


10-16-1998  


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To the Honorable Commissioner of Patents

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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

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

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)  
75/332,983

B. Trademark registration No.(s)

MRD 10-15-98

Additional numbers attached?  Yes  No

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: OH 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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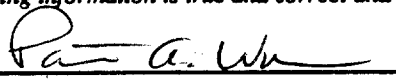
DO NOT USE THIS SPACE

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.

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. 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

## TRADEMARK ASSIGNMENT

Mark: **KOOKIESCREAM**  
Filed: **July 30, 1997**  
Serial No.: **75/332,983**  
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 July 30, 1997 for the mark KOOKIESCREAM based on its bona fide intent to use such mark in commerce, which application has been given Serial No. 75/332,983 (hereinafter referred to as “the mark”). American Dairy Association & Dairy Council Mid East has not previously filed an allegation of use of the mark under Section 1(c) or 1(d) of the Trademark Act, however Assignor has used the mark in commerce.

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.

The date of first use of the mark anywhere is at least as early as June 28, 1998.

The date of first use of the mark in commerce and interstate commerce is at least as early as June 28, 1998.

The manner of use of the mark in connection with the goods is to apply the mark to labels applied to the packaging of the goods.

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.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is an officer of the Assignor corporation and that he is authorized to execute this document on behalf of the Assignor corporation; he believes the Assignor corporation to be the owner of the trademark sought to be registered; the trademark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

AMERICAN DAIRY ASSOCIATION  
& DAIRY COUNCIL MID EAST

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

Date: 10-2-98

STATE OF OHIO )  
) ss  
COUNTY OF FRANKLIN )

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

Donna Marie (Rogers) Day  
Notary Public  
My Commission expires 7/26/99