

02-10-2000

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



101264826

**RECORDATION FORM COVER SHEET
TRADEMARKS ONLY**

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 Agreement

☐ Nunc Pro Tunc Assignment

☐ Merger

Effective Date
Month Day Year

☐ Change of Name

☐ Other

Conveying Party

☐ Mark if additional names of conveying parties attached

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

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

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.)

FOR OFFICE USE ONLY

02/10/2000 TTOM11 00000117 501134 839248

01 FC:481 40.00 CH
02 FC:482 1625.00 CH

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

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REEL: 002016 FRAME: 0149

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number (214) 303-3411

Name

BRIDGET GRIFFIN JOHNSON

Address (line 1)

SUIZA FOODS CORPORATION

Address (line 2)

2515 MCKINNEY AVENUE, SUITE 1200

Address (line 3)

LB 30

Address (line 4)

DALLAS, TX 75201

Pages

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

9

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)

75-812,851

75-797,169

75-260,562

839,248

2,173,084

385,631

75-694,948

75-622,035

75-280,240

1,893,833

1,145,164

730,183

75-797,028

75-797,170

75-616,840

826,475

826,473

826,472

Number of Properties

Enter the total number of properties involved.

66

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 1,665.00

Method of Payment:

Enclosed ☐

Deposit Account ☒

Deposit Account

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

Deposit Account Number:

50-1134

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.

Andrew T. Panaccione

Name of Person Signing

Signature

Date Signed

12-30-99

RECORDATION FORM COVER SHEET
CONTINUATION
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U.S. Department of Commerce
Patent and Trademark Office
TRADEMARK

Conveying Party

Enter Additional Conveying Party

☐

Mark if additional names of conveying parties attached

Execution Date

Month Day Year

Name

MORNINGSTAR FOODS INC.

11/3/99

Formerly

☐

Individual

☐

General Partnership

☐

Limited Partnership

☒

Corporation

☐

Association

☐

Other

☐

Citizenship State of Incorporation/Organization

DELAWARE

Receiving Party

Enter Additional Receiving Party

☐

Mark if additional names of receiving parties attached

Name

MORNINGSTAR SERVICES INC.

DBA/AKA/TA

Composed of

Address (line 1)

300 DELAWARE AVENUE, SUITE 546

Address (line 2)

Address (line 3)

WILMINGTON

City

DELAWARE

State/Country

19801

Zip Code

☐

Individual

☐

General Partnership

☐

Limited Partnership

☐

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☒

Corporation

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Trademark Application Number(s)

75-822,387

75-549,196

75-613,630

75-797,171

75-809,184

75-809,185

75-694,481

Registration Number(s)

826,474

826,476

770,462

832,259

2,035,239

2,065,824

2,016,114

~~1,811,630~~

825,387

1,019,518

2,145,203

1,733,391

823,700

743,071

1,823,012

1,228,607

854,742

1,190,147

1,711,974

692,146

1,493,342

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REEL: 002016 FRAME: 0151

RECORDATION FORM COVER SHEET
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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)

2,187,208	2,020,149	873,914
793,458	1,641,403	911,291
538,676	823,006	870,674
1,017,501	2,121,510	1,950,811
1,942,273	1,855,316	2,097,489
1,276,426	2,151,383	1,830,468
940,577	2,049,452	1,955,508

EXHIBIT A

ASSIGNMENT OF INTELLETUAL PROPERTY

WHEREAS, Morningstar Foods Inc., a Delaware corporation (hereinafter "Assignor"), is the owner of record of the trademarks, service marks and copyrights listed on Attachment 1 (hereinafter referred to as the "Intellectual Property");

WHEREAS, Morningstar Services Inc., a Delaware corporation, having its principal place of business at 300 Delaware Avenue, Suite 546, Wilmington, Delaware 19801 (hereinafter "Assignee"), desires to acquire the entire right, title and interest in and to the Intellectual Property and the registrations and/or applications therefor, together with the goodwill of the business connected with the use of and symbolized by said Intellectual Property;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee the entire right, title and interest in and to said Intellectual Property and the registrations and/or applications therefor, together with the goodwill of the business connected with the use of and symbolized by said Intellectual Property.

