

11-16-1998

Attorney Docket No. 17288-001600

FORM PTO-1594  
1-31-92

11/9/98



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents

100878580

Send original documents or copy thereof.

1. Name of conveying party(ies):

Mountainside Farms, Inc.

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State - NEW YORK
- Other:

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

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

Name: Worcester Creameries Corp.

Internal Address:

Street Address: 155-04 Liberty Avenue

City: Jamaica State: NY ZIP: 11433

- Individual(s) citizenship:
- Association
- General Partnership
- Limited Partnership
- Corporation-State: NEW YORK
- 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
- Merger
- Security Agreement
- Change of Name
- Other:

Execution Date: Effective March 23, 1998

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

A. Trademark Application No.(s)  
75/403,679 JUNIPER VALLEY

B. Trademark Registration No.(s)

Additional numbers attached?  Yes  No

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

Name: Lesley S. Craig  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111

6. Total number of applications and registrations involved:

7. Total fee (37 CFR 3.41):..... \$ 40.00

- Enclosed
- Charge Fees to Deposit Account
- Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account

8. Deposit account number: 20-1430

(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.

Lesley S. Craig  
Name of Person Signing

*Lesley S. Craig*  
Signature

11-5-98  
Date

Total number of pages including cover sheet, attachments, and documents:

10. Change Correspondence Address to that of Part 5?  Yes  No

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

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

Do not detach this portion  
Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

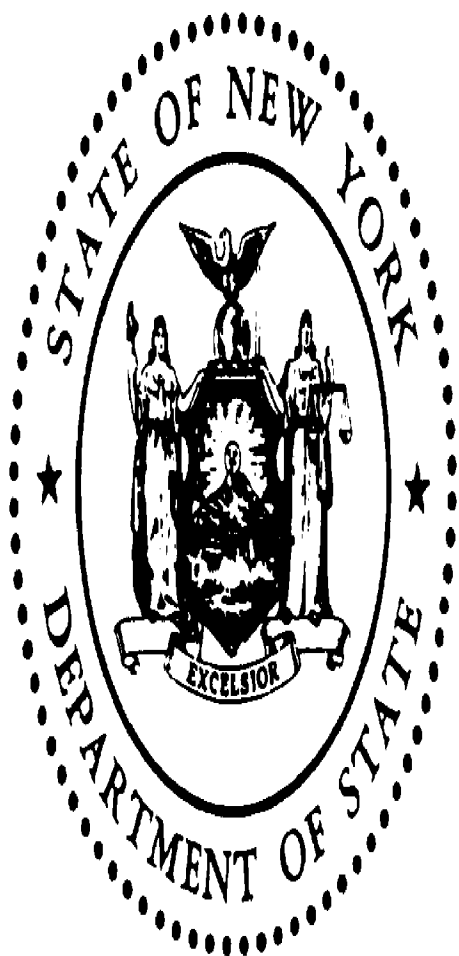
11/13/1998 5810NS  
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TRADEMARK  
REEL: 1812 FRAME: 0606

*State of New York* }  
*Department of State* } ss:

*I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.*

*Witness my hand and seal of the Department of State on* OCT 28 1998



A handwritten signature in black ink, appearing to read "J. Clark", written in a cursive style.

*Special Deputy Secretary of State*

# SERVICO 35

CERTIFICATE OF MERGER  
OF  
MOUNTAINSIDE FARMS, INC.  
INTO  
WORCESTER CREAMERIES CORP.

F980323000 128

(UNDER SECTION 905 OF THE BUSINESS CORPORATION LAW)

It is hereby certified, upon behalf of each of the constituent corporations herein named, as follows:

**FIRST:** The Board of Directors of each of the constituent corporations has duly adopted a plan of merger setting forth the terms and conditions of the merger of said corporations. Mountainside Farms, Inc. is a wholly owned subsidiary of Worcester Creameries Corp., the surviving corporation.

**SECOND:** The name of the constituent corporation, which is to be the surviving corporation, and which is hereinafter sometimes referred to as the "surviving constituent corporation," is Worcester Creameries Corp. The date upon which its certificate of incorporation was filed by the Department of State is March 31, 1970.

**THIRD:** The name of the other constituent corporation, which is being merged into the surviving constituent corporation, and which is hereinafter sometimes referred to as the "merged constituent corporation," is Mountainside Farms, Inc. The date upon which its certificate of incorporation was filed by the Department of State is December 15, 1980 under the original name of Erawald Worcester Dairies, Inc. An Amendment to the Certificate of Incorporation was filed with the Department of State on January 19, 1981 changing the name to Roxdel Farms, Incorporated and another Amendment to the Certificate of Incorporation was filed with the Department of State on February 9, 1981 changing the name to Mountainside Farms, Inc.

