

04-22-2003

EET



To the Honorable Commissioner for Patent

ment(s) or copy(ies) thereof.

Name of Conveying Party(ies) (Assignor(s)).

102426217

and Address of Party(ies) receiving an interest

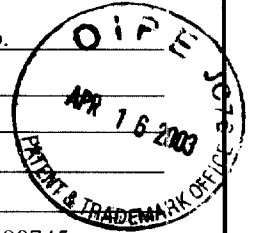
The Bank of Nova Scotia

4-16-03

(assignee(s)):

Name: Leiner Health Services Corp.

Address: 901 East 233<sup>rd</sup> Street



City: Carson

State: CA Zip: 90745

Country: USA

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

Additional name(s) of conveying party(ies) attached?  Yes  No

Nature of Conveyance

- Assignment
- Security Agreement
- Other: Security Release
- Merger
- Change of Name

Execution Date: March 4, 2003

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Delaware
- Other

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)

Additional name(s) and address(es) attached?  Yes  No

Application Number(s) or Registration Number(s):

Trademark Application No(s).

B. Trademark Registration No(s).

2251324

2278012

Additional numbers attached?  Yes  No

Name and address of party to whom correspondence concerning document should be mailed:

Intellectual Property Department  
Hunton & Williams LLP  
1900 K Street, N.W.  
Suite 1200  
Washington, DC 20006-1109  
(202) 955-1500 (telephone)  
(202) 778-2201 (facsimile)

6. Total number of applications and registrations involved:

Application(s): 0  
 + Registrations(s): 2  
 = Total: 2

7. Total Fee (37 C.F.R. § 3.41) . . . . \$ 80.00

- Enclosed
- Authorized to be charged to Deposit Account

8. Deposit Account No.: 50-0206

- (Duplicate copy of this sheet attached)
- Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jonathan D. Link, Reg. No. 41,548  
Name of Person Signing

*Jonathan D. Link*  
Signature

April 16, 2003  
Date

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

7



21967

PATENT TRADEMARK OFFICE

04/21/03 LMUELLER 00000098 2251324  
 FC: 21 40.00 DP  
 FC: 22 25.00 DP  
 Ref: 04/21/2003 LMUELLER 0009553100  
 Name/Number: 2251324  
 \$15.00 CR

## CONSENT TO RELEASE OF SECURITY INTEREST

**THIS CONSENT TO RELEASE OF SECURITY INTEREST** (this "Release"), is executed this the 4th day of March, 2003 by The Bank of Nova Scotia ("Scotia Capital") as agent to the Lenders (as defined below) (the "Agent") in favor of Leiner Health Services Corp., a wholly owned subsidiary of the Parent, as defined below (the "Company").

**WHEREAS** the Agent and various other financial institutions have made Loans and other Credit Extensions to LEINER HEALTH PRODUCTS, LLC (the "U.S. Borrower") under that certain Second Amended and Restated Credit Agreement dated as of April 19, 2002 (as amended, supplemented or otherwise modified from time to time, the "Credit Agreement"; capitalized terms used and not otherwise defined herein shall have the meanings given to them in the Credit Agreement) among the U.S. Borrower, VITA HEALTH PRODUCTS INC., a Manitoba corporation (the "Canadian Borrower", and together with the U.S. Borrower, the "Borrowers"), LEINER HEALTH PRODUCTS INC., a Delaware corporation (the "Parent"), the various financial institutions as are or may become parties thereto which make Credit Extensions under the U.S. Facility (collectively, the "U.S. Lenders"), the various financial institutions as are or may become parties thereto which make Credit Extensions under the Canadian Facility (collectively, the "Canadian Lenders", and together with the U.S. Lenders, the "Lenders"), Scotia Capital, as agent for the U.S. Lenders under the U.S. Facility, Scotia Capital, currently acting through its executive offices in Toronto, Ontario, as agent for the Canadian Lenders under the Canadian Facility and MERRILL LYNCH CAPITAL CORPORATION, as documentation agent;