IN WITNESS WHEREOF, Assignor has executed this Assignment on this 3RD day of NOVEMBER, 1999.

MORNINGSTAR FOODS INC.

By: [Signature]

Name: ROBERT G. LATHAM

Title: VICE PRESIDENT

ACKNOWLEDGMENT

THE STATE OF Delaware §
New Castle §
COUNTY OF DALLAS §

On this 3rd day of November, 1999, before me personally came Robert G. Latham, to me known, who being by me duly sworn, did depose and say that he/she is Vice President of Morningstar Foods Inc., the corporation described in and which executed the above Assignment, and that he/she signed his/her name thereto by order of the Board of Directors of such corporation.

Edith Y. Puican
Notary Public

My Commission Expires:

EDITH Y. PUICAN
NOTARY PUBLIC-DELAWARE
My Commission Expires Dec. 27 2000

ACCEPTANCE:

Assignee hereby accepts and receives the entire right, title and interest in and to said Intellectual Property and the registrations and/or applications therefor, together with the goodwill of the business connected with the use of and symbolized by said Intellectual Property.

MORNINGSTAR SERVICES INC.

By: Elaine Ruiz
Name: Elaine Ruiz
Title: President

ATTACHMENT 1

U.S. TRADEMARKS AND SERVICE MARKS

<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
A BRIGHT NEW TASTE	75-812,851	October 1, 1999	29 - Soy-based food beverage used as a milk substitute; soy- based yogurt substitute, soy- based cottage cheese substitute and soy-based sour cream substitute
AFFAIR & Design	839,248	November 21, 1967	29 - Vegetable derived, non- dairy whipped topping
AMERICA'S MOST TRUSTED NAME IN TOPPINGS!	2,173,084	July 14, 1998	29 - Whipped dairy toppings, whipped non-dairy based toppings, table cream, whipping cream and whipped cream
AVOSET	385,631	March 11, 1941	30 - Icings
BAKER'S TOPPING and Design	1,893,833	May 9, 1995	29 - Cream containing a vegetable stabilizer
BASICREME	1,145,164	December 30, 1980	29 - Non-dairy topping
CATER TOPPING (Stylized)	826,473	March 28, 1967	29 - Base for use in the manufacture of non-dairy creamers
CATER-BLEND	730,183	April 17, 1962	29 - Cream replacement product for use in producing a whipped topping
CATER-S (Stylized)	826,475	March 28, 1967	29 - Cream substitute containing essentially hydrogenated vegetable oils, dextrose, vegetable protein, stabilizer, salt, artificial coloring and flavor, but containing no milk or milk products
			29 - Food replacement product having the characteristics and used in place of sour cream

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| REEL: 002016 FRAME: 0155

<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
CATER-S FLAVOR (Stylized)	826,472	March 28, 1967	29 – Synthetic butter flavor used in food processing
CATERTOP (Stylized)	826,474	March 28, 1967	29 - Cream substitute containing essentially hydrogenated vegetable oils, dextrose, vegetable protein, stabilizer, salt, artificial coloring and flavor, but containing no milk or milk products
CATERWHIP (Stylized)	826,476	March 28, 1967	29 - Cream replacement product similar to fresh dairy whipping cream being similar in consistency, flavor, whipping character and use
CLASSIC ORIGINAL	75-797,169	September 10, 1999	29 – Non-dairy creamers
COFFEE HIGH	770,462	May 26, 1964	29 – Liquid imitation cream
CREAM PRODUCTS LOGO	832,259	July 18, 1967	29 - Liquid imitation cream, liquid imitation whipping cream, and sour tasting non-dairy dressing
DAIRY BREAK (Stylized)	2,035,239	February 4, 1997	29 – Soy-based beverage used as a milk substitute
DAIRY CLASSICS	75-260,562	March 20, 1997	29 - Line of sour creams, cottage cheeses, snack dips excluding salsa and other sauces used as dips, yogurts, and various other dairy products, namely, cheese, milk and dairy-based food beverages
DAIRY FRESH	75-694,948	April 30, 1999	29 - Yogurt, dairy and non-dairy whipped topping, cottage cheese, sour cream, dips (excluding salsa and other sauces used as dips), non-dairy creamers, and half and half
DAIRY WHIP	2,065,824	May 27, 1997	29 – Whipped topping
DAY BREAK (Stylized)	2,016,114	November 12, 1996	32 – Fruit drink containing yogurt

