



## JKER BIDDLE & REATH LLP

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11-13-2000

U.S. Patent & TMOfc/TM Mail Ront Dt. #26

<u> </u>	The state of the s
1. NAME OF CONVEYING PARTY:	2. NAME AND ADDRESS OF RECEIVING PARTY:
THE MONARCH COMPANY, INC.	BIG RED. INC.
A Massachusetts corporation	A Texas corporation
P	720 Jewell Drive
	Waco, Texas 76712
3. NATURE OF CONVEYANCE:	2A. ASSIGNEE A FOREIGN ENTITY:
X Assignment	Yes:X_ No:
Merger	
_ Security Agreement	2B. DOMESTIC REPRESENTATIVE DESIGNATED:
_Change of Name	Yes: X No:
_ Other	163/\/16
3A. EXECUTION DATE: August 31, 1999	
3B. EFFECTIVE DATE: September 29, 2000	
4A. TRADEMARK APPLICATION NOS.:	4B. TRADEMARK REGISTRATION NO(S).:
	Reg. No. 2,352,076 – NUGRAPE
Additional numbers attached?	Additional numbers attached? NO
Henry W. Leeds, Esq.	
Drinker, Biddle & Reath LLP	
1500 K Street, N.W., Suite 1100	
Washington, D.C. 20005-1209	
6 TOTAL NUMBER OF TITLES: 1	9. The undersigned declares to the best of his knowledge and belief that the information on this cover sheet is thue and correct and any copy-submitted is a true copy of the original document.
7 TOTAL FEE: \$40.00 – Check Enclosed	
8. CHARGE ADDITIONAL FEES TO: DEPOSIT	Hanry W. Leds
ACCOUNT NO. 50-0573	Date. November 9th, 2000
Our Ref: 31147.400/113436	Page 1 of 2

I hereby certify that this document is being deposited with the U.S. Postal Services, by First Class Mail, postage prepaid, addressed to Box Assignments/Fee. The Honorable Commissioner of Trademarks, U.S. Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202 3513, this ∠day of Noyember 2000.

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**REEL: 002189 FRAME: 0132** 

## <u> ASSIGNMENT</u>

WHEREAS. The Monarch Company, Inc., a Massachusetts corporation, having a principal address at 1100 Johnson Ferry Road, N.E., Atlanta, Georgia 30342, ("Assignor"), is the owner of U.S. Reg. No. 2,352,076 - NUGRAPE; and

WHEREAS, Big Red, Inc. a Texas corporation, having a principal address at 720 Jewell Drive, Waco, Texas 76712 ("Assignee"), acquired all rights, title and interest in and to the mark NUGRAPE, the goodwill of the business symbolized thereby, and the registrations thereof from Assignor by a bill of sale effective August 31, 1999.

NOW, THEREFORE, good and valuable consideration being extant, Assignor has assigned and hereby assigns to Assignee, effective as of August 31, 1999, all of its rights, title and interest in and to the mark NUGRAPE, the goodwill of the business symbolized thereby and Reg. No. 2,352,076.

Assignor further assigns to Assignee all right to sue for, to receive and to hold damages and profits accruing from past infringement of the mark NUGRAPE.

Assignor further warrants that there are no licenses, encumbrances or other agreements, either written, oral or implied, relating to the mark NUGRAPE of which Assignee is not aware, and that it believes it has good and valid to be marks to assign to Assignee.

THE MONARCH COMPANY, INC.

STATE OF GEORGIA

SS.

COUNTRY OF FULTON

On this 29th day of September 2000, personally appeared Ann Burton, to me known and known to me to be the Secretary/Treasurer of The Monarch Company, Inc., and acknowledged that he executed the foregoing Assignment as his free act and deed and as the free act and deed of said corporation.

**RECORDED: 11/13/2000** 

My commission expires:

Notary Public, Cobi: Counts Georgia My Commission Expires Jan. 20, 2004

(Seal)

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> TRADEMARK **REEL: 002189 FRAME: 0133**