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MRF 10-17-2000

FORM PTO-1  
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U.S. Patent & TMOs/TM Mail Rcpt Dt. #58

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Mail No.: EL 452 789 284 US

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trade.  
Box Assignment, Washington, DC 20231

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nents or copy thereof.

1. Name of conveying party(ies): Emery Air Freight Corporation		2. Name and address of receiving party(ics): Name: <u>CNF Transportation Inc.</u> Internal Address: _____ Street Address: <u>3240 Hillview Ave.</u> City <u>Palo Alto</u> State <u>CA</u> ZIP <u>94304</u>	
<input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation-State Delaware <input type="checkbox"/> Other _____ Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Individual(s) citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u> <input type="checkbox"/> Other _____ If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designation must be a separate document from Assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance:  <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input checked="" type="checkbox"/> Other <u>Confirmatory Assignment effective as of April 3, 1989</u> Execution Date: <u>October 10, 2000</u>			
4. Application number(s) or registration number(s):  A. Trademark Application No.(s) <u>None</u>		B. Trademark registration No.(s) <u>See attached schedule</u>  Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  PENNIE & EDMONDS LLP 3300 Hillview Avenue Palo Alto, California 94304  Attn.: <u>Andrew J. Gray IV</u>  File No.: <u>009523-0364-999</u>		6. Total number of applications and registrations involved: <u>5</u>	
		7. Total fee (37 CFR 3.41):.....\$ <u>140.00</u>  Please charge to the deposit account listed in Section 8.	
		8. Deposit account number: <u>16-1150</u>	
<b>DO NOT USE THIS SPACE</b>			
9. Statement and signature.  <i>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.</i>			
<u>Andrew J. Gray IV</u> Name of Person Signing		 Signature	
		<u>Oct. 17, 2000</u> Date	
Total number of pages comprising cover sheet:			5

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231

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01 FC:481 40.00 CH  
02 FC:482 100.00 CH

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**TRADEMARK**  
**REEL: 002181 FRAME: 0464**

## SCHEDULE OF TRADEMARKS

Country

	<b>Mark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Status</b>
United States	EMERY AIRFREIGHT FLYING HOURGLASS & GLOBAL DESIGN	0,745,590	February 19, 1963	Registered
United States	EMERY WORLDWIDE	1,218,636	November 30, 1982	Registered
United States	EMERY	0,874,033	July 29, 1969	Registered
United States	EMERY WORLDWIDE AND DESIGN	1,649,045	June 25, 1991	Registered
United States	EMERY WORLDWIDE 50 YEARS AND DESIGN	2,172,177	July 14, 1998	Registered

**CONFIRMATORY ASSIGNMENT**

This CONFIRMATORY ASSIGNMENT is made by and between, EMERY AIR FREIGHT CORP., a corporation organized and existing under the laws of the State of Delaware, United States of America, located at 3240 Hillview Ave., Palo Alto, California 94304, United States of America, ("Assignor") and CNF TRANSPORTATION INC., a corporation organized and existing under the laws of the State of Delaware, United States of America, located at 3240 Hillview Ave., Palo Alto, California 94304, United States of America, ("Assignee").

WHEREAS, Assignor has adopted, used, and is the record owner of the trademarks and service marks, and the United States Registrations and Applications therefor set forth on Schedule A hereto (hereafter the "Assigned Marks"), and the goodwill of the business to which they pertain; and


WHEREAS, Assignee has previously acquired the pertinent assets of the Assignor, including the Assigned Marks, and is desirous of confirming its acquisition of the entire right, title and interest in and to the Assigned Marks, and the Registrations and Applications therefor, together with the goodwill of the business pertaining thereto, pursuant to such acquisition.

NOW, THEREFOR, for good and valuable consideration, the sufficiency of which is hereby acknowledged, Assignor NUNC PRO TUNC as of April 3, 1989 does hereby sell, assign, set over, and transfer to Assignee the entire right, title, and interest in and to the Assigned Marks, and any and all United States Registrations and Applications therefor, together with the whole of the goodwill of the business pertaining thereto, the same and the rights of Assignor to be held and enjoyed by Assignee for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made, together with all claims for damages by reason of the Assigned Marks with the right to sue for and collect the same for its own use and benefit, and for the use and on behalf of its successors, assigns, or other legal representatives.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign transfer, and convey effective April 3, 1989 to Assignee, all right, title and interest in and to said trademarks and said registrations thereof, together with the good will of the business connected with and symbolized by said trademarks and together with all the rights for recovery, damages and profits for past infringements thereof, if any.

IN TESTIMONY THEREOF, Assignor has caused its name to be signed by its duly authorized officer, as set forth below.

**EMERY AIR FREIGHT CORP.**

By: 

Name: Eberhard G. H. Schmoller

Title: Secretary

Dated: 10/10/, 2000

State of California )

County of Santa Clara )

) ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2000, before me, \_\_\_\_\_, Notary Public of the State of California, personally appeared Eberhard G. H. Schmoller personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing Confirmatory Trademark Assignment and acknowledged to me that he executed the foregoing Confirmatory Assignment on behalf of EMERY AIR FREIGHT CORP. in his authorized capacity, and that by his signature on the foregoing Assignment the entity upon behalf of which he acted executed the foregoing Assignment.

WITNESS my hand and official seal.

*see attached*

\_\_\_\_\_  
Notary Public

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Santa Clara } ss.

On 10/10/2000, before me, Carol Wilson, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Eberhard G. H. Schmeller,  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Carol Wilson  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Confirmatory Assignment

Document Date: 10/10/2000 Number of Pages: 3

Signer(s) Other Than Named Above: none

**Capacity(ies) Claimed by Signer**

Signer's Name: Eberhard G. H. Schmeller

- Individual
- Corporate Officer — Title(s): Secretary
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: Emery Air Freight Corporation