

11-08-2002

Form PTO-  
(Rev. 03/01)  
OMB No. 0  
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102276805

FORM COVER SHEET  
MARKS ONLY

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):  
COLORS FRUIT (SOUTH AFRICA) (PTY) LIMITED  
*11.4.02*  
 Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation-State  
 Other South African Company

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

3. Nature of conveyance:  
 Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: March 15, 2002

2. Name and address of receiving party(ies)  
Name: ESPERANCE RESOURCES LIMITED  
Internal  
Address: \_\_\_\_\_

Street Address: Bridge House, Bridge Street

City: Castletown, Isle of Man State: \_\_\_\_\_ Zip: IM9 1AX

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State \_\_\_\_\_  
 Other Company

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) 76/125,753 and 76/125,754

B. Trademark Registration No.(s) \_\_\_\_\_

Additional number(s) attached  Yes  No

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

Name: Darren M. Geliebter

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

Duane Morris LLP

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

380 Lexington Avenue

City: New York State: NY Zip: 10168

6. Total number of applications and registrations involved: 2

7. Total fee (37 CFR 3.41).....\$ 80.00

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:

04-1679

DO NOT USE THIS SPACE

9. Signature.

Darren M. Geliebter  
Name of Person Signing

Darren M. Geliebter  
Signature

October 28, 2002  
Date

11/08/2002 LUMELLER 00000055 041679 76125753 Total number of pages including cover sheet, attachments, and document: 1

01 FC:8521 40.00 CH  
02 FC:8522 25.00 CH

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

TRADEMARK  
REEL: 002613 FRAME: 0431

# ESPERANCE RESOURCES LIMITED

CORRESPONDENCE ADDRESS :  
RUE DU PUITTS-GODET 12  
CASE POSTALE 126  
2005 NEUCHATEL  
SWITZERLAND

TELEPHONE : +41 32 723 10 00  
FACSIMILE : +41 32 723 10 01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark : COLORS (STYLIZED)  
Serial No.: 76/125,754

Mark: COLORFRUIT  
Serial No: 76/125,753

Current Applicant (assignor): Colors Fruit (South Africa) Pty Ltd.  
Assignee: Esperance Resources Limited

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

## DESIGNATION OF DOMESTIC REPRESENTATIVE

Duane Morris LLP, whose postal address is: 380 Lexington Avenue, New York, New York 10168, is hereby designated representative of Esperance Resources Limited upon whom notice or process in proceedings affecting the marks may be served. Esperance Resources Limited is the pending assignee in an assignment of two pending trademark applications, serial numbers 76/125,753 and 76/125,754 both of which are currently in the name of Colors Fruit (South Africa) Pty Ltd. This designation of domestic representative is being filed simultaneously with the assignment documents for recordation.

## POWER OF ATTORNEY

We, Ian Christopher Crosby and Laurence Leslie Hart, declare that we are directors of the assignee, Esperance Resources Limited, and I am authorized to execute this power of attorney on its behalf. Esperance Resources Limited hereby appoints Elizabeth Atkins, William R. Hansen, Lewis F. Gould, Gregory P. Gulia, Bert A. Collison, and Oliver P. Howes, Jr., of the firm DUANE MORRIS LLP, located at 380 Lexington Avenue, New York, New York 10168, members of the Bar of the States of New York and Pennsylvania, to prosecute these applications to register, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration and all post-registration correspondence.

Esperance Resources Limited

Date :

18<sup>th</sup> July 2002

By

Names: Ian C Crosby and Laurence L Hart  
Title: Directors

**TRADEMARK**  
**REEL: 002613 FRAME: 0432**

### ASSIGNMENT

**WHEREAS, *COLORS FRUIT (SOUTH AFRICA) (PTY) LIMITED***, a South African company of Bridge House, Bridge Street, Castletown, Isle of Man, IM9 IAX (“the **ASSIGNOR**”),

- Has intended to use the mark **COLORSFRUIT** in commerce and has filed an application, now assigned Serial No. 76/125,753, indicating that intention, but has not yet filed an allegation of use under §§1(c) or 1(d) of The Trademark Act, and

**WHEREAS**, applicant is assigning the mark in the above-identified application as part of the entire business or portion thereof to which the mark pertains as required by 15 U.S.C. § 1060;

- Has intended to use the mark **COLORS (STYLIZED)** in commerce and has filed an application, now assigned Serial No. 76/125,754, indicating that intention, but has not yet filed an allegation of use under §§1(c) or 1(d) of The Trademark Act, and

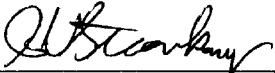
**WHEREAS**, applicant is assigning the mark in the above-identified application as part of the entire business or portion thereof to which the mark pertains as required by 15 U.S.C. § 1060;

**WHEREAS, *ESPERANCE RESOURCES LIMITED***, a company, of Bridge House, Bridge Street, Castletown, Isle of Man, IM9 IAX (“the **ASSIGNEE**”), the successor of the ongoing and existing business [or portion thereof] of Colors Fruit (South Africa) Pty. Ltd., to which the mark pertains, is desirous of acquiring said trademark and the pending intent-to-use application therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, said **COLORS FRUIT (SOUTH AFRICA) PTY. LTD.** does hereby assign to said **ESPERANCE RESOURCES LIMITED** all right, title and interest in and to the trademarks **COLORSFRUIT** and **COLORS (STYLIZED)** and the goodwill of the business symbolized thereby.

Signed at Paarl, this 15 day of March, 2002

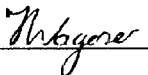
**COLORS FRUIT (SOUTH AFRICA) PTY. LTD.**

By: 

Name: CU STEENKAMP

Title: FINANCIAL DIRECTOR

thereof in the presence of the undersigned competent witness:-



Name: TANIA WAGENER

AS WITNESS:-

NOTARY PUBLIC

Title: MEV. FINANSIËLE BESTUURDER