

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	Correct Error Made in Previously Recorded Document That Erroneously Affects the Identified Application at Reel 3419 and Frame 0603 recorded on November 1, 2006

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Zila Pharmaceuticals, Inc.		11/29/2006	CORPORATION: NEVADA

**RECEIVING PARTY DATA**

<b>Name:</b>	Zila Pharmaceuticals, Inc.
<b>Street Address:</b>	5227 N. 7th Street
<b>City:</b>	Phoenix
<b>State/Country:</b>	ARIZONA
<b>Postal Code:</b>	85014
<b>Entity Type:</b>	CORPORATION: NEVADA

**PROPERTY NUMBERS Total: 1**

Property Type	Number	Word Mark
Serial Number:	78735251	BETTER SCREENING SAVES LIVES

**CORRESPONDENCE DATA**

Fax Number: (203)975-7180  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 203-353-6834  
 Email: clondon@eapdlaw.com  
 Correspondent Name: Edwards Angell Palmer & Dodge LLP  
 Address Line 1: 301 Tresser Boulevard  
 Address Line 2: Paralegal Christina London  
 Address Line 4: Stamford, CONNECTICUT 06901

<b>ATTORNEY DOCKET NUMBER:</b>	40681.0047 ZILA
<b>NAME OF SUBMITTER:</b>	Christina London
<b>Signature:</b>	/christina london/

CH \$40.00 78735251

Date:

11/29/2006

**Total Attachments: 10**

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

-----X  
Mark:           BETTER SCREENING           :  
                  SAVES LIVES                :  
Serial No.:     78/735,251                :  
Filing Date:   October 18, 2005             :  
Int'l. Classes: 5 and 10                 :  
-----X

Commissioner for Trademarks  
Attn.: Trademark Assignment Division  
P.O. Box 1451  
Alexandria, VA 22313-1451

**DECLARATION OF CHRISTINA LONDON IN SUPPORT OF CORRECTING  
ERRONEOUS CHANGE OF NAME SUBMISSION**

I, Christina London, declare as follows:

1. I am a paralegal with the law firm of Edwards Angell Palmer & Dodge LLP, and am over 18 years of age. I am submitting this Declaration in support of correcting an erroneous change of name submission, as required by TMEP §503.06(c).

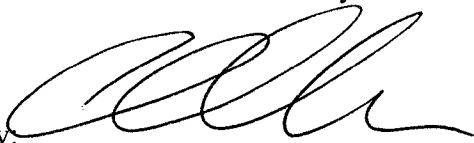
2. On November 1, 2006, I erroneously recorded a Change of Name document with the U.S. Patent and Trademark Office on U.S. Trademark Application Serial No. 78/735,251 for the BETTER SCREENING SAVES LIVES mark. This October 2, 2006 change of name document was recorded at Reel 3419 and Frame 0603 on November 1, 2006, transferring the ownership of the BETTER SCREENING SAVES LIVES mark from Zila Nutraceuticals, Inc. to The Ester C Company (see attached Notice of Recordation).

3. The mark was applied for by Zila Pharmaceuticals, Inc. on October 18, 2005. Zila Pharmaceuticals, Inc. then filed a security agreement with Black Diamond Commercial Finance, LLC on March 30, 2006 at Reel 3280 and Frame 0730. The secured party, Black

Diamond Commercial Finance, LLC, then released their interest back to Zila Pharmaceuticals, Inc. on November 16, 2006 at Reel 3429 and Frame 0382. The assignment abstract of title for the BETTER SCREENING SAVES LIVES mark should reflect Zila Pharmaceuticals, Inc. as the current and correct owner of record.

4. The chain of title should not be considered altered by the incorrect name change filed at Reel 3419 and Frame 0603 on November 1, 2006. Zila Pharmaceuticals, Inc. is the original applicant and continues to be the owner of U.S. Trademark Application Serial No. 78/735,251 for the BETTER SCREENING SAVES LIVES mark at issue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed this 29<sup>th</sup> day of November, 2006, at Stamford, Connecticut.

