

10-05-1999

Reference No. 27295/20011



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the attached original documents or copies

U.S. Patent & Trademark Office/TM Mail Rcpt Dt. #01

Conveying party(ies): Penick & Ford, Limited

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

Penford Products Co.
1001 First Street, S.W.
Cedar Rapids, Iowa 52404

- Individuals
- General Partnership
- Corporation-Delaware
- Other
- Association
- Limited Partnership

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

- Individual(s) citizenship: _____
- Association: _____
- General Partnership: _____
- Limited Partnership: _____
- Corporation-State: Delaware
- Other: _____

3. Nature of Conveyance:

- Assignment
- Security Agreement
- Other Restated Certificate of Incorporation
- Merger
- Change of Name

Execution Date: November 13, 1987

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

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

A. Trademark Application No.(s)

B. Trademark registration No.(s)

(364,245
687,440
876,675)

Additional numbers attached? Yes No

5. Mail correspondence to:

Michael R. Graham, Esq.
MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN
6300 Sears Tower -- 233 South Wacker Drive
Chicago, Illinois 60606
(312) 474-6300

6. Total number of applications and registrations involved: 3

7. Attached is a check in the amount of \$90.00 the total fee due pursuant to 37 C.F.R. §3.41.

8. Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 C.F.R. §3.41, or credit any overpayment, to Deposit Account No. 13-2855. A copy of this Recordation Form Cover Sheet is enclosed.

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.

Michael R. Graham
Name of Person Signing

Signature

9/22/99
Date

Total number of pages: 5

10/04/1999 DNGUYEN 00000205 364245

01 FC:481
02 FC:482

40.00 OP
50.00 OP



State of DELAWARE

Office of SECRETARY OF STATE

I, Michael Harkins, Secretary of State of the State of Delaware,
do hereby certify that the attached is a true and correct copy of
~~CERTIFICATE OF~~ Restated Certificate of Incorporation
filed in this office on November 19, 1987

TRADE-MARK

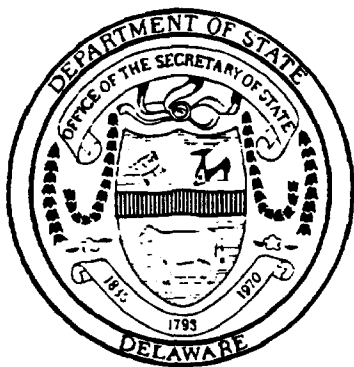
RECORDED
PATENT & TRADEMARK OFFICE

APR 11 1988

Michael Harkins
Michael Harkins, Secretary of State

BY: *M. Magraw*

DATE: March 24, 1988



FILED
2PM.
NOV 19 1987

RESTATED CERTIFICATE OF INCORPORATION
OF
PENICK & FORD, LIMITED

Malcolm H. Fisher
SECRETARY OF STATE

1. That PENICK & FORD, LIMITED was originally incorporated under the name of FORD, INC. by the filing of its Certificate of Incorporation with the Secretary of State of Delaware on May 10, 1971. Its present name is PENICK & FORD, LIMITED.

2. This Restated Certificate of Incorporation was duly adopted by the Board of Directors and Shareholders of this corporation in accordance with the provisions of Sections 242 and 245 of the General Corporation Law of the state of Delaware.

3. This Restated Certificate of Incorporation restates, integrates and further amends the provisions of the corporation's Certificate of Incorporation, as theretofore amended or supplemented, and reduces the authorized capital thereof.

4. The provisions of this Restated Certificate of Incorporation are as follows:

ARTICLE I.

The name of the corporation (hereinafter called the "corporation") is
Penford Products Co.

ARTICLE II.

The respective names of the county and of the city within the county in which the registered office of the corporation is to be located in the state of Delaware are the county of New Castle and the city of Wilmington. The name of the registered agent of the corporation is The Corporation Trust Company. The street and number of said registered office and the address by street and number of said registered agent is Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

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TRADE-MARK

ARTICLE III.

The nature of the business and the objects and purposes proposed to be transacted, promoted and carried on, are to do any or all the things herein mentioned, as fully and to the same extent as natural persons might or could do, and in any part of the world, namely, to engage in any lawful act or activity for which corporations may be organized under the Delaware General Corporation Law.

