

02-01-2002

Docket No.:

081455-0261625



101967412

Tab settings

To the Honorable Commissioner of Patents

attached original documents or copy thereof.

1. Name of conveying party(ies):

Tod Swank
formerly dba Foundation Super Co.
4647 Rhode Island Street
San Diego, California 92116

1.15.02

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Association
- Limited Partnership

Additional names(s) of conveying party(ies) attached? Yes No

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

Name: **Tum Yeto, Inc.**

Internal Address: _____

Street Address: **2001 Commercial Street**

City: **San Diego** State: **CA** ZIP: **92113**

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State **California**
- 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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: **January 10, 2002**

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,955,673

Additional numbers attached? Yes No

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

Name: **Gabrielle A. Holley**

Internal Address: **Pillsbury Winthrop LLP**

Street Address: **101 West Broadway**

Suite 1800

City: **San Diego** State: **CA** ZIP: **92101**

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:

03-3975

DO NOT USE THIS SPACE

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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.

Gabrielle A. Holley
Name of Person Signing

Gabrielle A. Holley
Signature

January 15, 2002

Date

Total number of pages including cover sheet, attachments, and document: **2**

TRADEMARK ASSIGNMENT

WHEREAS, Tod Swank, an individual citizen of the United States (formerly doing business as Foundation Super Co.) with an address at 4647 Rhode Island Street, San Diego, California 92116 (“**Assignor**”) owns the following trademark registration (the “**Registration**”) in the U.S. Patent and Trademark Office, and the goodwill associated therewith (the “**Mark**”):

<u>TRADEMARK</u>	<u>REGISTRATION NO.</u>	<u>REGISTRATION DATE</u>
POOT	1,955,673	February 13, 1996

WHEREAS, Tum Yeto, Inc., a California corporation with a business address at 2001 Commercial Street, San Diego, California 92113 (“**Assignee**”) is desirous of acquiring the Registration and Mark;

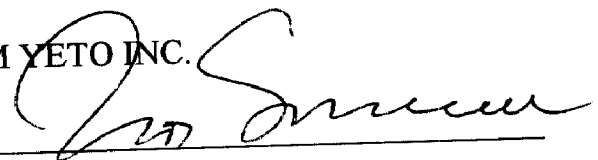
NOW, THEREFORE, for the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

Assignor does hereby assign unto Assignee, all right, title and interest in and to the Registration and the Mark, together with any common law rights and the goodwill of the business symbolized therewith, as well as the right (but not the obligation) to assert the Registration and the Mark and to collect for all past, present and future infringements, and claims for damages and the proceeds thereof, including, without limitation, license royalties and proceeds of infringement suits and all rights corresponding thereto throughout the world by reason of any past and future acts of infringement that have occurred or may occur.

Dated: 1-10-92

By: 

Name: Tod Swank

TUM YETO INC. 

Name: TOD SWANK

Title: President

CERTIFICATE OF MAILING VIA EXPRESS MAIL

“Express Mail” Mailing Label Number: EV 013 605 337 US

Mark: POOT


Reg. No.: 1,955,673

Registrant: Tum Yeto, Inc.

I hereby certify that the attached RECORDATION FORM COVER SHEET for trademark assignment and original executed Trademark Assignment (along with any papers referred to as being attached or enclosed) and a check in the amount of \$40.00 is addressed to: BOX ASSIGNMENTS, Commissioner of Patents and Trademarks, Washington, D.C. 20231, and is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service on the date indicated below.

January 15, 2002
(Date)

Patricia Muñoz
(Depositor's Name)


(Signature)

PTO RECEIPT FOR INDICATED ITEMS

Atty Holley, G.A

Reg. No.: 1,955,673
Receiving Party: Tum Yeto, Inc.
Mark: POOT

Date 01/15/02
C# 081455
M# 0261625

ENCLOSED:

- Transmittal Letter (in duplicate);
- Trademark Assignment;
- Recordation Form Cover Sheet for Trademarks;
- Certificate of Mailing via Express Mail Label No. EV 013 605 337 US;
- Return Postcard; and
- \$ 40.00 Fee (Check)
- Other:

CURRENT DUE DATE:



PILLSBURY WINTHROP_{LLP}

101 W. BROADWAY SUITE 1800 SAN DIEGO, CA 92101-8219 619.234.5000 F: 619.236.1995

January 15, 2002

Gabrielle A. Holley
619.544.3167
gholley@pillsburywinthrop.com

VIA EXPRESS MAIL EV 013 605 337 US

BOX ASSIGNMENTS

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

Re: Recordation of Assignment for Registered Trademark
Mark: POOT
Registrant: Tod Swank, formerly dba Foundation Super Co.
Receiving Party: Tum Yeto, Inc.
Reg. No.: 1,955,673
Our Ref.: 081455-0261625

Dear Sir or Madam:

On behalf of our client, Tum Yeto, Inc., please find enclosed:

1. A Recordation Form Cover Sheet for Assignment;
2. An original executed Trademark Assignment;
3. a check in the amount of \$40.00 in payment of the filing fee;
4. a copy of this transmittal letter for deposit account transactions;
5. a Certificate of Mailing Via Express Mail; and
6. a self-addressed, stamped postal acknowledgement card.

Please acknowledge your receipt of the enclosed by date stamping the enclosed self-addressed, stamped postcard and returning the same to us.



PILLSBURY WINTHROP_{LLP}

Commissioner of Patents and Trademarks

January 15, 2002

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Please charge any underpayment or credit any overpayment to Deposit Account No. 03-3975, under Order No. 081455-0261625.

Respectfully submitted,

Gabrielle A. Holley

Enclosures

cc: Mark G. Paulson, Esq. (w/o encls.)