By: 

Christina London  
Paralegal  
Edwards Angell Palmer & Dodge LLP  
301 Tresser Boulevard  
Stamford, CT 06901  
Phone: 203-353-6834

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOVEMBER 01, 2006

PTAS

EDWARDS ANGELL PALMER & DODGE LLP  
301 TRESSER BOULEVARD  
PARALEGAL CHRISTINA LONDON  
STAMFORD, CT 06901**\*900061534A\***

\*900061534A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 11/01/2006

REEL/FRAME: 003419/0603  
NUMBER OF PAGES: 7BRIEF: CHANGE OF NAME  
DOCKET NUMBER: 40681.0047 NBTY

## ASSIGNOR:

ZILA NUTRACEUTICALS, INC.

DOC DATE: 10/02/2006  
CITIZENSHIP: ARIZONA  
ENTITY: CORPORATION

## ASSIGNEE:

THE ESTER C COMPANY  
6735 INTER CAL WAY  
PRESCOTT, ARIZONA 86301CITIZENSHIP: ARIZONA  
ENTITY: CORPORATION

003419/0603 PAGE 2

APPLICATION NUMBER: 78551913  
REGISTRATION NUMBER: 3054390FILING DATE: 01/21/2005  
ISSUE DATE: 01/31/2006

MARK:

DRAWING TYPE: MISCELLANEOUS DESIGN

APPLICATION NUMBER: 78735251  
REGISTRATION NUMBER:FILING DATE: 10/18/2005  
ISSUE DATE:

MARK: BETTER SCREENING SAVES LIVES

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 75049938  
REGISTRATION NUMBER: 2086509FILING DATE: 01/29/1996  
ISSUE DATE: 08/05/1997

MARK: BODY-READY

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74003792  
REGISTRATION NUMBER: 1608005FILING DATE: 11/17/1989  
ISSUE DATE: 07/31/1990

MARK: C-FLEX

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74136677  
REGISTRATION NUMBER: 1988733FILING DATE: 02/05/1991  
ISSUE DATE: 07/23/1996

MARK: EC

DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

APPLICATION NUMBER: 73791168  
REGISTRATION NUMBER: 1577263FILING DATE: 04/04/1989  
ISSUE DATE: 01/16/1990

MARK: E C

DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

APPLICATION NUMBER: 78691057  
REGISTRATION NUMBER:FILING DATE: 08/11/2005  
ISSUE DATE:

MARK: ESTER

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78691062  
REGISTRATION NUMBER:FILING DATE: 08/11/2005  
ISSUE DATE:

MARK: ESTER

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 73776086  
REGISTRATION NUMBER: 1598104FILING DATE: 01/23/1989  
ISSUE DATE: 05/29/1990

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

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APPLICATION NUMBER: 74098757  
REGISTRATION NUMBER: 1742066

FILING DATE: 09/20/1990  
ISSUE DATE: 12/22/1992

MARK: ESTER-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73461674  
REGISTRATION NUMBER: 1354735

FILING DATE: 01/20/1984  
ISSUE DATE: 08/13/1985

MARK: ESTER-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76554401  
REGISTRATION NUMBER: 2977776

FILING DATE: 10/27/2003  
ISSUE DATE: 07/26/2005

MARK: ESTER-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 76051408  
REGISTRATION NUMBER: 2528608

FILING DATE: 05/18/2000  
ISSUE DATE: 01/08/2002

MARK: ESTER-C BOOST

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76624580  
REGISTRATION NUMBER:

FILING DATE: 12/16/2004  
ISSUE DATE:

MARK: ESTER-CRAN

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78554529  
REGISTRATION NUMBER:

FILING DATE: 01/26/2005  
ISSUE DATE:

MARK: ESTER-CRAN

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 76467562  
REGISTRATION NUMBER: 2884890

FILING DATE: 11/18/2002  
ISSUE DATE: 09/14/2004

MARK: ESTER-E

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76606051  
REGISTRATION NUMBER:

FILING DATE: 08/09/2004  
ISSUE DATE:

MARK: ESTER-KIDS.

