FORM PTO-1618 Expires 06/30/99 OMB 0651-0027 09-27-2000



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TO: The Commissioner of Patents and Trademark	s: Please record the attached original document(s) or copy(ies).			
Submission Type	Conveyance Type			
X New	Assignment License			
Resubmission (Non-Recordation) Document ID # Correction of PTO Error Reel # Frame # Corrective Document Reel # Frame #	Security Agreement Nunc Pro Tunc Assignment Effective Date Month Day Year 08302000 Change of Name X Other Stipulation			
Conveying Party	Mark if additional names of receiving parties attached			
Name Chu Farms, Inc. Formerly	Execution Date Month Day Year 08302000 7566746			
Individuał General Partnership	Limited Partnership V Corporation Association			
Other				
X Citizenship State of Incorporation/Organization	Florida			
Receiving Party	Mark if additional names of receiving parties attached			
Name Chu Farms, Inc.				
DBA/AKA/TA				
Composed of				
Address (line 1) 4770 Saffold Road				
Address (line 2)				
Address (line 3) Wimauma City	Florida 33598 State/Country Zip Code			
Individual General Partnership X Corporation Association 09/26/2000 MTHALL 00000411 75886748 01 FC: 481 40.00 UP 01 FC: 481 40.00 UP	Limited Partnership 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.) Florida			
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FORM	PTO-16180
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U.S. Department of Commerce Patent and Trademark Office TRADEMARK

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Name	Dorothy S. Morse, Esquire					
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Corresponde	ent Name and Address Area Code and Telephone Number (941) 747-3413					
Name	Dorothy S. Morse, Esquire					
Address (line 1)						
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	Pages Enter the total number of pages of the attached conveyance document # 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).					
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75888748 2333942 2333941 2333941 2336840						
Number of Properties Enter the total number of properties involved. # 4						
Fee Amount	Fee Amount for Properties Listed (37 CFR 3.41): \$ 115					
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(Enter for payment by deposit account or if additional fees can be charged to the account.) Deposit Account Number:						
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Statement a	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.						
Dorothy	S. Morse Charles, yilling 09-06-2000					
Name o	f Person Signing Signature Date Signed					

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PROCACCI BROTHERS SALES CORP., :

and : CIVIL ACTION

AG-MART PRODUCE, INC., : No. 00-CV-1940

Plaintiffs, : (Surrick, J.)

v.

CHU FARMS, INC.,

Defendant.

STIPULATION FOR RECORDATION WITH THE UNITED STATES PATENT & TRADEMARK OFFICE

It is hereby stipulated, by and between Plaintiffs Procacci Bros. Sales Corp. and AG-Mart Produce, Inc. and Defendant Chu Farms, Inc. that:

- 1. The parties had a dispute concerning the use of the term GRAPE TOMATOES and related matters.
 - 2. The parties have resolved to settle their dispute.
- 3. Chu Farms, Inc. has agreed to dedicate the term GRAPE TOMATOES to the food and agricultural industry as a whole.
- 4. Chu Farms, Inc. will not assert the exclusive right to use the term GRAPE TOMATOES against Plaintiffs, or any of Plaintiffs' customers.

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TRADEMARK
REEL: 002148 FRAME: 0206

- 5. Chu Farms, Inc. will not oppose the registration of any mark that includes the words "GRAPE TOMATOES" provided that the applicant disclaims any exclusive right to use the phrase "GRAPE TOMATOES" apart from the mark as a whole.
- 6. Chu Farms, Inc. hereby expressly disclaims the right to use the phrase "GRAPE TOMATOES" apart from the mark as a whole in respect of the following trademark registrations and applications:
 - a. Registration No. 2,333,942
 - b. Registration No. 2,333,941
 - c. Registration No. 2,336,840
 - d. Application Serial No. 75/888,748
 - e. Florida Registration No. T98,468
 - f. New York Registration No. R29,339
 - g. California Registration No. 105,814
 - h. Connecticut Registration No. 20,834
 - i. Georgia Registration No. T18,304
 - j. New Jersey Registration No. 16,666

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and in respect of any other mark that includes the words "GRAPE TOMATOES" that Chu Farms, Inc. may adopt in the future.

CHU	FA	RN	4S,	IN	C.
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8.28.00	By: Kalland
	PROCACCI BROS. SALES CORP.
	Ву:
	AG-MART PRODUCE, INC.
	By:

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and in respect of any other mark that includes the words "GRAPE TOMATOES" that Chu Farms, Inc. may adopt in the future.

CHU FARMS, INC.

By:_____

PROCACCI BROS. SALES CORP.

8.30.00

John DiFeliciantonio

President

AG-MART PRODUCE, INC.

8.30.00

oseph M. Procacci

Vice Chairman

CERTIFICATE OF EXPRESS MAILING - 37 C.F.R. § 1.10

Express Mail mailing number: EL558587760US

Date of Deposit: September 11, 2000

I hereby certify that the foregoing Request for Recordation, along with the U.S. Patent and Trademark Office Recordation Cover Sheet, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, Office of Public Records, Attn: Customer Service Counter, 1213 Jefferson Davis Highway, 3rd Floor, Arlington, VA 22202.

Emily J. Barnhart

Typed or printed name of person mailing papers

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EMILY J. BARNHART DIRECT DIAL: 215-864-8276 PERSONAL FAX: 215-864-9809 BARNHART@BALLARDSPAHR COM

September 11, 2000

U.S. EXPRESS MAIL NO. EL 558587760 US

U.S. Patent and Trademark Office Office of Public Records Attn: Customer Service Counter 1213 Jefferson Davis Highway, 3rd Floor Arlington, VA 22202

> Request for Recordation of Stipulation Re:

Dear Sir or Madam:

On behalf of Chu Farms, Inc., I enclose for recordation a duly executed Stipulation, along with the USPTO's Recordation Cover Sheet.

Also enclosed is our check for the recordation fee of \$115 for the recording of the stipulation against the one registration and three applications listed on both the Recordation Cover Sheet and page 2 of the stipulation.

I would appreciate it if you would date-stamp the enclosed self-addressed stamped envelope and return it to me.

Should you have any questions concerning this filing, I can be reached directly at (215) 864-8276. Thank you for your attention to this filing.

Very truly yours,

Emily J. Barnhart

EJB:mi Enclosures

Dorothy S. Morse, Esquire (w/encs.) cc:

RECORDED: 09/13/2000

PHL A 1409026 v 1

TRADEMARK REEL: 002148 FRAME: 0211