

12-10-2002



Form PTO-1594
(Rev. 10/02)
OMB No. 0651-0027 (exp. 6/30/2005)

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TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): 12-3-02
Byk Gulden Lomberg Chemische Fabrik GmbH

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

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

2. Name and address of receiving party(ies)

Name: Altana Pharma AG
Internal
Address: _____

Street Address: Byk-Gulden-Strasse, 2
City: Konstanz State: Germany Zip: 78467

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

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) & address(es) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: July 1, 2002

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)
See Schedule "A" attached

B. Trademark Registration No.(s)
See Schedule "B" attached

Additional number(s) attached Yes No

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

Name: Jacqueline M. Stelling
Internal Address: _____

12/09/2002 TDIRAZI 00000214 649692
01 FC: 4521 40.00 DP
02 FC: 4522 3350.00 DP

Street Address: 915 Broadway
19th Floor

City: New York State: NY Zip: 10010

6. Total number of applications and registrations involved: 135

7. Total fee (37 CFR 3.41)..... \$ 3,390.00

Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: _____

(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.

Jacqueline Stelling [Signature] 11/27/02
Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and document: 14

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignments
Washington, D. C. 20231

449692



POWER OF ATTORNEY

Applicant appoints Mark I. Peroff, Keith E. Danish, Jacqueline M. Stelling, Andrew T. Paredes, each a member of the Bar of the State of New York; Keith A. Weltsch, a member of the Bar of the State of Maryland; Darren W. Saunders, a member of the Bars of the States of Connecticut and New York, and all other members of the Bar of the State of New York in the firm of Trademark & Patent Counselors of America, P.C., 915 Broadway, 19th Floor, New York, New York 10010, Telephone No. (212) 387-0247, its attorneys, to transact all business in the Patent & Trademark Office in connection with the trademark registrations and pending applications identified in the attached recordation document

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Trademark & Patent Counselors of America, P.C., 915 Broadway, New York, New York 10010 (212-387-0247), is hereby designated applicant's representative upon whom notices or process in proceedings affecting these marks may be served.

ALTANA PHARMA AG

By: i.V.  i.V. 
Name: Dr. Wolfgang Feiler Norbert Schiffer
Title: Head of Trademarks Trademark Specialist

TRADEMARK

SCHEDULE A

<u>Trademark</u>	<u>Registration No.</u>	<u>Reg. Date</u>
RIOPAN	649,692	08/06/1957
BYKANOL	869,621	05/20/1969
BYK	874,526	08/12/1969
DISPERBYK	876,868	09/16/1969
BYKTONE	876,869	09/16/1969
BYKUMEN	987,633	07/09/1974
RIOPAN PLUS	1,093,060	06/13/1978
ANIMAX	1,537,159	05/02/1989
PANTALOC	1,943,498	12/26/1995
AUTOZYME	1,951,645	01/23/1996
P & Design	1,977,645	06/04/1996
PANTECTA	2,020,968	12/03/1996
PANTORC	2,025,625	12/24/1996
CATHPRO	2,045,577	03/18/1997
ZURCAL	2,149,400	04/07/1998
PANTOZOL	2,149,401	04/07/1998
PANTO	2,160,332	05/26/1998
LINETTA	2,165,548	06/16/1998
SPHEROSON	2,189,058	09/15/1998
VENTICUTE	2,398,608	10/24/2000

