

04-06-1999

FORM PTO-1594

(Rev. 6-93)

RECOI



ET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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

101002213

JUL 10 1999

Tab settings → → → ▼

OPR/FINANCE

1. Name of conveying party(ies):

Eat 'n Park Restaurants, Inc.  
(a Pennsylvania corporation)

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

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Merger
- Change of Name

Other Corrected Merger cover sheet to delete  
Registration No. 1,343,575, Recorded on Reel 0927,  
Frame 0429

Execution Date: October 1, 1993

2. Name and address of receiving party(ies)

Name: Eat 'n Park Restaurants Business Trust

Internal Address: \_\_\_\_\_

Street Address: 100 Park Manor Drive

City: Pittsburgh, State: PA 15205

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other Pennsylvania Business Trust

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

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

A. Trademark Application No. (s)

03/11/1999 Showed www.tv 1000700

B. Trademark Registration No. (s)

1,605,789

Additional numbers attached?  Yes  No

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

Name: Frederick B. Ziesenheim, Esq.

Internal Address: Webb Ziesenheim

Logsdon Orkin & Hanson, P.C.

Street Address: 700 Koppers Building

436 Seventh Avenue

City: Pittsburgh State: PA ZIP: 15219-1818

6. Total number of applications and registrations involved:

1

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(Attach triplicate 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.

Frederick B. Ziesenheim, #19,438  
Name of Person Signing

Frederick B. Ziesenheim  
Signature

February 22, 1999  
Date

Total number of pages including cover sheet, attachments and document

8

Mail documents to be recorded with required cover sheet information to:  
United States Patent and Trademark Office  
Office of Public Records, Crystal Gateway 4, Room 335  
Washington, DC 20231

TRADEMARK  
REEL: 1878 FRAME: 0429



CO 10-12-1995

100.00 482

Tab settings



100075248

To the Honorable Commissioner of Patent

id original documents or copy thereof.

1. Name of conveying party(ies):

Eat 'n Park Restaurants, Inc.

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

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

2. Name and address of receiving party(ies)

Name: Eat 'n Park Restaurants  
Business Trust

Internal Address: \_\_\_\_\_

Street Address: 100 Park Manor Drive

City: Pittsburgh State: PA ZIP: 15205

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other Pennsylvania Business Trust

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
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: October 1, 1993

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,343,575	1,609,950	1,837,481
1,605,789	1,809,410	

Additional numbers attached?  Yes  No

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

Name: Frederick B. Ziesenheim

Internal Address: Webb Ziesenheim Bruening

Logsdon Orkin & Hanson, P.C.

Street Address: 700 Koppers Building

436 Seventh Avenue

City: Pittsburgh, State: PA ZIP: 15219

6. Total number of applications and registrations involved: 5

7. Total fee (37 CFR 3.41).....\$ 140.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

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

040 PS 09/28/95 1343575

DO NOT USE THIS SPACE 40.00 CK

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.

Frederick B. Ziesenheim, Reg. No. 19,438

Name of Person Signing

Signature: Frederick B. Ziesenheim

Signature

Date: Sep. 15, 1995

Date

Total number of pages including cover sheet, attachments, and document: 5



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 ASSISTANT SECRETARY AND COMMISSIONER  
 OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

MARCH 27, 1996

PTAS

WEBB ZIESENHEIM BRUENING LOGSDON ORKIN  
 & HANSON, PC - FREDERICK B. ZIENSENHEIM  
 700 KOPPERS BUILDING  
 436 SEVENTH AVENUE  
 PITTSBURGH, PENNSYLVANIA 15219



\*100075248A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/18/1995

REEL/FRAME: 1391/0438  
 NUMBER OF PAGES: 5

BRIEF: MERGER

ASSIGNOR:  
 EAT 'N PARK RESTAURANTS, INC.

DOC DATE: 10/01/1993  
 CITIZENSHIP: PENNSYLVANIA  
 ENTITY: CORPORATION

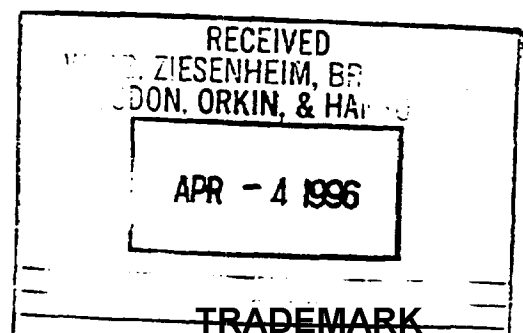
ASSIGNEE:  
 EAT 'N PARK RESTAURANTS BUSINESS  
 TRUST  
 100 PARK MANOR DRIVE  
 PITTSBURGH, PENNSYLVANIA 15205

CITIZENSHIP: PENNSYLVANIA  
 ENTITY: BUSINESS TRUST

APPLICATION NUMBER: 73502550  
 REGISTRATION NUMBER: 1343575

FILING DATE: 10/05/1984  
 ISSUE DATE: 06/18/1985

MARK: EAT 'N PARK  
 DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM



REEL: 1878 FRAME: 0431

APPLICATION NUMBER: 73829822  
REGISTRATION NUMBER: 1605789

FILING DATE: 10/06/1989  
ISSUE DATE: 07/10/1990

MARK: LIGHT 'N DELIGHTFUL  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73838581  
REGISTRATION NUMBER: 1609950

FILING DATE: 11/13/1989  
ISSUE DATE: 08/14/1990

MARK: BREAKFAST SMILE  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74305316  
REGISTRATION NUMBER: 1809410

FILING DATE: 08/18/1992  
ISSUE DATE: 12/07/1993

MARK:  
DRAWING TYPE: MISCELLANEOUS DESIGN

APPLICATION NUMBER: 74346823  
REGISTRATION NUMBER: 1837481

FILING DATE: 01/08/1993  
ISSUE DATE: 05/24/1994

MARK:  
DRAWING TYPE: MISCELLANEOUS DESIGN

REGINA COATES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

OCT 01 1993

Microfilm Number \_\_\_\_\_

Filed with the Department of State on \_\_\_\_\_

Entity Number 254643

*[Signature]*

Secretary of the Commonwealth

ARTICLES OF MERGER-DOMESTIC BUSINESS CORPORATION  
DSCB:15-1026 (Rev. 89)

