

10-07
02-11-2000

MAR 11 14:00
RE

MRP
10-4-99



007

TO: The Commissioner of Patents and Trade

101266324

document(s) or copy(ies).

Submission Type

- New
- Resubmission Document ID# (Non-Recordation)
- Correction of PTO Error
Reel # Frame #
- Corrective Document
Reel # Frame #

Conveyance Type

- Assignment License
- Security Nunc Pro Tunc Assignment
- Merger
- Change of Name
- Other Termination of Security Interest

Effective Date
Month Day Year
5/24/96

Conveying Party

Mark if additional names of conveying parties attached

Name Congress Financial Corporation (Central)

Execution Date
Month Day Year
9/23/99

Formerly

- Individual General Partnership Limited Partnership Corporation Association
- Other

Citizenship/State of Incorporation/Organization Illinois

Receiving Party

Mark if additional names of receiving parties attached

Name Stokley USA, Inc.

DBA/AKA/TA

Composed of

Address (line 1) 1055 Corporate Center Drive

Address (line 2)

Address (line 3) Oconomowoc Wisconsin 53066-0248
City State/Country Zip Code

- Individual General Partnership Limited Partnership Association
- Corporation Association
- Other

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.)

Citizenship/State of Incorporation/Organization Wisconsin

10/06/1999 INQUIRY 00000050 74572755

FOR OFFICE USE ONLY

01 FC:441
02 FC:442

40.00 DP
950.00 DP

Public burden reporting for this cover sheet information 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 & 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. # 11

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)

| | | | | | |
|-------------------|---------|---------|------------------|------------------|------------------|
| <u>74/572,755</u> | <u></u> | <u></u> | <u>1,214,226</u> | <u>1,511,104</u> | <u>994,442</u> |
| <u></u> | <u></u> | <u></u> | <u>1,474,332</u> | <u>509,866</u> | <u>999,795</u> |
| <u></u> | <u></u> | <u></u> | <u>1,473,362</u> | <u>277,037</u> | <u>1,459,387</u> |

Number of Properties Enter the total number of properties involved. # 39

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): \$ 990.00

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]
Signature

9/30/99
Date Signed

**RECORDATION FORM COVER SHEET
 CONTINUATION
 TRADEMARKS ONLY**

Conveying Party **Mark if additional names of conveying parties attached**
 Enter Additional Conveying Party

Name Execution Date
 Month Day Year

Formerly

Individual General Partnership Limited Partnership Corporation Association

Other

Citizenship/State of Incorporation/Organizaiton

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)

Registration Number(s)

| | | | | | |
|----------------------|----------------------|----------------------|-----------|---------|---------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 244,196 | 772,459 | 646,193 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 243,844 | 189,207 | 616,936 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,673,564 | 657,227 | 256,962 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,525,297 | 355,649 | 568,687 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,008,448 | 188,704 | 657,227 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,122,494 | 348,287 | 868,236 |

**RECORDATION FORM COVER SHEET
 CONTINUATION
 TRADEMARKS ONLY**

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Name Execution Date
 Month Day Year

Formerly

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Other

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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) | | |
|---------------------------------|----------------------|----------------------|------------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,459,387 | 249,772 | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,265,174 | 255,086 | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 1,268,696 | 1,545,489 | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 41,402 | 741,698 | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 133,799 | 1,265,864 | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | 545,508 | <input type="text"/> | <input type="text"/> |

TERMINATION OF A SECURITY INTEREST IN TRADEMARKS

WHEREAS, Stokely USA, Inc. ("Stokely") has granted a security interest in all of Stokely's trademarks, including without limitation, those identified on the attached Exhibit A, pursuant to a certain Trademark Security Agreement dated as of May 21, 1996 ("Trademark Security Agreement") in favor of Congress Financial Corporation (Central) ("Congress");

WHEREAS, Congress filed the Trademark Security Agreement in the trademark registers of the U.S. Patent and Trademark Office at Reel 1472 Frame 0570 on May 24, 1996, to evidence Stokely's assignment to Congress of its rights under the Trademark Security Agreement with respect to Stokely's trademarks; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Congress hereby desires to cancel and terminate the Trademark Security Agreement, declare the same null and void, of no further force and effect, and further cancels Congress' entire interest in Stokely's trademarks described in the Trademark Security Agreement.

IN WITNESS WHEREOF, Congress has caused this Termination of a Security Interest in Trademarks to be duly executed at of this 2nd day of September, 1999.

Dated this 23rd day of September, 1999.

CONGRESS FINANCIAL
CORPORATION (CENTRAL)

By: Thomas C. Lannon
Name: Thomas C. Lannon
Its: Vice President

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

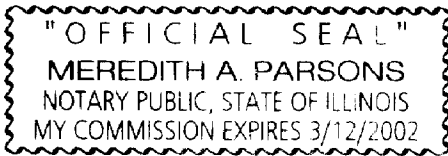
Personally came before me this 23rd day of September, 1999,
Thomas C. Harmon, to me known to be the person who executed the
foregoing instrument, and to me known as the Vice President of Congress Financial
Corporation (Central), and acknowledged that he executed the foregoing instrument as an officer
of said company by its authority.

