

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
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NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
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CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Phillips Yeast Products Limited		03/15/2005	CORPORATION: UNITED KINGDOM

RECEIVING PARTY DATA	
Name:	Merck Consumer Healthcare Limited
Street Address:	Hedon Road, Marfleet
City:	Hull
State/Country:	UNITED KINGDOM
Postal Code:	HU9 5NJ
Entity Type:	CORPORATION: UNITED KINGDOM

PROPERTY NUMBERS Total: 2		
Property Type	Number	Word Mark
Registration Number:	0686202	KIT-ZYME
Registration Number:	0686201	VETZYME

CORRESPONDENCE DATA	
Fax Number:	(216)363-9001
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	216-363-9000
Email:	skoenig@faysharpe.com, chatter@faysharpe.com
Correspondent Name:	Sandra M. Koenig - Fay Sharpe LLP
Address Line 1:	1228 Euclid Avenue, 5th Floor
Address Line 4:	Cleveland, OHIO 44115

ATTORNEY DOCKET NUMBER:	WPTZ 0 00069
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DOMESTIC REPRESENTATIVE	
Name:	
Address Line 1:	

OP \$65.00 0686202

Address Line 2:

Address Line 3:

Address Line 4:

NAME OF SUBMITTER:

Sandra M. Koenig

Signature:

/sandramkoenig/

Date:

03/11/2009

Total Attachments: 11

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DATED

15 March

2005

(1) PHILLIPS YEAST PRODUCTS LIMITED

(2) SEVEN SEAS LIMITED

(3) SEVEN SEAS HEALTH CARE LIMITED

- and -

(4) MERCK CONSUMER HEALTHCARE LIMITED

TRADE MARK ASSIGNMENT

DLA Piper Rudnick Gray Cary UK LLP
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Fax: +44 (0)113 369 2999

Ref: CTT/CTT/83850/120000/5825560.1

TRADEMARK
REEL: 003950 FRAME: 0237

THIS ASSIGNMENT is made on

15 March

2005

BETWEEN

- (1) **PHILLIPS YEAST PRODUCTS LIMITED** (company number 245336) of Hedon Road, Marfleet, Hull HU9 5NJ ("PYPL")
- (2) **SEVEN SEAS LIMITED** (company number 351663) of Hedon Road, Marfleet, Hull HU9 5NJ ("SSL")
- (3) **SEVEN SEAS HEALTH CARE LIMITED** (company number 503967) of Hedon Road, Marfleet, Hull HU9 5NJ ("SSHCL")

together ("the Assignors")

- (4) **MERCK CONSUMER HEALTHCARE LIMITED** (company number 1445808) of Hedon Road, Marfleet, Hull HU9 5NJ ("the Assignee")

BACKGROUND

- (A) PYPL is the proprietor of the trade marks registered or the subject of applications for registration in the countries listed in the attached Schedule ("Trade Marks").
- (B) SSL and SSHCL are the owners of common law passing off rights in relation to some of the Trade Marks acquired through use of those Trade Marks
- (C) The Assignors have agreed to assign all their rights, in and to the Trade Marks to the Assignee on the terms set out below.

AGREED TERMS

1. Assignment

In consideration of the sum of £3 now paid by the Assignee to the Assignors (the receipt of which the Assignors hereby acknowledge), the Assignors hereby assign with full title guarantee to the Assignee absolutely the Trade Marks and all and any rights in and to the Trade Marks including the benefit of the applications for registration with the intention that when the applications are granted the registrations shall vest in the Assignee and any common law rights and all the goodwill attaching to the Trade Marks.

2. Proceedings

This Assignment shall include the right for the Assignee to bring proceedings against any third party in respect of the Trade Marks (including proceedings against any third party for infringement of the Trade Marks or for passing off or for otherwise infringing the rights of the Assignors in the Trade Marks). The Assignors agree and undertake to provide to the Assignee (at its request) all such assistance with any proceedings which may be brought by or against the Assignee against or by any third party in relation to the Trade Marks and the Assignee shall indemnify the Assignors in respect of all costs and expenses (including reasonable legal costs) actually incurred by them in providing the Assignee with such assistance.

