

08-12-2002



102185855

8-5-02

COVER SHEET  
S ONLY

Docket No.:

Tab settings

To the Honorable Commiss

record the attached original documents or copy thereof.

1. Name of conveying party(ies),

Einstein Acquisition Corp.

2. Name and address of re

Name: Einstein and

Internal Address:

08-05-2002  
U.S. Patent & TMO/TM Mail Rcpt Dt. #26

Street Address: 1687 Cole Boulevard

City: Golden State: CO ZIP: 80401

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

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

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

If assignee is not domiciled in the United States, a domestic designation is  Yes  N  
(Designations must be a separate document from Additional name(s) & address(es)  Yes  N

3. Nature of conveyance:

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

Execution Date:

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

A. Trademark Application No.(s)

[See Attached Schedule A]

B. Trademark Registration No.(s)

[See Attached Schedule A]

Additional numbers

Yes  No

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

Name: Mark I. Feldman

Internal Address: Piper Rudnick

Suite 1800

Street Address: 203 N. LaSalle Street

City: Chicago State: IL ZIP: 60601

6. Total number of applications and registrations involved: 64

7. Total fee (37 CFR 3.41): \$ 1,615

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

18-2284

08/07/2002 DBYRNE 00000231 76186792

DO NOT USE THIS SPACE

01 FC:481 40.00 DP  
02 FC:482 1575.00 BP

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.

Mark I. Feldman

Name of Person Signing

Mark I. Feldman

Signature

7-30-02

Date

Total number of pages including cover sheet, attachments, and

4

TRADEMARK

SCHEDULE A

	COUNTRY	MARK	REGISTRATION NO.	APPL./SERIAL NO.
1.	U.S.	BOHEMIAN BLEND		76/186992
2.	U.S.	EXPERIENCE MAKERS		76/057609
3.	U.S.	FANCY SCHMANCY CATERING	2,287,872	75/553926
4.	U.S.	HATE TO WAIT?		76/180171
5.	U.S.	HATE TO WAIT?		76/180170
6.	U.S.	HATE TO WAIT?		76/180172
7.	U.S.	A ROUND LUNCH IN A SQUARE BOX	2,081,647	75/161137
8.	U.S.	BAGEL & BAGEL	2,356,417	74/545735
9.	U.S.	BAGEL & BAGEL	2,181,665	74/547132
10.	U.S.	BAGEL & BAGEL BAKERY & NOSHERY	1,992,716	74/644689
11.	U.S.	BAGEL SCHLEPPER	2,537,310	76/033107
12.	U.S.	BUBBLER	2,004,237	74/720017
13.	U.S.	CHICAGO BAGEL DOG	2,282,292	75/501370
			Supplemental Register	
14.	U.S.	COME BACK FOR LUNCH	2,489,093	75/864449
15.	U.S.	COOL CAT		74/720016
16.	U.S.	Design Only (CURVED TRAPEZOID)	2,183,221	74/732662
17.	U.S.	Design Only (CURVED TRAPEZOID)	2,129,724	74/732661
18.	U.S.	Design Only (DOUBLE CIRCLE LOGO)	2,209,525	75/177939
19.	U.S.	Design Only (DOUBLE CIRCLE LOGO)	2,253,994	75/177937
20.	U.S.	Design Only (DOUBLE CIRCLE LOGO)	2,239,308	75/177941
21.	U.S.	EINSTEIN BROS. BAGELS (and Design)	2,094,203	75/026043
22.	U.S.	EINSTEIN BROS BAGELS (and Design)	2,194,140	75/177945
23.	U.S.	EINSTEIN BROS.	2,092,522	74/732658
24.	U.S.	EINSTEIN BROS.	2,461,914	75/051994
25.	U.S.	EINSTEIN BROS.	2,272,532	75/051996
26.	U.S.	EINSTEIN BROS.	2,078,607	75/032035
27.	U.S.	EINSTEIN BROS.	2,146,983	74/732659
28.	U.S.	EINSTEIN BROS.	2,060,493	74/732660
29.	U.S.	EINSTEIN BROS BAGELS (and Design)	2,211,548	75/177938
30.	U.S.	EINSTEIN'S	2,068,365	74/675985
31.	U.S.	EINSTEIN'S	2,051,938	74/701213

