

05-17-2001

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

Submission Type S-2-01

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

Conveyance Type

Assignment License
 Security Agreement Nunc Pro Tunc Assignment
 Effective Date
 Month Day Year
 April 16, 2001
 Merger
 Change of Name
 Other _____

Conveying Party Mark if additional names of conveying parties attached

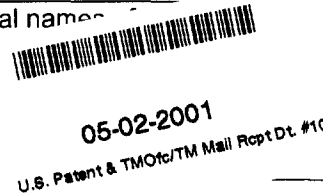
Name Elmer's Restaurants, Inc. Execution Date
 Month Day Year
 April 16, 2001

Formerly _____

Individual General Partnership Limited Partnership Corporation Association

Other _____

Citizenship/State of Incorporation/Organization USA/Oregon



Receiving Party Mark if additional names of conveying parties attached

Name Elmer's Pancake & Steak House, Inc.

DBA/AKA/TA _____

Composed of _____

Address (line 1) 11802 S.E. Stark Street

Address (line 2) _____

Address (line 3) Portland OR/Multnomah 97216-3797
 City State/County Zip Code

Individual General Partnership Limited Partnership 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.)

Corporation Association

Other _____

Citizenship/State of Incorporation/Organization USA/Oregon

65E

05/16/2001 GTON11 00000161 75886699 FOR OFFICE USE ONLY

01 FC:481 40.00 OP Refund Ref: 05/16/2001 GTON11 0000105262

02 FC:482 25.00 OP

CHECK Refund Total: \$15.00

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Mail documents to be recorded with required cover sheet(s) information to:
Assistant Commissioner of Patents and Trademarks, Box Assignments, 2900 Crystal Drive, Arlington, Virginia 22202-3513

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) _____



05-02-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #10

Correspondent Name and Address

Area Code and Telephone Number 206-340-9668

Name Gary R. Duvall and Robert C. Cumbow

Address (line 1) Graham & Dunn PC

Address (line 2) 1420 Fifth Avenue, Suite 3300

Address (line 3) Seattle, WA 98101

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)

75/886,699 _____

75/886,650 _____

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

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number # 07-1847

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.

Gary R. Duvall
Name of Person Signing

Signature

Date Signed

SERVICE MARK
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re service mark application of: ELMER'S PANCAKE & STEAKHOUSE, INC.

Serial No.: 75/886,650

Filed: January 3, 2000

Mark: ELMER'S BREAKFAST LUNCH DINNER (& Design)

Date: April 13, 2001

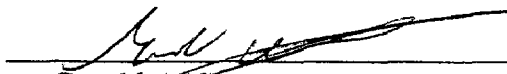
Class: 042

REVOCATION OF PRIOR POWER OF ATTORNEY AND
APPOINTMENT OF REPRESENTATIVE

TO THE ASSISTANT COMMISSIONER OF TRADEMARKS:

The undersigned, Gerald A. Scott, Vice President of Operations of Elmer's Pancake & Steak House, Inc., the applicant in the above-identified service mark application, hereby revokes all powers of attorney previously given and hereby appoints the law firm of Graham & Dunn PC, through Gary R. Duvall and Robert C. Cumbow, 1420 Fifth Avenue, Suite 3300, Seattle, Washington 98101-2390, telephone (206) 624-8300, to prosecute this registration with full power of substitution and revocation, to make alterations and amendments, to transact all business in the United States Patent and Trademark Office and to receive the certificate of registration.

ELMER'S PANCAKE & STEAK HOUSE, INC.

By: 
Gerald A. Scott
Vice President of Operations

ASSIGNMENT OF APPLICATION FOR REGISTRATION OF A MARK

WHEREAS, ELMER'S RESTAURANTS, INC., of 11802 S.E. Stark Street, Portland, OR 97216-3797 ("Assignor"), has adopted, used and is using the word mark "ELMER'S BREAKFAST LUNCH DINNER (& Design)" for which said Assignor has filed application in the United States Patent and Trademark Office for registration, Serial No.75/886650 on January 3, 2000; and

WHEREAS, ELMER'S PANCAKE & STEAK HOUSE, INC., of 11802 S.E. Stark Street, Portland, OR 97216-3797 ("Assignee"), is desirous of acquiring said mark and the application for registration thereof;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said Assignor does hereby assign unto the said Assignee all right, title and interest in and to the said mark, together with the good will of the business symbolized by the mark, and the above identified application for registration thereof.

ELMER'S RESTAURANTS, INC.

By: [Signature]
Gerald A. Scott

Title: Vice President of Operations

Dated: 16 April 2001

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

I certify that I know or have satisfactory evidence that Gerald A. Scott is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Operations of Elmer's Restaurants, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: April 16, 2001.

[Signature]
(Signature)

Michelle Hicks
(Please print name legibly)

NOTARY PUBLIC in and for the State of Oregon,
residing at Multnomah County
My commission expires: Dec. 10, 2004



ASSIGNMENT OF APPLICATION FOR REGISTRATION OF A MARK

WHEREAS, ELMER'S RESTAURANTS, INC., of 11802 S.E. Stark Street, Portland, OR 97216-3797 ("Assignor"), has adopted, used and is using the word mark "ELMER'S BREAKFAST LUNCH DINNER" for which said Assignor has filed application in the United States Patent and Trademark Office for registration, Serial No.75/886699 on January 3, 2000; and

WHEREAS, ELMER'S PANCAKE & STEAK HOUSE, INC., of 11802 S.E. Stark Street, Portland, OR 97216-3797 ("Assignee"), is desirous of acquiring said mark and the application for registration thereof;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said Assignor does hereby assign unto the said Assignee all right, title and interest in and to the said mark, together with the good will of the business symbolized by the mark, and the above identified application for registration thereof.

ELMER'S RESTAURANTS, INC.

By: [Signature]
Gerald A. Scott

Title: Vice President of Operations

Dated: 16 April 2001

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

I certify that I know or have satisfactory evidence that Gerald A. Scott is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Operations of Elmer's Restaurants, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: April 16, 2001.

[Signature]
(Signature)

Michelle Hicks
(Please print name legibly)

NOTARY PUBLIC in and for the State of Oregon,
residing at Multnomah County
My commission expires: Dec. 10, 2004

