

05-14-2004

Docket No.: 1442.020

FORM PTO-1595 (Modified)
(Rev. 03-01)
OMB No. 0651-0027 (exp.5/31/2002)
P08A/REV03



COVER SHEET

U.S. DEPARTMENT OF COMMERCE

LY

Patent and Trademark Office

Tab settings → → → ▼

102745727

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

W. John Gardenier
Anthony Brennan
Wesley O. Cox

5-11-04

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

Name: SARATOGA SPA & BATH, INC.

Address: 33 WADE ROAD

Additional names(s) of conveying party(ies)

Yes No

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other ASSIGNMENT CONFIRMATION

Execution Date: April 2, 2004

City: LATHAM State/Prov.: N.Y.

Country: UNITED STATES ZIP: 12110

Additional name(s) & address(es)

Yes No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No. Filing date

B. Patent No.(s)

6,643,859

Additional numbers

Yes No

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

Name: VICTOR A. CARDONA

Registration No. 44,589

Address: Heslin Rothenberg Farley & Mesiti P.C.

5 Columbia Circle

City: Albany State/Prov.: NY

Country: United States ZIP: 12203

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Authorized to be charged to deposit account

8. Deposit account number:

08-1935

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

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.

VICTOR A. CARDONA

Name of Person Signing

Victor A. Cardona

Signature

MAY 6, 2004

Date

Total number of pages including cover sheet, attachments, and

4

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

05/13/2004 08:19:00 6643859 40.00 DP 01 FC:0021

PATENT
REEL: 015312 FRAME: 0184

ASSIGNMENT CONFIRMATION

WHEREAS, WE,

W. John Gardenier, a citizen of the United States, residing at 1 Ashwood Court, Albany, New York 12208, United States;

Anthony Brennan, a citizen of the United States, residing at 7 Mann Boulevard, Clifton Park, New York 12065, United States; and

Wesley O. Cox, a citizen of the United States, residing at 491 State Highway 334, Johnstown, New York 12095, United States;

respectively, have invented certain new and useful improvements in

FLUID FLOW SYSTEM WITH FLOW DIVERTER

for which We have executed an application for Letters Patent on **May 4, 2001**, and filed with the United States Patent and Trademark Office as **U.S. Serial No: 09/858,021**, now **U.S. Patent No. 6,643,859**; and

WHEREAS, SARATOGA SPA & BATH, INC., having offices at 33 Wade Road, Latham, New York 12110, has obtained the entire right, title and interest in, to and under the said improvements and the said application in an Assignment dated **May 4, 2001**, and that said assignment incorrectly listed **Saratoga Spa & Bath Co., Inc.**, as the assignee therein.

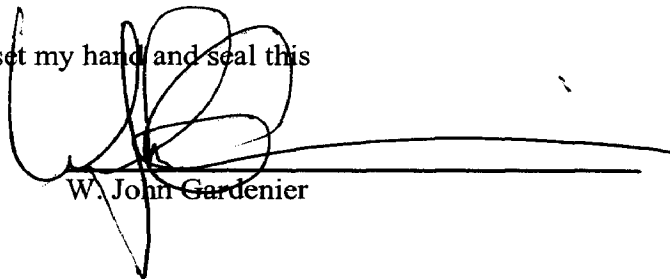
NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, We the said **W. John Gardenier, and Anthony Brennan and Wesley Cox**, have sold, assigned, transferred and set over, and hereby confirm We have sold, assigned, transferred, and set over, in an Assignment dated **May 4, 2001**, and filed with the U.S. Patent and Trademark Office on **May 15, 2001**, unto the said **SARATOGA SPA & BATH, INC.**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and We hereby authorized and request in the said Assignment that the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **SARATOGA SPA & BATH, INC.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument. This Assignment Confirmation is being executed to confirm our assignment and our intention to assign to **SARATOGA SPA & BATH, INC.**, all right, title, and interest in the said improvements, instead of the incorrectly designated **Saratoga Spa & Bath Co., Inc.**, as outlined in the said Assignment dated **May 4, 2001**, and filed with the U.S. Patent and Trademark Office on **May 15, 2001**.

WHEREAS, in consideration of the good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over, unto to said **SARATOGA SPA & BATH, INC.** its successors, legal representatives, and assigns, any right, title, or interest which may remain with us, to and under the said improvements, and the said application and any divisions, renewals, or continuations thereof, and any Letters Patent which may be granted thereon, and any reissues or extensions thereof, and any applications for Patent which may hereafter be filed for said improvements in

any country or countries foreign to the United States, and any Patent which may be granted for said improvements in any country or countries foreign to the United States and any extensions, renewals, or reissues thereof; We hereby authorize and request the Commissioner of Patents of the United States and the Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said SARATOGA SPA & BATH, INC., its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY further covenant and agree that We will communicate to the said SARATOGA SPA & BATH, INC., its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said SARATOGA SPA & BATH, INC., its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

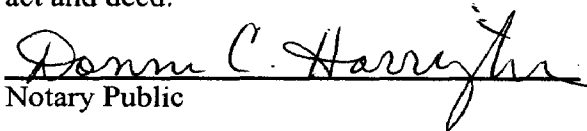
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 2 day of April, 2004.


W. John Gardenier

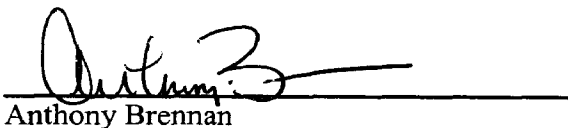
STATE OF)
) ss.:
COUNTY OF)

On this 2 day of April, 2004, before me personally came W. John Gardenier, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

DONNA C. HARRINGTON
Notary Public, State of New York
Qualified in Schenectady County
No. 4946176
Commission Expires Jan. 27, 2007


Notary Public

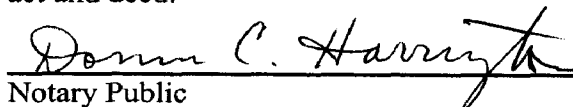
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 2 day of April, 2004.


Anthony Brennan

STATE OF)
) ss.:
COUNTY OF)

On this 2 day of April, 2004, before me personally came Anthony Brennan, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

DONNA C. HARRINGTON
Notary Public, State of New York
Qualified in Schenectady County
No. 4946176
Commission Expires Jan. 27, 2007


Notary Public

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this
2 day of April, 2004.


Wesley O. Cox

STATE OF)
COUNTY OF) ss.:

On this 2 day of April, 2004, before me personally came Wesley O. Cox, to me
known and known to me to be the person of that name, who signed and sealed the foregoing instrument,
and he acknowledged the same to be his free act and deed.


Notary Public

DONNA C. HANEY
Notary Public, State of New York
Qualified in Schoenectady County
No. 4948179
Commission Expires Jan. 27, 2007