

MRD
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Docket No.:

445-1

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To the Honorable Commissioner of P

101108539

Use return the attached original documents or copy thereof.

1. Name of conveying party(ies):

The Monarch Company, Inc.

- Individual(s)
- General Partnership
- Corporation-State **Massachusetts**
- Other

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

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

Execution Date: **June 12, 1959**

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

Name: **Buffalo Rock Company, Inc.**

Internal Address:

Street Address: **34 West Oxmoor Road**

City: **Birmingham** State: **AL** ZIP: **35209**

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

If assignee is not domiciled in the United States, a domestic designation is Yes N
(Designations must be a separate document from Additional name(s) & address(es) Yes N

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

119,597

Additional numbers Yes No

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

Name: **Robert J. Veal, Reg. No. 30,895**

Internal Address: **VEAL & ASSOCIATES**

P.O. Box 382-885

Birmingham, AL 35238-2885

Street Address: **200 Cahaba Park Circle**

Suite 125

City: **Birmingham** State: **AL** ZIP: **35242**

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:

500376

08/03/1999 NTHA11 00000346 119597

DO NOT USE THIS SPACE

01 FC:481

40.00 DP

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.

Robert J. Veal

Name of Person Signing

Signature

July 27, 1999

Date

Total number of pages including cover sheet, attachments, and

3

ASSIGNMENT AND RATIFICATION

This Assignment and Ratification is made between The Buffalo Rock Company, Inc. of Birmingham, Alabama (Buffalo Rock) and The Monarch Company, Inc. a corporation of Massachusetts, having a principal place of business at 16 Perimeter Park Drive, Atlanta Georgia (Monarch), effective as of July 1, 1999.

Whereas, Buffalo Rock Company, Inc. is the rightful owner of the mark BUFFALO ROCK for Soft Drinks and Carbonated Waters;

Whereas, in 1955 Buffalo Rock entered into an agreement with the GRAPETTE COMPANY transferring United States Trademark Registrations No. 611817 and No. 119597 to the Grapette Company, reserving a territorial usage to Buffalo Rock, as shown in the records of the United States Trademark Office at Reel/Frame 0031/0354 and 0037/0567;

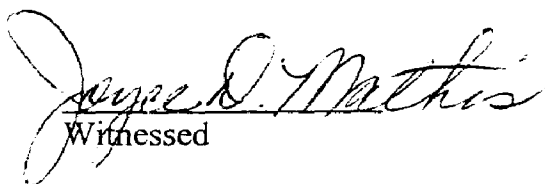
Whereas, in 1959, the Grapette Company reconveyed the entire interest in registrations, the marks covered thereby and the goodwill to marks and good will to Buffalo Rock (1959 assignment);

Whereas, the 1959 assignment, recorded at Reel/Frame 0059/0394 of the United States Trademark Office, erroneously omitted reference to Trademark Registration No. 119,597 which was intended as a part of the conveyance;

Whereas, Monarch is the successor to the Grapette Company;

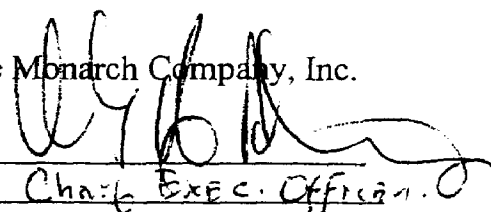
Whereas, Buffalo Rock desires to correct the error in the 1959 assignment, and Monarch is agreeable to such correction, it is agreed as follows:

Monarch, for good and valuable consideration heretofore received, hereby ratifies the assignment of all interest and goodwill owned by it or by Grapette Company to Buffalo Rock in the mark BUFFALO ROCK and the design of a Buffalo on a Rock, and the registrations thereto namely United States Trademark Registrations No. 119597 and No. 611817, respectively. Further, Monarch hereby assigns, sells, conveys to Buffalo Rock any and all right, title and interest in and to the aforesaid marks, the registrations associated therewith, and the good will associated therewith effective from June 12, 1959, which is the date of the 1959 assignment.


Witnessed

The Monarch Company, Inc.

by:

Its: 
Chief Exec. Officer.