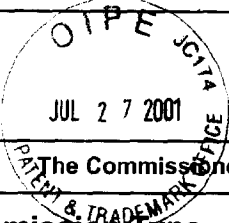


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TRADEMARK RE



101796137

IEET

Docket No. 18614.0164

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

Submission Type

- New 7-270)
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger Effective Date  
Month Day Year  
12 30 1995
- Change of Name
- Other \_\_\_\_\_

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
12 15 1995

Name Scrivner of New York, Inc.

Formerly \_\_\_\_\_

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other \_\_\_\_\_
- Citizenship/State of Incorporation/Organization New York

Receiving Party

Mark if additional names of receiving parties attached

Name Fleming Companies, Inc.

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 6301 Waterford Blvd.

Address (line 2) \_\_\_\_\_

Address (line 3) Oklahoma City

Oklahoma

73118

City

State/Country

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 Oklahoma

08/01/2001 DBYRME 00000090 731653

01 FC:581

40.00 OP

FOR OFFICE USE ONLY

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) 2300 N Street, NW

Address (line 2) Washington, D.C. 20037-1128

Address (line 3) \_\_\_\_\_

Address (line 4) \_\_\_\_\_

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments. # 3

**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)

731653

**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

7/27/01

Date Signed

FILED

CERTIFICATE OF MERGER  
MERGING

DEC 27 1995

MT. MORRIS SUPER DUPER, INC.,  
NIAGARA FALLS SUPER DUPER, INC. OKLAHOMA SECRETARY  
SOUTH OGDEN SUPER DUPER, INC. AND OF STATE  
SCRIVNER OF NEW YORK, INC.  
INTO  
FLEMING COMPANIES, INC.

Fleming Companies, Inc., an Oklahoma corporation, pursuant to Section 1082 of the Oklahoma General Corporation Act, DOES HEREBY CERTIFY:

FIRST. That the name and state of incorporation of each of the constituent corporations is MT. MORRIS SUPER DUPER, INC., a New York corporation, NIAGARA FALLS SUPER DUPER, INC., a New York corporation, SOUTH OGDEN SUPER DUPER, INC., a New York corporation, and SCRIVNER OF NEW YORK, INC., a New York corporation (collectively, the Disappearing Corporations"), and FLEMING COMPANIES, INC., an Oklahoma corporation (the "Surviving Corporation").

SECOND. That an Agreement and Plan of Merger has been approved, adopted, certified, executed and acknowledged by each of the Disappearing Corporations and the Surviving Corporation in accordance with the provisions of Section 1082 of the Oklahoma General Corporation Act;

THIRD. That the name of the surviving corporation is Fleming Companies, Inc., an Oklahoma corporation;

FOURTH. That the certificate of incorporation of the Surviving Corporation shall be the certificate of incorporation of the surviving corporation;

FIFTH. That the executed Agreement and Plan of Merger is on file at the principal place of business of the Surviving Corporation, which is located at 6301 Waterford Blvd., Oklahoma City, Oklahoma 73118;

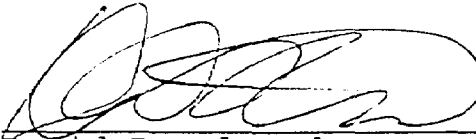
SIXTH. That a copy of the Agreement and Plan of Merger will be furnished by the Surviving Corporation, on request and without cost, to any shareholder of any constituent corporation; and

SEVENTH. This merger shall be effective December 30, 1995, at 11:59 p.m.

IN WITNESS WHEREOF, Fleming Companies, Inc., has caused this certificate to be signed by its Senior Vice President and

attested by its Assistant Secretary this 15th day of December, 1995.

FLEMING COMPANIES, INC.



David R. Almond  
Senior Vice President

Attest:



John M. Thompson  
Assistant Secretary

OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE OF MERGER**  
(Effective December 30, 1995)

WHEREAS, FLEMING COMPANIES, INC.

\_\_\_\_\_

a corporation organized under the laws of the State of Oklahoma,  
has filed in the office of the Secretary of State duly authenticated evidence of a merger  
whereby said corporation is the surviving entity, as provided by the laws of the State  
of Oklahoma.

NOW THEREFORE, I, the undersigned Secretary of State of Oklahoma, by  
virtue of the powers vested in me by law, do hereby issue this Certificate evidencing  
such merger.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed  
the Great Seal of the State of Oklahoma.

Filed in the City of Oklahoma City this 27th  
day of December, 1995.

Sam Cole  
Secretary of State

By: Brenda H. [Signature]