

03-08-2006

3/314



Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings

103192334

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

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Wagner Pharmaceutical, Inc.

- Individual(s) Association General Partnership Limited Partnership Corporation-State of Ohio Other

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other

Execution Date: January 17, 2006

2. Name and address of receiving party(ies)

Name: Berkeley Premium Nutraceuticals, Inc.

Internal Address:

Street Address: 1661 Waycross Road

City: Cincinnati State: OH Zip: 45240-2820

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State of Ohio Other

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) Additional name(s) & address(es) attached? Yes No

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2,869,849

Additional number(s) attached Yes No

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

Name: Michael A. Marrero

Internal Address: Ulmer & Berne LLP, 2800 Convergys Center

Street Address: 600 Vine Street

City: Cincinnati State: OH Zip: 45202-2409

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:

50-1884

DO NOT USE THIS SPACE

9. Signature.

Michael A. Marrero Name of Person Signing

Michael A. Marrero Signature

1/20/2006 Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

03/06/2006 DBYRNE 00000130 2869849

01 FC:8521

40.00 OP

TRADEMARK REEL: 003311 FRAME: 0365

TRADEMARK ASSIGNMENT

WHEREAS, Wagner Pharmaceutical, Inc., an Ohio corporation having an address of 4181 Crossgate Lane, Cincinnati, Ohio 45236 (hereinafter "Assignor"), represents that it is the owner of the trademark that are the subject of the U.S. Patent & Trademark Office registration for ROVICID THE ONCE DAILY TABLET FOR MEN, Reg. 2,869,849 (the "Mark"); and

WHEREAS, Berkeley Premium Nutraceuticals, Inc., incorporated under the laws of Ohio and having an address of 1661 Waycross Road, Cincinnati, Ohio 45240-2820 (hereinafter "Assignee"), is desirous of acquiring said Mark.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said ASSIGNOR does hereby assign to ASSIGNEE all of its right, title and interest in and to said Mark, together with the entire business symbolized by said Mark, the goodwill of the business symbolized by said Mark, and the right to sue for past, present and future infringements of the Mark and the right to collect and own any monetary or other damages as a result thereof.

ASSIGNOR further agrees that, without further consideration, it will cause to be performed such other lawful acts, and to be executed such further assignments and other lawful documents, as ASSIGNEE may from time to time reasonably request to effect fully this Assignment and to permit ASSIGNEE to be duly recorded as the registered owner of the Mark in the United States.

IN TESTIMONY WHEREOF, ASSIGNOR has caused this agreement to be executed effective as of this 17 day of January, 2006.

WAGNER PHARMACEUTICAL, INC.

By: 

Paul J. Kellogg
Print Name

V. P. / Gen. Counsel
Title