

FORM PTO-1618A  
Expires 06/30/99  
OMB 0651-0027

08-02-2000

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



101421444

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

7.10.00

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  Change of Name
- Other Release of 10/31/95 Trademark Security Agreement

Effective Date  
Month Day Year

**Conveying Party**

Mark if additional names of conveying parties attached

Name

Execution Date  
Month Day Year

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**

08/01/2000 DNGUYEN 00000373 74089441

01 FC:401  
02 FC:402

40.00 DP  
475.00 DP

Public burden reporting for this collection of 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

**TRADEMARK**  
**REEL: 002113 FRAME: 0713**

**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

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

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

**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" value="74/089441"/>	<input type="text" value="74/698608"/>	<input type="text" value="74/698610"/>	<input type="text" value="0698950"/>	<input type="text" value="0943846"/>	<input type="text" value="1737418"/>
<input type="text" value="74/653658"/>	<input type="text" value="74/603081"/>	<input type="text" value="74/018772"/>	<input type="text" value="0803183"/>	<input type="text" value="1444334"/>	<input type="text" value="1425030"/>
<input type="text" value="74/653659"/>	<input type="text" value="74/698607"/>	<input type="text"/>	<input type="text" value="0873386"/>	<input type="text" value="1535590"/>	<input type="text" value="0962182"/>

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

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

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: #

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.

Donna R. Gasiorowski  
Senior Legal Assistant

7/7/00

Name of Person Signing

Signature

Date Signed

RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY

**Conveying Party**

Enter Additional 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**

Enter Additional 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

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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)**

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0984072	<input type="text"/>	<input type="text"/>
0962990	<input type="text"/>	<input type="text"/>
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RELEASE

This Release granted on this 30<sup>th</sup> day of May, 2000, by HELLER FINANCIAL, INC., as Agent for Lenders ("Agent") to Norse Dairy Systems, L.P. a Delaware limited partnership ~~corporation~~, ("Grantor"), as follows:

BK-6-26-00

WITNESSETH

WHEREAS, the Grantor has heretofore granted to the Agent a Security Interest in certain U.S. trademarks, trademark registrations, trademark applications, trade names and service marks and trademark licenses (the "Marks") more particularly set forth on Schedule I attached hereto to secure the Obligations of the Grantor as defined in the Trademark Security Agreement between the parties dated 10/31/1995 (the "Trademark Security Agreement"); and

WHEREAS, the Agent wishes to release and restore all right, title and interest in and to the Marks to the Grantor and to dissolve any and all Liens and encumbrances respecting the Marks shown on the attached Schedule I hereto.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Agent hereby releases, discharges, quit claims and relinquishes unto the Grantor any and all right, title and interest in and to the Marks, and more particularly the security interest in the trademarks, trademark registrations, trademark applications, trade names and service marks and trademark licenses set forth on Schedule I hereto granted to the Agent by the Grantor by the Trademark Security Agreement.

IN WITNESS WHEREOF, the undersigned, by and through its authorized officer, has caused this instrument to be executed under seal on the date first written above.

Dated: May 30, 2000

HELLER FINANCIAL, INC., as Agent

By: [Signature]  
Name: Bette Kempf  
Title: Vice President

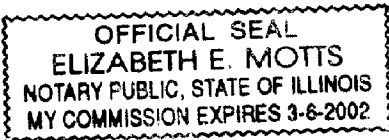
[SEAL]

State of Illinois )  
                          ) ss.  
County of Cook )

On this 30<sup>th</sup> day of May, 2000, before me personally appeared BETSI E KEMPFF, to me known who, being by me duly sworn, did depose and say that (s)he is a V. P. of Heller Financial, Inc., described herein and which executed the foregoing instrument and that (s)he signed his name thereto pursuant to the authority granted by Heller Financial, Inc.

[Signature]  
Notary Public

My Commission Expires: March 6, 2002



SCHEDULE I  
TRADEMARK SECURITY AGREEMENT

**NORSE DAIRY SYSTEMS, L.P.**

Reel/Frame: 1375 / 0920

Recordation: 11/15/1995

**U.S. TRADEMARKS**

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
	SEE ATTACHED	

**U.S. TRADEMARK APPLICATIONS**

<u>Mark</u>	<u>Application No.</u>	<u>Filing Date</u>
	SEE ATTACHED	

**SCHEDULE I**

**Intellectual Property**

**U.S. Trademark Registrations**

<b><u>Trademark</u></b>	<b><u>Registration Number</u></b>	<b><u>Registration Date</u></b>
BIG DRUM	698,950	06/07/60 ✓
SUNDAE TWIST and Design	803,183	02/01/66 ✓
CUPROLLER	873,386	07/22/69 ✓
CUPROL and Design	943,846	10/03/72 ✓
NUTTY ROYALE and Design	1,444,334	06/23/87 ✓
CREAM CONE and Design	1,535,590	04/18/89 ✓
SIMPLY SUNDAES	1,737,418	12/01/92 ✓

## U.S. Trademark Applications

<u>Name</u>	<u>Application Number</u>	<u>Application Date</u>
BURIED TREASURE	74/089,441	08/20/90 ✓
NORSE DAIRY SYSTEMS	74/653,658	03/31/95 ✓
NDS and Design	74/653,659	03/31/95 ✓
SNOW STORM	74/698,608	01/25/95 ✓
SWEET CONFESSIONS	74/603,081	07/10/95 ✓
TWIN DELIGHT	74/698,607	07/10/95 ✓
COOKIE ROYALE	74/698,610	07/10/95 ✓

**Canadian Trademark Applications**

<u>Country</u>	<u>Title</u>	<u>Application Number</u>	<u>Application Date</u>
Canada	SUNDAE TWIST	768,747	11/15/94
Canada	NUTTY ROYALE	771,553	12/21/94

**Unregistered Trademark**

NEON SCREAMERS

**Expired or Lapsed Trademarks**

<u>Mark</u>	<u>Former Registration/Application No.</u>
BEXLEY'S and Design	74/018,772
DOODLE DANDY and Design	1,425,030
POP-A-BUBBLE	962,182
POP-A-ORANGE	984,073
POP-A-RASPBERRY	984,072
SQUEEZY	962,990