3. Further assurance

The Assignors covenant that at the cost and request of the Assignee at any time and from time to time it shall execute such deeds or documents and do such acts or things as may be necessary or desirable to give effect to this Assignment.

4. Governing law and jurisdiction

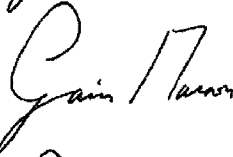
This Assignment shall be governed by and construed in accordance with the laws of England and the parties hereto submit to the non-exclusive jurisdiction of the English courts.

IN WITNESS whereof the parties have executed this Assignment the day and year first above written.

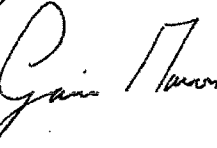
SIGNED by *GAVIN MANSON*)
for and on behalf of)
MERCK CONSUMER)
HEALTHCARE LIMITED:)



SIGNED by *GAVIN MANSON*)
for and on behalf of)
SEVEN SEAS LIMITED:)



SIGNED by *GAVIN MANSON*)
for and on behalf of)
SEVEN SEAS HEALTH CARE)
LIMITED:)



SIGNED by *GAVIN MANSON*)
for and on behalf of)
PHILLIPS YEAST PRODUCTS)
LIMITED:)



THE SCHEDULE


Trade Mark Schedule - Phillips Yeast Products Limited

Mark	Country	Number	Date	Status	Class & Goods
ALUZYME	UK	555632	15 Nov 1934	Lapsed 14 Mar 1991	Class 3: Yeast prepared for use in medicine and pharmacy.
AQUAVITE	UK	1213430	24 Feb 1984	Lapsed 13 Jun 1991	Class 5: Vitamins in the form of tablets or capsules for use as additives for food for aquatic animals and for fish.
KITZYME	UK	740093	7 Mar 1955	Renewal Due 7 Mar 2014	Class 5: Preparations of yeast for veterinary use.
KIT-ZYME	Australia	137816	-	Renewal Due 7 Jul 2010	Class 5: Preparations of yeast for veterinary use.
KIT-ZYME	Austria	45734	-	Renewal Due 5 Jun 2011	Class 5.
KIT-ZYME	Benelux	62660	24 Sep 1971	Renewal Due 24 Sep 2005	Class 5: Veterinary products especially preparations of yeast for veterinary use.
KIT-ZYME	Canada	TMA115328	18 Sep 1959	Renewal Due 18 Sep 2019	Class 5: Preparations of yeast for veterinary use.
KIT-ZYME	Denmark	1111/55	25 Jun 1955	Renewal Due 25 Jun 2005	Class 5.
KIT-ZYME	European Community	000643288	19 Sep 1997	Renewal Due 19 Sep 2007	Class 5: Veterinary preparations and substances; nutritional supplements; minerals and mineral salts; preparations consisting of vitamins and/or minerals; medicinal herbs all for animals. Class 31: Foodstuffs and preparations for animals, fish, birds and poultry; additives and supplements for the aforesaid goods; malt; animal litter.
KIT-ZYME	Finland	43964	-	Renewal Due 23 Jan 2005	Class 5.
KIT-ZYME	France	1391459	27 Jan 1987	Renewal Due 27 Jan 2007	Class 5.
KIT-ZYME	Germany	706065	16 Aug 1956	Renewal Due 16 Aug 2006	Class 5: Yeast tablets for cats for veterinary use.

