

09-20-2002



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

U.S. 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):

Swift Beef Company (Delaware corporation)

9-18-02

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

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

3. Nature of conveyance:

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

Execution Date: 09/12/2002

2. Name and address of receiving party(ies)

Name: Swift Brands Company

Internal Address:

Street Address: 1770 Promontory Circle

City: Greeley State: CO Zip: 80634

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

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

OFFICE OF PUBLIC RECORDS 2002 SEP 18 AM 7:58 FINANCE SECTION

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

A. Trademark Application No.(s) 76/343832

B. Trademark Registration No.(s) 1620180

Additional number(s) attached Yes No

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

Name: Patrick C. Stephenson

Internal Address:

McGrath, North, Mullin & Kratz, P.C.

Street Address: 222 South 15th Street

Suite 1400

City: Omaha State: NE Zip: 68102

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:

DO NOT USE THIS SPACE

9. Signature.

Patrick C. Stephenson

Name of Person Signing

Signature

9/12/02 Date

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

09/19/2002 LHWELLER 00000319 76343832

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

01 FC:401 02 FC:402

40.00 OP 25.00 OP

**TRADEMARK ASSIGNMENT**

This Trademark Assignment (the "Assignment") is to be effective as of September 12, 2002, and is entered into by and among Swift Beef Company, a Delaware corporation, ("Assignor"), and Swift Brands Company, a Delaware corporation, ("Assignee").

WHEREAS, Assignor, having its principal offices at One ConAgra Drive, Greeley, Colorado 80632, U.S.A., is the owner of the trademark(s) and the associated registration(s) and/or application(s) for registration thereof existing in the United States Patent and Trademark Office listed on Exhibit A attached hereto (collectively, the "Marks").

WHEREAS, Assignee, having its principal offices at 1770 Promontory Circle, Greeley, Colorado 80634, U.S.A., is desirous of acquiring all right, title and interest in and to said Marks as part of the Agreement between HMTF Rawhide, L.P., ConAgra Foods, Inc., and S&C Holdco, Inc., dated May 20, 2002 (the "Purchase Agreement").

NOW THEREFORE, be it known that for Ten Dollars (US\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee all of Assignor's right, title and interest in the United States in and to said Marks, together with the goodwill of the business symbolized by said Marks, any future registrations of said Marks, and all common law rights associated with said Marks, and, to the extent not retained by ConAgra Foods, Inc. in the Purchase Agreement, any and all causes of action and other rights assertable under said Marks, the right to sue third parties for infringement of or improper activities regarding said Marks, and the right to enjoy all of the monetary benefits obtained as a result of any such litigation, the same to be held and enjoyed by Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor had this Assignment not been made.

Signed this 12<sup>th</sup> day of September, 2002.

**SWIFT BEEF COMPANY**

Assignor

By: 

Name: Kevin L. Wedeking

Title: Assistant Corporate Secretary

**SWIFT BRANDS COMPANY**

Assignee

By: 

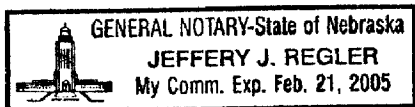
Name: Patrick J. Koley

Title: Vice President

STATE OF NEBRASKA     )  
  ) ss:  
COUNTY OF DOUGLAS    )

I, Jeffery J. Regler, Notary Public, do hereby certify that Kevin L. Wedeking, personally appeared before me, and, upon being duly sworn by me, stated and swore to the following: That he is the duly appointed Assistant Corporate Secretary of Assignor, legally constituted for a period of tenure not yet expired, that he is duly appointed and empowered to execute the Trademark Assignment attached hereto for the purposes and consideration therein expressed, and acknowledged that the same was the act of the Assignor.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 12<sup>th</sup> day of September, 2002.

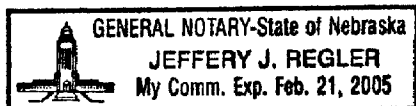


[Signature]  
Notary Public  
My Commission Expires: 2/21/2005

STATE OF NEBRASKA     )  
  ) ss:  
COUNTY OF DOUGLAS    )

I, Jeffery J. Regler, Notary Public, do hereby certify that Patrick J. Koley, personally appeared before me, and, upon being duly sworn by me, stated and swore to the following: That he is the duly appointed Vice President of Assignee, legally constituted for a period of tenure not yet expired, that he is duly appointed and empowered to execute the Trademark Assignment attached hereto for the purposes and consideration therein expressed, and acknowledged that the same was the act of the Assignor.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 12<sup>th</sup> day of September, 2002.



[Signature]  
Notary Public  
My Commission Expires: 2/21/2005

**EXHIBIT "A"**

Mark

FRESH MEAT MADE EASY  
CHEF'S EXCLUSIVE & Design

App./Reg. No.

76/343,832  
1,620,180