

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM607946

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	RELEASE OF SECURITY INTEREST		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Fidelity Bank, National Association		11/10/2020	National Association: PENNSYLVANIA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Nutri/System, Inc.		
<b>Street Address:</b>	3901 Commerce Avenue		
<b>City:</b>	Willow Grove		
<b>State/Country:</b>	PENNSYLVANIA		
<b>Postal Code:</b>	19090		
<b>Entity Type:</b>	Corporation: PENNSYLVANIA		
<b>PROPERTY NUMBERS Total: 4</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	1776989	NUTRISYSTEM	
<b>Registration Number:</b>	1956649	NUTRISYSTEM	
<b>Registration Number:</b>	1767562	NUTRI/SYSTEM	
<b>Registration Number:</b>	1649795	1-800-321-THIN	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	6152482954		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
<b>Phone:</b>	615-742-7944		
<b>Email:</b>	trademarks@bassberry.com		
<b>Correspondent Name:</b>	Martha B. Allard		
<b>Address Line 1:</b>	150 3rd Ave. S.		
<b>Address Line 2:</b>	Suite 2800		
<b>Address Line 4:</b>	Nashville, TENNESSEE 37201		
<b>ATTORNEY DOCKET NUMBER:</b>	011211.0236		
<b>NAME OF SUBMITTER:</b>	Martha B. Allard		
<b>SIGNATURE:</b>	/Martha B. Allard/		
<b>DATE SIGNED:</b>	11/10/2020		
<b>Total Attachments: 4</b>			

CH \$115.00 1776989

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
ASSIGNMENT BRANCH**

**DECLARATION OF KATHLEEN SIMONE  
IN SUPPORT OF RELEASE OF SECURITY AGREEMENT  
BY FIDELITY BANK, NATIONAL ASSOCIATION  
RECORDED AT REEL/FRAME 0828/0489**

I, Kathleen Simone, being hereby warned that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 18 USC § 1001, declare as follows:

1. I am older than eighteen years of age and make this Declaration of my own free will.
2. I am the Senior Vice President and Controller for Nutrisystem, Inc., a Delaware corporation, which is located and doing business at 600 Office Center Drive, Fort Washington, Pennsylvania 19034 (the "Registrant").
3. I have been employed by the Registrant or one of its predecessors-in-interest for over thirty (30) years. In fact, I was one of the first ten employees of Nutri/System, Inc., a Pennsylvania corporation, which was the original owner of the marks and related registrations at issue in this Declaration.
4. I am authorized to make this Declaration on behalf of the Registrant. The following facts are known to me and I can attest to their truth.
5. Through a series of transactions, Registrant is the now-current owner of all right, title and interest in and to certain trademarks, their goodwill, and their related registrations, as shown on Schedule 1.
6. In the course of conducting diligence in connection with one of the transactions, it has come to my attention that a security interest is recorded against the registrations in Schedule 1. Specifically, Fidelity Bank, National Association, formed in the state of Pennsylvania, and the

then-registrant, Nutri/System, Inc., a Pennsylvania corporation, executed a security agreement on October 31, 1991, which was recorded with the U.S. Patent and Trademark Office (“PTO”) on November 13, 1991 at Reel/Frame 0828/0489 (“Security Agreement”).

7. No release of this Security Agreement has been recorded at the PTO. Therefore, it appears to be current and outstanding.

8. However, based on my review of the Registrant’s records, including those of the Registrant’s predecessors-in-interest, and my understanding of the Registrant’s financial position, this Security Agreement, which was executed over thirty (30) years ago, is no longer in effect.

9. As part of the Registrant’s investigation into the Security Agreement, I arranged to have a search conducted of the related UCC records. Our search did not reveal any corresponding, valid, outstanding UCC lien.

10. Further, according to research by others working under my direction and control, Fidelity Bank, National Association appears to have been acquired by or otherwise has come to be controlled by Wells Fargo and is no longer in existence.

11. Still further, on May 4, 1993, the original owner of the marks, Nutri/System, Inc., a Pennsylvania corporation, was involuntarily placed into Chapter 7 bankruptcy, which was then converted to Chapter 11 bankruptcy on June 4, 1993. On December 28, 1993, it was acquired by a holding company, ending the Chapter 11 bankruptcy proceedings. See *Nutri/System, Inc.*, Pet. No. 93-12725-das (E.D. Pa. 1993) (“Bankruptcy Proceeding”). The bankruptcy proceeding was complicated as it involved several related parties and many creditors. The docket report shows that there are over one thousand (1,000) docket entries. I believe and have come to understand that as part of the termination of the Bankruptcy Proceeding, the Security Agreement was released, but such a release is not in our records or available online.

12. In sum, I can find no evidence, suggestion or indication that the Security Agreement is still valid and in effect.

13. By this Declaration, I hereby declare that on information and belief, to the best of my knowledge the Security Agreement was released some time ago in connection with the termination of the Bankruptcy Proceeding and it is currently without force or effect. I hereby request that this Declaration be recorded with the Assignment Branch of the PTO in lieu of a release and in support of the same.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Nov 10, 2020

Executed on this \_\_\_\_ day of November, 2020.

**Kathleen Simone**

By: Kathleen Simone

SCHEDULE 1

Mark	Serial No.	Filing Date	Reg. No.	Reg. Date
NUTRISYSTEM	74031339	02/22/1990	1776989	06/15/1993
NUTRISYSTEM	74031485	02/22/1990	1956649	02/13/1996
NUTRI/SYSTEM	74031752	02/23/1990	1767562	04/27/1993
1-800-321-THIN	74071334	06/21/1990	1649795	07/02/1991

Signature: *Kathleen Simone*  
Kathleen Simone (Nov 14, 2020 08:57 EDT)

Email: kathleen.simone@tivityhealth.com