**WHEREAS**, such Loans and other Credit Extensions are secured by certain assets of the Parent and its Subsidiaries including, without limitation, the following trademark: DAILY IMPACT, Registration no. 2251324, filed March 31, 1998 (the "Trademark");

**WHEREAS**, the Company has requested that the Agent release its security interest in the Trademark and the Agent is willing to do so;

**WHEREAS**, Agent now wishes to release the security interest in the Trademark *nunc pro tunc* \_\_\_\_\_, 200\_; and

**WHEREAS**, the parties hereto desire to evidence in the public records that the security interest in the Trademark as specified herein has become null and void and of no further force or effect on the parties.

**NOW THEREFORE**, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Release. The Agent does hereby release the security interest and all proprietary interest the Agent holds in the Trademark.

2. Fees. Any filing fees which may be required by the Patent and Trademark Office shall be the sole responsibility of the Company.

3. Further Assurances. Each party shall execute all documents and instruments and shall take or cause to be taken all actions which are necessary or appropriate to complete the transactions contemplated by this Release.

4. Power of Attorney. The Agent hereby appoints, with full power of substitution and revocation, Hunton & Williams to transact all business in the Patent and Trademark Office or in the offices of Secretaries of State solely in connection with the release of security interest herein; provided, however, that such power of attorney shall be limited to execution of documents necessary to release the security interest in the Trademark.

THE BANK OF NOVA SCOTIA

By: Ronald Dooley  
Name: Ronald Dooley  
Title: DIRECTOR

Dated: March 4, 2003.

~~COMMONWEALTH~~/STATE OF New York )  
~~CITY~~COUNTY OF SUFFOLK ) ss.  
)

The foregoing instrument was acknowledged before me on this 4th day of March, 2003, by Ronald Dooley, on behalf of The Bank of Nova Scotia.

NOTARY PUBLIC

My Commission Expires:  
[SEAL]

STATE OF New York  
COUNTY OF SUFFOLK  
MARCH 4, 2003

Joan D'Addario  
JOAN D'ADDARIO  
Notary Public, State of New York  
4758211, Qualified in Suffolk County  
Certificate Filed in New York County  
Commission Expires Dec. 31, 2006

**CONSENT TO RELEASE OF SECURITY INTEREST**

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**WHEREAS**, such Loans and other Credit Extensions are secured by certain assets of the Parent and its Subsidiaries including, without limitation, the following trademark: ONE CHOICE, Registration no. 2278012, filed July 24, 1998 (the "Trademark");

**WHEREAS**, the Company has requested that the Agent release its security interest in the Trademark and the Agent is willing to do so;

**WHEREAS**, Agent now wishes to release the security interest in the Trademark *nunc pro tunc* \_\_\_\_\_, 200\_; and

**WHEREAS**, the parties hereto desire to evidence in the public records that the security interest in the Trademark as specified herein has become null and void and of no further force or effect on the parties.

**NOW THEREFORE**, in consideration of the above, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Release. The Agent does hereby release the security interest and all proprietary interest the Agent holds in the Trademark.

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THE BANK OF NOVA SCOTIA  
By: Ronald Dooley  
Name: Ronald Dooley  
Title: DIRECTOR

Dated: March 4, 2003.

~~COMMONWEALTH/STATE OF~~ New York )  
 )ss.  
~~CITY/COUNTY OF~~ Suffolk )

The foregoing instrument was acknowledged before me on this 4<sup>th</sup> day of March, 2003, by Ronald Dooley, on behalf of The Bank of Nova Scotia.

NOTARY PUBLIC

My Commission Expires:  
[SEAL]

Joan D'Addario  
JOAN D'ADDARIO  
Notary Public, State of New York  
No. 408211, Qualified in Suffolk County  
To be Filed in New York County  
Commission Expires Dec. 31, 2006

State of New York  
County of Suffolk  
MARCH 4, 2003