Mark	Country	Number	Date	Status	Class & Goods
KIT-ZYME	Greece	31443	-	Renewal Due 24 Mar 2014	Class 5: Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, materials for bandaging; materials for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.
KIT-ZYME	Hong Kong	800/62	9 Feb 1962	Renewal Due 9 Feb 2011	Class 5: Preparations of yeast for veterinary use.
KIT-ZYME	Ireland	58836	25 Jun 1956	Renewal Due 25 Jun 2008	Class 5: Preparations of yeast for veterinary use.
KIT-ZYME	Italy	362242	21 Jun 1978	Renewal Due 21 Jun 2008	Class 5.
KIT-ZYME	New Zealand	55891	-	Renewal Due 22 Dec 2017	Class 5: Preparations of yeast for veterinary use.
KIT-ZYME	Portugal	314928	14 Oct 1996	Renewal Due 14 Oct 2006 Declaration Due 14 Oct 2011	Class 3: Shampoos and cleaning preparations; soaps; preparations for the hair. Class 5: Pharmaceutical, veterinary and sanitary preparations and substances; infants' and invalids' foods; plasters; materials for bandaging; materials for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; preparations of yeast and enzyme preparations for veterinary use; dietetic preparations for veterinary use; antiparasitic collars for animals; additives and supplements for animal foodstuffs. Class 31: Foodstuffs for animals; additives and supplements for animal foodstuffs.
KIT-ZYME	Russia	97700745	5 Feb 1997	Application Withdrawn 2 Feb 1999	Class 3: Shampoos and cleaning preparations; soaps; preparations for the hair. Class 5: Pharmaceutical, veterinary and sanitary preparations and substances; infants' and invalids' foods; plasters; materials for bandaging; materials for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; preparations of yeast and enzyme preparations for veterinary use; dietetic preparations for veterinary use; antiparasitic collars for animals; additives and supplements for animal foodstuffs. Class 31: Foodstuffs for animals; additives and supplements for animal foodstuffs.
KIT-ZYME	South Africa	2126/58	30 Jun 1958	Renewal Due 30 Jun 2012	Class 5: Enzyme preparations for veterinary use.

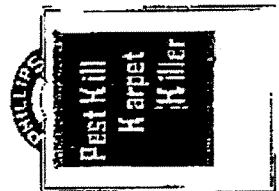
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REEL: 003950 FRAME: 0242

Mark	Country	Number	Date	Status	Class & Goods
KIT-ZYME	Spain	1510006	6 Jul 1989	Application Abandoned	Class 5: Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
KIT-ZYME	Sweden	79934	-	Renewal Due 24 Feb 2006	Class 5: Yeast preparations for veterinary use.
KIT-ZYME	Switzerland	P275363	6 Feb 1975	Renewal Due 6 Feb 2005	Class 5: Yeast products for veterinary use.
KIT-ZYME	USA	686202	6 Oct 1959	Renewal Due 6 Oct 2009	Class 18: Preparations of yeast for veterinary use.
KITZYME FLEARID	UK	2299681	3 May 2002	Renewal Due 3 May 2012	Class 5: Veterinary preparations; insecticides for use on animals and for household use; all for use in relation to fleas; all included in Class 5.
LYFEX	UK	527834	12 Dec 1931	Lapsed 1 Jul 1988	Class 42: Yeast extract (for food).
	UK	2299666	3 May 2002	Renewal Due 3 May 2012	Class 3: Shampoos, grooming products and hair care preparations; soaps; dentifrices; all for animals. Class 5: Food supplements for animals; bandaging materials.
					
PHIL-BARM	UK	603801	14 Jan 1939	Lapsed 1 Jul 1988	Class 5: Medicinal yeast for human and veterinary use.
PHILEX	UK	551011	10 May 1934	Lapsed 23 Aug 1990	Class 42: Preparations for making gravy.
PHILEX	UK	627072	5 Jan 1944	Lapsed 8 Apr 1993	Class 30: Yeast, yeast extract; preparations of yeast for food or for use as ingredients in food for human consumption.
PHILIBARM	UK	533095	1 Jul 1932	Lapsed 23 Nov 1988	Class 3: Medicinal yeast for human consumption.
PHILLYEAOST	UK	534792	6 Sep 1932	Lapsed 1 Mar 1989	Class 3: Medicinal yeast for human consumption.
PHILLIPS	UK	613689	23 Jul 1941	Renewal Due 23 Jul 2014	Class 5: Yeast prepared for use in medicine and pharmacy.

