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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on

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Commissioner of Patents

**Box Assignment** 

Washington, D.C. 20231

Docket No. 5677-84

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Harold H. Schmitz and Leo J. Romanczyk, Jr.

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

MARS, Incorporated 6885 Elm Street McLean, VA 22101-3883

3. Nature of Conveyance:

[X] Assignment

[] Merger

[] Security Agreement

[] Change of Name

[] Other

Execution Date: December 7, 2000 and November 28, 2000, respectively

4. Application number: **09/441,644**If this document is being filed with a new application, the execution date of the application is:.

1

NYB 1206305.1

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

Margaret B. Kelley CLIFFORD CHANCE ROGERS & WELLS LLP 200 Park Avenue New York, New York 10166

- 6. Total number of applications and patents involved: 1
- 7. Total fee (37 CFR 3.41).....\$40.00[] Enclosed[X] Authorized to charge to Deposit Account.
- 8. Deposit Account Number: **50-0521**If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to our Deposit Account 50-0521.
- 9. 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.

Margaret B. Kelley
Name of Person signing

Margaret B. Kelley
Signature

Margaret B. Kelley
Signature

Margaret B. Kelley
Signature

Total number of pages comprising cover sheet [4]

## **ASSIGNMENT**

We, Harold H. Schmitz and Leo J. Romanczyk, Jr., who reside respectively at: 61 Harland School Road, Branchburg, NJ 08876 and 4 Fern Drive, Hackettstown, NJ 07840, and, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: METHOD FOR REDUCING POSTPRANDIAL OXIDATIVE STRESS USING COCOA PROCYANIDINS, filed November 17, 1999 as Application No. 09/441,644, which application was executed by us and MARS, INCORPORATED, whose address is 6885 Elm Street, McLean, VA 22101-3883, and which, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

- 1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, and any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
- 2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
- 3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;
- 4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;
- 5. Bind our heirs and legal representatives, as well as ourselves to do, upon Assignee's request, and at its expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us or our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and

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PATENT REEL: 011406 FRAME: 0016 lawful affidavits in form and substance as may be requested by Assignee to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

| of said inventions and discoveries.  | 1.  | 1   |                  |
|--|---|---|------------------|
| The effective date of this instruction is the  | $\frac{2^{1}}{2^{1}}$ day of $\frac{De}{2}$ | cernber, 2000.                            |                  |
| In testimony of which we have affixed our s  | ignatures                                   |   |                  |
|  |   |   |                  |
|  | Harold H. Schmi                             | itz (                                     |                  |
| State of Dew York)   | _   |   |                  |
| State of New York)  State of New York)  County of New York)  |   |   |                  |
| On this 7th day of <u>December</u> , 200   | O hafara ma annaa                           | wad Hawald H. Calam                       | :4 4_            |
| me known and to me to be the person described in a   | nd who executed t                           | rea Harola H. Schn<br>he foregoing instru | iliz, io<br>ment |
| and he acknowledged the same to be his free act and  |   | ne reregenig instru                       | mem              |
| ,  |   |   |                  |
| Mauren axelly  | (O)   | FFICIAL SEAL)                             |                  |
| Notary Public  |   |   |                  |
| MAUREEN A. KELLY   |   |   |                  |
| Notary Public, State of New York<br>No. 4925577  |   |   |                  |
| Qualified in Nassau County Commission Expires Apr. 4, 20   | Leo J. Romanczy                             | mgy J.                                    |                  |
|  | Leo J. Romanczy                             | yk, Jf.                                   |                  |
| State of District of (dumb)9 ) ss.: County of Ward 2   |   |   |                  |
| ) ss.:   |   |   |                  |
| County of Ward 2   |   |   |                  |
| On this 78th day of November, 200  | 0 before me appea                           | red Leo J. Romanca                        | zyk, Jr.,        |
| to me known and to me to be the person described 1   | n and who execute                           | d the foregoing inst                      | trument          |
| and he acknowledged the same to be his free act and  | i deed.                                     |   |                  |
| Velle A/Mlate  |   | FFICIAL SEAL)                             |                  |
| Notary Public Kelli N. Watson  |   |   |                  |
| Notary Public Notary Public District of Columbia Notary Public No |   |   |                  |
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**RECORDED: 12/08/2000** 

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