

01-02-2001



12-8-00

FORM PTO-1594

(Rev. 6-93)

OMB No. 0651-0011(exp. 4/94)

RE

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1 SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

# TRADEMARKS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Fedele Gourmet Holdings, LLC  
660 Madison Avenue, 15<sup>th</sup> Floor  
New York, NY 10021

- ☐ Individual(s) ☐ Merger  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation-State: Delaware  
☐ Other

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Fresh Direct, Inc.  
23-30 Borden Avenue  
Long Island City, NY 11101

- ☐ Individual(s) citizenship:  
☐ Association:  
☐ General Partnership:  
☐ Limited Partnership:  
☒ Corporation-State: Delaware  
☐ Other

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic  
representative designation is attached: ☐ Yes ☐ No  
 (Designations must be a separate document from assignment)  
 Additional name(s) & address(es) attached? ☐ Yes ☐ No

Execution Date: July 12, 2000

## 4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

75/777,097

B. Trademark Registration No.(s)

Additional numbers attached: ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Howard J. Shire, Esq.

Internal Address: KENYON &amp; KENYON

Street Address: One Broadway

City: New York State: NY ZIP: 10004

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number:

11-0600 (Ref. No.: 11176/5)

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. 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.

Laurie S. Mintzer, Esq.

Name of Person Signing

Laurie S. Mintzer

Signature

July 12, 2000

Date

Total number of pages, including cover sheet, attachments and document: 3

# CONFIRMATION OF TRADEMARK ASSIGNMENT

WHEREAS, FEDELE GOURMET HOLDINGS, LLC., a limited liability company organized under the laws of the State of Delaware, having a place of business at 660 Madison Avenue, 15<sup>th</sup> Floor, New York, New York 10021 (hereinafter "Assignor"), owned all right, title and interest in and to the trademark FRESHDIRECT, including the pending application for said mark which is the subject of U.S. Serial No. 75/777,097, as well as all of the goodwill of the business symbolized thereby and associated therewith (the "Trademark");

WHEREAS, FRESH DIRECT, INC, a limited liability company organized under the laws of the State of Delaware, having a place of business at 23-30 Borden Avenue, Long Island City, NY 11101 (hereinafter "Assignee"), acquired any and all rights to the Trademark pursuant to that certain Assignment and Assumption Agreement, dated as of April 12, 2000 between Assignor and Assignee (the "Assignment Agreement").

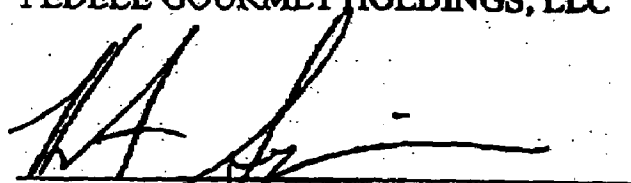
NOW, THEREFORE, in consideration of the premises and the mutual covenants contained in the Assignment Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor confirms and acknowledges that it assigned, sold, and transferred unto Assignee, effective April 12, 2000, all right, title and interest in and to the Trademark, together with the goodwill of the business appurtenant to and symbolized by the Trademark and including, without limitation, all common law rights in and to the Trademark and the right to sue and recover for, and the right to profits or damages due or accrued arising out of or in connection with, any and all past, present or future infringements or

dilution of or damage or injury to the Trademark, to be held and enjoyed by Assignee, its successors and assigns to the same extent that such would have been held and enjoyed by Assignor had such assignment not been made.

Assignor assigned the Trademark as part of that portion of the business to which the Trademark pertains as required by Section 10 of the Trademark Act ( 15. U.S.C. ' 1060).

IN WITNESS WHEREOF, Assignor has executed this Confirmation of Trademark Assignment on this 12<sup>th</sup> day of July 2000.

FEDELE GOURMET HOLDINGS, LLC

A handwritten signature in black ink, appearing to read 'K. B. Squire', is written over a horizontal line.

Name: Kenneth B. Squire  
Title: Vice President