

09-21-2010

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



SEP 21 2010

103607287

To the Director of the U. S. Patent a.

Record the attached documents or the new address(es) below.

**1. Name of conveying party(ies):**

ATRIUM INNOVATIONS INC.

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation- State: CANADA  
☐ Other \_\_\_\_\_

Citizenship (see guidelines) CANADA

Additional names of conveying parties attached? ☐ Yes ☒ No

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

Execution Date(s) August 16, 2010

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Confirmatory Security Agreement

**2. Name and address of receiving party(ies)**

Additional names, addresses, or citizenship attached? ☐ Yes ☒ No

Name: NATIONAL BANK OF CANADA

Internal \_\_\_\_\_

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

Street Address: 1155 Metcalfe Street, 5th Floor

City: Montreal, Quebec

State: \_\_\_\_\_

Country: CANADA Zip: H3B 4S9

- ☐ Association Citizenship \_\_\_\_\_  
☐ General Partnership Citizenship \_\_\_\_\_  
☐ Limited Partnership Citizenship \_\_\_\_\_  
☒ Corporation Citizenship CANADA  
☐ 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)

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

A. Trademark Application No.(s)

SEE SCHEDULE A ATTACHED HERETO

B. Trademark Registration No.(s)

SEE SCHEDULE A ATTACHED HERETO

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: Michael J. Clain, Esq.

Internal Address: Windels Marx Lane & Mittendorf, LLP

Street Address: 156 West 56th Street

City: New York

State: New York Zip: 10019

Phone Number: 212 237 1000

Fax Number: 212 262 1215

Email Address: mclain@windelsmarx.com

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

61

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$1,540.00**

- ☐ Authorized to be charged to deposit account  
☒ Enclosed

**8. Payment Information:**

09/21/2010 DIGITAL 00000000 77017026  
Deposit Account Number \_\_\_\_\_

Authorized User Name \_\_\_\_\_

**9. Signature:**

Michael J. Clain

Signature

September 17, 2010

Date

MICHAEL J. CLAIN, ESQ.

Name of Person Signing

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

15

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

TRADEMARK  
REEL: 004282 FRAME: 0276

**SCHEDULE "A"****LIST OF US TRADEMARKS / TRADEMARK APPLICATIONS**

<b>TRADEMARK</b>	<b>STATUS</b>	<b>REGISTRATION/APPLICATION</b>	
		<b>Number</b>	<b>Date</b>
PROBIOTIC SMILE	Application	77817526	September 1, 2009
PERFECT FOOD	Registered	2614372	September 3, 2002
BIOFIT	Application	77167933	April 27, 2007
EXTRAORDINARY BEAUTY	Application	77747821	May 29, 2009
HEALTHY HORMONES	Registered	3760321	March 16, 2010
LOVELY LEGS	Application	77741381	May 20, 2009
NEW ZEALAND NATURALS	Application	78899179	June 2, 2006
OCEANS KIDS	Registered	3731304	December 29, 2009
OCEANS MOM	Registered	3725530	December 15, 2009
OMEGAXANTHIN	Registered	3779724	April 20, 2010
RAW & DESIGN	Registered	3736377	October 27, 2009
ACID DEFENSE	Registered	2740857	July 22, 2003
ALPHA AROMATHERAPY	Registered	3009580	October 25, 2005
ACID BALANCE	Registered	3587874	March 10, 2009

TRADEMARK	STATUS	REGISTRATION/APPLICATION	
		Number	Date
PROBIOFIT	Registered	3591989	March 17, 2009
BIOPROTECT	Registered	3206964	February 6, 2007
CLEAR ENERGY	Registered	2736613	July 15, 2003
CLENZOLOGY	Registered	2974496	July 19, 2005
CODMEGA	Registered	3206968	February 6, 2007
DETOXIFIBER	Registered	3588133	March 10, 2009
DIET 360	Application	77843112	October 7, 2009
EMPOWERING EXTRAORDINARY HEALTH	Registered	3261875	July 10, 2007
FIBERTROL	Registered	3309915	October 9, 2007
FUCO THIN	Registered	3344818	November 27, 2007
FUCOPROTEIN	Registered	3588404	March 10, 2009
FUNGAL DEFENSE	Registered	2706951	April 15, 2003
FUNGAL FORTE	Registered	3270286	July 24, 2007
FYI	Registered	2923057	February 1, 2005
GARDEN OF LIFE & DESIGN	Registered	2710990	April 29, 2003
GARDEN OF LIFE EXTRA VIRGIN COCONUT OIL	Registered	2814566	February 17, 2004

