

10-07-1998



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Document ID #
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Conveyance Type

- Assignment License
- Security Agreement Nunc Pro Tunc Assignment
Effective Date
Month Day Year
- Merger
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name

Formerly

- Individual General Partnership Limited Partnership Corporation Association
- Other
- Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

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- Individual General Partnership Limited Partnership Association
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Pages Enter the total number of pages of the attached conveyance document including any attachments.

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Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

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<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text" value="1,034,331"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
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Number of Properties Enter the total number of properties involved.

#

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

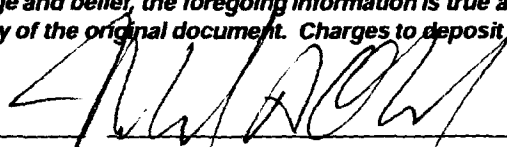
Yes

No

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. Charges to deposit account are authorized, as indicated herein.

Michael A. O'Neil



9/29/98

Name of Person Signing

Signature

Date Signed

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BETTER AGRICULTURAL GOALS
 CORP. d/b/a B.A.G. CORP.

Mark: SUPER SACK

Serial No.: 75/281,426

Application Date: April 25, 1997

Trademark Attorney: Shanna Blaustein

Law Office: 108

BOX NO FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

AFFIDAVIT OF ROBERT R. WILLIAMSON

My name is Robert R. Williamson. I am over the age of 18 years. I have never been convicted of a crime. If called upon to do so, I could and would testify as follows:

1. I was the founder and I am currently the Chief Executive Office ("CEO") of Better Agricultural Goals Corp., Applicant herein.

2. The name of the Applicant is incorrectly stated in the application papers as "Better Agricultural Goals, Inc." Correction of the name of Applicant to "Better Agricultural Goals Corp." is respectfully requested.

3. Since its founding in 1969, Applicant, Better Agricultural Goals Corp., has done business as B.A.G. CORP.

4. Better Agricultural Goals has used other d/b/a's from time to time.

5. Applicant herein and the Registrant identified in U.S. Trademark Registration No. 1,034,331 are one and the same corporation. The fact that the Registrant was identified in Registration No. 1,034,331 as "BAG CORP." as opposed to "B.A.G. CORP." was unknown to me until recently. I have instructed our attorneys to undertake appropriate procedures to correct the name of the Registrant and Registration Number 1,034,331, which action is being undertaken concurrently herewith.

6. Beginning at least as early as 1970, Applicant has used the trademark "SUPER SACK" as its trademark for bulk bags and related equipment. On information and belief, no other corporation, entity, or individual utilizes the mark "SUPER SACK" on or in connection with bulk bags and related equipment. This statement is based on 29+ years experience in the bulk bag industry, during which time my business activities have been devoted continuously and entirely to the manufacture and sale of bulk bags and equipment relating thereto.

7. During the entire 29+ years that Applicant has utilized the trademark "SUPER SACK", it has diligently policed and appropriately dealt with any inappropriate

usage thereof. Applicant appreciates the efforts of the Trademark Attorney in bringing to its attention the usages of its trademark "SUPER SACK" as identified in the Office Action. Applicant has instructed its attorney to investigate such usages and to take whatever actions may be legally appropriate with respect thereto.

8. Applicant has established secondary meaning in its trademark "SUPER SACK" by 29+ years of continuous and exclusive usage of the mark in the bulk bag industry. Additionally, Applicant would point to the significant sales of bulk bags and related equipment that it has achieved under its trademark "SUPER SACK", and to the significant advertising expenditures that it has made in support of its sales of bulk bags and equipment related thereto as set forth in the following table:

B.A.G. CORP. SALES AND ADVERTISING EXPENSES			
FISCAL YR. Ended 9/30	Sales of Bulk Bags Under the "SUPER SACK" Trademark	Sales of Equipment Under the "SUPER SACK" Trademark	Advertising Expenses Incurred in Promoting Sales of Bulk Bags and Related Equipment under the "SUPER SACK" Trademark
1993	\$18,322,000	\$2,004,000	\$ 82,000
1994	20,547,000	1,086,000	182,000
1995	27,836,000	1,779,000	262,000
1996	24,803,000	1,212,000	194,000
1997	27,430,000	1,715,000	383,000

In view of the foregoing, Applicant elects to proceed under the provisions of Section 2(f) of the Trademark Act.

9. With respect to the identification of goods as set forth in the application, the term "equipment for filling and discharging bulk bags" has been utilized by Applicant for many, many years and is utilized throughout the bulk bag industry as a generic definition of bulk bag filling and discharging machinery. Applicant is not aware of any narrower or more specific definition for such devices.

FURTHER AFFIANT SAYETH NOT.

By: *Robert R. Williamson*
Robert R. Williamson

SUBSCRIBED AND SWORN TO before me by the said Robert R. Williamson this 12TH day of February, 1998.

Richard W. Marriott
Notary Public, State of Texas

My Commission Expires: 12-30-01

RICHARD W. MARRIOTT
Printed Name of Notary

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