ARTICLE IV.

(1) The total number of shares which the corporation is authorized to issue is five thousand (5,000) shares of common stock and the aggregate par value of all of said shares is Five Thousand Dollars (\$5,000) and the par value of each share is One Dollar (\$1.00) per share.

(2) The shares of stock of this corporation may be issued by this corporation from time to time for such consideration, not less than the par value thereof, except as otherwise provided by law, as from time to time may be fixed by the Board of Directors of the corporation; and all issued shares of the capital stock of the corporation shall be deemed fully paid and nonassessable and the holders of such shares shall not be liable thereunder to this corporation or to its creditors.

(3) No shareholder of this corporation shall have any preemptive or preferential right of subscription to any shares of any stock of this corporation, issued or sold, nor any right of subscription to any thereof other than such, if any, as the Board of Directors of this corporation in its discretion from time to time may determine.

ARTICLE V.

The existence of this corporation is to be perpetual.

ARTICLE VI.

The directors shall have power to make and to alter or amend the By-Laws, to fix the amount to be reserved as working capital, and to authorize and cause to be executed,

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TRADE-MARK

mortgages and liens without limit as to the amount, upon the property and franchise of this corporation.

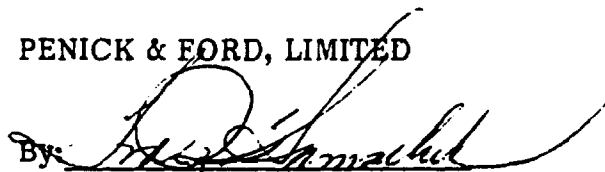
ARTICLE VII.

To the fullest extent permitted by the Delaware General Corporation Law as the same exists or may hereafter be amended, a director of this corporation shall not be liable to the corporation or its shareholders for monetary damages for breach of duty as a director.

We, the undersigned, for the purpose of forming a corporation under the laws of the state of Delaware, do make, file and record this Certificate, do certify that the facts herein stated are true and accordingly have hereunto set our hands and seals.

IN WITNESS WHEREOF, this Restated Certificate of Incorporation has been duly executed in the corporate name of PENICK & FORD, LIMITED by its Chairman of the Board, duly acknowledged, on this 13th day of November, 1987.

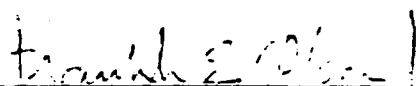
PENICK & FORD, LIMITED

By: 
Tod R. Hamachek
Chairman of the Board

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REEL 0598 FRAME 59

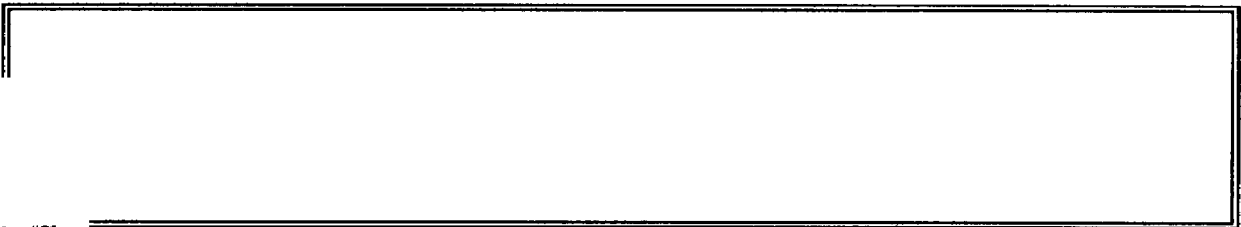
ATTEST:


Franklin E. Olsen, Jr., Secretary



09-27-1999

U.S. Patent & TMO/c/TM Mail Rpt Dt. #61



RESPONSE TO OFFICE ACTION

TRADEMARK
Reference No. 27295/20011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OWNER: PENFORD PRODUCTS CO.

MARK: PENFORD (STYLIZED)

REGISTRATION NO: 364,245

REGISTRATION DATE: JANUARY 24, 1939

EXAMINING ATTORNEY: FRANCES A. PFOHL

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Box RESPONSES NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on: September 22, 1999

By: Michael R. Graham

Dated: September 22, 1999

RESPONSE TO OFFICE ACTION

Box RESPONSES NO FEE

Assistant Commissioner
for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

This is in response to the Office Action mailed on May 13, 1999, in connection with the above-referenced application.