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TRADEMARK	STATUS	REGISTRATION/APPLICATION	
		Number	Date
GARDEN OF LIFE	Registered	3374462	January 22, 2008
GARDEN OF LIFE	Registered	3209545	February 13, 2007
GARDEN OF LIFE	Registered	2534003	January 29, 2002
GOATEIN	Registered	2908731	December 7, 2004
HEALTHY IMPORTANT PERSON	Registered	3143527	September 12, 2006
HOMEOSTATIC	Registered	3188746	December 26, 2006
LIVING MULTI	Registered	2911043	December 14, 2004
LIVING NUTRIENTS	Registered	3189280	December 26, 2006
LIVING SEAS	Registered	3344878	November 27, 2007
OLDE WORLD	Registered	2908728	December 7, 2004
OMEGA AROMATHERAPY	Registered	3069191	March 14, 2006
OMEGA PM CLEANSE	Registered	3172070	November 14, 2006
ORIGINAL MEDICINE	Registered	3077907	April 4, 2006
PERFECT CLEANSE	Registered	3514277	October 7, 2008
PERFECT MEAL	Registered	3357423	December 18, 2007
POTEN-ZYME	Registered	3173680	November 21, 2006

TRADEMARK	STATUS	REGISTRATION/APPLICATION	
		Number	Date
PRIMAL DEFENSE	Registered	2806128	January 20, 2004
PRO2GO	Registered	3357983	December 18, 2007
PROBIO-WELLNESS	Registered	3496619	September 2, 2008
RADICAL FRUITS	Registered	2736612	July 15, 2003
RM-10	Registered	2697146	March 18, 2003
STOMACH SOOTHE	Registered	3345369	November 27, 2007
SUPER SEED	Registered	2793842	December 16, 2003
TEA TRIO	Registered	3309732	October 9, 2007
VITAMIN CODE	Registered	3565744	January 20, 2009
ZERO GRAVITY	Registered	2776809	October 21, 2003
CRANLOAD	Application	77956940	March 11, 2010
ALCREA HEALTH	Application	77709918	April 8, 2009
ATRIUM INNOVATIONS	Application	77716620	April 17, 2009
ATRIUM BIOTECHNOLOGIES	Registered	3188423	December 26, 2006
NATIVE IMMUNITY	Application	85032544	May 7, 2010

## CONFIRMATORY SECURITY AGREEMENT

**WHEREAS** ATRIUM INNOVATIONS INC. (the "**Grantor**"), having its principal place of business at 1405, Parc Technologique Boulevard, Québec, Québec G1P 4P5 (i) is the registered owner of the United States trademarks and trademark applications listed in Schedule "A" hereto and may, in the future, become the registered owner of additional United States trademarks and trademark applications (collectively, the "**US Trademarks**") and (ii) is the registered owner of the Canadian trademarks and trademark applications listed in Schedule "B" hereto and may, in the future, become the registered owner of additional Canadian trademarks and trademark applications (collectively, the "**Canadian Trademarks**") (the Canadian Trademarks collectively with the US Trademarks, the "**Trademarks**");

**WHEREAS** this act shall be governed by the laws applicable in the Province of Québec;

**WHEREAS** NATIONAL BANK OF CANADA (the "**Creditor**"), acting as *fondé de pouvoir*, having a place of business at 1155 Metcalfe Street, 5<sup>th</sup> Floor, Montréal, Québec, H3B 4S9 and the Grantor entered into a deed of hypothec as of January 17, 2005, as amended by a supplemental deed of hypothec bearing formal date of November 18, 2005 and as further amended by a second supplemental deed of hypothec bearing formal date of July 5, 2007 (the "**Hypothec**"), pursuant to which the Grantor granted to the Creditor a hypothec in and to, among other things, the Trademarks;

