

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	CORRECTIVE ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	Corrective Assignment to correct the Assignment of the mark "CALMAID" by Dynacraft Industries, Inc. to Dynacraft LLC. Dynacraft never owned this mark. previously recorded on Reel 002674 Frame 0675. Assignor(s) hereby confirms the There was no assignment. This is to correct an error made in a previously recorded document..

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Nature's Way Products, Inc.		06/23/2003	CORPORATION: UTAH

**RECEIVING PARTY DATA**

<b>Name:</b>	Nature's Way Products, Inc.
<b>Street Address:</b>	1375 North Mountain Springs Parkway
<b>City:</b>	Springville
<b>State/Country:</b>	UTAH
<b>Postal Code:</b>	84663
<b>Entity Type:</b>	CORPORATION: UTAH

**PROPERTY NUMBERS Total: 1**

Property Type	Number	Word Mark
Registration Number:	2038992	CALMAID

**CORRESPONDENCE DATA**

Fax Number: (801)328-1707  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 801-533-9800  
 Email: rphillips@wnlaw.com  
 Correspondent Name: Robyn L. Phillips  
 Address Line 1: 60 East South Temple, Ste. 1000  
 Address Line 4: Salt Lake City, UTAH 84111

<b>ATTORNEY DOCKET NUMBER:</b>	10265.176
<b>NAME OF SUBMITTER:</b>	Robyn L. Phillips

OP \$40.00 2038992

Signature:	/Robyn L. Phillips/
Date:	01/05/2008
<b>Total Attachments: 7</b> source=CALMAID_ Walker Decl#page1.tif source=CALMAID_ Walker Decl#page2.tif source=CALMAID_ Walker Decl#page3.tif source=Assgmt Hist CALMAID#page1.tif source=Assgmt Hist CALMAID#page2.tif source=Assgmt Hist CALMAID#page3.tif source=Assgmt Hist CALMAID#page4.tif	

REGISTRATION No. 2,038,992  
POST REGISTRATION  
Ms. Joyce Conley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re registration of: )  
)  
Nature's Way Products, Inc. )  
)  
Registration No: 2,038,992 )  
)  
Registration Date: February 18, 1997 )  
)  
Mark: CALMAID )  
)  
International Class: 005 )  
)

**DECLARATION OF GORDON WALKER PURSUANT  
TO TMEP § 503.06(c)  
RE REGISTRATION NO. 2,038,992  
REEL/FRAME NO. 2674/0675**

I, Gordon Walker, hereby state:

1. I am a resident of Utah County of the State of Utah, am over the age of 21 years and am competent to testify in this matter. I have personal knowledge of the matters set forth herein and would so testify if called upon to do so.
2. I am General Counsel for Nature's Way Products, Inc. ("Nature's Way"). I have been employed by Nature's Way since 1995.
3. I submit this declaration pursuant to TMEP § 503.06(c).

4. On April 30, 2007, Nature's Way filed timely a "Combined Section 8 Affidavit & Section 9 Renewal Application" for Registration No. 2,038,992 for the mark "CALMAID" with the United States Patent and Trademark Office ("PTO").

5. On July 8, 2007, a "Post Registration Office Action" was issued, which rejected the Section 8 Affidavit. (Exh. A.) The reason identified in the Post Registration Office Action for rejecting the Section 8 Affidavit was, according to the PTO records, Nature's Way was not the current owner of Registration No. 2,038,992. Instead, the PTO records show an entity called Dynacraft BSC, Inc. as the owner of the registration.

6. Nature's Way has never assigned Registration No. 2,038,992 to Dynacraft Industries, Inc., Dynacraft BSC, Inc. or any other entity, other than to provide a security interest to unrelated entities, Wells Fargo Business Credit, Inc. and General Electric Capital Corporation.

7. Based on the assignment records of the United States Patent and Trademark Office database it appears that an entity named Dynacraft Industries, Inc. assigned certain marks, to Dynacraft LLC. During recordation of that assignment on June 23, 2003, it appears that a typographical error was made and Registration No. 2,038,992 for the mark "CALMAID" owned by Nature's Way, was erroneously listed as being one of the marks being assigned by Dynacraft Industries. The Reel/Frame number of the erroneously recorded document is 2674/0675, assignment no. 69. (Exh. B.)

8. The typographical error was then carried through multiple other assignments at Reel 2845/0705, recorded on October 3, 2003, and Reel 3025/0011, recorded on August 16, 2004. It further appears that that the error was included in an assignment from Dynacraft LLC to Dynacraft BSC, Inc., which similarly listed Registration No. 2,038,992, and was recorded at Reel 2907/0773, on August 3, 2004.

