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Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings

06-07-2002



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U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

To the Honorable Commissioner of F

original documents or copy thereof.

1. Name of conveying party(ies):

Stewart Hardison

6.3.02

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

Additional name(s) of conveying party(ies) attached? [ ] Yes [ ] No

3. Nature of conveyance:

- Assignment [checked] Merger [ ] Security Agreement [ ] Change of Name [ ] Other [ ]

Execution Date: February 13, 2002

2. Name and address of receiving party(ies)

Name: Perky-Pet Products Co.

Internal Address:

Street Address: 2201 South Wabash Street

City: Denver State: CO Zip: 80231

- Individual(s) citizenship [ ] Association [ ] General Partnership [ ] Limited Partnership [ ] Corporation-State Delaware [checked] 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 [checked] No

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) Birds Only

2460338

Additional number(s) attached [ ] Yes [checked] No

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

Name: Beat U. Steiner

Internal Address: Suite 850

Street Address: 303 E. 17th Avenue

City: Denver State: CO Zip: 80203

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

- Enclosed [checked] Authorized to be charged to deposit account [ ]

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

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.

Beat U. Steiner Name of Person Signing

Beat U. Steiner Signature

6/3/02 Date

Total number of pages including cover sheet, attachments, and document: 4

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

06/06/2002 AWNED1 00000136 2460338

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FINANCE SECTION

Form PTO-1594

(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

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RECOR

TR



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DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

Stewart Hardison 3-13-02

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

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

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- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: February / March 13, 2002

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- Association
- General Partnership
- Limited Partnership
- Corporation-State Delaware
- Other

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(Designations must be a separate document from assignment)  
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Beat U. Steiner

Beat U. Steiner

March 13, 2002

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

## TRADEMARK ASSIGNMENT

WHEREAS, Stewart Hardison (the "Assignor"), having a current address of:

Post Office Box 333  
Parker Smith Hill Road  
Bainbridge, New York 13733

is the owner of record of the following mark:

1. Mark: BIRDS ONLY  
Registration No.: 2460338  
Registered: June 12, 2001

WHEREAS, Perky-Pet Products Co., a Delaware corporation (the "Assignee"), the current address of which is:

2201 South Wabash Street  
Denver, Colorado 80231

is desirous of acquiring all of the right, title and interest that Assignor may have in said mark and the goodwill of the business associated with and symbolized thereby.

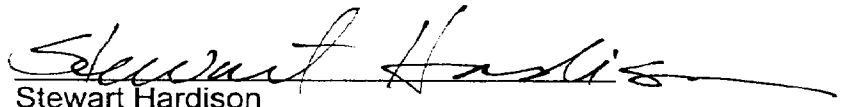
NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged:

1. Assignor does hereby sell, assign, transfer, set over, and quit claim unto said Assignee all the entire right, title, and interest that Assignor may have in, to, and under said trademark, applications for registration thereof, and any registration or registrations, both domestic and foreign, which may issue or have issued thereon, together with all of the goodwill of the business associated and connected with the use of and symbolized by the mark, the right to register said mark and receive the certificates of registration, the right to file Affidavits under Sections 8 and 15 of the Trademark Act of 1946, and the right to sue for past, present, and future infringement of said mark and any registrations thereof and retain all damages recovered therefrom.

2. Assignor acknowledges that subsequent to the date hereof, Assignor shall not claim to possess any right, title or interest in and to such trademark and shall take no actions jeopardizing the existence or enforceability of the trademark or Assignee's rights therein.

3. Assignor will not adopt or use or register or seek to register any name or mark anywhere in the world which is identical in word or design to the mark or so similar thereto as to constitute a colorable imitation thereof or to suggest some association between Assignor and Assignee or sponsorship and/or endorsement of Assignor by Assignee.

EXECUTED effective as of the 13<sup>th</sup> of February, 2002.

  
Stewart Hardison

STATE OF New York )  
 ) SS.  
COUNTY OF Broome )

The foregoing Assignment was acknowledged before me this 7<sup>th</sup> day of February, 2002, by Stewart Hardison.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Keith E. Osber  
Notary Public

KEITH E. OSBER  
Notary Public, State of New York  
No. 2977600  
Residing in Broome County 2003  
My Commission Expires April 30, ~~18~~