

09-10-1998

Atty. Dkt. No. 9346:65

Form PTO 1584  
1-31-82



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

100825481

MRD 9-2-98

To the Honorable Commissioner of Patents & Trademarks: Please record the attached original documents or copies thereof

1. Name of conveying party(ies):  
Cream Products Company, Inc.

Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation-State      Indiana  
 Other \_\_\_\_\_

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

2. Name and address of receiving party(ies):  
Name: Star Specialty Foods, Inc.  
Internal Address: \_\_\_\_\_  
Street Address: 5956 Sherry Lane  
City: Dallas State TX ZIP: 75225

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State      Delaware  
 Other \_\_\_\_\_

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 31, 1996

4. Application number(s) or Registration number(s):  
A. Trademark Application No.(s) \_\_\_\_\_  
Additional numbers attached?       Yes  No

B. Trademark registration No.(s)      743071; 770462; 823700; 832259; 1190147; 1744692; 1771663

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: David H. Judson, Reg. No. 30,467  
Internal Address: Hughes & Luce, L.L.P.  
Suite 2800  
Street Address: 1717 Main Street  
City: Dallas State: Texas ZIP: 75201


6. Total number of applications and trademarks involved: ..... 7

7. Total fee (37 CFR 3.41):..... \$ 280.00

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.  
David H. Judson  11/15

\_\_\_\_\_  
Name of Person Signing      Signature      Date

Total number of pages including cover sheet: 5

Do not detach this portion

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

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.


Published by THE BUREAU OF NATIONAL AFFAIRS, INC., Washington, D.C. 20037

009346.00065:0373489.01

TRADEMARK  
REEL: 1784 FRAME: 0705

ASSIGNMENT

WHEREAS CREAM PRODUCTS COMPANY, INC., a corporation of the State of Indiana, United States of America, located at Three Westbrook Corporate Center, Westchester, Illinois 60154, United States of America (hereinafter referred to as "ASSIGNOR"), is the owner of the following trademarks in the United States of America, and of the following registrations thereof in the United States Patent and Trademark Office:

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
HY 'N DRY	743071	01 Jan 1963
COFFEE HIGH	770462	26 May 1964
HY DERV	823700	07 Feb 1967
	832259	18 Jul 1967
MIRAGE	1190147	16 Feb 1982
GENERATION III	1744692	05 Feb 1993
KREEMLINE	1771663	18 May 1993

WHEREAS ASSIGNOR is the owner of the following trade name in the United States of America, which it uses in connection with the following goods:

<u>Trade Name</u>	<u>Goods</u>
CREAM PRODUCTS COMPANY, INC.	Sour non-dairy food product useable as a dressing, dip, spread, or sauce; liquid imitation whipping cream adapted for making toppings, pie fillings, custards, cream fills between layers of layer cakes, and as an ingredient in butter or cream icings and cheese cakes; liquid imitation cream; non-dairy whipped topping bases; non-dairy fountain topping preparations; 10.5% butterfat dairy product used for coffee whitening and as an ingredient for baking; 36% butterfat dairy product used for toppings and as an ingredient for baking; 18% butterfat dairy product used for coffee whitening and as an ingredient for baking; non-dairy toppings for bakery goods, pastries, desserts, and like food products; stabilized cream used for whipped toppings and as an ingredient for baking; sour cream; and aerosol dairy product, and aerosol non-dairy product, used as whipped toppings for desserts

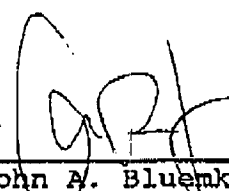
WHEREAS STAR SPECIALTY FOODS, INC., a corporation of the State of Delaware, United States of America, located at 5956 Sherry Lane, Dallas, Texas 75225, United States of America (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the entire right, title, and interest in and to said trademarks and registrations and trade name, together with the goodwill of the business symbolized by said trademarks and trade name, as well as all rights and interests, both legal and equitable, in and to, and appurtenant to, said trademarks and registrations and trade name, including all causes of action for the present and/or past infringement of, or unfair competition with, said trademarks and trade name;

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the sufficiency and the receipt of which are hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers, and sets over unto ASSIGNEE, its legal representatives, successors, and assigns, the entire right, title, and interest in and to said trademarks and registrations and trade name, together with the goodwill of the business symbolized by said trademarks and trade name, as well as all rights and interests, both legal and equitable, in and to, and appurtenant to, said trademarks and registration and trade name, including all causes of action for the present and/or past infringement of, or unfair competition with, said trademarks and trade name.