**FOURTH:** As to each constituent corporation, the plan of merger sets forth the designation and number of outstanding shares for each class and series, the specification of the classes and series entitled to vote on the plan of merger, and the specification of each class and series entitled to vote as a class on the plan of merger, as follows:

Worcester Creameries Corp.

Designation of each outstanding class and series of shares	Number of outstanding shares of each class	Designation of class and series entitled to vote	Classes and series entitled to vote as a class
Common	50	Common	None

Mountainside Farms, Inc.

Designation of each outstanding class and series of shares	Number of outstanding shares of each class	Designation of class and series entitled to vote	Classes and series entitled to vote as a class
Common All owned by Worcester Creameries Corp.	1	Common	None

**FIFTH:** The merger herein certified was authorized in respect of the Surviving Constituent Corporation, Worcester Creameries Corp., by the written consent of the holder of all outstanding shares of the corporation entitled to vote on the plan of merger.

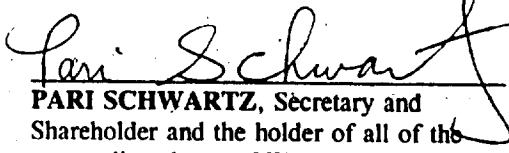
**SIXTH:** The merger herein certified was authorized in respect of the Merged Constituent Corporation, Mountainside Farms, Inc., by the written consent of the holder of all outstanding shares of the corporation entitled to vote on the plan of merger.

**SEVENTH:** The effective date of the merger shall be the date of filing this Certificate of Merger by the Department of State.

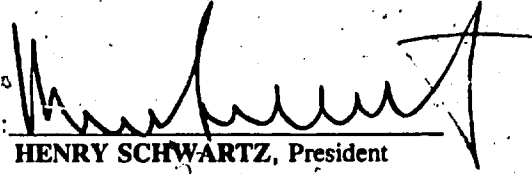
IN WITNESS WHEREOF, I have subscribed this document and do hereby affirm, under the penalties of perjury, that the statements contained therein have been examined by me and are true and correct this 10<sup>th</sup> day of MARCH, 1998.

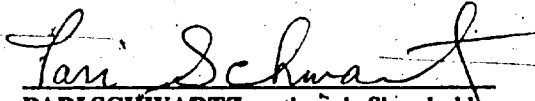
WORCESTER CREAMERIES CORP.

By:   
HENRY SCHWARTZ, President

  
PARI SCHWARTZ, Secretary and  
Shareholder and the holder of all of the  
outstanding shares of Worcester Creameries  
Corp. entitled to vote on the merger of  
the corporation

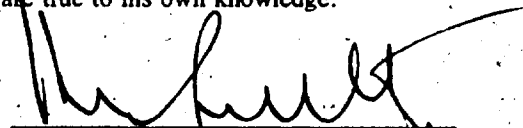
MOUNTAINSIDE FARMS, INC.

By:   
HENRY SCHWARTZ, President


  
PARI SCHWARTZ, as the sole Shareholder  
of all the outstanding shares of Worcester  
Creameries Corp., the corporation which  
owns all of the outstanding shares of  
Mountainside Farms, Inc. entitled to vote  
on the merger of Mountainside Farms, Inc.  
into Worcester Creameries Corp.

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NASSAU )

HENRY SCHWARTZ, being duly sworn, deposes and says that he is the President of Worcester Creameries Corp. and Mountainside Farms, Inc., the corporations which signed the foregoing Certificate of Merger; that he signed the foregoing certificate in the corporate names and affixed the corporate seals thereto by order of the Board of Directors of each of said corporations; that he has read the foregoing certificate and knows the contents thereof; and that the statements contained therein are true to his own knowledge.

  
HENRY SCHWARTZ, President of  
Worcester Creameries Corp. and  
Mountainside Farms, Inc.

Sworn to before me this  
10th day of March, 1998.

  
Notary Public

STEPHEN J. SCHWARTZ  
Notary Public, State of New York  
No. 30-8878270  
Qualified in Nassau County  
Commission Expires July 31, 1998

**SERVICO 35**

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CERTIFICATE OF MERGER  
OF  
MOUNTAIN SIDE FARMS, INC.  
INTO  
WORCESTER CREAMERIES CORP.

Pursuant to Section 905 of the Business Corporation Law

MAR 20 2 1998  
RECEIVED

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED MAR 23 1998  
TAX \$ \_\_\_\_\_  
BY: OTSE

FILER:  
STEPHEN SCHWARTZ, P.C.  
3000 MARCUS AVENUE  
LAKE SUCCESS, NY 11042

**BILLED**

S

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