

Form PTO-1594 (Rev. 09-08)  
OMB Collection 0651-0027 (exp. 10/31/2008)

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):**  
Aventis Pharmaceuticals Inc.

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

Citizenship (see guidelines) \_\_\_\_\_  
 Additional names of conveying parties attached?  Yes  No

**2. Name and address of receiving party(ies)**  Yes  
 Additional names, addresses, or citizenship attached?  No

Name: ALTANA INC.  
 Internal Address: \_\_\_\_\_  
 Street Address: 60 Baylis Road  
 City: Melville  
 State: New York  
 Country: US Zip: 11747

Association      Citizenship \_\_\_\_\_  
 General Partnership      Citizenship \_\_\_\_\_  
 Limited Partnership      Citizenship \_\_\_\_\_  
 Corporation      Citizenship New York  
 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)

**3. Nature of conveyance /Execution Date(s) :**  
 Execution Date(s) February 10, 2005

Assignment       Merger  
 Security Agreement       Change of Name  
 Other Corrective Assignment to delete Registration No. 630470  
Previously recorded on Reel 2695 Frame 0031

**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) 1024492

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: Terrence J. McAllister  
 Internal Address: \_\_\_\_\_  
10<sup>th</sup> Floor  
 Street Address: One Landmark Square  
 City: Stamford  
 State: CT Zip: 06901  
 Phone Number: (203) 327-4500  
 Fax Number: (203) 327-6401  
 Email Address: trademark@atp.com

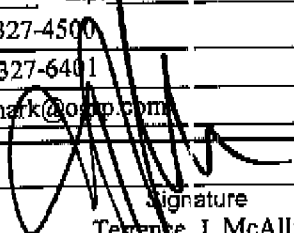
**6. Total number of applications and registrations involved:** 1

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

Authorized to be charged to deposit account  
 Enclosed

**8. Payment Information:**

Deposit Account Number 01-0467  
 Authorized User Name Ohlandt, Greeley, Rugglen & Perle, LLP

**9. Signature:**  \_\_\_\_\_  
 Signature  
Terrence J. McAllister  
 Name of Person Signing

\_\_\_\_\_ October 21, 2008  
 Date

Total number of pages including cover sheet, attachments, and document: 13

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

CH \$40.00 010467 1024492

TO:TERRENCE J. MCALLISTER, ESQ. COMPANY:10TH FLOOR

10/10/2008 700387391

Form PTO-1594 (Rev. 09-05) 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.

<p><b>1. Name of conveying party(ies):</b></p> <p style="text-align: center;">Aventis Pharmaceuticals Inc.</p> <p><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>Delaware</u>  <input type="checkbox"/> Other _____</p> <p>Citizenship (see guidelines) _____</p> <p>Additional names of conveying parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><b>2. Name and address of receiving party(ies)</b></p> <p>Additional names, addresses, or citizenship attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Name: <u>ALTANA INC.</u>  Internal Address: _____  Address: _____  Street Address: <u>60 BAYLIS ROAD</u>  City: <u>MELVILLE</u>  State: <u>NEW YORK</u>  Country: <u>US</u> Zip: <u>11747</u></p> <p><input type="checkbox"/> Association      Citizenship _____  <input type="checkbox"/> General Partnership      Citizenship _____  <input type="checkbox"/> Limited Partnership      Citizenship _____  <input checked="" type="checkbox"/> Corporation      Citizenship <u>New York</u>  <input type="checkbox"/> Other _____ Citizenship _____</p> <p><small>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input type="checkbox"/> No (Designations must be a separate document from assignment)</small></p>
<p><b>3. Nature of conveyance /Execution Date(s) :</b></p> <p>Execution Date(s) <u>February 10, 2005</u></p> <p><input type="checkbox"/> Assignment      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement      <input type="checkbox"/> Change of Name  <input checked="" type="checkbox"/> Other <small>Conveyance Assignment to delete Registration No. 850470 previously recorded on Reel 2691 Page 0981</small></p>	
<p><b>4. Application number(s) or registration number(s) and identification or description of the Trademark.</b></p> <p>A. Trademark Application No.(s) _____  B. Trademark Registration No.(s) <u>850470</u></p> <p style="text-align: right;">Additional sheet(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p><b>C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):</b></p>	
<p><b>5. Name &amp; address of party to whom correspondence concerning document should be mailed:</b></p> <p>Name: <u>Terrence J. McAllister, Esq.</u>  Internal Address: <u>10<sup>th</sup> Floor</u>  Street Address: <u>One Landmark Square</u>  City: <u>Stamford</u>  State: <u>CT</u> Zip: <u>06901</u>  Phone Number: <u>(203) 327-4500</u>  Fax Number: <u>(203) 327-6400</u>  Email Address: <u>trademark@geny.com</u></p>	<p><b>6. Total number of applications and registrations involved:</b> <u>1</u></p> <p><b>7. Total fee (37 CFR 2.6(b)(6) &amp; 3.41) \$ <u>540.00</u></b></p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account  <input type="checkbox"/> Enclosed</p>
<p><b>8. Payment Information:</b></p> <p>Deposit Account Number <u>01-0467</u>  Authorized User Name <u>CHERRY, FRASER, RUGGLEN &amp; PATE, LLP</u></p>	
<p><b>9. Signature:</b> _____  Signature  <u>Terrence J. McAllister, Esq.</u>  Name of Person Signing</p> <p style="text-align: right;"><u>October 10, 2008</u>  Date</p> <p style="text-align: right;">Total number of pages including cover sheet, attachments, and document: <u>12</u></p>	