**WHEREAS** the Creditor and the Grantor entered into a security agreement dated August 16, 2010 (the "**Security Agreement**" and collectively with the Hypothec, the "**Security Documents**"), pursuant to which the Grantor granted to the Creditor a security interest in and to, among other things, the Trademarks;

**WHEREAS** the Grantor and the Creditor have perfected the Security Documents in the Trademarks in accordance with the laws of the Province of Québec, the Province of British Columbia and the Province of Ontario;

**WHEREAS** the Grantor and the Creditor are desirous of recording the security created under the Security Documents and the additional security created hereunder in the US Trademarks with the United States Patent and Trademark Office and the Canadian Trademarks with the Canadian Intellectual Property Office;

**NOW THEREFORE**, the Grantor and the Creditor hereby confirm that on January 17, 2005, the Grantor and the Creditor entered into the Hypothec, and on August 16, 2010, they entered into the Security Agreement, pursuant to both of which the Grantor granted to the Creditor a security in and to, among other things, the Trademarks.

**AND**, for good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby further grant to Creditor a security interest in, and mortgage on, the Trademarks.

**AND** each party hereto does hereby further acknowledge and affirm that the rights and remedies of the Creditor with respect to the security interest in and mortgage on the Trademarks made and granted hereby are more fully set forth in the Security Documents, the terms and provisions of which are hereby incorporated herein by reference as if fully set forth herein.

**THE PARTIES FURTHER AGREE** that the Grantor shall record this Confirmatory Security Agreement with the United States Patent and Trademark Office, with respect to the US Trademarks, and the Canadian Intellectual Property Office, with respect to the Canadian Trademarks.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as a sealed instrument on the sixteen (16<sup>th</sup>) day of August, 2010.

ATRIUM INNOVATIONS INC.


Per: 

Name: Manon Deslauriers

Title: VP, Corporate and Legal Affairs and Secretary

Date: August 16, 2010

Witness

Per: 

Name: Edith Allain

Title: Legal Assistant

Date: August 16, 2010



NATIONAL BANK OF CANADA

Per: 

Name: Nicolas Laliberté

Title: Directeur

Date:

Witness

Per: 

Name: Dominic Albanese

Title: Director

Date:

TRADEMARK

REEL: 004282 FRAME: 0284

**SCHEDULE "A"****LIST OF US TRADEMARKS / TRADEMARK APPLICATIONS**

<b>TRADEMARK</b>	<b>STATUS</b>	<b>REGISTRATION/APPLICATION</b>	
		<b>Number</b>	<b>Date</b>
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PERFECT FOOD	Registered	2614372	September 3, 2002
BIOFIT	Application	77167933	April 27, 2007
EXTRAORDINARY BEAUTY	Application	77747821	May 29, 2009
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OCEANS MOM	Registered	3725530	December 15, 2009
OMEGAXANTHIN	Registered	3779724	April 20, 2010
RAW & DESIGN	Registered	3736377	October 27, 2009
ACID DEFENSE	Registered	2740857	July 22, 2003
ALPHA AROMATHERAPY	Registered	3009580	October 25, 2005
ACID BALANCE	Registered	3587874	March 10, 2009

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BIOPROTECT	Registered	3206964	February 6, 2007
CLEAR ENERGY	Registered	2736613	July 15, 2003
CLENZOLOGY	Registered	2974496	July 19, 2005
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DETOXIFIBER	Registered	3588133	March 10, 2009
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FIBERTROL	Registered	3309915	October 9, 2007
FUCO THIN	Registered	3344818	November 27, 2007
FUCOPROTEIN	Registered	3588404	March 10, 2009
FUNGAL DEFENSE	Registered	2706951	April 15, 2003
FUNGAL FORTE	Registered	3270286	July 24, 2007
FYI	Registered	2923057	February 1, 2005
GARDEN OF LIFE & DESIGN	Registered	2710990	April 29, 2003
GARDEN OF LIFE EXTRA VIRGIN COCONUT OIL	Registered	2814566	February 17, 2004

