

Form PTO-1594 (Rev. 07/05)  
OMB Collection 0651-0027 (exp. 6/30/2008)

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):

Cyvex Nutrition, Inc.

- Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation- State: California  
 Other \_\_\_\_\_

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

Additional names of conveying parties attached?  Yes  No

### 3. Nature of conveyance / Execution Date(s) :

Execution Date(s) September 8, 2003

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

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

Additional names, addresses, or citizenship attached?  Yes  
 No

Name: Laboratoires Expanscience, S.A.

Internal \_\_\_\_\_

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

Street Address: 10, Avenue de l'Arche

City: Courbevoie Cedex

State: \_\_\_\_\_

Country: France      Zip: 92419

- Association      Citizenship \_\_\_\_\_  
 General Partnership      Citizenship \_\_\_\_\_  
 Limited Partnership      Citizenship \_\_\_\_\_  
 Corporation      Citizenship France  
 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)  
76/491,148

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):

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

Name: Lora A. Moffatt

Internal Address: Salans

Street Address: Rockefeller Center, 620 Fifth Avenue

City: New York

State: NY      Zip: 10020

Phone Number: (212) 632-5500

Fax Number: (212) 632-5555

Email Address: lmoffatt@salans.com

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

paid

### 7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ \_\_\_\_\_

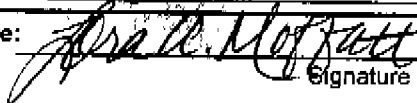
- Authorized to be charged by credit card  
 Authorized to be charged to deposit account  
 Enclosed

### 8. Payment Information:

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

b. Deposit Account Number \_\_\_\_\_  
Authorized User Name \_\_\_\_\_

### 9. Signature:

  
Signature

08/09/06


Date

Lora A. Moffatt

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 7

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

Form PTO-1394 (Rev. 09/01) OMB No. 0651-0027 (Rev. 03/1/2002)		RECORDATION FORM COVER SHEET <b>TRADEMARKS ONLY</b>		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
Tab settings: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]					
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Cyrex Nutrition, Inc.			2. Name and address of receiving party(ies) Name: <u>Laboratoires Expanscience, S.A.</u> Internal Address: <u>10, Avenue de l'Arche</u> Street Address: <u>92419 Courbevoie Cedex</u> City: _____ State: <u>FRANCE</u> Zip: _____		
<input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation - State: <u>California</u> <input type="checkbox"/> Other _____			<input type="checkbox"/> Individual(s) citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation - State: <u>France</u> <input type="checkbox"/> Other _____		
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			If evidence is not domiciled in the United States, a domestic representative pro-designation is attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Designations must be a separate document from registration) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>10/7/2003</u>					
4. Application number(s) & registration number(s): A. Trademark Application No.(s) <u>76/491,148</u>			B. Trademark Registration No.(s)		
			Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning documents should be mailed: Name: <u>Lora A. Moffatt</u> Internal Address: <u>SALANS</u> Street Address: <u>Rockefeller Center</u> <u>620 Fifth Avenue</u> City: <u>New York</u> State: <u>NY</u> Zip: <u>10020</u>			6. Total number of applications and registrations involved: ..... <b>1</b>		
			7. Total fee (37 CFR 3.41)..... \$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account		
			8. Deposit account number: <u>50-1628</u> (Attach duplicate copy of this page if paying by deposit account)		
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.					
Lora A. Moffatt Name of Person Signing		 Signature		10/7/03 Date	
Total number of pages including cover sheet, attachments, and accounts: <b>4</b>					
Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Bank Assignments Washington, D.C. 20231					

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**TRADEMARK ASSIGNMENT**

WHEREAS, Cyvex Nutrition, Inc., a corporation organized and existing under the laws of the State of California with its principal place of business located at 1851 Kaiser Avenue, Irvine, California 92614 ("Cyvex"), has adopted, used and is using the trademark Avoflex™, and is the owner of U.S. Application No. 76/491,148, for the trademark Avoflex™, which was filed on February 19, 2003 ("the Trademark"); and

WHEREAS, Laboratoires Expanscience, S.A., a corporation organized and existing under the laws of France with its principal place of business located at 10, Avenue de l'Arche, 92419 Courbevoie Cedex, France ("Expanscience") is acquiring the Trademark and any and all trademark applications or registrations therefor pursuant to the Settlement Agreement dated Sept 8, 2003;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged:

(1) Cyvex hereby assigns and transfers to Expanscience all right, title and interest in and to the Trademark, and any other United States or foreign trademark applications or registrations therefor, together with the goodwill symbolized by the Trademark;

(2) Cyvex will, at its sole expense, defend and indemnify Expanscience, its affiliates, subsidiaries and parent corporations, and its respective employees, agents, shareholders, representatives, officers, directors, and all other persons or entities claiming under them and their successors and permitted assigns against any and all claims, demands, losses, liabilities, expenses, suits, causes of action, judgments, and damages including without limitation reasonable attorneys' fees and costs, based on, arising out of or connected with any actual or alleged use or infringement of the Trademark, or from the manufacture, sale or use of Cyvex's avocado-soy unsaponifiable product, occurring, or concerning any matter or transaction, prior to the date of this Trademark Assignment.

(3) Cyvex represents and warrants that there are no third party claims, and it is aware of no third party claims, involving or relating to the Trademark or Cyvex's avocado-soy unsaponifiable product.

Cyvex Nutrition, Inc.

By: 

Name:

GILBERT GLICK

Title:

PRESIDENT

**DESIGNATION OF DOMESTIC REPRESENTATIVE**

The undersigned hereby appoints Lora A. Moffatt, Esq., a member of the Bar of the State of New York, whose postal address is Salans, Rockefeller Center, 620 Fifth Avenue, New York, New York 10020 as Applicant's domestic representative upon whom notices or process in proceedings affecting the mark may be served.

**SUBSTITUTE POWER OF ATTORNEY**

The undersigned whose full post address is 10, Avenue de l'Arche, 92419 Courbevoie Cedex, France, owning all right, title and interest in the trademark referenced below, by assignment, hereby appoints as its attorneys Maxim H. Waldbaum, Esq., Jeffrey L. Laytin, Esq., Lora A. Moffatt, Esq., Mitchell Stein, Esq., Richard B. Verner, Esq., Esq., Kimberley Weate, Esq., Lori Greendorfer, Esq., and Joseph Petersen, Esq., members of the bar of the State of New York, and Lisa Rosenburgh, Esq., a member of the bar of the State of Virginia, of the firm of:

SALANS  
Rockefeller Center  
620 Fifth Avenue  
New York, New York 10020  
(212) 632-5500

with respect to the mark AVOFLEX (Serial Number 76/491,148), to prosecute the application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. Applicant hereby revokes all previous Powers of Attorney existing in this matter.

Please direct all communications to the attention of Lora A. Moffatt, Esq. at said firm.

Dated: October 7<sup>th</sup>, 2003

LABORATOIRES EXPANSCIENCE, S.A

By:   
Name: Antoine Soto  
Title: Director of Business Development

PAULA MCCRAY, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

TRADEMARK

RECORDED: 06/27/2006

REEL: 003367 FRAME: 0307