<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
DESSERT BEGINNINGS	1,811,630	December 14, 1993	30 - Frozen non-dairy substitute to be used as dessert fillings and toppings, and in dessert preparations
DSERTWHIP (Stylized)	825,387	March 7, 1967	30 - Cream replacement product consisting essentially of a pasteurized blend of water, hydrogenated vegetable oil, stabilizer, sweetening and flavoring, sold in liquid form and requiring refrigeration, and being similar to the consistency, flavor, whipping character and use of fresh dairy whipping cream, and for a concentrate for making the same
EXTREME SHAKE	75-622,035	January 16, 1999	29 - Milk based flavored beverages
FABLE	1,019,518	September 2, 1975	29 - Vegetable base imitation cream for whipping
FILLIN' PRIDE (Stylized)	2,145,203	March 17, 1998	30 - Dessert fillings and toppings, namely, icings
FLAVOR FRESH POUR SPOUT	75-280,240	January 15, 1997	20 - Fitment applicators, namely plastic screw top caps sold as a component of cardboard containers
			29 - Non-dairy creamer and egg products, namely egg substitutes
FROSTIN PRIDE	1,733,391	November 17, 1992	30 - Non-dairy icing and filling for cakes, pies and other desserts, that also may be consumed as is
HY DERV	823,700	February 7, 1967	30 - Sour non-dairy food product useable as a dressing, dip, spread, or sauce

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<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
HY 'N DRY	743,071	January 1, 1963	30 - Liquid imitation whipping cream adapted for making toppings, pie fillings, custards, cream fills between layers of layer cakes, and as an ingredient in butter or cream icings and in cheese cakes
INTERNATIONAL DELIGHT & LOGO	75-797,028	September 10, 1999	29 - Non-dairy creamers
INTERNATIONAL DELIGHT LOGO	75-797,170	September 10, 1999	29 - Non-dairy creamers
LA CORONA (Stylized)	1,823,012	February 22, 1994	30 - Refrigerated and frozen yogurt
LA CREME	1,228,607	February 22, 1983	29 - Dairy based whipped topping
MATEY	854,742	August 13, 1968	29 - Vegetable-derived, non-dairy sour cream, cocktail food dip and dressing
MIRAGE	1,190,147	February 16, 1982	29 - Imitation cream cheese
MOCHA MIX	1,711,974	September 1, 1992	30 - Non-dairy frozen desserts having an appearance and consistency similar to ice cream
MOCHA MIX	692,146	January 26, 1960	29 - Cream substitute containing essentially hydrogenated vegetable oils, dextrose, vegetable protein, stabilizer, salt, artificial coloring and flavor, but containing no milk or milk products
MOCHA MIX "O" DESIGN	75-616,840	January 6, 1999	29 - Non-dairy creamers
MOCHA MIX (Stylized)	1,493,342	June 21, 1988	29 - Non-dairy creamers
MOCHA MIX FOR YOUR COFFEE	2,187,208	September 8, 1998	29 - Non-dairy creamers
NOW YOU'RE COOKIN'	75-822,387	October 13, 1999	29 - Egg substitutes
PACIFIC PRIDE	2,020,149	December 3, 1996	29 - Non-dairy based whipped topping