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Mark	Country	Number	Date	Status	Class & Goods
PHILLIPS	UK	1022678	31 Dec 1973	Renewal Due 31 Dec 2004	Class 5: Pharmaceutical tonic preparations containing iron; yeast prepared for use in medicine and pharmacy; and yeast prepared for use as a nutritional aid by addition to foodstuffs for birds.
	UK	1557930	4 Jan 1994	Application Abandoned 18 Aug 1994	Class 5: Insecticidal carpet fresheners; powders for killing fleas, insects and the like; insecticides and insect repellants; veterinary and sanitary preparations; disinfectants; preparations for destroying vermin; air fresheners, and fresheners for fabrics and upholstery; all included in Class 5.
PHILLIPS YEAST MIXTURE	UK	750708	7 Feb 1956	Renewal Due 7 Feb 2005	Class 5: Yeast prepared for use as a nutritional aid by addition to foodstuffs for birds.
STRESS	UK	708954	16 Jul 1952	Renewal Due 16 Jul 2011	Class 5: Veterinary preparations in tablet form; and mineral supplements being chemical preparations in tablet form and fed to animals for nutritive purposes.
STRESS	UK	917701	24 Nov 1967	Renewal Due 24 Nov 2012	Class 5: Veterinary preparations.
STRESS	UK	918839	21 Dec 1967	Renewal Due 21 Dec 2012	Class 31: Mineral supplements being chemical preparations fed to animals for nutritive purposes; and foodstuffs for animals.
STRESS	Benelux	57463	8 Sep 1971	Renewal Due 8 Sep 2006	Class 5: Veterinary products.
SULABARM	UK	605891	11 Apr 1939	Lapsed 11 Apr 1995	Class 5: Medicinal yeast for human or veterinary use.
TRACT	UK	1241347	7 May 1985	Renewal Due 7 May 2006	Class 31: Preparations included in Class 31 for use as animal litters.
VETZALIN	UK	735424	26 Oct 1954	Lapsed 8 Feb 1990	Class 5: Pharmaceutical preparations and substances for veterinary use.

Mark	Country	Number	Date	Status	Class & Goods
VETZYME	UK	719706	8 Jul 1953	Renewal Due 8 Jul 2012	Class 5: Preparations of yeast for veterinary use.
VETZYME	UK	1476641	16 Sep 1991	Renewal Due 16 Sep 2008	Class 31: Foodstuffs and preparations for animals, fish, birds and poultry; additives and supplements for all the aforesaid foods; malt; animal litter; all included in Class 31.
VETZYME	Australia	137817	-	Renewal Due 7 Jul 2010	Class 5: Preparations of yeast for veterinary use.
VETZYME	Austria	45733	-	Renewal Due 5 Jun 2011	Class 5.
VETZYME	Benelux	57461	8 Sep 1971	Renewal Due 8 Sep 2005	Class 5: Veterinary products especially preparations of yeast for veterinary use.
VETZYME	Canada	TMA115,342	18 Sep 1959	Renewal Due 18 Sep 2019	Class 5: Preparations of yeast for veterinary use.
VETZYME	Denmark	1110/55	25 Jun 1955	Renewal Due 25 Jun 2005	Class 5.
VETZYME	European Community	000643254	19 Sep 1997	Renewal Due 19 Sep 2007	Class 5: Veterinary preparations and substances; nutritional supplements; minerals and mineral salts; preparations consisting of vitamins and/or minerals; medicinal herbs for all kinds. Class 31: Foodstuffs and preparations for animals; fish, birds and poultry; additives and supplements for all the aforesaid goods; malt; animal litter.
VETZYME	Finland	43963	-	Renewal Due 23 Jan 2005	Class 5.
VETZYME	France	1391460	27 Jan 1987	Renewal Due 27 Jan 2007	Class 5: Yeast preparations for veterinary use.
VETZYME	Greece	31442	-	Renewal Due 24 Mar 2014	Class 5.
VETZYME	Hong Kong	799/62	9 Feb 1962	Renewal Due 9 Feb 2011	Class 5: Preparations of yeast for veterinary use.
VETZYME	Ireland	58799	25 Jun 1956	Renewal Due 25 Jun 2008	Class 5: Preparations of yeast for veterinary use.

