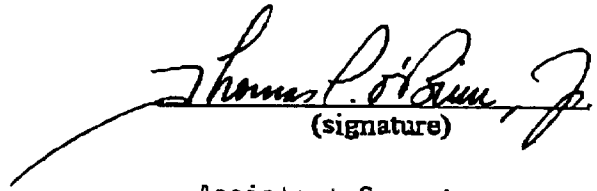




ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, The Kroger Co. (an Ohio corporation) assigns, transfers and conveys to The Kroger Co. of Michigan (a Michigan corporation) all right, title and interest in the United States in and to the application for the mark HEALTHY INDULGENCE, Serial No. 74/674,988; the goodwill symbolized by and associated with the use of same; together with all rights and causes of action accrued, accruing and to accrue under and by virtue hereof, including the right to sue and recover for past infringement and receive all damages, payments and costs and fees associated therewith.

THE KROGER CO.

  
(signature)

Assistant Secretary  
(title)

May 19, 2000  
(date)

10381306V1

\*\* TOTAL PAGE.07 \*\*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: The Kroger Co.  
Mark: HEALTHY INDULGENCE  
Serial No.: 74/674,988  
Filed: May 17, 1995

Notice of Allowance  
Mailing Date: November 23, 1999

\* \* \* \* \*

**STATEMENT OF USE UNDER 37 C.F.R. 2.88**

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Sir or Madam:

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended). One specimen showing the mark as actually used in interstate commerce is submitted with this statement.

Applicant is using the mark in interstate commerce on or in connection with the following goods identified in the notice of allowance: *Sauces*, in International Class 030. Applicant omits the remaining goods specified in the notice of allowance in International Class 030, and omits all the goods specified in the notice of allowance in International Classes 029, 031, and 032.

The mark was first used at least as early as June 1996; was first used in interstate commerce at least as early as June 1996, and is now in use in such commerce on all the goods listed above.

The mark is used by applying it to the labels, packaging and/or in other ways customary to the trade.

In the event that the appropriate fee is inadvertently omitted, please charge the cost to Account No. 03-3975, Order No. 61148-021-4385/LCG/KDM.

### DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this document on behalf of the applicant; he/she believes the applicant to be the owner of the mark sought to be registered; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause

confusion, or to cause mistake, or to deceive; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

THE KROGER CO.

By: Thomas P. O'Brien, Jr.

Name: Thomas P. O'Brien, Jr.

Title: Assistant Secretary

Date: May 19, 2000

**Correspondence to:**

Calendar/Docketing Department  
Pillsbury Madison & Sutro LLP  
Post Office Box 7880  
San Francisco, CA 94120-7880

**Telephone Communications to:**

Laura C. Gustafson  
Pillsbury Madison & Sutro LLP  
(415) 983-6318

ET WT  
 16 OZ  
 (454g)  
 737g



# HEALTHY INDULGENCE™

**Fat Free**  
 Garden Vegetable  
 PASTA SAUCE

A Cholesterol  
 Free Food  
 50 Calories  
 Per Serving



## Nutrition Facts

Serving Size 1/2 cup (126g)  
 Servings Per Container about 6

Amount Per Serving  
 Calories 50 Calories from Fat 0

% Daily Value\*

Total Fat 0g 0%

Saturated Fat 0g 0%

Cholesterol 0mg 0%

Sodium 380mg 16%

Total Carbohydrate 11g 4%

Dietary Fiber 2g 8%

Sugars 8g

Protein 2g

Vitamin A 10% • Vitamin C 20%

Calcium 2% • Iron 4%

\*Percent Daily Values are based on a 2,000 calorie diet.

INGREDIENTS: TOMATO PUREE (WATER, TOMATO PASTE), DICED TOMATOES, SUGAR, MUSHROOMS, ONIONS, CELERY, GREEN BELL PEPPERS, CARROTS, SALT, NATURAL FLAVORS, ZUCCHINI, PARSLEY, GARLIC POWDER, ASCORBIC ACID.  
 \*DEHYDRATED

DISTRIBUTED BY THE KROGER CO., CINCINNATI, OHIO 45202  
 MADE IN U.S.A.

