

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Nutritional Excellence, LLC		09/01/2011	LIMITED LIABILITY COMPANY: CONNECTICUT
RECEIVING PARTY DATA			
Name:	Whole Foods Market Services, Inc.		
Street Address:	550 Bowie Street		
City:	Austin		
State/Country:	TEXAS		
Postal Code:	78703		
Entity Type:	CORPORATION: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3932090	ANDI	
CORRESPONDENCE DATA			
Fax Number:	(214)922-4170		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Email:	rcain@hallettperrin.com		
Correspondent Name:	Bruce Hallett		
Address Line 1:	2001 Bryan Street		
Address Line 2:	Suite 3900		
Address Line 4:	Dallas, TEXAS 75201		
ATTORNEY DOCKET NUMBER:	18373-1		
NAME OF SUBMITTER:	Bruce H. Hallett		
Signature:	/Bruce H. Hallett/		
Date:	09/07/2011		
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**EXECUTION VERSION**  
**ASSIGNMENT OF TRADEMARKS AND TRADE NAMES**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, Nutritional Excellence, LLC doing business as Eat Right America, a Connecticut limited liability company ("Assignor"), for itself and its successors and assigns, hereby transfers and assigns to Whole Foods Market Services, Inc., a Delaware corporation ("Assignee"), its successors and assigns, all right, title and interest that Assignor may have in and to the trademarks and trade names set forth on Schedule A attached hereto and made a part hereof, together with all goodwill associated therewith (collectively, the "Marks").

This Assignment is being executed in connection with a certain Asset Purchase Agreement, dated as of August 4, 2011, entered into by and between Assignor and Assignee, pursuant to which Assignor agreed to transfer certain of its assets to Assignee, including, but not limited to, its rights in and to the Marks.

This Assignment of Trademarks and Trade Names includes the right to apply for registration of any and all of the Marks in any and all jurisdictions where such registration is desired by Assignee, the right to renew any existing registrations, and the right to claim for any and all damages by reason of past infringement of any of such Marks, with the right to sue for and collect the same for Assignee's own use and enjoyment and for the use and enjoyment of its successors and assigns.

**IN WITNESS WHEREOF**, Assignor has caused this Assignment of Trademarks and Trade Names to be executed by its duly authorized officer as of this 1st day of September, 2011.

**ASSIGNOR:**

NUTRITIONAL EXCELLENCE, LLC

By: 

Name: Kevin J. Leville

Title: Chief Executive Officer and Manager

**SCHEDULE A**

**TRADEMARKS AND TRADE NAMES**

**Registered Trademarks:**

<b><u>MARK</u></b>	<b><u>OWNER</u></b>	<b><u>REG. DATE; US REG. NO.</u></b>	<b><u>GOODS / SERVICES</u></b>
ANDI	Nutritional Excellence, LLC	03/15/2011; 3,932,090	Class 44: Providing information in the fields of health, nutrition and lifestyle wellness

**Unregistered Trademarks:**

<b>Owner Name</b>	<b>Trademark</b>
Nutritional Excellence, LLC	AGGREGATE NUTRIENT DENSITY INDEX
Nutritional Excellence, LLC	MANDI
Nutritional Excellence, LLC	MENU AGGREGATE NUTRIENT DENSITY INDEX
Nutritional Excellence, LLC	RANDI
Nutritional Excellence, LLC	RECIPE AGGREGATE NUTRIENT DENSITY INDEX
Nutritional Excellence, LLC	KANDI
Nutritional Excellence, LLC	KIDS AGGREGATE NUTRIENT DENSITY INDEX
Nutritional Excellence, LLC	DAILY AGGREGATE NUTRIENT DENSITY INDEX
Nutritional Excellence, LLC	DANDI