9. After investigating this matter on behalf of Nature's Way, on July 20, 2007, Nature's Way's outside counsel contacted the attorney for Dynacraft LLC who was identified pursuant to the assignment records of the PTO as a Mr. Bret J. Danow of the firm Katten Muchin Zavis Rosenman. On July 23, 2007, Nature's Way's outside counsel had a phone call with Mr. Danow. Mr. Danow did not dispute that the assignment was recorded in error and agreed that the recordation of assignment of Registration No. 2,038,992 for the mark "CALMAID" was in error and needed to be corrected. Mr. Danow, however, stated that he and his firm no longer represent Dynacraft LLC and that Nature's Way needed to file the corrective assignment.

10. Nature's Way has been, and continues to be the true and correct owner of Registration No. 2,038,992.

I have read the forgoing declaration and declare under penalty of perjury that the contents thereof are true and correct to my own personal knowledge.

DATED this 2<sup>nd</sup> day of January, 2008.

  
GORDON WALKER

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United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

**Total Assignments: 8**

Serial #: 75083381

Filing Dt: 03/15/1996

Reg #: 2038992

Reg. Dt: 02/18/1997

Registrant: Nature's Way Products, Inc.

Mark: CALMAID

**Assignment: 1**

Reel/Frame: 1990/0160

Received: 12/09/1999

Recorded: 11/12/1999

Pages: 24

Conveyance: SECURITY INTEREST

Assignors: MMS HOLDING COMPANY FORMERLY MURDOCK MADAUS SCHABE HOLDING COMPANY

Exec Dt: 10/29/1999

Entity Type: CORPORATION

Citizenship: UTAH

NATURE'S WAY PRODUCTS, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

NATURALIFE CORPORATION

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

MURDOCK MADAUS SCHWABE PROFESSIONAL PRODUCTS, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

ALPHAPAK, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

HEALTH PRODUCTS INTERNATIONAL CORP.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

MMS AMERICA CORPORATION

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

NUTRITION PROFESSIONALS, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

NATURAL PRODUCTS, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

MMS VENTURES, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

MMS INTERNATIONAL, INC.

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

MMS FOREIGN SALES CORPORATION

Exec Dt: 10/29/1999

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: GENERAL ELECTRIC CAPITAL CORPORATION

Entity Type: CORPORATION

SUITE 2800  
 10 SOUTH LA SALLE  
 CHICAGO, ILLINOIS 60603

**Citizenship:** NEW YORK

**Correspondent:** MURPHY SHENEMAN JULIAN & ROGERS  
 RANDY ROGERS, ESQ.  
 101 CALIFORNIA STREET, 39TH FLOOR  
 SAN FRANCISCO, CA 94111

**Assignment: 2**

**Reel/Frame:** 2322/0557      **Received:** 07/13/2001      **Recorded:** 04/10/2001      **Pages:** 19

**Conveyance:** ASSIGNMENT & RELEASE OF PATENT TRADEMARK & COPOYRIGHT SECURITY AGREEMENT

**Assignor:** GENERAL ELECRC CAPITAL CORPORATION

**Exec Dt:** 03/27/2001

**Entity Type:** CORPORATION

**Citizenship:** NEW YORK

**Entity Type:** CORPORATION

**Citizenship:** UTAH

**Assignees:** MMS HOLDING COMPANY  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

NATURE'S WAY PRODUCTS, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

NATURALIFE CORPORATION  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

MURDOCK MADAU SCHWABE PROFESSIONAL PRODUCTS, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

ALPHAPAK, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

HEALTH PRODUCTS INTERNATIONAL CORP.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

MMS AMERICA CORPORATION  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

NUTRITION PROFESSIONALS, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

NATURAL PRODUCTS, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

MMS VENTURES, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

MMS INTERNATIONAL INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Entity Type:** CORPORATION

**Citizenship:** UTAH

NUTRITION PROFESSIONALS, INC.  
 1375 MOUNTAIN SPRINGS PARKWAY  
 SPRINGVILLE, UTAH 84663

**Correspondent:** MURPHY SHENEMAN JULIAN & ROGERS  
 RANDY ROGERS  
 101 CALIFORNIA STREET, 39TH FLOOR  
 SAN FRANCISCO, CA 94111

