

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Correct Error Made in Previously Recorded Document That Erroneously Affects the Identified Application at Reel 3419 and Frame 0603 recorded on November 1, 2006

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Zila Pharmaceuticals, Inc.		11/29/2006	CORPORATION: NEVADA

RECEIVING PARTY DATA

Name:	Zila Pharmaceuticals, Inc.
Street Address:	5227 N. 7th Street
City:	Phoenix
State/Country:	ARIZONA
Postal Code:	85014
Entity Type:	CORPORATION: NEVADA

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Serial Number:	78735251	BETTER SCREENING SAVES LIVES

CORRESPONDENCE DATA

Fax Number: (203)975-7180
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: 203-353-6834
 Email: clondon@eapdlaw.com
 Correspondent Name: Edwards Angell Palmer & Dodge LLP
 Address Line 1: 301 Tresser Boulevard
 Address Line 2: Paralegal Christina London
 Address Line 4: Stamford, CONNECTICUT 06901

ATTORNEY DOCKET NUMBER:	40681.0047 ZILA
NAME OF SUBMITTER:	Christina London
Signature:	/christina london/

CH \$40.00 78735251

Date:

11/29/2006

Total Attachments: 10

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK ASSIGNMENT DIVISION**

-----X
Mark: BETTER SCREENING :
 SAVES LIVES :
Serial No.: 78/735,251 :
Filing Date: October 18, 2005 :
Int'l. Classes: 5 and 10 :
-----X

Commissioner for Trademarks
Attn.: Trademark Assignment Division
P.O. Box 1451
Alexandria, VA 22313-1451

**DECLARATION OF CHRISTINA LONDON IN SUPPORT OF CORRECTING
ERRONEOUS CHANGE OF NAME SUBMISSION**

I, Christina London, declare as follows:

1. I am a paralegal with the law firm of Edwards Angell Palmer & Dodge LLP, and am over 18 years of age. I am submitting this Declaration in support of correcting an erroneous change of name submission, as required by TMEP §503.06(c).

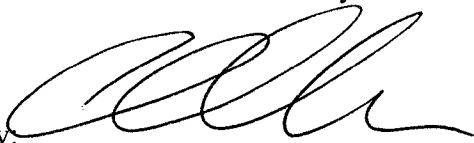
2. On November 1, 2006, I erroneously recorded a Change of Name document with the U.S. Patent and Trademark Office on U.S. Trademark Application Serial No. 78/735,251 for the BETTER SCREENING SAVES LIVES mark. This October 2, 2006 change of name document was recorded at Reel 3419 and Frame 0603 on November 1, 2006, transferring the ownership of the BETTER SCREENING SAVES LIVES mark from Zila Nutraceuticals, Inc. to The Ester C Company (see attached Notice of Recordation).

3. The mark was applied for by Zila Pharmaceuticals, Inc. on October 18, 2005. Zila Pharmaceuticals, Inc. then filed a security agreement with Black Diamond Commercial Finance, LLC on March 30, 2006 at Reel 3280 and Frame 0730. The secured party, Black

Diamond Commercial Finance, LLC, then released their interest back to Zila Pharmaceuticals, Inc. on November 16, 2006 at Reel 3429 and Frame 0382. The assignment abstract of title for the BETTER SCREENING SAVES LIVES mark should reflect Zila Pharmaceuticals, Inc. as the current and correct owner of record.

4. The chain of title should not be considered altered by the incorrect name change filed at Reel 3419 and Frame 0603 on November 1, 2006. Zila Pharmaceuticals, Inc. is the original applicant and continues to be the owner of U.S. Trademark Application Serial No. 78/735,251 for the BETTER SCREENING SAVES LIVES mark at issue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed this 29th day of November, 2006, at Stamford, Connecticut.

