

05-17-2001



CE

P 91

Docket No. 18614.0350

101720361

TRADEMARK RECORDATION FORM COVER SHEET

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

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

5-11-01

Conveyance Type

- Assignment License
- Security Agreement Nunc Pro Tunc Assignment
Effective Date
Month Day Year
11 20 1995
- Merger
- Change of Name
- Other _____

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year
05 09 2001

Name ABCO Markets, Inc.

Formerly _____

- Individual General Partnership Limited Partnership Corporation Association

Other _____

Citizenship/State of Incorporation/Organization Arizona

Receiving Party

Mark if additional names of receiving parties attached

Name Fleming Companies, Inc.

DBA/AKA/TA _____

Composed of _____

Address (line 1) 5701 N. Shartel

Address (line 2) _____

Address (line 3) Oklahoma City

Oklahoma
State/Country

73118
Zip Code

- Individual General Partnership Limited Partnership

- Corporation Association

Other _____

Citizenship/State of Incorporation/Organization Oklahoma

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.)

FOR OFFICE USE ONLY

05/16/2001 LINDSEY 05000138 1891504

01 05:46:1 40.00 DP

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

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 202-663-8000

Name Caroline C. Smith
 Address (line 1) Shaw Pittman
 Address (line 2) 2300 N Street, NW
 Address (line 3) Washington, D.C. 20037-1128
 Address (line 4) _____

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 2

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)		
_____	_____	_____	<u>1,891,504</u>	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Number of Properties Enter the total number of properties involved. # 1

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

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.

Caroline C. Smith
 Name of Person Signing

Caroline C. Smith
 Signature

May 11, 2001
 Date Signed

ASSIGNMENT

WHEREAS, ABCO MARKETS, INC., an Arizona corporation, having an address of 3001 West Indian School Road, Suite No. 28, Phoenix, Arizona 85017 (hereinafter "ASSIGNOR") adopted, used and is using the mark ABCO FOODS & Design for retail grocery store services and is the record owner of the United States Registration Serial No. 1,891,504 of said mark.

WHEREAS, Fleming Companies, Inc., an Oklahoma corporation, having an address of 5701 N. Shartel, Oklahoma City, Oklahoma 73118 (hereinafter "ASSIGNEE"), has acquired all right, title and interest in and to the service mark ABCO FOODS & Design, the goodwill symbolized thereby, the business associated therewith, and United States service mark Registration No. 1,891,504, and is desirous of making said acquisition of record.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, ASSIGNOR confirms that it has sold, assigned, transferred and conveyed and hereby sells, assigns, transfers and conveys to ASSIGNEE all rights, title and interest in and to the service mark ABCO FOODS & Design, the goodwill symbolized thereby, the business associated therewith, and United States service mark Registration No. 1,891,504 of said mark, *nunc pro tunc* as of November 20, 1995.

ABCO MARKETS, INC.

By: 

Name: David R. ALMOND

Title: SR. Vice President

STATE OF OKLAHOMA

)

: ss:-

COUNTY OF OKLAHOMA

)

Signed before me this 9th day of May 2001.

Evonne M. Roberson

Notary Public

SEAL

My commission expires: 6/26/03

Document #: 1103396 v.1