

10-20-2000



101493598

**RECORDATION FORM COVER SHEET
TRADEMARKS ONLY**

10-2-00

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 _____

Effective Date
Month Day Year
05012000

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name EASTERN LIVESTOCK COMPANY, INC.

09292000

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 EMERGE INTERACTIVE, INC.

DBA/KA/TA _____

Composed of _____

Address (line 1) 1065 East Main Street

Address (line 2) _____

Address (line 3) Louisville Kentucky 40206
City State/Country Zip Code

- Individual General Partnership 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 Assignment.)
- Corporation Association

Other _____

Citizenship/State of Incorporation/Organization Delaware

FOR OFFICE USE ONLY

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

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

Scot A. Duvall

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.

#

2

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)

1615959	1607660	1619035

Number of Properties

Enter the total number of properties involved.

#

3

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

90.00

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.

SCOT A. DUVALL

9-29-2000

Name of Person Signing

Signature

Date Signed

NUNC PRO TUNC ASSIGNMENT

WHEREAS, EASTERN LIVESTOCK COMPANY, INC., a Corporation of the state of Kentucky having an office and place of business at 1065 East Main Street; Louisville, Kentucky 40206 adopted and continuously used up to May 1, 2000 the following trademarks which are registered in the United States Patent and Trademark Office:

<u>TRADEMARK</u>	<u>REG. NO.</u>	<u>DATE REGISTERED</u>
E & Design	1,615,959	October 2, 1990
E & Design	1,607,660	July 24, 1990
EASTERN LIVESTOCK CO. & Design	1,619,035	October 23, 1990

WHEREAS, EMERGE INTERACTIVE, INC., a Corporation of the state of Delaware, having an office and place of business at 1065 East Main Street; Louisville, Kentucky 40206 acquired by agreement effective May 1, 2000 said trademarks and the registrations thereof, 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;

WHEREAS, in addition to the agreement of May 1, 2000 the parties wish to evidence the transfer of said trademark and registrations thereof by this document;

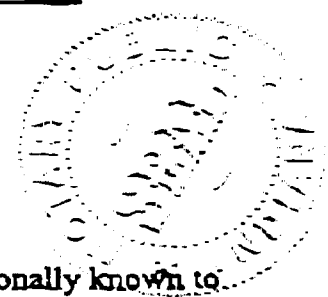
NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, and confessed, said EASTERN LIVESTOCK COMPANY, INC. does hereby evidence its assignments unto EMERGE INTERACTIVE, INC., all rights, title and interest in and to the said trademarks, together with

the goodwill of the business symbolized by the trademarks, and the registrations thereof Nos. 1,615,959; 1,607,660; 1,619,035 and all claims and rights associated therewith including the right to bring and maintain actions based on the trademarks, all effective as of May 1, 2000.

EASTERN LIVESTOCK COMPANY, INC.

By: *Thomas P. Gibson*
Thomas P. Gibson
President

INDIANA)
STATE OF ~~KENTUCKY~~)
 Floyd :ss
COUNTY OF ~~JEFFERSON~~)



I do hereby certify that Thomas P. Gibson, 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 29th day of SEPTEMBER, 2000.

Steve McDonald
Notary Public *STEVE McDONALD*

My commission expires: 11/27/00