IN WITNESS WHEREOF, ASSIGNOR has caused this instrument of assignment to be executed, by its duly authorized officer, this x 31 day of x July, 1996.

CREAM PRODUCTS COMPANY, INC.

By x

  
John A. Bluemke, Jr.  
President

ACKNOWLEDGMENT

UNITED STATES OF AMERICA        )  
 STATE OF x Texas                )  
                                           )  
 COUNTY OF x Dallas                )        ss.

Before me, the undersigned Notary Public, duly qualified, commissioned, and acting, in and for the State and County aforesaid, personally appeared John A. Bluemke, Jr., who is personally known to me, and known by me to be President of Cream Products Company, Inc., the Indiana corporation named in the above and foregoing instrument, and did acknowledge that he signed, sealed, and delivered the foregoing instrument as his free and voluntary act and deed, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and that he was duly authorized so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed my notarial seal, at Dallas, Texas, United States of America, this 31 day of July, 1996.

NOTARIAL  
 SEAL

[Signature]  
 Notary Public

My commission expires: 15 February

HUGHES & LUCE LLP

DATE: 08-31-98 PAYEE: Commissioner of Patents & VENDOR #: 043239 CHECK #: 144640

REF. #	INVOICE #	INV. DATE	GL ACCOUNT	INVOICE DESCRIPTION	AMOUNT PAID
308801	9346/65	08-31-98	4000001 01000000		280.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHECK DATE  
08-31-98

Comerica Bank - Texas  
P O Box 6508282  
Dallas, Texas 75275-0282

HUGHES & LUCE LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
1717 Main Street  
Suite 2800  
Phone: 214-939-5500  
Dallas, TX 75201

62 - 22  
311  
144640

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PAY TO THE ORDER OF  
Commissioner of Patents & Trademarks

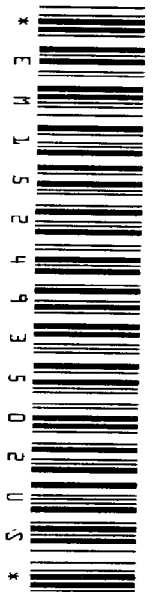
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⑆ 144640 ⑆ ⑆ 11000753⑆ ⑆ 9831021824 ⑆

**POST OFFICE  
TO ADDRESSEE**



**EM152493502US**



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**ORIGIN (POSTAL USE ONLY)**

**INTERNATIONAL SHIPMENTS ONLY**

Business Papers  
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 Customs forms and commercial invoice may be required. See Pub. 273 and International Mail Manual.

PROZ	Day of Week	Day of Week	Day of Week	Day of Week	Day of Week
Mo	Tu	We	Th	Fr	Sa
Day	Day	Day	Day	Day	Day
Mo	Tu	We	Th	Fr	Sa
Day	Day	Day	Day	Day	Day

No Delivery  
 Weekend  
 Holiday

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**METHOD OF PAYMENT:**

Express Mail Corporate Act. No. \_\_\_\_\_

Federal Agency Act. No. or Postal Service Act. No. \_\_\_\_\_

**David H. Judson**  
**HUGHES LUCE LLP**  
**1717 MAIN ST # 2800**  
**DALLAS TX 75201-4605**  
 9346:65 (Suiza/TM Recordation of Assignments)

**DELIVERY (POSTAL USE ONLY)**

Delivery Attempt	Time	Employee Signature
Mo Day	AM PM	
Delivery Attempt	Time	Employee Signature
Mo Day	AM PM	
Date of Delivery	Time	Employee Signature
Mo Day	AM PM	
Signature of Addressee or Agent		
X		
Name, Please Print		
X		

**WAIVER OF SIGNATURE (Domestic Only)** I wish delivery to be made without obtaining the signature of the addressee or agent. If in the judgment of the delivery employee, the article can be left in a secure location and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.