(Notarial Seal)

Meredith A. Parsons

Meredith A. Parsons

(Print or Type Name)



Notary Public, County of Cook
State of Illinois

My commission expires 03/12/2002

TO TRADEMARK SECURITY AGREEMENT

REGISTERED TRADEMARKS
AND TRADEMARK APPLICATIONS

FEDERAL TRADEMARK REGISTRATIONS

| MARKS | REG. NO. | GRANTED |
|---------------------------|--------------------------|----------|
| The Cannery | 1214226 | 10/26/82 |
| Newport | 1474332 | 01/26/88 |
| School Days | 1473362 | 01/19/88 |
| Our Favorite | 1511104 | 11/01/88 |
| Shellie | 509866 | 05/17/49 |
| Stokely's Finest & Design | 277037 | 11/04/30 |
| Stokely's | 994442 994422 | 10/01/74 |
| Stokely's Finest | 999795 | 12/17/74 |
| Singles* | 1459387 | 09/29/87 |
| Little Nap | 244196 | 07/17/28 |
| Hart | 243844 | 07/03/28 |
| Fixins' | 1673564 | 01/28/92 |
| Fort Howard | 1525297 | 01/02/90 |
| Singles | 1008448 | 04/08/75 |
| Econo Brand | 1122494 | 07/17/79 |
| Butterland | 772459 | 06/30/64 |
| Teenie Weenie | 189207 | 09/16/24 |
| Chef's Best | 657227 | 01/14/58 |
| Buddie | 355649 | 03/22/58 |
| Buddie | 188704 | 09/02/24 |
| Miss Wisconsin | 348287 | 07/20/57 |

| MARKS | REG. NO. | GRANTED |
|-----------------------|--------------------|----------------|
| Honey Dew | 646193 | 05/28/57 |
| Chef's Best | 616936 | 11/29/55 |
| LaBelle | 256962 | |
| Big Sweets | 568687 | |
| Chef's Best | 657227 | |
| Dinner King | 868236 | |
| Singles | 1459387 | |
| Oconomowoc | 1265174 | 01/24/84 |
| Food For Thought | 1268696 | 02/28/84 |
| ♥ (Heart) | 41402 | 11/03/03 |
| Hart | 133799 | 08/03/20 |
| Daisy Fresh | 545508 | 07/24/51 |
| Pee-Wee | 249772 | 11/20/28 |
| Tiny Tad | 255086 | 04/16/29 |
| Stokely's Gold | Ser. No.74/572/755 | Filed 09/12/94 |
| Stokely's Traditional | 1545489 | |
| Meeters | 741698 | |
| Mrs. Grimes | 1265864 | |

COMMON LAW MARKS AND TRADE NAMES

Oconomowoc Canning
Oconomowoc Canning Company
Ackley Food Processing Company

**REGISTERED STATE TRADEMARKS
AND TRADEMARK APPLICATIONS**

NONE

**REGISTERED FOREIGN TRADEMARKS
AND TRADEMARK APPLICATIONS**

| <u>COUNTRY</u> | <u>MARKS</u> | <u>REG. NO.</u> |
|----------------|---------------------------|-----------------|
| Canada | Teenie Weenie | 114,097 |
| Mexico | Stokely's | 399357 |
| | Stokely's Finest | 399207 |
| | Stokely's Finest & Design | 400100 |

TRADEMARK LICENSES

| <u>LICENSEE</u> | <u>MARKS</u> | <u>TERM</u> |
|--|------------------|--|
| 1. Mason County Fruit Packers Cooperative, Inc. | Stokely's | Reg. No. 994,422 |
| | Stokely's Finest | Reg. No. 277,037 999,795 |
| 2. Red Gold, Inc. | Stokely's | Reg. No. 994,422 |
| | Stokely's Finest | Reg. No. 277,037 999,795 |
| 3. Foster Canning, Inc. | Stokely's | Reg. No. 994,422 |
| | Stokely's Finest | Reg. No. 277,037 999,795 |
| 4. Packer Foods, Inc. | Stokely's | Reg. No. 994,422 |
| | Stokely's Finest | Reg. No. 277,037 999,795 |
| | | Subject to termination on 90-180 day notice |

MOORE & VAN ALLEN, PLLC

ATTORNEYS AT LAW

STEVEN D. THOMAS
DIRECT DIAL 919-286-8122
DIRECT FAX 919-416-8322
E-MAIL steventhomas@mvalaw.com

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TELEPHONE 919-286-8000
FACSIMILE 919-286-8199
<http://www.mvalaw.com>
POST OFFICE BOX 3843
DURHAM, NORTH CAROLINA 27702-3843

CHARLOTTE, NC
RALEIGH, NC
CHARLESTON, SC

January 14, 2000

Commissioner of Patents and Trademarks
BOX ASSIGNMENTS

CG-4

1213 Jefferson Davis Highway

Suite 320

Washington, D.C. 20231

Attn: Joann Stewart, Examiner

Via Certified Mail

Z 591 345 975

**Re: Correction To Recordation of Termination of Security Interest in
Trademarks Due to PTO and Client Error - Recorded At Reel 1971, Frame
0312 - Document I.D. No. 101163851A.**

Dear Ms. Stewart:

We are resubmitting the following documents for correction:

1. Corrected Recordation Form Cover Sheet - Trademarks;
2. Notice of Recordation of Assignment Document pertaining to a Termination of Security Interest in Trademarks recorded October 4, 1999, at Reel 1971/Frame 0312;
3. Check No. 29374 in the amount of Forty Dollars (\$40.00);
4. Post Card acknowledgment of filed Correction to the Release of Trademarks documents.

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 the Commissioner of Patent And Trademarks, BOX ASSIGNMENTS, Washington, DC 20231.

Bryan Catcher

(Typed or printed name of person signing the certificate)

BK CV

(Signature of the person signing the certificate)

1/14/00

(Date of Signature)

RECORDED: 01/14/2000

TRADEMARK
REEL: 002020 FRAME: 0175