SCHEDULE B

<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
AMIRES	75/262,996	March 24, 1997
XELMIC	75/587,487	November 12, 1998
KITERA	75/587,488	November 12, 1998
KYTERA	75/587,460	November 12, 1998
ALVARESC	75/586,915	November 12, 1998
OREST	75/586,916	November 12, 1998
VIARES	75/592,895	November 20, 1998
VENTACUT	75/623,025	January 15, 1999
DAXAS	75/623,026	January 15, 1999
VENTACUTE	75/623,034	January 15, 1999
MONAIR	75/732,173	June 16, 1999
ZAXES	75/768,610	August 5, 1999
INON	75/768,612	August 5, 1999
ALVILUME	75/876,180	December 21, 1999
DALIRESP	75/876,181	December 21, 1999
OMNAIR	75/885,929	January 4, 2000
OMNAIRE	75/885,949	January 4, 2000
ORESTEC	75/893,499	January 13, 2000
VENTIRESC	76/012,762	March 29, 2000
VENTARESC	76/012,814	March 29, 2000
VENTIRESP	76/012,816	March 29, 2000
KLINAIR	76/029,129	April 19, 2000
LINAIR	76/029,130	April 19, 2000
SAXES	76/029,844	April 19, 2000

<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
LYXPRO	76/029,845	April 19, 2000
HITMIC	76/029,846	April 19, 2000
YELO	76/074,763	June 21, 2000
BREASY	76/074,764	June 21, 2000
COPDIA	76/079,563	June 28, 2000
COPDIAL	76/079,564	June 28, 2000
COPDIX	76/079,566	June 28, 2000
COPDAX	76/079,567	June 28, 2000
COPDOX	76/079,568	June 28, 2000
MONNAIR	76/090,907	July 17, 2000
MONAIRE	76/090,908	July 17, 2000
CLINAIRE	76/092,871	July 20, 2000
KLINAIRE	76/092,872	July 20, 2000
EULAIRE	76/092,873	July 20, 2000
CARMAC	76/105,431	August 7, 2000
APACURE	76/105,432	August 7, 2000
AMAVIO	76/105,433	August 7, 2000
APPATOP	76/105,434	August 7, 2000
APACUTE	76/105,435	August 7, 2000
HELEV	76/105,436	August 7, 2000
APATRIX	76/105,439	August 7, 2000
XULFER	76/110,125	August 15, 2000
MONNAIRE	76/110,128	August 15, 2000
XULFEX	76/110,129	August 15, 2000
XULFERIX	76/110,895	August 15, 2000
ESTAPA	76/110,896	August 15, 2000

<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
QUONTYL	76/110,897	August 15, 2000
QUONDAX	76/111,120	August 16, 2000
QUORIO	76/111,496	August 16, 2000
QUONTYL	76/111,497	August 16, 2000
APAST	78/055,997	March 30, 2001
XION	78/056,294	April 2, 2001
ALVESCO	78/056,893	April 5, 2001
AZEFRA	78/056,901	April 5, 2001
ZAVARA	78/056,936	April 5, 2001
ZAVIA	78/056,940	April 5, 2001
ZEFRI	78/056,943	April 5, 2001
AIRVOLUTION	75/072,631	July 6, 2001
BYK & DIASORIN DIAGNOSTICS	78/073,445	July 11, 2001
BYK & DIASORIN DIAGNOSTICS	78/075,248	July 23, 2001
VRENIQ	78/075,863	July 23, 2001
ELIAND	78/075,838	July 26, 2001
NUARA	78/075,840	July 26, 2001
PHERENZ	78/075,845	July 26, 2001
SELQUAR	78/075,851	July 26, 2001
ZUOTAG	78/075,866	July 26, 2001
ZYMOTHER	78/075,872	July 26, 2001
AIRPHERA	78/075,877	July 26, 2001
PROLUNX	78/075,886	July 26, 2001
QUOPAIR	78/075,890	July 26, 2001