**Directions:** Pour over steaming spaghetti or your favorite pasta. Kroger Healthy Indulgence Pasta Sauce is made rich and delicious with just the right blend of herbs and spices.

### QUALITY GUARANTEED

We guarantee the quality of the product. If for any reason you are not satisfied, please return this product to the store for a full refund or replacement. If you have comments or questions, please call 1-800-632-6900.



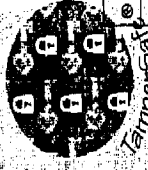
Glass Recycles



TRADEMARK  
 REEL: 002085 FRAME: 0089

FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND BACK OF THIS DOCUMENT HAS ARTIFICIAL WATERMARK-HOLD AT ANGLE TO VIEW

1135 1210 109173



BANK OF AMERICA  
345 MONTGOMERY STREET  
SAN FRANCISCO, CA 94104

**Pillsbury**  
REGISTERED TRADEMARK  
**Madison & Sutro LLP**

P.O. Box 7880  
San Francisco, CA 94120-7880

Date	Check No.	Amount
05/18/2000	109173	\$100.00

**PAY ONE HUNDRED AND 00/100 DOLLARS**

PILLSBURY MADISON & SUTRO LLP  
S. F. GENERAL ACCOUNT

*Signature*

**PAY TO THE ORDER OF Assistant Commissioner of Patents and Trademarks**

CHECKS OVER \$2,500 REQUIRE TWO SIGNATURES

VOID AFTER 90 DAYS

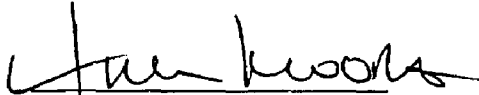
⑆ 109173 ⑆ ⑆ 121000358 ⑆ 1499100275 ⑆

Vendor No.	Check No.	Check Date	Invoice No.	Invoice Date	Description	Invoice Amount	Discount	Payment Amount
025081	109173	05/18/2000						
051800B			05/18/2000		Filing Statement of Use	100.00		100.00

**Totals: \$100.00**

CERTIFICATE OF MAILING

I hereby certify that the attached executed Statement of Use by The Kroger Co. for HEALTHY INDULGENCE in Class 30, one (1) specimen of the mark, a check in the amount of \$100, a copy of the transmittal letter for deposit account transactions, a self-addressed stamped postal acknowledgment card and a copy of the Recordation of Assignment are being deposited with the United States Postal Service in an envelope addressed to "Box ITU FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514" on May 19, 2000.

  
Kim Moore



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE:

Applicant: **The Kroger Co**  
Serial/Reg. No.: **74-67198**  
Mark: **HEALTHY INDUIGENCE**

Intent-to-Use Application  
Request for Ext. of Time

TH/SM Application

Amendment to Allege Use

Statement of Use

Declaration 8 and/or 15

Certificate of

Renewal Application

Mailing/Express Mailing

Mailing of Transmittal

Drawing

X Copy of Declaration

Specimens: 1

X Copy of Assignment

Filing Fee \$100.00

FILED: 5-19-00

File No. 61148-021-4385 | LG/KDM



Writer's direct dial number / email:  
(415) 983-6318  
gustafson\_lc@pillsburylaw.com

May 19, 2000

The Assistant Commissioner for Trademarks  
Box ITU FEE  
2900 Crystal Drive  
Arlington, VA 22202-3514

Re: The Kroger Co. - U.S. Trademark Application  
HEALTHY INDULGENCE, Serial No. 74/674,988  
Our Attorney Ref. No. 61148-021-4385/LCG/KDM

Dear Sir or Madam:

Enclosed please find the materials necessary for transmittal of the Statement of Use for the mark HEALTHY INDULGENCE:

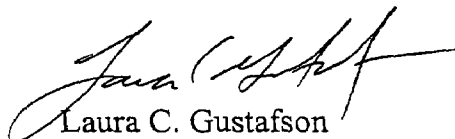
1. One executed Statement of Use by The Kroger Co. for HEALTHY INDULGENCE;
2. One (1) specimen of the mark;
3. A check in the amount of \$100 in payment of the filing fee;
4. A Certificate of Mailing;
5. A self-addressed stamped postal acknowledgment card;
6. A copy of the transmittal letter for deposit account transactions; and
7. A copy of the Recordation of Assignment of the trademark application to The Kroger Co. of Michigan filed May 19, 2000.