By: 

Christina London
Paralegal
Edwards Angell Palmer & Dodge LLP
301 Tresser Boulevard
Stamford, CT 06901
Phone: 203-353-6834

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOVEMBER 01, 2006

PTAS
EDWARDS ANGELL PALMER & DODGE LLP
301 TRESSER BOULEVARD
PARALEGAL CHRISTINA LONDON
STAMFORD, CT 06901***900061534A***

900061534A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 11/01/2006

REEL/FRAME: 003419/0603
NUMBER OF PAGES: 7BRIEF: CHANGE OF NAME
DOCKET NUMBER: 40681.0047 NBTY

ASSIGNOR:

ZILA NUTRACEUTICALS, INC.

DOC DATE: 10/02/2006
CITIZENSHIP: ARIZONA
ENTITY: CORPORATION

ASSIGNEE:

THE ESTER C COMPANY
6735 INTER CAL WAY
PRESCOTT, ARIZONA 86301CITIZENSHIP: ARIZONA
ENTITY: CORPORATION

003419/0603 PAGE 2

APPLICATION NUMBER: 78551913
REGISTRATION NUMBER: 3054390FILING DATE: 01/21/2005
ISSUE DATE: 01/31/2006

MARK:

DRAWING TYPE: MISCELLANEOUS DESIGN

APPLICATION NUMBER: 78735251
REGISTRATION NUMBER:FILING DATE: 10/18/2005
ISSUE DATE:

MARK: BETTER SCREENING SAVES LIVES

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 75049938
REGISTRATION NUMBER: 2086509FILING DATE: 01/29/1996
ISSUE DATE: 08/05/1997

MARK: BODY-READY

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74003792
REGISTRATION NUMBER: 1608005FILING DATE: 11/17/1989
ISSUE DATE: 07/31/1990

MARK: C-FLEX

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74136677
REGISTRATION NUMBER: 1988733FILING DATE: 02/05/1991
ISSUE DATE: 07/23/1996

MARK: EC

DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

APPLICATION NUMBER: 73791168
REGISTRATION NUMBER: 1577263FILING DATE: 04/04/1989
ISSUE DATE: 01/16/1990

MARK: E C

DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

APPLICATION NUMBER: 78691057
REGISTRATION NUMBER:FILING DATE: 08/11/2005
ISSUE DATE:

MARK: ESTER

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78691062
REGISTRATION NUMBER:FILING DATE: 08/11/2005
ISSUE DATE:

MARK: ESTER

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 73776086
REGISTRATION NUMBER: 1598104FILING DATE: 01/23/1989
ISSUE DATE: 05/29/1990

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

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APPLICATION NUMBER: 74098757
REGISTRATION NUMBER: 1742066

FILING DATE: 09/20/1990
ISSUE DATE: 12/22/1992

MARK: ESTER-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73461674
REGISTRATION NUMBER: 1354735

FILING DATE: 01/20/1984
ISSUE DATE: 08/13/1985

MARK: ESTER-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76554401
REGISTRATION NUMBER: 2977776

FILING DATE: 10/27/2003
ISSUE DATE: 07/26/2005

MARK: ESTER-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 76051408
REGISTRATION NUMBER: 2528608

FILING DATE: 05/18/2000
ISSUE DATE: 01/08/2002

MARK: ESTER-C BOOST

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76624580
REGISTRATION NUMBER:

FILING DATE: 12/16/2004
ISSUE DATE:

MARK: ESTER-CRAN

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78554529
REGISTRATION NUMBER:

FILING DATE: 01/26/2005
ISSUE DATE:

MARK: ESTER-CRAN

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 76467562
REGISTRATION NUMBER: 2884890

FILING DATE: 11/18/2002
ISSUE DATE: 09/14/2004

MARK: ESTER-E

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76606051
REGISTRATION NUMBER:

FILING DATE: 08/09/2004
ISSUE DATE:

MARK: ESTER-KIDS.

