

07-21-1999

HEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

JUL 2 1999

1-31-92

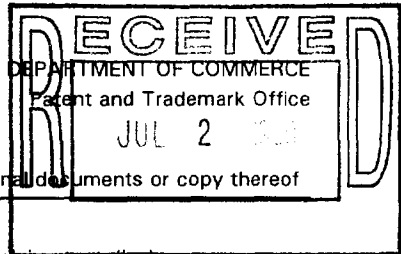
7-2-99



101095896

To the Honorable Commiss.

the attached original documents or copy thereof



1. Name of conveying party(ies):

MD Fitness & Lifestyle Consultants, Inc.

- Individual(s)
- General Partnership
- Corporation-State - Georgia
- 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: May 7, 1998

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

Name: See Attached Addendum

Internal Address:

Street Address: See Attached Addendum

City: State: ZIP:

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State - See Attached Addendum
- Other

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 registration number(s):

A. Trademark Application No.(s)

75-421,354

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: Anthony P. Janik, Esq.  
Internal Address: c/o Abramson & Fox  
One East Wacker Drive - #3800  
Chicago, IL 60601

Street Address: One East Wacker Drive, #3800  
City: Chicago State: ILL ZIP: 60601

6. Total number of applications and registrations involved

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(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.

Anthony P. Janik

*Anthony Janik*

June 21, 1999

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet:

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

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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 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 (0651-0022).

2. Name and address of receiving party(ies):  
Name: National Cattlemen's Beef Association  
Internal Address:  
Street Address: 5420 South Quebec Street  
City: Englewood State: CO ZIP: 80111  
 Individual(s) citizenship  
 Association  
 General Partnership  
 Limited Partnership  
 Corporation-State - Colorado  
 Other

Name and address of receiving party(ies):  
Name: Food Marketing Institute  
Internal Address:  
Street Address: 800 Connecticut Ave. N.W.  
City: Washington State: D.C. ZIP: 20006-2701  
 Individual(s) citizenship  
 Association  
 General Partnership  
 Limited Partnership  
 Corporation-State -  
 Other

Name and address of receiving party(ies):  
Name: American Meat Institute  
Internal Address: 1700 North Moore Street, Ste. 1600, Arlington, VA 22209  
Street Address:  
City: State: ZIP:  
 Individual(s) citizenship  
 Association  
 General Partnership  
 Limited Partnership  
 Corporation-State -  
 Other

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

**ASSIGNMENT OF TRADEMARK AND TRADEMARK APPLICATION**

**WHEREAS, MD FITNESS & LIFESTYLE CONSULTANTS, INC.**, 1090 North Chase Parkway, Suite 200 South, Marietta, GA 30067 (**ASSIGNOR**) has adopted and is using the mark **NUTRIFACTS** (the **Mark**) which is the subject of a pending trademark application in the United States Patent and Trademark Office, Serial No. 75-421,354;

and

**WHEREAS, NATIONAL CATTLEMEN'S BEEF ASSOCIATION, FOOD MARKETING INSTITUTE AND AMERICAN MEAT INSTITUTE** (collectively **ASSIGNEE**), have filed a Notice of Opposition against Serial No. 75-421,354.

**WHEREAS, ASSIGNOR** and **ASSIGNEE** desire to resolve their differences by, among other things, **ASSIGNOR'S** assignment of application of Serial No. 75-421,354 to **ASSIGNEE**.

**NOW, THEREFORE**, for payment of \$1,500.00 and other good and valuable consideration, receipt of which is acknowledged, **ASSIGNOR** assigns to **ASSIGNEE** all of its right, title and interest in and to the **Mark** together with the goodwill of the business symbolized by the **Mark**, and its interest in the above identified Application Serial No. 75-421,354.

**ASSIGNOR** represents and warrants to **ASSIGNEE** that:

1. It is the owner of the **Mark** which is the subject of Application Serial No. 75-421,354 and it has full power and authority to enter into this Agreement and to perform the action required of it. It has not previously assigned, conveyed, pledged or transferred the **Mark** or Application Serial No. 75-421,354.


2. Upon full execution of this Assignment and payment of any consideration in connection therewith, **ASSIGNOR** shall immediately cease using the **Mark** and shall deliver to

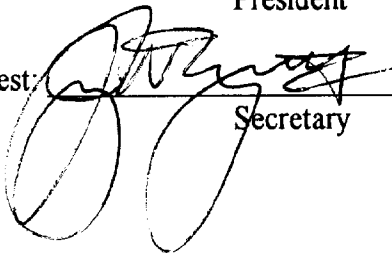
ASSIGNEE, at ASSIGNEE'S expense (or destroy, at ASSIGNEE'S option), all materials in its possession which contain the **Mark**.

3. No other Notices of Opposition have been filed against Serial No. 75-421,354 except for the one filed by ASSIGNEE.

IN WITNESS WHEREOF, said ASSIGNOR has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by its President, and attested by its Secretary, this 2<sup>nd</sup> day of ~~May~~ June, 1999.

MD FITNESS & LIFESTYLE CONSULTANTS, INC.

By:   
President


Attest:   
Secretary

[CORPORATE SEAL]

STATE OF GEORGIA )  
 ) SS:  
COUNTY OF FULTON )

I, the undersigned, a Notary Public in and for the County and State aforesaid, **DO HEREBY CERTIFY** that Michael P. Greenspan personally known to me to be the President of the corporation, and Joseph V. Myers III personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 2nd day of June, 1999.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