	COUNTRY	MARK	REGISTRATION NO.	APPL./SERIAL NO.
32.	U.S.	EINSTEIN'S	2,217,510	74/675983
33.	U.S.	EINSTEINBROSATWORK		76/245746
34.	U.S.	ELMO EINSTEIN'S	2,279,701	75/207123
35.	U.S.	FEED YOUR CURIOSITY	2,482,008	76/042113
36.	U.S.	FOOD FOR A MIND BAGELING WORLD	2,263,173	75/522968
37.	U.S.	LITTLE MONSTERS	2,013,551	74/001879
38.	U.S.	LUCKY GREEN BAGELS	2,262,673	75/451784
39.	U.S.	MELVYN EINSTEIN	2,304,480	75/176757
40.	U.S.	NOSH BOX	2,381,746	75/406346
41.	U.S.	NOSHOS	2,053,956	74/690947
42.	U.S.	POPPIES	2,009,942	74/732656
43.	U.S.	POWERBAGELS	1,987,020	74/690946
44.	U.S.	Design Only (SHINING BAGEL DESIGN)	2,017,312	74/732653
45.	U.S.	Design Only (SHINING BAGEL LOGO)	2,085,297	74/720014
46.	U.S.	Design Only (SHINING BAGEL LOGO)	2,078,420	74/720033
47.	U.S.	Design Only (SHINING BAGEL LOGO)	2,078,419	74/720015
48.	U.S.	SO EAT ALREADY	2,296,886	75/449591
49.	U.S.	THE VEG-OUT	2,011,730	74/720018
50.	U.S.	Design Only (TWO GUYS LOGO)	2,211,551	75/177989
51.	U.S.	Design Only (TWO GUYS LOGO)	2,211,549	75/177940
52.	U.S.	Design Only (TWO GUYS LOGO)	2,211,552	75/177997
53.	U.S.	VEGGIE CONFETTI	2,020,503	74/732652
54.	U.S.	BOULEVARD BAGEL SUB.	2,017,095	74/683953
55.	U.S.	RASPBERRY ROAD	1,978,183	74/674185
56.	U.S.	GOOSEBURY LANE	1,976,421	74/673742
57.	U.S.	DOWNTOWN GRAPE	1,976,420	74/673741
58.	U.S.	SKYLINE STRAWBERRY	1,976,419	74/673740
59.	U.S.	BAGEL BOULEVARD CAFÉ	2,112,621	74/607865
60.	U.S.	BAGEL AND BAGEL (with design)	1,918,543	74/545740
61.	U.S.	BAGEL AND BAGEL BAKERY & NOSHERY (with design)	1,918,542	74/545739
62.	U.S.	BAGEL AND BAGEL (with design)	1,918,541	74/545738
63.	U.S.	BEST BAGEL ON EARTH	1909610 (Supplemental Register)	74/547131
64.	U.S.	MID-TOWN		

**CERTIFICATE OF AMENDMENT  
TO  
CERTIFICATE OF INCORPORATION  
OF  
EINSTEIN ACQUISITION CORP.**

EINSTEIN ACQUISITION CORP. (hereinafter called the "Corporation"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify as follows:

**FIRST:** The name of the Corporation is Einstein Acquisition Corp. The date of filing of the Certificate of Incorporation of the Corporation was May 11, 2001.

**TWO:** The Certificate of Incorporation of the Corporation is hereby amended by striking out Article FIRST thereof and by substituting in lieu of said Article FIRST the following new Article FIRST:

**"FIRST:** The name of the Corporation is Einstein and Noah Corp."

**THIRD:** The amendment of the Certificate of Incorporation herein certified has been duly adopted in accordance with the provisions of Section 242 of the General Corporation Law in the State of Delaware.

**IN WITNESS WHEREOF,** the undersigned, being the President of the Corporation, does hereby affirm, under penalties of perjury, that this instrument is the act and deed of the Corporation, and that the statements made herein are true.

Dated: November 2 2001

EINSTEIN ACQUISITION CORP.

By: /s/ R. Ramin Kamfar  
R. Ramin Kamfar, President