

08-13-2002

81302

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



102188389

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

Tab settings ⇌ ⇌ ⇌

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

1. Name of conveying party(ies):

Bank of America, N.A.  
Salinas Commercial Banking Office #1491

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

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

3. Nature of conveyance:

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

Execution Date: 08/06/2002

2. Name and address of receiving party(ies)

Name: Fresh Choice Produce, Inc.

Internal

Address:

Street Address: 330 John Street

City: Salinas State: CA Zip: 93901

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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 1,830,503;

1,705,280; 1,599,779; 1,585,992

Additional number(s) attached  Yes  No

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

6. Total number of applications and registrations involved:

15

7. Total fee (37 CFR 3.41)

\$ 390.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

**RETURN TO:**  
**FEDERAL RESEARCH CORP**  
**400 SEVENTH STREET NW**  
**SUITE 101**  
**WASHINGTON DC 20004**

City: State: Zip:

DO NOT USE THIS SPACE

9. Signature.

Thomas Loesel  
Name of Person Signing

*Thomas Loesel*  
Signature

August 8, 2002  
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

PAGE 1

08/14/2002 6TON11 00000016 1830503

01 FC:481 40.00 DP  
02 FC:482 350.00 DP

TRADEMARK  
REEL: 002561 FRAME: 0616

Attachment to Recordation Form Cover Sheet  
TRADEMARKS ONLY

4.b. Trademark Registration No.(s) continued:

710,381  
726,314  
1,587,303  
1,531,121  
1,827,011  
1,422,196  
1,094,665  
1,594,414  
1,616,951  
1,604,879  
1,534,549

RELEASE OF TRADEMARKS

THIS RELEASE, dated August 6, 2002, is given by BANK OF AMERICA, N.A. ("Bank"), formerly known as Bank of America National Trust and Savings Association.

WITNESSETH:

WHEREAS, Bank and Fresh Choice Produce, Inc. (the "Company") are parties to a certain Security Agreement – General Intangibles (Patents, Trademarks, Copyrights, Computer Software) dated as of July 29, 1996 (the "Security Agreement"), pursuant to which the Company granted a security interest in certain trademarks listed on Exhibit "A" attached hereto (the "Trademarks") and certain other property as security for the Company's Indebtedness (as defined in the Security Agreement) to Bank;

WHEREAS, the Security Agreement was recorded in the Assignment Branch of the U.S. Patent and Trademark Office on August 19, 1996, on Reel 1505, Frame 0868;

WHEREAS, the Company has satisfied the Indebtedness and has requested that Bank release its security interest in the Trademarks;

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged:

Bank hereby releases its security interest in:

- (i) The Trademarks and other related property, as more particularly described in Paragraph 1 of the Security Agreement; and
(ii) All proceeds of all of the foregoing.

IN WITNESS WHEREOF, Bank has caused this Release to be duly executed by its duly authorized officer as of the day and year first above written.

Bank of America, N.A.

By [Signature]
Typed Name Joanne L. Hayner

Title Assistant Vice President

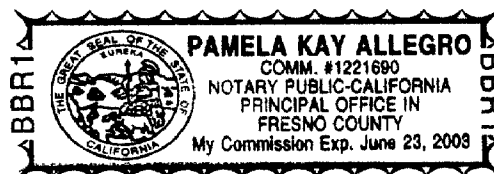
ACKNOWLEDGEMENT

State of California )
County of Fresno )

On 8/6/02, before me, Pamela Kay Allegro, Notary Public, personally appeared Joanne L. Hayner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature]
Notary Public



## EXHIBIT A

FRESH CHOICE PRODUCE, INC.

## TRADEMARKS AND SERVICE MARKS

<u>Country</u>	<u>Registration No.</u>	<u>Registration Date</u>	<u>Trademark or Service Mark</u>
USA	1,830,503	04/12/1994	Savory Choices and Design
USA	1,705,280	08/04/1992	Tri-Fresh and Design
USA	1,599,779	06/05/1990	Triple Washed and Design
USA	1,585,992	03/06/1990	Verigreen
USA	710,381	01/24/1961	Mor Green and Design
USA	726,314	01/09/1962	OMO (stylized)
USA	1,587,303	03/13/1990	Preferred Produce
USA	1,531,121	03/21/1989	Salute
USA	1,827,011	03/15/1994	Savory Choices (Words)
USA	1,422,196	12/23/1986	1776 and Design
USA	1,094,665	06/27/1978	Big Mo
USA	1,594,414	05/01/1990	Top Wisdom
USA	1,616,951	10/09/1990	Market Delight
USA	1,604,879	07/03/1990	Montecito and Design
USA	1,534,549	04/11/1989	Premier Farms

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RECORDED: 08/13/2002

TRADEMARK  
REEL: 002561 FRAME: 0619