substances; all included in Class 5.



Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	1589246	MULTI GUARD [WORDS]	5	26 Oct 2001 Renewed	Food and dietary supplements; vitamins, minerals, amino acids; combinations of the aforesaid goods; fibre and enzyme products, all being digestive aids; tonic preparations and substances, all included in Class 5.
United Kingdom	1589258	MULTI-MAX [WORD]	5	26 Oct 2001 Renewed	Pharmaceutical preparations and substances, homeopathic preparations and substances; herbal products, food and dietary supplements; vitamins, minerals, amino acids and other nutritional preparations; including combinations of these; digestive aids such as fibre and enzyme products; tonic preparations and substances but not including any such goods for use on the person and not including goods flavoured with or containing coffee.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	2005958	NATURE'S BEST [WORDS]	3 5	19 Dec 2004	<p>Class 3 essential oils, cosmetics including vitamin and herbal preparations, hair and skin lotions, soaps for personal use, health and beauty requisites.</p> <p>Class 5 food supplements, being pharmaceutical preparations and substances, herbal products, food and dietary supplements, vitamins, minerals, amino acids; nutritional preparations including evening primrose oils, fish oils, marine products, digestive aids, fibre and enzyme products and combinations of the aforesaid goods; tonic preparations and substances.</p>
United Kingdom	2003517	OAKWOOD HEALTH [LOGO] [SERIES OF 2]	5	25 Nov 2004	<p>Pharmaceutical preparations and substances; homeopathic preparations and substances; herbal products all being for internal ingestion; food and dietary supplements; vitamins, minerals, amino acids and other nutritional preparations; including combinations of these; digestive aids such as fibre and enzyme products; tonic preparations and substances</p>

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	2050843	OSTEOBALANCE [WORD]	5	11 Jan 2006	Class 5 pharmaceutical preparations and substances; homeopathic preparations and substances; herbal products; food and dietary supplements; vitamins, minerals, amino acids, and combinations of the aforesaid, nutritional preparations; digestive aids; tonic preparations and substances.
United Kingdom	1589245	OSTEOGUARD [WORD]	5	26 Oct 2001 Renewed	Pharmaceutical preparations and substances; homeopathic preparations and substances; herbal products; food and dietary supplements; vitamins, minerals, amino acids; combinations of the aforesaid goods, all relating to the maintenance of bone health and the prevent and treatment of bone deficiencies and bone diseases; all included in Class 5.
United Kingdom	2259129	PREMTIS [WORD]	5	Registered 25 Jan 2001	TBC
United Kingdom	1577086	PROSTEX [WORD]	5	04 Jul 2001 Renewed	Pharmaceutical preparations and substances; homeopathic preparations and substances; herbal products; food supplements; vitamins, minerals, amino acids; nutritional preparations; preparations consisting of combinations of the aforesaid; tonic preparations and substances; all included in Class 5.

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/Services
United Kingdom	2266407	REFRESHAL [WORD]	5	Registered 05 Apr 2001	TBC
United Kingdom	2280028	STRONGSTAR IMVM [WORDS SERIES OF 4]	5	Registered 06 Sep 2001	TBC
United Kingdom	2259127	SUPERSEC [WORD]	5	Registered 25 Jan 2001	TBC
United Kingdom	1589233	ZINCATEST [WORD]	5	26 Oct 2001 Renewed	Pharmaceutical preparations; food and dietary supplements; vitamins, minerals, amino acids and combinations of these goods; tonic preparations and substances; all containing zinc; all included in Class 5.

\* = Not currently in use.

**SCHEDULE 2**  
**The Trade Marks**


Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/ Services
	2118237	COLLADENE	5		
	2296449	SUNSCENE	3		
	2274210	VEINTAIN	5		
	858589	BIO-FLORA	5		
	1156213	DERMATABS	5		
	1308377	EPAFORTE	5		
	1589240	FIBRECLENSE	5		
	1432639	VITACHIEVE	5		

**SCHEDULE 3**  
**The Applications**

Country	Number	Trade Mark	Class	Renewal Due	Specification of Goods/ Services
	2319826	EYE-WISE (series of 3)	5		
	2275150	IBISENE	5		
	2319827	TAKE 5 (series of 6)	5		
	2318855	TOETAL	5		


Signed as a deed by )  
ASSOCIATED HEALTH FOODS LIMITED )  
acting by )

 Director \* RSL

 Director/Secretary \* CCK


Signed as a deed by )  
PETER BLACK HEALTHCARE LIMITED )  
acting by )

 Director \* RSL

 Director/Secretary \* CCK

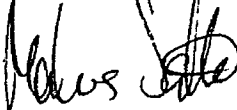
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MERCK KGaA )  
acting by )

 Director \* N/A

 Director/Secretary \* MS