

10-16-1998

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Tab sequence 000
To the Honorable Commissic

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the attached original documents or copy thereof.

1. Name of conveying party(ies):

American Dairy Association
& Dairy Council Mid East

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

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: October 2, 1998

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

A. Trademark Application No.(s)
75/242,642

Additional numbers attached? Yes No

2. Name and address of receiving party(ies):

Name: Dairy Farmers of America, Inc.

Internal Address:

Street Address: 8257 Dow Circle
P.O. Box 368017
City Strongsville State OH ZIP 44136

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

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

(Designation must be a separate document from Assignment)
Additional name(s) & address(es) attached? Yes No

MAD 10-15-98
B. Trademark registration No.(s)

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

Name: Walker & Jocke
Internal Address: Patricia A. Walker, Esq.

Street Address: 231 South Broadway
City: Medina State: Ohio ZIP 44256

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41): \$ 40

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: 10-0637

(Attach duplicate copy of this page if paying by deposit account)

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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.

Patricia A. Walker

Name of Person Signing

Signature

10/9/98

Date

Total number of pages comprising cover sheet: 1

OMB No. 0651-0011 (exp. 4/94)

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. 20531

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

TRADEMARK ASSIGNMENT

Mark: **STRAWBERRYBLAST**
Filed: **February 18, 1997**
Serial No.: **75/242,642**
Applicant: **American Dairy Association &
Dairy Council Mid East**

This Trademark Assignment is effective June 29, 1998 by and between American Dairy Association & Dairy Council Mid East (“Assignor”) and Dairy Farmers of America, Inc. (“Assignee”).

American Dairy Association & Dairy Council Mid East filed an application with the United States Patent and Trademark Office on February 18, 1997 for the mark STRAWBERRYBLAST based on its bona fide intent to use such mark in commerce, which application has been given Serial No. 75/242,642 (hereinafter referred to as “the mark”).

American Dairy Association & Dairy Council Mid East has filed an allegation of use of the mark under Section 1(d) of the Trademark Act.

Assignor has used and was using the mark in commerce on all the goods identified in the Trademark Application up until the date that Dairy Farmers of America, Inc. succeeded to the portion of the business of American Dairy Association & Dairy Council Mid East, to which the mark pertains.

Dairy Farmers of America, Inc. is the successor to the portion of the business of American Dairy Association Dairy Council Mid East to which the mark pertains as required by

15 U.S.C. § 1060. The business of American Dairy Association Dairy Council Mid East to which the mark pertains is ongoing and existing and is now owned by Assignee.

Dairy Farmers of America, Inc. entered into an agreement on June 29, 1998 to purchase the portion of Assignor's business to which the mark pertains, and has purchased the portion of Assignor's business to which the mark pertains and the mark has been in continuous use through the effective date of this Assignment.

For good and valuable consideration, receipt of which is hereby acknowledged, American Dairy Association Dairy Council Mid East does hereby assign, effective June 29, 1998, to Dairy Farmers of America the mark covered by the above identified application together with the goodwill of the business in connection with which the mark is used, as part of the transfer of the portion of the business to which the mark pertains, as required by 15 U.S.C. § 1060.

Assignor hereby assigns to Assignee, effective June 29, 1998, the entire right, title and interest in and to the mark together with the goodwill of the business in connection with which the mark is used, and the application for registration of the mark in the United States, its territories and possessions, as well as throughout the world, as well as any registrations that are or which may be secured for the mark, and requests that the United States Trademark Office record Assignee as the owner thereof.

AMERICAN DAIRY ASSOCIATION
& DAIRY COUNCIL MID EAST

By: Scott E. Higgins CEO
(Name) (Title)

Date: 10-2-98

STATE OF OHIO)
)
COUNTY OF FRANKLIN) SS

Sworn to before me and subscribed in my presence this 2nd day of October, 1998.

Donna Maive (Regew) Clay
Notary Public
my commission expires 7/26/99