

Lonza

Rosita.nunez@lonza.com

Rosita Nunez
Lonza Inc.
25 Commerce Drive
Allendale, NJ 07401
(201) 316-9231

TO: Ms. Angie Turner
The Herbarie Inc.
630 Turner Road
Prosperity, SC 29127-8092

October 6, 2010

SUBJECT: Infringement of GEOGARD® ULTRA Trademark

Dear Ms. Turner,

Lonza Inc. is one of the world's leading suppliers to the pharmaceutical, healthcare and life science industries. Your company is marketing cosmetic preservatives in a manner which violates Lonza's intellectual property rights.

Lonza is the owner of the trademark GEOGARD® which is the subject of U.S. Trademark Registration No. 2,675,607. A copy of the registration is enclosed for your reference. Lonza has invested significant resources of money and time in developing and promoting goodwill in connection with the sale of preservatives under GEOGARD® and GEOGARD® ULTRA trademarks.

GEOGARD® ULTRA is a synergistic blend of gluconolactone and sodium benzoate which provides broad spectrum protection against product spoilage in a variety of personal care formulations.

It has come to our attention that The Herbarie Inc. is engaging in unfair business practices which include, *inter alia*, the use of a mark GEOGARD® in connection with sales of products labeled as GEOGARD® ULTRA. Specifically, The Herbarie Inc. is selling a product labeled as GEOGARD® ULTRA in quantities which are less than the smallest quantities marketed by Lonza. Product bearing

the GEOGARD® ULTRA mark constitutes repackaged goods which are sold to consumers without the authorization of Lonza.

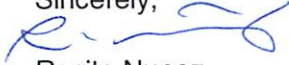
Your use of GEOGARD® to sell repackaged preservatives is a clear violation of the Trademark law and a manifest effort to interfere with Lonza's trademark rights. United States Trademark law prohibits one from selling products using another's trademark in a manner which is likely to create confusion as to the source of the goods. If unauthorized repackaging leads consumers to believe that the repackaged goods originate from, or was repackaged under the authority of, the trademark owner, then trademark rights are violated and such actions can be enjoined.

The Herbarie Inc.'s unauthorized use of GEOGARD® ULTRA in association with the repackaged products clearly leads a consumer to mistakenly believe that the goods originate from Lonza. This is in violation of the trademark law, and injures Lonza's rights.

Accordingly, we must demand that you immediately cease from using GEOGARD®, GEOGARD® ULTRA, and/or Lonza in connection with the repackaged products. We also demand that you provide us with immediate written assurance by **November 1st, 2010**, indicating that steps are being taken to cease such use. It is our desire to amicably resolve this matter without the need for judicial intervention. However, if we do not receive your assurances, we will take the necessary steps to protect our valuable rights.

We look forward to prompt response, and, in any event, no later than **November 1st, 2010**.

Sincerely,



Rosita Nunez
Commercial Development
Lonza Inc.
201 316 9231

Enclosure: Geogard Trademark



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Typed Drawing

| | |
|---------------------------------|---|
| Word Mark | GEOGARD |
| Goods and Services | IC 001. US 001 005 006 010 026 046. G & S: ANTIMICROBIAL AGENT FOR USE IN THE MANUFACTURE OF COSMETICS AND TOILETRIES. FIRST USE: 20020621. FIRST USE IN COMMERCE: 20020621 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Serial Number | 76314624 |
| Filing Date | September 17, 2001 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | March 19, 2002 |
| Registration Number | 2675607 |
| Registration Date | January 14, 2003 |
| Owner | (REGISTRANT) LONZA INC. CORPORATION NEW YORK 90 Boroline Road Allendale NEW JERSEY 07401 |
| Attorney of Record | Salvatore J. Abbruzzese |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
| Live/Dead Indicator | LIVE |

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**Stoney Hill Farm, Inc.
630 Turner Rd.
Prosperity, SC 29127**

October 18, 2010

Rosita Nunex
Lonza Inc.
25 Commerce Drive
Allendale, NJ 07401

Dear Ms. Nunez,

We received your correspondence concerning Geogard Ultra. The Herbarie at Stoney Hill Farm, Inc. has purchased Geogard Ultra from Lonza since April, 2008. We have been very transparent in the way our business operates and we have never misrepresented ourselves to any Lonza representatives. We do not believe we have ever infringed upon your patent since we were clearly doing business with you in honesty and good faith.

Our business fills an important niche in the personal care industry, serving spas, contract manufacturers, homecrafters and other small businesses who may not have the capability or desire to purchase in the minimum quantities often required by the larger cosmetic manufacturers and distributors.

Our mission is to provide this market with an excellent selection of cutting edge cosmetic ingredients. We manufacture and distribute over 30 botanical extracts of our own and also supply over 400 other cosmetic ingredients. To this end we do extensive research on all products prior to selecting them for marketing to our customers.

We have an excellent relationship with most cosmetic manufacturers and felt we had a good relationship with Lonza. Therefore, you can understand our dismay upon receiving this correspondence. However, please be assured that we will no longer use the Lonza trademark of Geogard Ultra. We will also be discontinuing our purchase and sale of this product since we do not wish to sell products from companies who do not wish to do business with us.

Sincerely,



Angela Turner, MPH
President, The Herbarie at Stoney Hill Farm, Inc.