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02-05-2008

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



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

REC  
TK 103479896

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1-21-08

1. Name of conveying party(ies):

Upsher-Smith Laboratories, Inc.

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

Citizenship (see guidelines) USA

Additional names of conveying parties attached?  Yes  No

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

Execution Date(s) January 15, 2008

- Assignment
- Security Agreement
- Other Affidavit to Assert Ownership 2246/0642
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: Upsher-Smith Laboratories, Inc.

Internal

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

Street Address: 6701 Evenstad Drive

City: Maple Grove

State: Minnesota

Country: USA Zip: 55369

- Association
- General Partnership
- Limited Partnership
- Corporation
- 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)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1270544

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

UNISERTS

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

Name: Stanton J. Lovenworth, Esq.

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

Street Address: Dewey & LeBoeuf LLP

1301 Avenue of the Americas

City: New York

State: New York Zip: 10019

Phone Number: 212-259-6420

Fax Number: 212-259-6333

Email Address: slovenworth@dl.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- 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

1/15/08

Date

Stanton J. Lovenworth

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 3

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

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01 FC:8521

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TRADEMARK  
REEL: 003713 FRAME: 0534

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1/15/08  
ASST. DIR. OF PAT. & TRADEMARK OFFICE

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Mark: UNISERTS )  
)  
Reg. No.: 1,270,544 )  
)  
Reg. Date: March 20, 1984 )  
)  
Int. Class No.: 5 )

Mail Stop Assignment Recordation Services  
Director of the USPTO  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**AFFIDAVIT TO ASSERT OWNERSHIP**

Sir:

The trademark assignment dated December 29, 2000 between Ascent Pediatrics, Inc. and Alpha USA Inc. (the "Assignment") was recorded in the U.S. Patent and Trademark Office as of February 16, 2001 at Reel 2246, Frame 0642. However, the submitted Recordation Form Cover Sheet and the Assignment contained an error. Specifically, the Assignment should not have included a reference to the U.S. Trademark Registration of UNISERTS, Reg. No. 1,270,544 (the "Mark"), on the Schedule as the registration was owned by Upsher-Smith Laboratories, Inc. and merely licensed to the assignor Ascent Pediatrics, Inc. Thus, Ascent Pediatrics, Inc. did not have the right to assign the Mark to the assignee Alpha USA Inc. Our client Actavis Mid Atlantic LLC (formerly Alpha USA Inc.) requests that the error now be corrected.

Attached is a corrective Recordation Form Cover Sheet. We would appreciate it if you could please correct the error as the Assignment for this particular trademark was made in error and should be accurately reflected on the Notice of Recordation and in the U.S. Patent & Trademark Office's on-line records.

Respectfully submitted,

DEWEY BALLANTINE LLP

By: 

Devon J. Goldberg  
(212) 259-6705

Date: January 15, 2008