

08-03-2000



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7.12.00

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
Effective Date
Month Day Year
06 30 1999
- ☐ Merger
- ☐ Change of Name
- ☐ Other _____

Conveying Party

☐ Mark if additional names of conveying parties attached

Name _____ Torbitt & Castleman Company, The

Execution Date
Month Day Year
07 06 2000

Formerly _____

- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association
- ☐ Other _____
- ☒ Citizenship/State of Incorporation/Organization _____ Kentucky

Receiving Party

☐ Mark if additional names of receiving parties attached

Name _____ The Torbitt & Castleman Company, LLC

DBA/AKA/TA _____ DBA The Torbitt & Castleman Company

Composed of _____

Address (line 1) _____ One Quality Place

Address (line 2) _____

Address (line 3) _____ Buckner
City

_____ Kentucky
State/Country

_____ 40010
Zip Code

- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☐ Corporation ☐ Association
- ☒ Other _____ Limited Liability Company
- ☒ Citizenship/State of Incorporation/Organization _____ Kentucky

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

08/02/2000 NTHA11 00000107 75697653

01 FC:481 40.00 DP
02 FC:482 575.00 DP

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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

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

(502)584-1135

Name

James R. Robinson, Esq.

Address (line 1)

MIDDLETON & REUTLINGER

Address (line 2)

2500 Brown & Williamson Tower

Address (line 3)

Louisville, Kentucky 40202

Address (line 4)

Pages

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

#

4

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)

75697653

1161181

541272

541273

1840702

1099755

1862685

1648280

1797998

780442

Number of Properties

Enter the total number of properties involved.

#

24

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

615.00

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:

#

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.

JAMES R. ROBINSON

Name of Person Signing

Signature

Date Signed

7/11/00

RECORDATION FORM COVER SHEET
CONTINUATION
TRADEMARKS ONLY

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 Torbitt & Castleman Company, The

07062000

Formerly

☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association

☐ Other

☒ Citizenship State of Incorporation/Organization KENTUCKY

Receiving Party

Enter Additional Receiving Party

☐ Mark if additional names of receiving parties attached

Name The Torbitt & Castleman Company, LLC

DBA/AKA/TA

Composed of

Address (line 1) One Quality Place

Address (line 2)

Address (line 3) Buckner

City

Kentucky

State/Country

40010

Zip Code

☐ Individual ☐ General Partnership ☐ Limited Partnership

☐ Corporation ☐ Association

☒ Other Limited Liability Company

☒ Citizenship/State of Incorporation/Organization Kentucky

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 the Assignment.)

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>269402</u>	<u>1781604</u>	<u>1425018</u>
<u>1443705</u>	<u>1840713</u>	<u>1799554</u>
<u>250953</u>	<u>1775408</u>	<u>199647</u>
<u>1809418</u>	<u>1563614</u>	<u>2015301</u>
<u>1827632</u>	<u>1780467</u>	

NUNC PRO TUNC ASSIGNMENT

WHEREAS, The Torbitt & Castleman Company, a Kentucky corporation, merged into The Torbitt & Castleman Company, LLC, a Kentucky limited liability company d/b/a The Torbitt & Castleman Company (formerly The Torbitt & Castleman II, LLC) on June 30, 1999, having an office and place of business at One Quality Place, Buckner, Kentucky 40010 (the "Company"), adopted and continuously used up to June 30, 1999 the following trademarks which are registered in the United States Patent and Trademark Office (excepting those marks identified with an asterisk [*], which are applied for registration on an intent-to-use basis under Section 1(b) of the Lanham Act):

<u>TRADEMARK</u>	<u>REG. NO.</u>	<u>DATE REGISTERED</u>
BILLY BOY	1,161,181	July 14, 1981
BOB WHITE & Design	541,272	April 24, 1951
BOB WHITE [Stylized]	541,273	April 24, 1951
CHICKEN 'N' RIBS	1,840,702	June 21, 1994
DIXIE DEW	1,099,755	August 15, 1978
FLAVOR TIME & Design	1,862,685	November 15, 1994
HITCHING POST	1,648,280	June 18, 1991
HOME BRAND	1,797,998	October 12, 1993
KING	780,442	November 17, 1964
KING PO-T-RIK	269,402	April 8, 1930
LA CANTINA & Design	1,781,604	July 13, 1993
MAPLE INN	1,425,018	January 13, 1987
MAPLE RICH	1,443,705	June 16, 1987

<u>TRADEMARK</u>	<u>REG. NO.</u>	<u>DATE REGISTERED</u>
MAPLE RICH	1,840,713	June 21, 1994
MAPLETOWN	1,799,554	October 19, 1993
MH CO KING & Design	250,953	December 18, 1928
ORCHARD PARK	1,775,408	June 8, 1993
PENNANT & Design	199,647	June 16, 1925
PENNANT	1,809,418	December 7, 1993
TORBITT & CASTLEMAN	1,563,614	October 31, 1989
TORBITT & CASTLEMAN	2,015,301	November 12, 1996
UNCLE JACK'S	1,827,632	March 22, 1994
MT. KENYA	1,780,467	July 6, 1993

<u>TRADEMARK</u>	<u>SER. NO.</u>	<u>DATE FILED</u>
HOME BRAND*	75/697,653	May 4, 1999

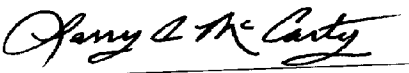
WHEREAS, The Torbitt & Castleman Company, LLC, a Kentucky limited liability company d/b/a The Torbitt & Castleman Company (formerly The Torbitt & Castleman Company II, LLC), having an office and place of business at One Quality Place, Buckner, Kentucky 40010 (the "LLC") acquired effective June 30, 1999 the above-referenced trademarks and the applications and the corresponding marks thereof (with respect to those marks identified with an asterisk [*], which are not in use, the LLC is a successor to the business of the Company and/or a successor to the ongoing and existing portion of the business to which each such marks pertain, thus making assignment of the related applications permissible under Section 10 of the Lanham Act), including all claims and rights associated therewith and including the right to bring and maintain actions for trademark infringement (including the right to sue for infringement damages

incurred or arising prior to said date) and has continuously used said marks since that date (excepting those marks identified with an asterisk [*], which are not in use);

WHEREAS, in addition to the agreement of June 30, 1999 the parties wish to evidence the transfer of said trademarks and the entire and exclusive right, title and interest in and to the marks together with the goodwill of the business symbolized by the marks by this document;

NOW, THEREFORE, for other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, and confessed, the Company does hereby evidence its assignment unto the LLC all rights, title and interest in and to the said trademarks, together with the goodwill of the business symbolized by the trademarks, and the applications and/or registrations thereof and all claims and rights associated therewith, including the right to bring and maintain actions based on the trademarks, all effective as of June 30, 1999 (excepting those marks identified with an asterisk [*], which are not in use); and the sole right to enforce rights in said marks with the right to sue for and recover for the LLC's own use accrued profits or damages for any and all causes of action, claims and demands and other rights of infringements thereof, including, but not limited to, past infringements with respect to which the Company waives any right to receive any portion thereof.

The Torbitt & Castleman Company

By: 
Larry A. McCarty
Vice President & CFO

STATE OF KENTUCKY)
 :SS
COUNTY OF JEFFERSON)

I do hereby certify that Larry A. McCarty, personally known to me to be the person who executed the foregoing instrument, appeared before me this day in person and acknowledge the execution and delivery thereof, under his seal, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal on this 6th day of July, 2000.


Notary Public

My commission expires: 6-21-04.