Documents to be recorded (including cover sheet) should be filed to (877) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
ASSIGNMENT SERVICES DIVISION

Registrant of Record: Aventis Holdings Inc.  
Registration Nos.: 850470; 1024492  
Trademark: **NITRO-BID**

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JOINT REQUEST TO  
CORRECT ASSIGNMENT RECORDS

The records at the Assignment Services Division of the U.S. Patent and Trademark Office ("USPTO") identify Aventis Holdings Inc. as the record owner of NITRO-BID Registration Nos. 850470 and 1024492 ("the NITRO-BID Registrations") by means of an assignment executed on December 28, 2001 and recorded on March 20, 2003 as Reel/Frame 2695/0031. Recordation of this assignment was in error and, for the reasons discussed below, and in accordance with TMEP §503.06(f), the undersigned parties respectfully request that the assignment records for the NITRO-BID Registrations be corrected to accurately reflect Altana, Inc. as the record owner of these registrations.

On January 10, 2000, Aventis Pharmaceuticals Inc. assigned the NITRO-BID trademark to Altana, Inc., including U.S. Registration Nos. 850470, 1024492, and 1248103 ("the Altana Assignment"). This assignment was recorded with the USPTO on April 21, 2003 as Reel/Frame 2717/0336. A copy of the assignment document evidencing the assignment from Aventis to Altana is enclosed and marked "Exhibit 1."

As a result of the Altana Assignment, any and all interest, right, and/or title in the NITRO-BID trademark vested in Altana, such that only Altana could effect any transfer or rights

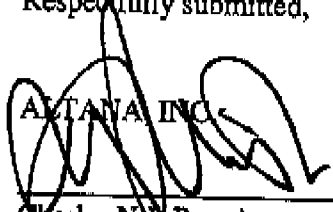
in ownership of the NITRO-BID trademark, including the NITRO-BID Registrations subsequent to the January 10, 2000 execution date of the Altana Assignment. Nevertheless, subsequent to the Altana Assignment, Aventis Pharmaceuticals Inc. mistakenly filed a merger document to transfer ownership of the NITRO-BID Registrations to HMR Pharma Inc., which was recorded as Reel/Frame 2651/0836. HMR Pharma Inc., in turn, then mistakenly assigned the NITRO-BID Registrations to Aventis Holdings Inc., as recorded in Reel/Frame 2695/0031.

Given that Aventis Pharmaceuticals Inc. had already assigned its rights in the NITRO-BID trademark to Altana, Aventis Pharmaceuticals Inc. was without right or authority to file the referenced merger document, and any such filing by Aventis Pharmaceuticals Inc. would therefore be void ab initio. Accordingly, Aventis Holdings Inc. cannot be properly recognized as the record owner of the NITRO-BID Registrations, as such ownership remains with and was never transferred from the prior-listed owner – Altana. Since the execution of the Altana Assignment in 2000, Altana has been and continues to be the true owner of the NITRO-BID Registrations at issue. To wit, Altana is correctly identified as the current record owner of U.S. Registration No. 1248103 pursuant to the Altana Assignment.

Aventis Pharmaceuticals Inc., Aventis Holdings Inc. and Altana all agree that Altana is the proper record owner of the NITRO-BID Registrations and that any attempted transfer(s) of the NITRO-BID Registrations after January 10, 2000 by any party other than Altana would be void ab initio. Accordingly, in the interest of maintaining the integrity of the USPTO's assignment records and pursuant to TMEP §503.06(f), the undersigned parties jointly request that the Assignment Services Division correct the discrepancy in ownership of the NITRO-BID Registrations, such that Altana is accurately identified as the record owner of U.S. Registration

Nos. 850470 and 1024492, just as Altana is presently identified as the record owner of U.S. Registration No. 1248103.