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 **WEEKEND**  
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Customer Signature \_\_\_\_\_

**Commissioner of Patents and Trademarks**  
**Box Assignments**  
**Washington, D.C. 20231**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10

"EXPRESS MAIL" mailing label number:

Date of Mailing: September 2, 1998

EM1524931190S

I hereby certify that I have caused the documents indicated below to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and are addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number

Susan L. Klotz

Typed or printed name of person mailing paper or fee

SIGNATURE of person mailing paper or fee



Commissioner of Patents and  
Trademarks  
Box Assignments  
Washington, D.C. 20231

Attorney Docket Number:

9346:65

RE: Filing of Recordation Form Cover Sheet -- Merger Document  
to Star Specialty Foods, Inc.

Dear Sir:

Transmitted herewith for filing are the following:

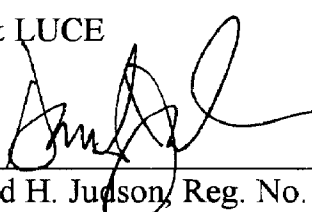
- Trademark Recordation Form Cover Sheet
- Copy of Certificate of Merger (Under Tab A)
- Filing Fee in the Amount of \$280.00
- A self-addressed, stamped post card to be returned to sender.

As of the date hereof, the identified properties were owned (of record, see the note below\*) by Star Specialty Foods, Inc. The Certificate of Merger merged several entities, including Star Specialty Foods, Inc. (the conveying party), into Morningstar Foods, Inc., a Delaware corporation (the receiving party). The Certificate thereby vests title of the identified properties in Morningstar Foods, Inc. The list of properties is attached to the Certificate of Merger.

Respectfully submitted,

HUGHES & LUCE

By:

  
David H. Judson, Reg. No. 30,467

ATTORNEYS FOR APPLICANT

1717 Main Street, Suite 2800  
Dallas, Texas 75201  
(214) 939-5672

\* Star Specialty Foods, Inc. obtained the registrations from Cream Products Company, Inc. in an Assignment dated July 31, 1996. That Assignment was subject to a recordation request filed September 1, 1998, a copy of which is attached under Tab B.



Tab A

*Tab B*

Attorney: David H. Judson Check \$280.00  
Trademark Recordation Form Cover Sheet;

Paper: Assignment of Trademarks

Date: 9/1/98 Due: --  
Reg. No. 743071; 770462; 823700; 832259;  
S.N. 1190147; 1744692; and 1771663

Filed in the United  
States Patent Office  
on

Client: Suiza File: 9346:65

Title: \_\_\_\_\_  
\_\_\_\_\_

Inventor: --  
\_\_\_\_\_

EM152493502US

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10

"EXPRESS MAIL" mailing label number:

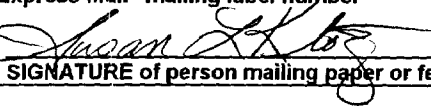
Date of Mailing: September 1, 1998

EM152493502US

I hereby certify that I have caused the documents indicated below to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and are addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number

Susan L. Klotz

Typed or printed name of person mailing paper or fee

  
SIGNATURE of person mailing paper or fee

Commissioner of Patents and  
Trademarks  
Box Assignments  
Washington, D.C. 20231

Attorney Docket Number:

9346:65

RE: Recordation of Trademark Assignments  
to Star Specialty Foods, Inc.

Dear Sir:

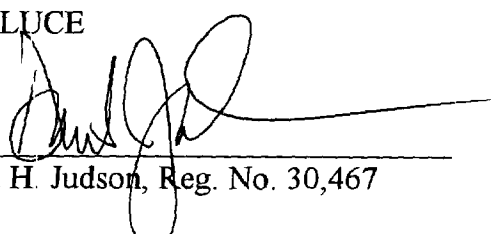
Transmitted herewith for filing are the following:

- Trademark Recordation Form Cover Sheet
- Assignment
- Filing Fee in the Amount of \$280.00
- A self-addressed, stamped post card to be returned to sender.

Respectfully submitted,

HUGHES & LUCE

By:

  
David H. Judson, Reg. No. 30,467

ATTORNEYS FOR APPLICANT

1717 Main Street, Suite 2800  
Dallas, Texas 75201  
(214) 939-5672

955700.00863:0285799.01

RECORDED: 09/02/1998

TRADEMARK  
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