<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
OXTIVE	78/075,882	July 26, 2001
AQUR	78/077,148	August 2, 2001
PYLIX	78/077,197	August 2, 2001
QUOVO	78/077,199	August 2, 2001
XEVEX	78/077,204	August 2, 2001
YSYC	78/077,215	August 2, 2001
AMAXIO	78/090,130	October 25, 2001
AMAZIO	78/090,132	October 25, 2001
ADIESTA	78/093,246	November 14, 2001
DALTAGE	78/093,247	November 14, 2001
EZEACT	78/093,249	November 14, 2001
EZEAND	78/093,252	November 14, 2001
EZQUALT	78/093,253	November 14, 2001
INSTIGAR	78/093,254	November 14, 2001
KOLXEO	78/093,258	November 14, 2001
MOXXIGE	78/093,259	November 14, 2001
NUPLUMA	78/093,260	November 14, 2001
QUOXEO	78/093,261	November 14, 2001
TIPANZA	78/093,262	November 14, 2001
XUOTMOS	78/093,264	November 14, 2001
AUTOZYME	78/095,327	November 27, 2001
SANTEC MOLECULAR DIAGNOSTICS	76/345,180	December 3, 2001
RAVELNIA	78/099,629	December 21, 2001
REQUEST	78/104,906	January 25, 2002
KERT	78/108,193	February 12, 2002

<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
MONIRA	78/108,194	February 12, 2002
YAPUR	78/107,135	February 16, 2002
YATEC	78/107,136	February 16, 2002
AZAZA	78/109,776	February 19, 2002
INSPARO	78/109,777	February 19, 2002
BREZACT	78/109,779	February 19, 2002
FREATHE	78/109,780	February 19, 2002
FRICID	78/109,782	February 19, 2002
FRICRET	78/109,783	February 19, 2002
REFRI	78/109,784	February 19, 2002
SEFRI	78/109,785	February 19, 2002
ACIFRI	78/109,787	February 19, 2002
ULFRI	78/109,789	February 19, 2002
WHIRLS Design	76/395,693	April 11, 2002
VENTACUTE	78/135,549	June 13, 2002
DAXAS	78/137,111	June 19, 2002

Photocopy
from the Commercial Register
of the

Local Court (Amtsgericht) in Konstanz

Section B No. 1925

This photocopy is hereby certified
to be a true copy of the Commercial Register.
Konstanz, 1 July 2002
Local Court - Register Court -
The Registrar

[signed] [Seal: The Local Court of Konstanz]
Seyfried
Court Clerk

Please note:

Underlined entries denote deletions.