**Assignment: 3**

**Reel/Frame:** 2304/0719      **Received:** 06/06/2001**Recorded:** 05/30/2001**Pages:** 16**Conveyance:** SECURITY INTEREST**Assignor:** NATURE'S WAY PRODUCTS, INC.**Exec Dt:** 05/08/2001**Entity Type:** CORPORATION**Citizenship:** UTAH**Assignee:** WELLS FARGO BUSINESS CREDIT, INC.  
MAC C7300-300, 1740 BROADWY  
DENVER, COLORADO 80274**Entity Type:** CORPORATION**Citizenship:** MINNESOTA**Correspondent:** DORSEY & WHITNEY LLP  
CAROLYN PETERS  
WELLS FARGO PLAZA  
170 SOUTH MAIN STREET, SUITE 900  
SALT LAKE CITY, UT 84101**Assignment: 4****Reel/Frame:** 2326/0431      **Received:** 09/14/2001**Recorded:** 05/30/2001**Pages:** 15**Conveyance:** (SECURITY AGREEMENT) RE-RECORD TO CORRECT THE NUMBER OF MICROFILM PAGES FROM 16 TO 15 AT REEL  
2304 FRAME 0719.**Assignor:** NATURE'S WAY PRODUCTS, INC.**Exec Dt:** 05/08/2001**Entity Type:** CORPORATION**Citizenship:** UTAH**Assignee:** WELLS FARGO BUSINESS CREDIT, INC.  
MAC C7300-300, 1740 BROADWY  
DENVER, COLORADO 80274**Entity Type:** CORPORATION**Citizenship:** MINNESOTA**Correspondent:** DORSEY & WHITNEY LLP  
CAROLYN PETERS  
WELLS FARGO PLAZA  
170 SOUTH MAIN STREET, SUITE 900  
SALT LAKE CITY, UT 84101**Assignment: 5****Reel/Frame:** 2674/0675      **Received:** 06/23/2003**Recorded:** 06/23/2003**Pages:** 21**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** DYNACRAFT INDUSTRIES, INC.**Exec Dt:** 06/23/2003**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** DYNACRAFT LLC  
2550 KERNER BOULEVARD  
SAN RAFAEL, CALIFORNIA 94901**Entity Type:** DELAWARE LIMITED  
LIABILITY COMPANY**Citizenship:** NONE**Correspondent:** KATTEN MUCHIN ZAVIS ROSENMAN  
BRET J. DANOW, ESQ.  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585**Assignment: 6****Reel/Frame:** 2845/0705      **Received:** 10/17/2003**Recorded:** 10/03/2003**Pages:** 30**Conveyance:** SECURITY INTEREST**Assignor:** DYNACRAFT LLC**Exec Dt:** 06/30/2003**Entity Type:** DELAWARE LIMITED  
LIABILITY COMPANY**Citizenship:** NONE**Assignee:** HSBC BUSINESS CREDIT (USA) INC.  
452 FIFTH AVENUE  
NEW YORK, NEW YORK 10018**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Correspondent:** PHILLIPS LYTTLE LLP  
CHRISTOPHER G. DORMAN  
437 MADISON AVENUE, 34TH FLR.



NEW YORK, NY 10022

**Assignment: 7****Reel/Frame:** 3025/0011      **Received:** 08/16/2004**Recorded:** 08/16/2004**Pages:** 14**Conveyance:** SECURITY AGREEMENT**Assignor:** DYNACRAFT INDUSTRIES, INC.**Exec Dt:** 06/30/2004**Entity Type:** CORPORATION**Citizenship:** NONE**Assignee:** THE CIT GROUP/COMMERICAL SERVICES, INC.

1211 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10036

**Entity Type:** CORPORATION**Citizenship:** NONE**Correspondent:** FEDERAL RESEARCH CORPORATION  
400 SEVENTH AVENUE, N.W., SUITE 101  
WASHINGTON, DC 20004**Domestic rep:****Assignment: 8****Reel/Frame:** 2907/0773      **Received:** 08/03/2004**Recorded:** 08/03/2004**Pages:** 9**Conveyance:** MERGER**Assignor:** DYNACRAFT LLC**Exec Dt:** 07/14/2004**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** DYNACRAFT BSC, INC.

105 CHESTNUT STREET

SUITE 32

NEEDHAM, MASSACHUSETTS 02492

**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Correspondent:** GARDERE WYNNE SEWELL LLP  
1601 ELM STREET  
3000 THANKSGIVING TOWER  
DALLAS, TX 75201-4761

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