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TRADEMARK	STATUS	REGISTRATION/APPLICATION	
		Number	Date
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GARDEN OF LIFE	Registered	3209545	February 13, 2007
GARDEN OF LIFE	Registered	2534003	January 29, 2002
GOATEIN	Registered	2908731	December 7, 2004
HEALTHY IMPORTANT PERSON	Registered	3143527	September 12, 2006
HOMEOSTATIC	Registered	3188746	December 26, 2006
LIVING MULTI	Registered	2911043	December 14, 2004
LIVING NUTRIENTS	Registered	3189280	December 26, 2006
LIVING SEAS	Registered	3344878	November 27, 2007
OLDE WORLD	Registered	2908728	December 7, 2004
OMEGA AROMATHERAPY	Registered	3069191	March 14, 2006
OMEGA PM CLEANSE	Registered	3172070	November 14, 2006
ORIGINAL MEDICINE	Registered	3077907	April 4, 2006
PERFECT CLEANSE	Registered	3514277	October 7, 2008
PERFECT MEAL	Registered	3357423	December 18, 2007
POTEN-ZYME	Registered	3173680	November 21, 2006

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PRO2GO	Registered	3357983	December 18, 2007
PROBIO-WELLNESS	Registered	3496619	September 2, 2008
RADICAL FRUITS	Registered	2736612	July 15, 2003
RM-10	Registered	2697146	March 18, 2003
STOMACH SOOTHE	Registered	3345369	November 27, 2007
SUPER SEED	Registered	2793842	December 16, 2003
TEA TRIO	Registered	3309732	October 9, 2007
VITAMIN CODE	Registered	3565744	January 20, 2009
ZERO GRAVITY	Registered	2776809	October 21, 2003
CRANLOAD	Application	77956940	March 11, 2010
ALCREA HEALTH	Application	77709918	April 8, 2009
ATRIUM INNOVATIONS	Application	77716620	April 17, 2009
ATRIUM BIOTECHNOLOGIES	Registered	3188423	December 26, 2006
NATIVE IMMUNITY	Application	85032544	May 7, 2010

**SCHEDULE "B"****LIST OF CANADIAN TRADEMARKS / TRADEMARK APPLICATIONS**

<b>TRADEMARK</b>	<b>STATUS</b>	<b>REGISTRATION/APPLICATION</b>	
		<b>Number</b>	<b>Date</b>
TROPHIC & DESIGN	Registered	TMA206940	May 9, 1975
MENO-FREE	Registered	TMA627721	December 7, 2004
ALCREA HEALTH	Registered	TMA771517	July 8, 2010
ATRIUM INNOVATIONS	Application	1434149	April 9, 2009
CLINICAL SUPPLEMENTS CLINQUES & DESIGN	Application	1412745	September 30, 2008
CRANLOAD	Application	1469065	February 10, 2010
BIOPROTECT	Registered	TMA732382	January 14, 2009
CLEAR ENERGY	Registered	TMA639241	May 5, 2005
CLENZOLOGY	Registered	TMA678540	December 19, 2006
CODMEGA	Registered	TMA732383	January 14, 2009
FUCO THIN	Registered	TMA728266	November 13, 2008
FUNGAL DEFENSE	Registered	TMA638499	April 27, 2005
FYI	Registered	TMA638671	April 29, 2005
GARDEN OF LIFE	Application	1202229	December 23, 2003

TRADEMARK	STATUS	REGISTRATION/APPLICATION	
		Number	Date
GARDEN OF LIFE	Application	1288954	February 6, 2006
GARDEN OF LIFE & DESIGN	Registered	TMA638669	April 29, 2005
GOATEIN	Registered	TMA660524	March 8, 2006
GREAT GREENS	Registered	TMA740184	May 14, 2009
KICK ACID	Registered	TMA692895	July 27, 2007
LIVING MULTI	Registered	TMA647542	September 8, 2005
LIVING NUTRIENTS	Registered	TMA745182	August 12, 2009
PERFECT CLEANSE	Registered	TMA741588	June 8, 2009
PERFECT MEAL	Registered	TMA728268	November 13, 2008
POTEN-ZYME	Registered	TMA732874	January 21, 2009
PRIMAL DEFENSE	Registered	TMA638497	April 27, 2005
RM-10	Registered	TMA638677	April 29, 2005
SPRINGS OF LIFE	Registered	TMA638871	May 3, 2005
SUN DESIGN	Registered	TMA460370	July 26, 1996
ULTRAZORBE	Registered	TMA725140	October 2, 2008
ZERO GRAVITY	Registered	TMA638676	April 29, 2005

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