In compliance with the requirements of 15 Pa.C.S. § 1926 (relating to articles of merger or consolidation), the undersigned business corporations, desiring to effect a merger, hereby state that:

1. The name of the <sup>entity</sup> ~~corporation~~ surviving the merger is: \_\_\_\_\_  
EAT'N PARK RESTAURANTS BUSINESS TRUST

2. (Check and complete one of the following): TRUST  
 The surviving corporation is a domestic business corporation and the address of its current (a) registered office in the Commonwealth or (b) commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) 100 Park Manor Drive Pittsburgh PA 15205 Allegheny  
Number and Street City State Zip County

(b) \_\_\_\_\_  
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

\_\_\_\_ The surviving corporation is a qualified foreign business corporation incorporated under the laws of \_\_\_\_\_ and the address of its current (a) registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) \_\_\_\_\_  
Number and Street City State Zip County

(b) \_\_\_\_\_  
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

\_\_\_\_ The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of \_\_\_\_\_ and the address of its principal office under the laws of such domiciliary jurisdiction is:

\_\_\_\_\_  
Number and Street City State Zip

3. The name and the address of the registered office of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

Eat'n Park Restaurants, Inc.  
100 Park Manor Drive  
Pittsburgh, PA 15205

93 OCT -1 PM 4:40  
PA DEPT. OF STATE

4. (Check, and if appropriate complete, one of the following):

\_\_\_ The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

X The plan of merger shall be effective on October 4, 1993 at 11:59 PM

5. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

Name of corporation	Manner of adoption
Eat'n Park Restaurants Business Trust	Adopted by the trustees and the sole holder of all of the beneficial interests in the Trust pursuant to the Trust's Deed of Trust and bylaws.
Eat'n Park Restaurants, Inc.	Adopted by the directors and sole shareholder pursuant to 15 Pa.C.S. Section 1924(a).

~~15 Pa.C.S. Section 1924(a) shall not apply to a merger of a corporation with another corporation if the corporation is a corporation organized under the laws of this State and the corporation is a corporation organized under the laws of this State.~~

6. (Check, and if appropriate complete, one of the following):

X The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

\_\_\_ Pursuant to 15 Pa.C.S. § 1901 (relating to omission of certain provisions from filed plans) the provisions of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A, attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

Number and Street	City	State	Zip
-------------------	------	-------	-----

IN TESTIMONY WHEREOF, each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this 1 day of October, 1993.

EAT'N PARK RESTAURANTS BUSINESS TRUST  
(Name of Corporation)

BY: *James S. Broadhurst*  
(Signature)

TITLE: Chairman, Chief Executive Officer

EAT'N PARK RESTAURANTS, INC.  
(Name of Corporation)

BY: *David J. Webber*  
(Signature)

TITLE: Exec. Vice Pres.

## Exhibit A

## PLAN OF MERGER

- (a) Eat'n Park Restaurants, Inc., a Pennsylvania corporation ("Eat'n Park"), shall be merged with and into Eat'n Park Restaurants Business Trust, a Pennsylvania business trust and the surviving entity ("the Trust"), pursuant to Section 1921 of the Pennsylvania Business Corporation Law thereby transferring to the Trust all of the assets of Eat'n Park, subject, however, to all of its liabilities.
- (b) The issued and outstanding shares of capital stock of Eat'n Park shall be converted into and exchanged for 999 shares of the common stock, \$1.00 par value, of EPR Delaware, Inc., a Delaware corporation, the sole holder of beneficial interests in the Trust, and no shares, units or other evidences of beneficial interest in the Trust shall be issued in exchange therefor. The issued and outstanding beneficial interests in the Trust shall not be changed as a result of the merger.
- (c) The Deed of Trust of the surviving entity shall be the Deed of Trust of the Trust prior to the merger.
- (d) The surviving entity shall be a business trust which shall be governed by the laws of the Commonwealth of Pennsylvania.
- (e) The merger shall become effective at 11:59 p.m. on the later to occur of October 4, 1993 or on the date on which the necessary filings with the Pennsylvania Department of State shall have been completed.
- (f) This Plan of Merger may be terminated by the Board of Directors of Eat'n Park or the Trustees of the Trust, as the case may be, at any time prior to the time at which the merger shall have become effective.



COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

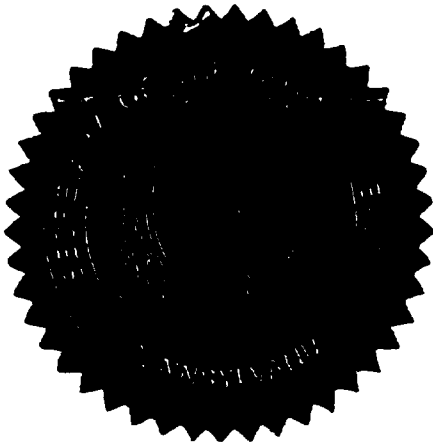
SEPTEMBER 05, 1995

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

EAT'N PARK RESTAURANTS BUSINESS TRUST

I, Yvette Kane, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Articles of Merger

which appear of record in this department



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

A handwritten signature in cursive script that reads "Yvette Kane".

Secretary of the Commonwealth  
CKEI