Respectfully submitted,

  
ALTANA INC.

Dated: February 10, 2005

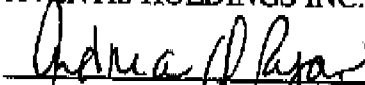
Charles N. Ruggiero  
Terrence J. McAllister  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
203 327 4500 (phone)  
203 327 6401 (facsimile)

AVENTIS PHARMACEUTICALS INC.



Signatory Information Ross J. Oehler  
Vice President

AVENTIS HOLDINGS INC.



Signatory Information Andrea Q. Ryan  
Secretary

# EXHIBIT 1




6. This General Assignment and Assumption is made in accordance with, and is subject to, all of the terms and conditions set forth in the Agreement. Except as otherwise expressly set forth herein, the terms and conditions of the Agreement shall control the terms and conditions of this General Assignment and Assumption.

IN WITNESS WHEREOF, the parties hereto have executed this General Assignment and Assumption as of the date first above written. This General Assignment and Assumption may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.


**SELLER:**

**AVENTIS PHARMACEUTICALS INC.**

By:   
Name: Terry J. Shelton  
Title: Vice President

**PURCHASER:**

**ALTANA INC.**

By:   
Name: Kevin Sheil  
Title: Senior Vice President



Schedule 1 to Assignment of Trademarks

<u>Trademark</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>Next Renewal Date</u>
NITRO-BID	1024492	11/11/75	11/11/05
NITRO-BID	850470	6/11/68	6/11/08
NITRO-BID	1248103	8/16/83	8/16/03

## ASSIGNMENT OF TRADEMARKS

**THIS ASSIGNMENT OF TRADEMARKS** (this "Assignment"), dated as of January 20, 2000, is made by **AVENTIS PHARMACEUTICALS INC.**, a Delaware corporation formerly known as Hoechst Marion Roussel, Inc. having a place of business at 10236 Marion Park Drive, Kansas City, Missouri ("Assignor"), in favor of **ALTANA, INC.**, a New York corporation having a place of business at 60 Baylis Road, Melville, New York ("Assignee").

**WHEREAS**, Assignor is the owner of the entire right, title and interest in and to the trademarks and registrations thereof set forth on Schedule 1 hereto, which Assignor has adopted, used and is using (the "Trademarks");

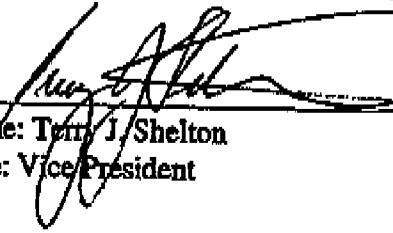
**WHEREAS**, Assignor and Assignee, among others, have entered into that certain Nitro-Bid Asset Purchase Agreement dated as of July 12, 1999 (the "Agreement"), pursuant to which Assignor has agreed, among other things, to assign to Assignee the Trademarks;

**WHEREAS**, Assignee desires to acquire proper and legal ownership of the Trademarks, and Assignor desires to convey title to the Trademarks, and the goodwill of the business symbolized by the use thereby, to Assignee in performance of Assignor's obligations under the Agreement.

**NOW, THEREFORE**, to all whom it may concern, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee its entire right, title and interest in and to the Trademarks and the goodwill of the business symbolized by the use thereof, subject to the terms and conditions of the Agreement.

**IN WITNESS WHEREOF**, Assignor has caused this Assignment to be executed by its duly authorized representative as of the date first above written.

**AVENTIS PHARMACEUTICALS INC.**

By:   
Name: Terry J. Shelton  
Title: Vice President

STATE OF MISSOURI )  
 )  
COUNTY OF JACKSON )

On this 20th day of January, 2000, before me, a notary public in and for said state, personally appeared Terry J. Shelton, to me personally known, who being duly sworn, acknowledged that he had executed the foregoing instrument for purposes therein mentioned and set forth.

Christy Harris  
NOTARY PUBLIC

My Commission Expires: July 25, 2001

Christy Harris  
Notary Public-Notary Seal  
State of Missouri  
Clay County  
My Commission Expir. 07/25/2001

**Schedule 1 to Assignment of Trademarks**

<u>Trademark</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>Next Renewal Date</u>
NITRO-BID	1024492	11/11/75	11/11/05
NITRO-BID	850470	6/11/68	6/11/08
NITRO-BID	1248103	8/16/83	8/16/03