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Mark	Country	Number	Date	Status	Class & Goods
VETZYME	Italy	362241	21 Jun 1978	Renewal Due 21 Jun 2008	Class 5.
VETZYME	Malaysia	M/025420	-	Renewal Due 21 Mar 2014	Class 5.
VETZYME	New Zealand	B55890	-	Renewal Due 22 Dec 2017	Class 5: Preparations of yeast for veterinary use.
VETZYME	Portugal	314927	14 Oct 1996	Renewal Due 14 Oct 2006 Declaration Due 14 Oct 2011	Class 3: Shampoos and cleaning preparations; soaps; preparations for the hair. Class 5: Pharmaceutical, veterinary and sanitary preparations and substances; infants' and invalids' foods; plasters; materials for bandaging; materials for stopping teeth; dental wax; disinfectants; preparations for destroying vermin; preparations of yeast and enzyme preparations for veterinary use; dietetic preparations for veterinary use; antiparasitic collars for animals; additives and supplements for animal foodstuffs. Class 31: Foodstuffs for animals; additives and supplements for animal foodstuffs.
VETZYME	Russia	163111	5 Feb 1997	Renewal Due 5 Feb 2007	Class 3: Shampoos and cleaning preparations; soaps; preparations for the hair. Class 5: Pharmaceutical, veterinary and sanitary preparations and substances; infants' and invalids' foods; plasters; materials for bandaging; materials for stopping teeth; dental wax; disinfectants; preparations for destroying vermin; preparations of yeast and enzyme preparations for veterinary use; dietetic preparations for veterinary use; antiparasitic collars for animals; additives and supplements for animal foodstuffs. Class 31: Foodstuffs for animals; additives and supplements for animal foodstuffs.
VETZYME	South Africa	2125/58	30 Jun 1958	Renewal Due 30 Jun 2012	Class 5: Enzyme preparations for veterinary use.
VETZYME	Spain	1510005	6 Jul 1989	Renewal Due 6 Jul 2009 Quin Tax Due 6 Jul 2014	Class 5: Veterinary preparations and substances; dietetic preparations adapted for veterinary use.
VETZYME	Sweden	85237	-	Renewal Due 4 Jul 2008	Class 5.

Mark	Country	Number	Date	Status	Class & Goods
VETZYME	Switzerland	P275164	6 Feb 1975	Renewal Due 6 Feb 2005	Class 5: Yeast products for veterinary use.
VETZYME	USA	686201	6 Oct 1959	Renewal Due 6 Oct 2009	Class 18: Preparations of yeast for veterinary use.
VETZYME	Zambia	NR3381	-	Lapsed 8 Jul 1988	-
VETZYME BRUSH & GO VETZYME BRUSH AND GO (series of 2)	UK	2253140	17 Nov 2000	Renewal Due 17 Nov 2010	Class 3: Shampoos, grooming products and hair care preparations; soaps; all for animals.
VETZYME FLEARID	UK	2217028	11 Dec 1999	Renewal Due 11 Dec 2009	Class 5: Veterinary preparations; insecticides for use on animals and for household use; all for use in relation to fleas; all included in Class 5.
VETZYME PUPPY MILK	UK	1258547	20 Jan 1986	Renewal Due 20 Jan 2007	Class 31: Foodstuffs and beverages, all consisting wholly or substantially wholly of milk based products and all for puppies.
VETZYME SHIFT-IT	UK	2227000	23 Mar 2000	Renewal Due 23 Mar 2010	Class 3: Cleaning preparations, detergents and bleaches; sprays and coatings for solidifying pet faeces to facilitate removal.
ZEMOL	UK	702140	23 Oct 1951	Removed CPA 23 Oct 2000	Class 5: Pharmaceutical preparations and substances for veterinary use.
ZEMOL	UK	702141	23 Oct 1951	Removed CPA 23 Oct 2000	Class 31: Foodstuffs for animals and for birds.
ZEMOL	Switzerland	283560	5 Jul 1976	Lapsed 5 Jul 1996	Class 5.

30 September 2004

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