

FORM PTO-1585

REC 08-16-2001 3T



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To the Honorable Assistant Commissioner for Patents: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Paul T. GARDINER

8-10-01

Additional name(s) of conveying parties attached?  Yes

No

2. Name and address of receiving party(ies)

Name: MuscleTech Research and Development, Inc.

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

Street Address: 7050 Telford Way

City: 15S 1V7 Mississauga, Ontario

State: Canada

ZIP: \_\_\_\_\_

3. Nature of conveyance:

Assignment  Merger

Security Agreement  Change of Name

Other: \_\_\_\_\_

Execution date(s): April 2, 2001

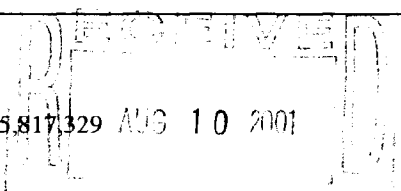
Additional name(s) & address(es) attached?  Yes  No

4. Application numbers or patent numbers:

Execution date of application is:

A. Patent Applications:

B. Patent No.(s) 5,817,329 AUG 10 2001



Additional Numbers attached?  Yes  No

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

Name: Siu K. Lo

Internal Address: KENYON & KENYON

Street Address: One Broadway

City: New York State: New York ZIP: 10004

6. Total number of applications and patents involved: **1**

7. Total fee (37 C.F.R. 3.41) ..... \$ **40.00**

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

11-0600

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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.*

Siu K. Lo (Reg. No. 46,877)  
Name of Person Signing

Siu K. Lo  
Signature

Aug. 6, 2001  
Date

Total Number of pages including cover sheet, attachments and document: **3**

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

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08/15/2001 6TOM11 00000102 110600 5817329  
01 FC:581 NY01 365840 v1 40.00 CH

PATENT  
REEL: 012059 FRAME: 0720

ASSIGNMENT

WHEREAS, I, Paul T. GARDINER, residing at <sup>1484 Greewood Rd, #211</sup> ~~46 Gladstone Square,~~  
<sup>Mississauga, Ontario, L5H 2T4</sup> ~~Brampton, Ontario L6S 2H6,~~ Canada, and being a citizen of the Canada, have invented new  
 and useful improvements in NUTRITIONAL SUPPLEMENT FOR INCREASED MUSCLE  
 SIZE AND STRENGTH FOR BODY BUILDERS, for which I have made application for  
 Letters Patent of the United States, the specification of which was filed as U.S. Serial No.  
 08/806,124, on February 28, 1997, now U.S. Patent No. 5,817,329, issued October 6, 1998,  
 and,

WHEREAS, MUSCLETECH RESEARCH AND DEVELOPMENT, INC., a  
 company organized and existing under and by virtue of the laws of the Federal Republic of  
 Germany, having an office at 7050 Telford Way, 15S 1V7 Mississauga, Ontario, Canada, is  
 desirous of acquiring the entire right, title and interest in and to the application and invention  
 therein described and Letters Patent that were issued upon the application or for the  
 improvements therein contained;

NOW, THEREFORE, for and in consideration of employment by  
 MUSCLETECH RESEARCH AND DEVELOPMENT, INC., and other good and valuable  
 consideration, the receipt and sufficiency whereof is hereby acknowledged, I, Paul T.  
 GARDINER, have assigned and transferred and do hereby assign and transfer unto  
 MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns, the  
 entire right, title and interest in and to the application and the invention therein contained,  
 including the right to the Letters Patent in the United States of America on the invention, and  
 any Letters Patent that may issue thereon or therefor, in the United States, and all reissues,  
 extensions, renewals, divisions and continuations thereof, to the full end of the term or terms  
 for which the Letters Patent may be issued, the same to be held and enjoyed by  
 MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns, the  
 same as it would have been held and enjoyed by me if this Assignment had not been made.

And I hereby authorize and request the Commissioner of Patents and  
 Trademarks to issue all such Letters Patent to MUSCLETECH RESEARCH AND  
 DEVELOPMENT, INC., its successors and assigns, in accordance with this instrument of

Assignment.

I hereby represent and warrant that there are no rights and interests outstanding inconsistent with the rights and interests granted herein and that I will not execute any instrument or grant or transfer any rights or interests inconsistent therewith, and I bind myself, my heirs, executors, administrators and legal representatives as the case may be, to execute and deliver to MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns, any further documents or instruments and do any and all further acts that may be deemed necessary by MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns, to vest in MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns, the title herein conveyed, or intended so to be, and to enable such title to be recorded in the United States.


And I further covenant and agree, in consideration of the premises that I, Paul T. Gardiner, my executors and administrators, will at any time upon request communicate to MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns, any facts relating to the invention and improvements and the history thereof, known to me or my executors and administrators, and that I will testify as to the same in any interference, or other litigation when requested so to do by MUSCLETECH RESEARCH AND DEVELOPMENT, INC., its successors and assigns.

IN TESTIMONY WHEREOF, I have hereunto set my hand

and seal this 2 day of APRIL, 2001.

  
Paul T. GARDINER

WITNESSED BY:

  
Name

TOMY BEGLEY

2 RIDGE COURT  
Address MANASSAS

WITNESSED BY:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address