RESPONSE

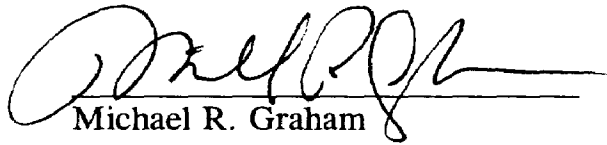
As requested by the attorney examining this request, a certified copy of the registration of the mark PENFORD (stylized) is enclosed, along with a copy of the Restated Certificate of Incorporation of PENICK & FORD, LIMITED, the name Applicant was formerly referred to as, which shows Applicant is a corporation having the state of Delaware as its place of citizenship, and changes the name of the corporation to PENFORD PRODUCTS CO.

As evidenced by this document, the name PENICK & FORD, LIMITED, in which the records of the Assignment Branch presently show title to this registration to be vested, was actually changed to PENFORD PRODUCTS CO. on or about November 13, 1987. This name change was recorded with the Assignment Branch on April 11, 1988, Reel No. 0598/Frame No. 0057, for various PENFORD PRODUCTS CO. trademarks that include, for example, ASTRO, PENDRESS and PEN-SPRAE. Registrant encloses herewith a copy of the recordation cover sheet and name change document which Applicant has filed with the Assignment Branch to record this change in connection with the present registration.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the renewal application be accepted and the renewal certificate be issued in the name of PENFORD PRODUCTS CO.

Respectfully submitted,
PENFORD PRODUCTS CO.



Michael R. Graham
One of Its Attorneys

Dated: September 22, 1999

MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 474-6300

TR 118886



THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:
UNITED STATES DEPARTMENT OF COMMERCE**

United States Patent and Trademark Office

July 01, 1999

**THE ATTACHED U.S. TRADEMARK REGISTRATION 364,245 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 20 YEARS FROM *January 24, 1939*
2nd RENEWAL FOR A TERM OF 20 YEARS FROM *January 24, 1979***

SAID RECORDS SHOW TITLE TO BE IN:

***PENICK & FORD, LIMITED
A DELAWARE CORPORATION***



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

L. Edelen

**L. EDELEN
Certifying Officer**

TRADEMARK

REEL: 001969 FRAME: 0371

Registered Jan. 24, 1939

Trade-Mark 364,245

UNITED STATES PATENT OFFICE

Penick & Ford, Ltd. Incorporated,
New York, N. Y.

Act of February 20, 1905

Application August 11, 1938, Serial No. 409,487

PENFORD

STATEMENT

To the Commissioner of Patents:

Penick & Ford, Ltd. Incorporated, a corporation duly organized under the laws of the State of Delaware, located and doing business at 420 Lexington Avenue, city, county, and State of New York, has adopted and used the trade-mark shown in the accompanying drawing, for CORN SYRUP AND CRYSTAL CORN SUGAR, AND COMPOUND OF MOLASSES AND SYRUP, in Class 46, Foods and ingredients of foods, and presents herewith five specimens showing the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905, as amended. The trade-mark has been continuously used and applied to said goods in applicant's business since March 1, 1910, on compounds of molasses; April 20, 1921, on corn syrup; Feb. 4, 1925, on crystal sugar. The trade-mark is applied or affixed to the goods,

or to the packages, containing the same by means of a label, or wrapper bearing the mark or by printing or impressing the same thereon and in divers other ways. Applicant is owner of registration No. 79,782 dated Oct. 4, 1910.

The undersigned hereby appoints the firm of Mason, Fenwick & Lawrence, of 726 Woodward Bldg., 15th and H Streets, N. W., Washington, D. C. (E. T. Fenwick, Edward G. Fenwick and Charles R. Fenwick constituting said firm), registered attorneys, No. 393, its attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign its name to the drawing, and to transact all business in the United States Patent Office connected therewith.

PENICK & FORD, LTD. INCORPORATED,
By J. H. LIND, JR.,
Secretary.