



Form PTO-1594 R  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

102135067

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

1. Name of conveying party(ies):

Tomahawk Farms, Inc. 6.19.02

- Individual(s)                       Association
- General Partnership               Limited Partnership
- Corporation-State North Carolina
- Other \_\_\_\_\_

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

2. Name and address of receiving party(ies)

Name: The Lundy Packing Company

Internal

Address: \_\_\_\_\_

PO Box 49

Street Address: \_\_\_\_\_

City: Clinton State: NC Zip: 28329

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State North Carolina
- 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                               Merger
- Security Agreement                       Change of Name
- Other \_\_\_\_\_

Execution Date: October 25, 2000

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

691,012

1,572,196

Additional number(s) attached  Yes  No

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

Name: Carol Anne Been

Internal Address: \_\_\_\_\_

Sonnenschein Nath & Rosenthal

PO Box 061080

Street Address: Wacker Drive Station

Sears Tower

City: Chicago State: IL Zip: 60606

6. Total number of applications and registrations involved: \_\_\_\_\_

2

7. Total fee (37 CFR 3.41).....\$ 65.00

- Enclosed
- 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.

Carol Anne Been  
Name of Person Signing

Signature

June 19, 2002

Date

Total number of pages including cover sheet, attachments, and document: 6

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

06/26/2002 ANNEX1 0000036 691012

40.00 OP  
25.00 OP

01 FC:481  
02 FC:482



# NORTH CAROLINA

## Department of The Secretary of State

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To all whom these presents shall come, Greetings:

I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

**ARTICLES OF MERGER**

**OF**

**TOMAHAWK FARMS, INC.**

**INTO**

**THE LUNDY PACKING COMPANY**

the original of which was filed in this office on the 3rd day of November, 2000.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 3rd day of November, 2000

*Elaine F. Marshall*

Secretary of State

Document Id: 203019065

TRADEMARK  
REEL: 002531 FRAME: 0156

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State of North Carolina  
Department of the Secretary of State

**ARTICLES OF MERGER  
BUSINESS CORPORATION**

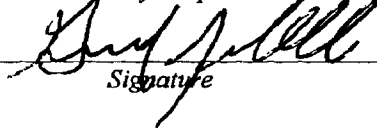
Pursuant to §55-11-05 of the General Statutes of North Carolina, the undersigned corporation does hereby submit the following Articles of Merger as the surviving corporation in a merger between two domestic business corporations.

1. The name of the surviving corporation is The Lundy Packing Company,  
a corporation organized under the laws of North Carolina; the name of the merged corporation is  
Tomahawk Farms, Inc., a corporation organized under the laws of  
North Carolina.
2. Attached is a copy of the Plan of Merger that was duly approved in the manner prescribed by law by each of the corporations participating in the merger.
3. With respect to the surviving corporation (*check either a or b, as applicable*):
  - a.  Shareholder approval was not required for the merger.
  - b.  Shareholder approval was required for the merger, and the plan of merger was approved by the shareholders as required by Chapter 55 of the North Carolina General Statutes.
4. With respect to the merged corporation (*check either a or b, as applicable*):
  - a.  Shareholder approval was not required for the merger.
  - b.  Shareholder approval was required for the merger, and the plan of merger was approved by the shareholders as required by Chapter 55 of the North Carolina General Statutes.
5. These articles will be effective upon filing, unless a delayed date and/or time is specified: 12:01 a.m. on the date of filing

This is the 25 day of October, 2000.

The Lundy Packing Company

*Name of Corporation*



*Signature*

Gerard J. Schulte, Secretary

*Type or Print Name and Title*

**NOTES:**

1. Filing fee is \$50. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.
2. Certificate(s) of Merger must be registered pursuant to the requirements of N.C.G.S. Section 47-18.1

(Revised January 2000)  
CORPORATIONS DIVISION

P. O. BOX 29622

(Form B-04)  
RALEIGH, NC 27626-0622

KC-800730-1

**TRADEMARK**  
**REEL: 002531 FRAME: 0157**

PLAN OF MERGER  
OF  
TOMAHAWK FARMS, INC.  
WITH AND INTO  
THE LUNDY PACKING COMPANY

a. Merger. On the effective date of the merger, Tomahawk Farms, Inc. (the "Constituent Corporation") shall be merged with and into The Lundy Packing Company (the "Surviving Corporation"), the corporate existence of the Constituent Corporation shall thereupon cease, and the corporate existence of the Surviving Corporation shall thereafter continue.

b. Surviving Corporation. After the merger, the Surviving Corporation shall have use of and operate under the name of The Lundy Packing Company and it shall be a corporation organized under and governed by the laws of the State of North Carolina.

c. Property. Upon and after the effective date of the merger, all of the assets and properties (real, personal, mixed, tangible, intangible, and of every other kind and description and wheresoever situated) of the Constituent Corporation shall be and become the assets and properties of the Surviving Corporation, and title thereto shall be deemed to be vested, without further act or deed, in the Surviving Corporation just as effectively as such title was vested in the Constituent Corporation.

d. Liabilities. Upon and after the effective date of the merger, all debts, liabilities, obligations, and duties of the Constituent Corporation shall be assumed by the Surviving Corporation, and thenceforth the Surviving Corporation shall be responsible, without limitation as to amount, for such debts, liabilities, obligations, and duties just as fully and to the same extent as if such debts, liabilities, obligations, and duties had been originally incurred or contracted by the Surviving Corporation.

e. Management. Upon and after the effective date of the merger, the Board of Directors and officers of the Constituent Corporation shall have no power, authority or responsibility, and the affairs of the Constituent Corporation shall be managed and directed by the Board of Directors and officers of the Surviving Corporation.

f. Cancellation of Shares. On the effective date of the merger, the issued and outstanding shares of the Constituent Corporation will be canceled. Each holder of a certificate representing shares of the Constituent Corporation will surrender such certificate to the Constituent Corporation on or before the effective date of the merger, the Constituent Corporation will thereupon deliver such certificates to the Surviving Corporation for cancellation. No additional shares of the Surviving Corporation will be issued to the holder of shares of the Constituent Corporation.

g. Abandonment. After the approval of this Plan by the Directors of the Constituent Corporation and the Surviving Corporation, and at any time prior to the effective date of the merger, the Directors of the Constituent Corporation or the Surviving Corporation may, in their discretion, abandon the merger.

h. Effective Date. The date and time at which the merger contemplated by this Plan shall become effective is 12:01 a.m. on the date of filing of the Articles of Merger by the North Carolina Secretary of State.