No of entry	a) Company b) Registered office c) Object of the company	Share capital or nominal capital DM / EUR	Board of management Personally liable partners Director Liquidator	Power of attorney ("Prokura")	Legal status	a) Date of entry and signature b) Remarks
1	<p>a. ALTANA Pharma AG Konstanz.</p> <p>b. Konstanz.</p> <p>c. The manufacture and sale of and trade in chemical, pharmaceutical, cosmetic and dietic products of all kinds, the construction, acquisition and operation of factories and plants for the manufacture of chemical, pharmaceutical, cosmetic and dietic products and substances, the acquisition, assignment and exploitation of patent rights and licences, and any other commercial activities in trade and industry in Germany and abroad.</p>	70 000 000 EUR	<p>Dr. Hans-Joachim Lohrtsch, Konstanz, born 29.1.1949; - Chairman - Andreas Schwitz, Konstanz, born 7.3.1956; Alfred Goll, Allensbach, born 17.10.1956; Prof. Dr. Heinz-Werner Radtke, Konstanz, born 2.7.1943; Dr. Ulrich Sorger, Konstanz, born 21.9.1940</p>	<p>Persons holding power of attorney, authorized to represent the company jointly with a director or another person holding power of attorney: Dr. Herbert Suchy, Konstanz, born 9.2.1936; Fernando Lew, Bottighofen/Switzerland, born 18.3.1945; Joachim Schneider, Konstanz, born 29.1.1946; Dr. Lothar Bloch, Allensbach-Hegnen, born 22.7.1950; Bernd Heuser, Konstanz, born 11.7.1943; Dr. Uwe Jens Oskar Schaffer, Allensbach, born 5.12.1941; Dr. Wilhelm Wurst, Konstanz, born 7.9.1948; Dr. Mohamed Baacouch, Radolfzell, born 2.10.1950; Joachim Jauch, Konstanz, born 2.9.1956; Alexander Mächler, Allensbach, born 24.9.1959; Dr. Ulrich Schilling, Konstanz, born 11.9.1951; Dr. Olive Rawson Cain, Gallenhofen-Horn, born 28.10.1956; Dr. Barthold Fleming, Allensbach, born 19.11.1956</p>	<p>Public limited company. By virtue of the resolution dated 27.5.2002 to change the corporate form of the company "Byk Gulden Lomberg Chemische Fabrik GmbH", registered office in Konstanz (previously HR B 12 Local Court Konstanz), as a result of the change in corporate form and transformation pursuant to Section 190 ff UmwG [Conversion Law]</p> <p>The articles of association were adopted on 27.5.2002.</p> <p>A profit and loss transfer agreement was concluded between the company and the company ALTANA Aktiengesellschaft, registered office in Bad Hornburg v. d. Höhe (HR B 1933 Local Court Bad Hornburg v. d. Höhe), which was entered into on 12.9.1978 (and supplemented by a notice dated 8.5.1989) with the company Busch-Jaeeger Gesellschaft für Industriebedarfsgüter Aktiengesellschaft, registered office in Frankfurt/Main, which by resolution of the general meeting of 22.5.1979, entered in the Commercial Register of the Local Court Frankfurt/Main on 27.5.1979, was transformed into the company ALTANA Industrie-Aktien und Anlagen Aktiengesellschaft, now "ALTANA Aktiengesellschaft", registered office in Bad Hornburg v. d. Höhe (HR B 1933 Local Court Bad Hornburg v. d. Höhe) and loss transfer agreement was approved by the shareholders' meeting dated 20.11.1989 and by the general meeting of the company ALTANA Industrie-Aktien und Anlagen Aktiengesellschaft dated 26.6.1989. For full details of the resolution, reference should be made to the profit and loss transfer agreement and to the resolutions of approval by the company.</p> <p>If only one member of the board of management is appointed, the company will be represented by him alone. If several members of the board are appointed, the company is to be represented jointly by two members of the board or by one member of the board and a person with power of attorney.</p> <p>The supervisory board may appoint members of the board of management with power of individual representation and/or grant exemption from the restrictions of Section 181 BGB (German Civil Code).</p>	<p>a. 1 July 2002 [signed]</p> <p>b. Application for registration, resolution of transformation and articles of association, special volume, Page 1 ff.</p> <p>GmbH registered previously at the Local Court Konstanz under HR B 12.</p>

Commercial Register — Section B — of the Local Court (Amtsgericht) in Konstanz

Page

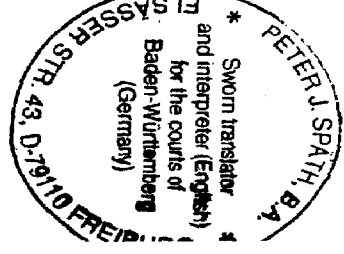
HRB 1925

No. of entry	a) Company b) Registered office c) Object of the company	Share capital or nominal capital DM / EUR	Board of management Personally liable partners Director Liquidator	Power of attorney ("Prokura")	Legal status	a) Date of entry and signature b) Remarks
1 (contd.)				Dr. Rainer Wintalla, Gottmadingen, born 24.11.1950; Franz-Peter Albrecht, Konstanz, born 6.5.1946; Wolf-Christian Kanzelmeyer, Allensbach, born 13.4.1986; Dr. Ulrich Thibaut, Konstanz, born 12.1.1960; Prof. Dr. Volker Figala, Allensbach, born 25.2.1942; Hubertus Frey, Allensbach, born 20.6.1954.		[Seal: The Local Court of Konstanz]

I hereby certify that the above text is a true and correct translation of the original German document/certified copy submitted:

Freiburg, dated: 23 JUL 2002

M. Figala
(Sworn translator)



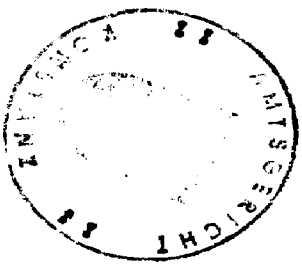
GERICH

Fotokopie
aus dem Handelsregister
des
Amtsgericht Konstanz

Abt. *F* Nr. *1025*

Die Übereinstimmung dieser
Fotokopie mit dem Handelsregister
wird beglaubigt. *21 Juli 2004*
Konstanz, den

M. Seyfried
Seyfried
Aufsichtsstelle



Zur Beachtung:
Es wird ausdrücklich darauf hingewiesen,
dass die unterstrichenen Teile der Eintragung gelöscht sind.

Handelsregister - Abt. B - des Amtsgerichts Konstanz

Blatt 1
(mit Fortsetzung Blatt 1)

HRB 1925

Anmerkungen zur Eintragung	Grundkapital oder Stammkapital DM / EUR	Vorstand Persönlich haftende Gesellschafter Geschäftsführer Abwickler	Prokura	Rechtsverhältnisse	a) Tag der Eintragung und Unterschrift b) Bemerkungen
<p>1</p> <p>a. ALTANA Pharma AG</p> <p>b. Konstanz</p> <p>c. die Herstellung und der Vertrieb von und der Handel mit chemischen, pharmazeutischen, kosmetischen und diätetischen Erzeugnissen aller Art, die Erzeugung, des Erwerbs und der Betrieb von Fabriken und Anlagen für die Herstellung von chemischen, pharmazeutischen, kosmetischen und diätetischen Erzeugnissen und Substanzen, der Erwerb, die Vergabe und die Verwaltung von gewerblichen Schutzrechten und Lizenzen sowie jede sonstige gewerblichen Betätigung auf dem Gebiet der Industrie, des Gewerbes und des Handels im In- und Ausland.</p>	70.000.000 €	<p>Dr. Hans-Joachim Lochsich, Konstanz, geb. 29.01.1949; - Vorsitzender -</p> <p>Andreas Göhrwitz, Konstanz, geb. 07.03.1956;</p> <p>Alfred Goll, Allensbach, geb. 17.10.1956;</p> <p>Prof. Dr. Heinz-Werner Radtke, Konstanz, geb. 02.07.1943;</p> <p>Dr. Ulrich Sorger, Konstanz, geb. 21.06.1940</p>	<p>Prokuristen, je gemeinschaftlich mit einem Geschäftsführer oder mit einem anderen Prokuristen vertretungsberechtigt:</p> <p>Dr. Herbert Suchy, Konstanz, geb. 09.02.1938;</p> <p>Fernando Leu, Böttighofen/Schweiz, geb. 18.03.1945;</p> <p>Joachim Schneider, Konstanz, geb. 29.01.1948;</p> <p>Dr. Lotzar Bösch, Allensbach-Hegne, geb. 22.07.1950;</p> <p>Bernd Heuser, Konstanz, geb. 11.07.1943;</p> <p>Dr. Uwe Jens Oskar Schaffer, Allensbach, geb. 05.12.1941;</p> <p>Dr. Wilhelm Wurst, Konstanz, geb. 07.09.1948;</p> <p>Dr. Mohamed Baccouche, Radoltzell, geb. 02.10.1950;</p> <p>Joachim Jauch, Konstanz, geb. 02.09.1955;</p> <p>Alexander Machler, Allensbach, geb. 24.09.1959;</p> <p>Dr. Ulrich Schilling, Konstanz, geb. 11.09.1951;</p> <p>Dr. Clive Rawson Cain, Balenhofen-Horn, geb. 26.10.1955;</p> <p>Dr. Barthold Flehing, Allensbach, geb. 19.11.1958</p>	<p>Aktiengesellschaft; aufgrund des Umwandlungsschlusses vom 27.05.2002 aus der Firma „Byk Gulden Lomborg Chemische Fabrik GmbH“, Sitz Konstanz (bisher HR B 12 Amtsgericht Konstanz), infolge Formwechsel und Umwandlung gem. § 190 ff. UmwG.