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78691047
REGISTRATION NUMBER:

FILING DATE: 08/11/2005
ISSUE DATE:

MARK: ESTER-O

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

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APPLICATION NUMBER: 74075261
REGISTRATION NUMBER: 1674755

FILING DATE: 07/03/1990
ISSUE DATE: 02/11/1992

MARK: ESTEROL

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78155067
REGISTRATION NUMBER: 2872619

FILING DATE: 08/16/2002
ISSUE DATE: 08/10/2004

MARK: ESTEROLA-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78150436
REGISTRATION NUMBER: 3056085

FILING DATE: 08/02/2002
ISSUE DATE: 01/31/2006

MARK: ESTEROLA-C PLUS

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78691058
REGISTRATION NUMBER:

FILING DATE: 08/11/2005
ISSUE DATE:

MARK: ESTER-OMEGA

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 73121972
REGISTRATION NUMBER: 1081497

FILING DATE: 04/07/1977
ISSUE DATE: 01/10/1978

MARK: OXYCAL

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75870661
REGISTRATION NUMBER: 2486154

FILING DATE: 12/14/1999
ISSUE DATE: 09/04/2001

MARK: PALMETTX

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75567926
REGISTRATION NUMBER: 2289046

FILING DATE: 10/06/1998
ISSUE DATE: 10/26/1999

MARK: THE FIRST TO LAST

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73746921

FILING DATE: 08/18/1988

MARK: THE HEARTBEAT OF VITAMIN C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75870662

FILING DATE: 12/14/1999

REGISTRATION NUMBER: 2559722

ISSUE DATE: 04/09/2002

MARK: THE INTELLIGENT USE OF NATURE

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

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SHIRLIE SIMON, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

11/01/2006
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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	CHANGE OF NAME

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Zila Nutraceuticals, Inc.		10/02/2006	CORPORATION: ARIZONA

RECEIVING PARTY DATA

Name:	The Ester C Company
Street Address:	6735 Inter Cal Way
City:	Prescott
State/Country:	ARIZONA
Postal Code:	86301
Entity Type:	CORPORATION: ARIZONA

PROPERTY NUMBERS Total: 27

Property Type	Number	Word Mark
Serial Number:	78551913	
Serial Number:	78735251	BETTER SCREENING SAVES LIVES
Serial Number:	75049938	BODY-READY
Serial Number:	74003792	C-FLEX
Serial Number:	74136677	EC
Serial Number:	73791168	E C
Serial Number:	78691057	ESTER
Serial Number:	78691062	ESTER
Serial Number:	73776086	ESTER-C
Serial Number:	74098757	ESTER-C
Serial Number:	73461674	ESTER-C
Serial Number:	76554401	ESTER-C
Serial Number:	76051408	ESTER-C BOOST
Serial Number:	76624580	ESTER-CRAN

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Serial Number:	78554529	ESTER-CRAN
Serial Number:	76467562	ESTER-E
Serial Number:	76606051	ESTER-KIDS.
Serial Number:	78691047	ESTER-O
Serial Number:	74075261	ESTEROL
Serial Number:	78155067	ESTEROLA-C
Serial Number:	78150436	ESTEROLA-C PLUS
Serial Number:	78691058	ESTER-OMEGA
Serial Number:	73121972	OXYCAL
Serial Number:	75870661	PALMETTX
Serial Number:	75567926	THE FIRST TO LAST
Serial Number:	73746921	THE HEARTBEAT OF VITAMIN C
Serial Number:	75870662	THE INTELLIGENT USE OF NATURE

CORRESPONDENCE DATA

Fax Number: (203)975-7180

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 203-353-6834

Email: clondon@eapdlaw.com

Correspondent Name: Edwards Angell Palmer & Dodge LLP

Address Line 1: 301 Tresser Boulevard

Address Line 2: Paralegal Christina London

Address Line 4: Stamford, CONNECTICUT 06901

ATTORNEY DOCKET NUMBER:	40881.0047 NBTY
NAME OF SUBMITTER:	Carrie Webb Olson
Signature:	/carrie webb olson/
Date:	11/01/2006

Total Attachments: 5

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