

11-17-2000



101520009

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

10 10 00

☐

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

Effective Date
Month Day Year

9 30 00

☐

Change of Name

☒

Other

Assignment of Interest in Patent, Trademark
and License Mortgage

Conveying Party

☐

Mark if additional names of conveying parties attached

Name

Bank of America Commercial Finance Corporation

Execution Date
Month Day Year

9 30 00

Formerly

NationsCredit Commercial Corporation

☐

Individual

☐

General Partnership

☐

Limited Partnership

☒

Corporation

☐

Association

☐

Other

☒

Citizenship/State of Incorporation/Organization

Delaware

Receiving Party

☐

Mark if additional names of receiving parties attached

Name

Foothill Capital Corporation

DBA/AKA/TA

Composed of

Address (line 1)

2450 Colorado Avenue, Suite 3000 West

Address (line 2)

Address (line 3)

Santa Monica

City

California

State/Country

90404

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

California

FOR OFFICE USE ONLY

11/16/2000 MTH411 00000128 2088714

01 FC 481

40.00 OP

02 FC 482

75.00 OP

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.

Mall documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK
REEL: 002177 FRAME: 0347

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

212-661-9100

Name

Otterbourg, Steindler, Houston & Rosen, P.C.

Address (line 1)

Andrew M. Kramer, Esq.

Address (line 2)

Address (line 3)

230 Park Avenue

Address (line 4)

New York, New York 10169

PagesEnter 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)

SEE ATTACHED EXHIBIT A

Number of Properties

Enter the total number of properties involved.

#

4

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

115

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.

Steven Goldberg

Name of Person Signing

Signature

Date Signed

10/1/00

EXHIBIT A

TRADEMARKS

<u>Trademark</u>	<u>Federal Registration No.</u>	<u>Registration Date</u>
American Foods Group and Design	2,088,714	8/19/97
Lite & Tasty and Design	1,815,557	1/4/94
Deli Superb	1,614,066	9/18/90
Server's Choice	1,609,942	8/14/90

ASSIGNMENT OF INTEREST IN
PATENT, TRADEMARK AND LICENSE MORTGAGE

WHEREAS, Banc of America Commercial Finance Corporation f/k/a NationsCredit Commercial Corporation, a Delaware corporation, with an office at 1177 Avenue of the Americas, 36th Floor, New York, New York 10036 ("Assignor") entered into a Loan and Security Agreement, dated December 18, 1997 (as amended from time to time, the "Loan Agreement") by and among, *inter alia*, Assignor as lender and American Foods Group, Inc., a Delaware Corporation, with its chief executive office at 544 Acme Street, Green Bay, Wisconsin 54302 ("Mortgagor") as guarantor; and

WHEREAS, pursuant to the Loan Agreement, and as evidenced by a Patent, Trademark and License Mortgage, dated December 18, 1997 (the "Mortgage"), Mortgagor granted to Assignor a security interest in substantially all of Mortgagor's assets, including, without limitation, its patents, patent applications, trademarks, trademark applications, tradenames, service marks, service mark applications, goodwill and licenses; and

WHEREAS, an executed copy of the Mortgage was filed at the United States Patent and Trademark Office in Reel 1700, Frame 0049 on March 11, 1998; and

WHEREAS, Foothill Capital Corporation, a California corporation, having an office at 2450 Colorado Avenue, Suite 3000 West, Santa Monica, California 90404 ("Assignee") has requested that Assignor assign its interest in the patents, trademarks and trademark applications listed on Exhibit A annexed hereto.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby:

1. assigns to Assignee any and all liens, security interests, right, title and interest of Assignor pursuant to the Mortgage including, without limitation, its interest in the patents, trademarks and trademark applications (together with the goodwill of the business symbolized thereby) which are described more fully on Exhibit A annexed hereto, without recourse or representation or warranty express or implied;
2. represents and warrants to Assignee that Assignor has not previously assigned or transferred any of its rights or interests in any security interests in or liens upon any such property; and
3. authorizes and requests the Commissioner of Patents and Trademarks of the United States of America to note and record the existence of the assignment hereby made.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be signed by its duly authorized officer as of this 30th day of September, 2000.

BANC OF AMERICA COMMERCIAL
FINANCE CORPORATION

By: PM S. Elmer

Title: Gen. Vice President

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the 2nd day of Oct, 2000, before me personally came Phillip S. Elmer, to me known, who being by me duly sworn, did depose and say, that he/she is the Gen. Vice President of BANC OF AMERICA COMMERCIAL FINANCE CORPORATION and that the foregoing instrument was signed on behalf of such corporation by authority of its Board of Directors, and he/she acknowledged the execution of said instrument to be the free act and deed of said corporation.

Daniel P. Greenstein
Notary Public

DANIEL P. GREENSTEIN
Notary Public, State of New York
No. 02GR6028664
Qualified in New York County
Commission Expires August 2, 2001

EXHIBIT A

PATENTS

NONE

TRADEMARKS

<u>Trademark</u>	<u>Federal Registration No.</u>	<u>Registration Date</u>
American Foods Group and Design	2,088,714	8/19/97
Lite & Tasty and Design	1,815,557	1/4/94
Deli Superb	1,614,066	9/18/90
Server's Choice	1,609,942	8/14/90

TRADEMARK APPLICATIONS

NONE