

10-07-1999

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK



101163857

OCT 4

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

☒ New

☐ Resubmission (Non-Recordation)

Document ID#

☐ Correction of PTO Error

Reel #

Frame #

☐ Corrective Document

Reel #

Frame #

Conveyance Type

☐ Assignment

☐ License

☐ Security

☐ Nunc Pro Tunc Assignment

☐ Merger

☐ Change of Name

☒ Other

Notice of Grant of Security Interest

Effective Date  
Month Day Year  
9/22/99

Conveying Party

☐ Mark if additional names of conveying parties attached

Name

Chiquita Processed Foods, LLC

Execution Date  
Month Day Year

9/22/99

Formerly

☐ Individual

☐ General Partnership

☐ Limited Partnership

☐ Corporation

☐ Association

☒ Other

Limited Liability Company

☒ Citizenship/State of Incorporation/Organization

Delaware

Receiving Party

☐ Mark if additional names of receiving parties attached

Name

First Union National Bank, As Agent

DBA/AKA/TA

Composed of

Address (line 1)

One First Union Center

Address (line 2)

TW-9

Address (line 3)

Charlotte

NC

28288-0608

City

State/Country

Zip Code

☐ Individual

☐ General Partnership

☐ Limited Partnership

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

☐ Corporation

☐ Association

☒ Other

National Banking Association

☐ Citizenship/State of

Incorporation/Organization

10/06/1999 DNGUYEN 00000053 1658329

FOR OFFICE USE ONLY

01 FC:481

40.00 CP

02 FC:482

1200.00 CP

Public burden reporting for this document is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**Domestic Representative Name and Address**

Enter for the first Receiving Party Only.

Name

N/A

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number (919) 286-8000

Name

Mark H. Webbink

Address (line 1)

Moore &amp; Van Allen, PLLC

Address (line 2)

2200 West Main Street

Address (line 3)

Suite 800

Address (line 4)

Durham, NC 27705-4658

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

#

12

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

1,658,329

1,628,648

659,896

504,116

1,175,370

1,191,918

553,320

741,668

351,303

**Number of Properties**

Enter the total number of properties involved.

#

49

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

1,240.00

Method of Payment:

Enclosed ☒Deposit Account ☒

Deposit Account

(any deficiency)

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

13-4365

Authorization to charge additional fees:

Yes ☒No ☐**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. Charges to deposit account are authorized, as indicated herein.

Mark H. Webbink

Name of Person Signing

Signature

Date Signed

9/30/99

**RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY**

**Conveying Party**☐

Mark if additional names of conveying parties attached

Enter Additional Conveying Party

**Execution Date**  
Month Day Year

Name

Formerly

☐ Individual      ☐ General Partnership      ☐ Limited Partnership      ☐ Corporation      ☐ Association
☐ Other☒ Citizenship/State of Incorporation/Organization**Receiving Party**☐

Mark if additional names of receiving parties attached

Enter Additional Receiving Party

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

☐ Individual      ☐ General Partnership      ☐ Limited Partnership      ☐
☐ Corporation      ☐ Association
☐ Other
☐ Citizenship/State of  
Incorporation/Organization

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Trademark Application Number(s)

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Trademark Application Number(s)

Registration Number(s)

0,523,565

355,649

957,937

657,227

1,511,104

535,148

616,936

277,037

1,572,191

1,474,332

994,422

2,101,724

1,473,362

999,795

1,720,496

1,265,174

1,970,569

544,846

**RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY**

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☐

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Execution Date  
Month Day Year

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Formerly

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☒ Citizenship/State of Incorporation/Organization

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Registration Number(s)

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TRADEMARKS ONLY**

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Month Day Year

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☐ Other

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☐ Other

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If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

**Trademark Application Number(s) or Registration Number(s)** ☐ **Mark if additional numbers attached**  
*Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).*

Trademark Application Number(s)

Registration Number(s)

1,052,525

847,413

706,105

509,866

NOTICE  
OF  
GRANT OF SECURITY INTEREST  
IN  
TRADEMARKS

United States Patent and Trademark Office

Gentlemen:

Please be advised that pursuant to the Security Agreement dated as of September 22, 1999 (the "Security Agreement") by and among the Obligors party thereto (each an "Obligor" and collectively, the "Obligors") and First Union National Bank, as Agent (the "Agent") for the financial institutions referenced therein (the "Lenders"), the undersigned Obligor has granted a continuing security interest in and continuing lien upon, the trademarks and trademark applications shown below to the Agent for the ratable benefit of the Lenders:

TRADEMARKS

<u>Trademark No.</u>	Description of Trademark <u>Item</u>	Date of <u>Trademark</u>
	See attached Schedule A	

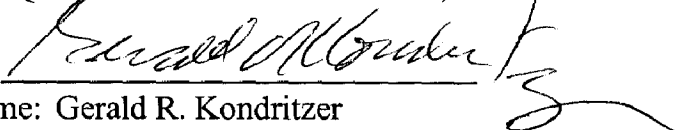
TRADEMARK  
APPLICATIONS

<u>Trademark Application No.</u>	Description of Trademark <u>Applied For</u>	Date of Trademark <u>Application</u>
	See attached Schedule A	

The Obligors and the Agent, on behalf of the Lenders, hereby acknowledge and agree that the security interest in the foregoing trademarks and trademark applications (i) may only be terminated in accordance with the terms of the Security Agreement and (ii) is not to be construed as an assignment of any trademark or trademark application.

Very truly yours,


CHIQUITA PROCESSED FOODS, LLC

By:   
Name: Gerald R. Kondritzer  
Title: Vice President and Treasurer

Acknowledged and Accepted:

FIRST UNION NATIONAL BANK

as Agent

By:   
Name: Todd A. Hamer  
Title: SVP Director

**SCHEDULE A**  
**INTELLECTUAL PROPERTY**

<b><u>TRADEMARK</u></b>	<b><u>REGISTRATION NO.</u></b>	<b><u>REG. DATE</u></b>
Cimmaron	1,658,329	9/24/91
Walla Walla (Stylized)	504,116	11/23/48
Walla Walla Valley (and Design)	553,320	3/25/58
AFF (Stylized)	1,628,648	12/18/90
Bits O' Honey	1,175,370	10/27/81
Tom Thumb (and Design)	741,668	12/4/62
Whopper	659,896	3/25/58
Fresh Brand Flavor (Stylized)	1,191,918	3/9/82
Sun Valley Lodge	351,303	10/26/37
Green Valley	0523565	4/4/50
Chef's Best	657,227	1/14/50
Chef's Best	616,936	11/29/55
Newport	1,474,332	1/26/88
School Days	1,473,362	1/19/88
Oconomowoc	1,265,174	1/24/84
Buddie	355,649	3/22/38
Our Favorite	1,511,104	11/1/88

**TRADEMARK**

[ **REEL: 001965 FRAME: 0036**



Stokely's Finest (and Design)	277,037	11/4/30
Stokely's	994,422	10/1/74
Stokely's Finest	999,795	12/17/74
Stokely's Gold	1,970,569	4/23/96
Read	957,937	4/24/73
Tendersweet	535,148	12/26/50
Festal	1,572,191	12/19/89
Veggi-Green	2,101,724	9/30/97
Owatonna	1,720,496	9/29/92
Owatonna (Stylized)	544,846	7/10/51
Steele County	1,710,235	8/25/92
Oregon's Finest	1,775,351	
Fruit Plus	1,546,658	
Sweet Jubilee	1,540,696	
McKenzie	0711294	
Jack and the Beanstalk	0521870	
Oregon's Finest	0558118	
Wilamet	0731234	
Ugene	0746276	
Fully-Rype	0728899	
Diamond A	0213344	
Marcola	0700652	
Cresswell	0700650	

**TRADEMARK**

**REEL: 001965 FRAME: 0037**

Oakridge	0700649	
Coburg	0701084	
Lorraine	0700648	
Diamond A	0722306	
Agripac the Northwest's Growing Name for Your Growing Future	1,201,571	
Kream'd Kernel	1,052,525	
Country Garden	847,413	
INSTI-PAK	706,105	
SHELLIE	509,866	5/17/49