May 19, 2000

Page 2

Please charge any underpayment or credit any overpayment to Deposit Account No. 03-3975, Order No. 61148-021-4385/LCG/KDM.

Respectfully submitted,



Laura C. Gustafson

Enclosures

cc: Mr. Thomas P. O'Brien, Jr. (by M. Sarra)  
Ms. Martha Cutright Sarra w/encs.

Mr. Richard L. Kirkpatrick w/o encs.



Assistant Commissioner for Trademarks  
BOX ITU FEE  
2900 Crystal Drive  
Arlington, VA 22202-3414

P.O. BOX 7880 SAN FRANCISCO, CALIFORNIA 94120-7880

RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE:

Applicant: *The Koppers Co. Inc.*  
Serial No. *199474*  
Mark: *HEAVY DUTY DRIBBLE STENCIL*

Int./SR Application  Intention-to-use Application

Declaration of Inventor  Declaration of Use

Renewal Application  Statement of Use

*NO* Declaration of Inventor  *NO* Statement of Use

Drawing  Mailing Address

Specimens  Copy of Transmittal

Filing Fee  *Assessment of Patent Attorney*

Filed: *9/13/00*

File No. *61448-021-4385*

TRADEMARKS ONLY

TRADEMARKS ONLY

To the Honorable Commissioner of Patents and Trademarks  
Please record the attached original document or copy thereof.

1. Name of Party(ies) conveying an interest:  
**The Kroger Co.**

Entity:

Individual(s)       Association

General Partnership       Limited Partnership

Corporation-State **OHIO**

Other

3. Interest Conveyed:

Assignment    Change of Name

Security Agreement       Merger

Other:

Execution Date    **May 19, 2000**

2. Name and Address of Party(ies) receiving an interest:  
Name:    **The Kroger Co. of Michigan**

Address: **17390 Laurel Park Drive North, Suite 400  
Livonia, MI 48152-2686**

Entity:

Individual(s)       Association

Corporation - **MICHIGAN**       General Partnership       Limited Partnership

Other:

Citizenship:

If not domiciled in the United States, a domestic representative designation is attached:

Yes

No

(The attached document must **not** be an assignment)

4. Application number(s) or registration number(s). Additional sheet attached?       Yes    No

A. Trademark Application No.(s)

**NONE**

B. Trademark Registration No.(s)

**74-674,988**

5. Please mail documents back to:

Calendar/Docketing Dept.  
Pillsbury Madison & Sutro LLP  
Post Office Box 7880  
San Francisco, CA 94120

6. Number of registrations involved: **One (1)**

7. Amount of fee enclosed: **\$40**

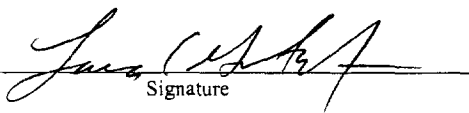
8. If above amount is missing or inadequate, charge deficiency to our Deposit Account No. 03-3975 under Order No. **61148-021-4385/LCG/KDM**

DO NOT USE THIS SPACE

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.

Total number of pages including cover sheet, attachments and document.      **12**  
(excluding duplicate cover sheet)

  
Signature

Attorney: **Laura C. Gustafson**  
Date: **May 19, 2000**  
Atty/Sec: \_\_\_\_\_

Tel: **(415) 983-6318**  
Fax: **(415) 983-1200**

File in DUPLICATE with post card receipt

TRADEMARK

REEL: 002085 FRAME: 0097

RECORDED: 05/23/2000