

08-16-2001

Docket No. 40276/DAP/S655

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Box Assignment  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068

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

<p><b>1. Name of conveying party(ies):</b> <b>Davis Lay, Inc.</b> <i>08/13/01</i></p> <p><input type="checkbox"/> Individual(s)      <input type="checkbox"/> Association  <input type="checkbox"/> General Partnership      <input type="checkbox"/> Limited Partnership  <input checked="" type="checkbox"/> Corporation  <input type="checkbox"/> Other  <input checked="" type="checkbox"/> Exists Under Laws of California</p> <p>Additional name(s) of conveying party(ies) attached: <b>NO</b></p>	<p><b>2. Name and address of receiving party(ies):</b> Name: <b>Mallard's Food Products, Inc.</b> Street Address: <b>708 L. Street, Modesto, California 95354</b></p> <p><input type="checkbox"/> Individual(s) citizenship  <input type="checkbox"/> Association  <input type="checkbox"/> General Partnership  <input type="checkbox"/> Limited Partnership  <input checked="" type="checkbox"/> Corporation  <input type="checkbox"/> Other:  <input checked="" type="checkbox"/> Exists Under Laws of <b>California</b></p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <b>N/A</b> (Designation must be a separate document from Assignment). Additional name(s) &amp; address(es) attached? <b>NO</b></p>
<p><b>3. Name of conveyance:</b></p> <p><input type="checkbox"/> Assignment      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement      <input checked="" type="checkbox"/> Change of Name  <input type="checkbox"/> Other</p> <p>Execution Date: <b>March 28, 1997</b></p>	
<p><b>4. A. Trademark Application No.(s)</b></p>	<p><b>4. B. Trademark Registration No.(s)</b> 1,626,437</p> <p>Additional numbers attached? <b>NO</b></p>
<p><b>5. Please return the recorded document and address all correspondence to:</b> <b>CHRISTIE, PARKER &amp; HALE, LLP</b> P.O. Box 7068 Pasadena, CA 91109-7068 Attention: <b>David A. Plumley</b></p>	<p><b>6. Total number of applications or registrations involved.....</b> <span style="border: 1px solid black; padding: 2px;">1</span></p> <p><b>7. <input checked="" type="checkbox"/> Total fee enclosed (37 CFR 3.41):</b>      \$ <b>40.00</b></p> <p><b>8. <input checked="" type="checkbox"/> Any deficiency or overpayment of fees should be charged or credited to <b>Deposit Account No. 03-1728</b>, except for payment of issue fees required under 37 CFR § 1.18. Please show our docket number with any credit or charge to our Deposit Account.</b></p>
<p><b>10. <input type="checkbox"/> Explanatory letter is enclosed.</b></p>	
<p><b>9. Statement and signature.</b> 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.</p> <p>Date: August 10, 2001</p> <p>By <u><i>David A. Plumley</i></u> Name: David A. Plumley 626/795-9900</p> <p><i>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 10, 2001.</i></p> <p>Signature <u><i>David A. Plumley</i></u></p> <p>Total number of pages including cover sheet, attachments, and document: <span style="border: 1px solid black; padding: 2px;">4</span></p>	

# State of California



## SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

*IN WITNESS WHEREOF*, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 31 2000



*Bill Jones*

Secretary of State

# 14 17753 A-189726

Office of the Secretary of State  
State of California

**CERTIFICATE OF AMENDMENT  
OF  
ARTICLES OF INCORPORATION**

**MAR 31 1997**

*Bill Jones*  
BILL JONES Secretary of State

DAN J. COSTA and DENISE L. COSTA certify that:

1. They are the Chief Executive Officer and Secretary, respectively, of DAVIS LAY, INC., a California Corporation.
3. Article ONE of the Articles of Incorporation is hereby amended to reads as follows:  
  
"ONE: The name of this corporation is  
  
MALLARD'S FOOD PRODUCTS, INC."
4. The foregoing amendment of the Articles of Incorporation has been duly approved by the Board of Directors of this corporation.
5. The foregoing amendment of the Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902 of the California Corporations Code. The total number of outstanding shares of the corporation is 1,075,892. Number of shares voting in favor of the amendment equalled or exceeded the vote required. The percentage of vote required was more than fifty percent (50%).

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

DATED: March 28, 1997

*[Signature]*  
DAN J. COSTA, Chief Executive Officer

DATED: March 28, 1997

*[Signature]*  
DENISE L. COSTA, Secretary

CERTIFICATE OF PRESIDENT

PERMISSION TO USE SIMILAR CORPORATE NAME

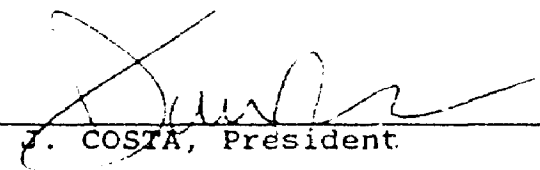
I, DAN J. COSTA, hereby certify:

That I am the duly elected President of MALLARD'S RESTAURANTS, INC., a California corporation; and

That on behalf of the above-referenced corporation, I hereby grant permission to DAVIS LAY, INC., a California corporation, whose principal executive office is in Modesto, California, to amend its Articles of Incorporation to adopt the name of "MALLARD'S FOOD PRODUCTS, INC."

IN WITNESS WHEREOF, I have signed my name below, indicating the date of signing, in my capacity as President of the above corporation.

Dated: March 28, 1997

  
\_\_\_\_\_  
DAN J. COSTA, President