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<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
PASTRY PRIDE (Stylized)	873,914	July 29, 1969	29 - Non-dairy topping similar in consistency, flavor, whipping characteristics and use to fresh dairy whipping cream, sold in a frozen state and being whippable upon thawing
PITCHER PRIDE	793,458	July 27, 1965	29 - Cream substitute containing essentially water, hydrogenated vegetable oil, corn syrup solids, sodium caseinate, carrageenan, sodium citrate, disodium phosphate, salt, mono- and di-glycerides of the fat forming acids (except lauric), polysorbate 60, sorbitan monostearate, lecithin, artificial flavor and artificial color, but containing no milk or milk products
POUR N' WHIP PRESTO (Stylized)	75-549,196 1,641,403	September 8, 1998 April 16, 1991	29 - Pastry topping 29 - Salad dressing sold to the institutional market
PUT A LITTLE DELIGHT IN YOUR MORNING QWIP	75-613,630 911,291	December 30, 1998 April 13, 1971	29 - Non-dairy creamers 29 - Vegetable fat-based product to be whipped and used as a food topping
QWIP (Stylized)	538,676	February 17, 1951	29 - Sterilized cream packed under pressure
R.G.B. and Design	823,006	January 24, 1967	1 - Stabilizers for use in making cream replacement products
REAL WHIP	870,674	June 3, 1969	29 - Non-dairy whipped topping for use primarily on desserts
SECOND NATURE	1,017,501	August 5, 1975	29 - Food products, namely, dairy and non-dairy creamers, egg nog and egg substitutes

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<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
SIGNATURE	2,121,510	December 16, 1997	29 - Non-dairy creamers, acidophilus milk, milk, chocolate milk and half and half (milk and cream mixture)
SIGNATURE CREAMERS (Stylized)	1,950,811	January 23, 1996	29 - Fluid milk products, namely cream, flavored cream and half and half
SIGNATURE CREAMERS (Stylized)	1,942,273	December 19, 1995	29 – Non-dairy creamers
SIGNATURE FLAVORS (Stylized)	1,855,316	September 20, 1994	29 – Non-dairy creamers
SINFULLY RICH AND CREAMY. WITHOUT THE SIN.	2,097,489	September 16, 1997	29 – Non-dairy creamers
SOUR PLUS	1,276,426	May 1, 1984	29 – Cultured sour dressing for salads, potatoes, and other such uses
SQUEEZE-PRO (Stylized)	2,151,383	April 14, 1998	29 – Non-dairy whipped topping
SUN SOY	75-797,171	September 10, 1999	Soy-based food beverage used as a milk substitute; soy-based yogurt substitute, soy-based cottage cheese substitute and soy-based sour cream substitute
SUN SOY “O” DESIGN	75-809,184	September 24, 1999	Soy-based food beverage used as a milk substitute; soy-based yogurt substitute, soy-based cottage cheese substitute and soy-based sour cream substitute
SUN SOY and Design	75-809,185	September 24, 1999	Soy-based food beverage used as a milk substitute; soy-based yogurt substitute, soy-based cottage cheese substitute and soy-based sour cream substitute
SWIRL TOPPING DESIGN	1,830,468	April 12, 1994	30 - Non-dairy icing, non-dairy frosting, non-dairy fillings for cakes and pies
TOPPIN PRIDE (Stylized)	940,577	August 8, 1972	29 – Non-dairy whipped toppings

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<u>Mark</u>	<u>Registration/ Application No.</u>	<u>Date of Registration/Filing</u>	<u>Class/Goods</u>
WAKE UP EVERY CUP	75-694,481	April 29, 1999	29 – Non-dairy creamers
YOGI DELIGHT	2,049,452	April 1, 1997	29 – Dairy based food beverage in the form of a liquid yogurt drink
YOGI SUNDAE	1,955,508	February 13, 1996	29 – Refrigerated yogurt and gelatin snack