</p> <p>Die Satzung ist festgesetzt am 27.05.2002.</p> <p>Zwischen der Gesellschaft und der Firma ALTANA Aktiengesellschaft, Sitz Bad Homburg v. d. Höhe (HR B 1933 Amtsgericht Bad Homburg v. d. Höhe), besteht ein Gewinnabführungsvertrag, der am 12.06.1975 mit der Firma Busch-Jaeeger Gesellschaft für Industriebeteiligungen Aktiengesellschaft, Sitz Frankfurt/Main, geschlossen wurde, die durch Beschluss der Hauptversammlung vom 22.05.1979, im Handelsregister des Amtsgerichts Frankfurt/Main am 27.06.1979 eingetragen, auf die Firma ALTANA Industrie-Aktien und Anlagen Aktiengesellschaft, Sitz Bad Homburg v. d. Höhe (HR B 1933 Amtsgericht Bad Homburg v. d. Höhe), umgewandelt worden ist und der durch eine Aktennotiz vom 08.05.1989 ergänzt wurde. Die Gesellschafterversammlung vom 20.11.1989 und die Hauptversammlung der Firma ALTANA Industrie-Aktien und Anlagen Aktiengesellschaft vom 26.06.1989 haben dem Gewinnabführungsvertrag zugestimmt. Wegen der weitergehenden Beschluss-Inhalte wird auf den Gewinnabführungsvertrag sowie auf die zustimmenden Beschlüsse der Gesellschaft Bezug genommen.</p> <p>Ist nur ein Vorstandsmitglied bestellt, so vertritt dieses die Gesellschaft allein. Sind mehrere Vorstandsmitglieder bestellt, so wird die Gesellschaft durch zwei Vorstandsmitglieder gemeinschaftlich oder durch ein Vorstandsmitglied in Gemeinschaft mit einem Prokuristen vertreten.</p> <p>Der Aufsichtsrat kann Vorstandsmitgliedern Einzelvertretungsbefugnis und/oder Befreiung von der Beschränkung des § 181 BGB erteilen.</p>	<p>a. 01.07.2002</p> <p><i>Dobwicz</i></p> <p>b. Anmeldung, Umwandlungsschluss und Satzung Sonderheft Seite 1 ff. GmbH bisher eingetragene beim Amtsgericht Konstanz unter HR B 12.</p>

TRADEMARK

REEL: 002623 FRAME: 0104

Handelsregister - Abt. B - des Amtsgerichts

Blatt _____
(mit Fortsetzung Blatt _____)

HRB 1025

Stammregister-Nummer	a) Firma b) Sitz c) Gegenstand des Unternehmens	Grundkapital oder Stammkapital DM / EUR	Vorstand Persönlich haftende Gesellschafter Geschäftsführer Abwickler	Prokura	Rechtsverhältnisse	a) Tag der Eintragung und Unterschrift b) Bemerkungen
h 1			<p>Dr. Rainer Mantalla, Gottmadingen, gpb. 24.11.1950; Franz-Peter Albrecht, Konstanz, gpb. 06.05.1946; Wolf-Cristian Kanzelmeyer, Allensbach, gpb. 13.04.1956; Dr. Ulrich Thibaut, Konstanz, gpb. 12.01.1960; Prof. Dr. Volker Figala, Allensbach, gpb. 25.02.1942; Hubertus Frey, Allensbach, gpb. 20.06.1954.</p>			

TRADEMARK

REEL: 002623 FRAME: 0105

RECORDED: 12/03/2002