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78691047  
REGISTRATION NUMBER:

FILING DATE: 08/11/2005  
ISSUE DATE:

MARK: ESTER-O

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

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APPLICATION NUMBER: 74075261  
REGISTRATION NUMBER: 1674755

FILING DATE: 07/03/1990  
ISSUE DATE: 02/11/1992

MARK: ESTEROL

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78155067  
REGISTRATION NUMBER: 2872619

FILING DATE: 08/16/2002  
ISSUE DATE: 08/10/2004

MARK: ESTEROLA-C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78150436  
REGISTRATION NUMBER: 3056085

FILING DATE: 08/02/2002  
ISSUE DATE: 01/31/2006

MARK: ESTEROLA-C PLUS

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78691058  
REGISTRATION NUMBER:

FILING DATE: 08/11/2005  
ISSUE DATE:

MARK: ESTER-OMEGA

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 73121972  
REGISTRATION NUMBER: 1081497

FILING DATE: 04/07/1977  
ISSUE DATE: 01/10/1978

MARK: OXYCAL

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75870661  
REGISTRATION NUMBER: 2486154

FILING DATE: 12/14/1999  
ISSUE DATE: 09/04/2001

MARK: PALMETTX

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75567926  
REGISTRATION NUMBER: 2289046

FILING DATE: 10/06/1998  
ISSUE DATE: 10/26/1999

MARK: THE FIRST TO LAST

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73746921

FILING DATE: 08/18/1988



MARK: THE HEARTBEAT OF VITAMIN C

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75870662

FILING DATE: 12/14/1999

REGISTRATION NUMBER: 2559722

ISSUE DATE: 04/09/2002

MARK: THE INTELLIGENT USE OF NATURE

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

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SHIRLIE SIMON, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

**11/01/2006**  
**900061534**

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	CHANGE OF NAME

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Zila Nutraceuticals, Inc.		10/02/2006	CORPORATION: ARIZONA

**RECEIVING PARTY DATA**

<b>Name:</b>	The Ester C Company
<b>Street Address:</b>	6735 Inter Cal Way
<b>City:</b>	Prescott
<b>State/Country:</b>	ARIZONA
<b>Postal Code:</b>	86301
<b>Entity Type:</b>	CORPORATION: ARIZONA

**PROPERTY NUMBERS Total: 27**

Property Type	Number	Word Mark
Serial Number:	78551913	
Serial Number:	78735251	BETTER SCREENING SAVES LIVES
Serial Number:	75049938	BODY-READY
Serial Number:	74003792	C-FLEX
Serial Number:	74136677	EC
Serial Number:	73791168	E C
Serial Number:	78691057	ESTER
Serial Number:	78691062	ESTER
Serial Number:	73776086	ESTER-C
Serial Number:	74098757	ESTER-C
Serial Number:	73461674	ESTER-C
Serial Number:	76554401	ESTER-C
Serial Number:	76051408	ESTER-C BOOST
Serial Number:	76624580	ESTER-CRAN

CH \$690.00 78551913

Serial Number:	78554529	ESTER-CRAN
Serial Number:	76467562	ESTER-E
Serial Number:	76606051	ESTER-KIDS.
Serial Number:	78691047	ESTER-O
Serial Number:	74075261	ESTEROL
Serial Number:	78155067	ESTEROLA-C
Serial Number:	78150436	ESTEROLA-C PLUS
Serial Number:	78691058	ESTER-OMEGA
Serial Number:	73121972	OXYCAL
Serial Number:	75870661	PALMETTX
Serial Number:	75567926	THE FIRST TO LAST
Serial Number:	73746921	THE HEARTBEAT OF VITAMIN C
Serial Number:	75870662	THE INTELLIGENT USE OF NATURE

## CORRESPONDENCE DATA

Fax Number: (203)975-7180

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 203-353-6834

Email: clondon@eapdlaw.com

Correspondent Name: Edwards Angell Palmer &amp; Dodge LLP

Address Line 1: 301 Tresser Boulevard

Address Line 2: Paralegal Christina London

Address Line 4: Stamford, CONNECTICUT 06901

ATTORNEY DOCKET NUMBER:	40881.0047 NBTY
NAME OF SUBMITTER:	Carrie Webb Olson
Signature:	/carrie webb olson/
Date:	11/01/2006

## Total Attachments: 5

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