

11-30-2000



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101533656

To the Honorable Commissioner of Patents and Trademarks: Please receive the attached original document(s) or cop(ies).

Submission Type

- ☒ New
- ☐ Resubmission (Non-Recordation)
Document ID # _____
- ☐ Correction of PTO Error
Reel # _____ Frame # _____
- ☐ Corrective Document
Reel # _____ Frame # _____

MPO
11-1-00**Conveyance Type**

- ☒ Assignment
- ☐ Security Agreement
- ☐ Merger
- ☐ Change of Name
- ☐ Other
- ☐ License
- ☐ Nunc Pro Tunc Assignment
Effective Date _____

Conveying PartyName: Borgess Freight Services Corporation

Formerly _____

- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association
- ☐ Citizenship/State of Incorporation/Organization: New York Corporation

☐ Mark if additional names of conveying party

11-01-2000

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

Receiving PartyName: Vitran Corporation, Inc.Address (line 1) 751 Bowes RoadAddress (line 2) Ontario

Canada

L4K 5C9

City

State/Country

Zip Code

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

☐ Mark if additional names of receiving parties attached

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of domestic representative should be attached. (Designation must be a separate document from Assignment)

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name _____

Address (line 1) _____

Correspondent Name and Address

Area Code and Telephone Number: (713) 221-1529

Name Mark A. TidwellAddress (line 1) Bracewell & Patterson, L.L.P.Address (line 2) 711 Louisiana, Suite 2900, Houston, TX 77002**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 attachedEither enter the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers)

Trademark Application Number (s) _____

Registration Number(s) _____

1,454,644; 1,420,457

Number of Properties Enter the total number of properties involved. 2**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$80.00

Method of Payment: Enclosed ☒ Deposit Account ☐ Authorization to charge additional fees: Yes ☒ No ☐

Deposit Account Number-enter for payment by deposit account or if additional fees can be charged to the account 50-0259

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.

Mark A. Tidwell

Name of Person Signing

Signature

11/01/2000

Date Signed



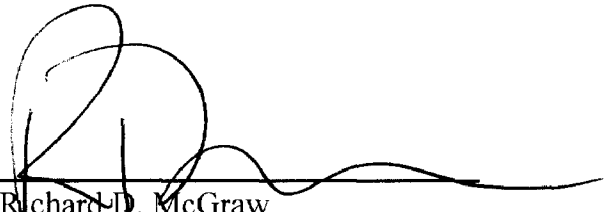
AFFIDAVIT OF RICHARD D. McGRAW

Before me, the undersigned authority, on this day personally appeared Richard D. McGraw, who being duly sworn stated upon his oath as follows:

1. My name is Richard D. McGraw. I am Chief Executive Officer of Vitran Corporation Inc. ("Vitran"). I have been an employee of Vitran since 1983 which is before the date Vitran acquired certain assets, including United States Trademark Registration Nos. 1,454,644 and 1,420,457, from Borcross Freight Services Corporation ("Borcross"). As such, I am authorized and competent to make this affidavit, and I have personal knowledge of each and every fact stated in this affidavit, and same are true and correct.

2. On or about January 2, 1994, Vitran purchased certain assets from Borcross. Among the assets that were assigned to Vitran as part of the asset purchase were the trademarks and the corresponding registrations represented by U.S. Trademark Reg. Nos. 1,454,644 and 1,420,457, along with the goodwill associated with these trademarks (collectively, "the Marks"). Assignment of the Marks from Borcross to Vitran was accomplished by a written assignment document ("the Assignment") which was retained by Vitran.

3. Vitran has been unable to locate the Assignment, and it is presumed lost. On behalf of Vitran, I am executing this Affidavit in order to establish the chain of title of the Marks from Borcross to Vitran.

By: 
Name: Richard D. McGraw
Title: Chief Executive Officer, Vitran Corporation Inc.

~~Province~~
STATE OF Ontario

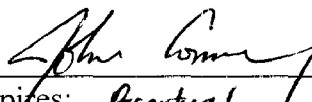
§
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§
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COUNTY OF _____

COUNTRY OF Canada

Personally appeared before me this 21st day of September, 2000, Richard D. McGraw, to me known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)

Notary Public: 
My Commission expires: Perpetual

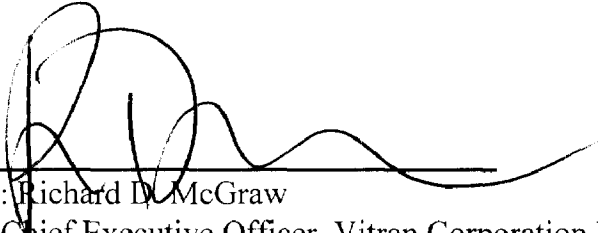
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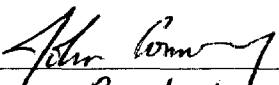
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