

12-11-2002

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005)

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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): Herb Thyme Farms, Inc. 11-22-02
Individual(s) Association
General Partnership Limited Partnership
Corporation-State Delaware
Other
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: Bay Area Herbs & Internal Specialties, LLC
Address:
Street Address: 1473 Benito Avenue Burlingame
City: State: CA Zip: 94010
Individual(s) citizenship
Association
General Partnership
Limited Partnership
Corporation-State
Other Limited Liability Company California
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: 11-08-2002

4. Application number(s) or registration number(s):
A. Trademark Application No.(s) 76/363,341 76/364,829
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: Bart Greenberg
Internal Address:
Street Address: Four Park Plaza Suite 1900
City: Irvine State: CA Zip: 92614

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: N/A
(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.
Marjorie Sanders
Name of Person Signing Signature Date 11-14-02
Total number of pages including cover sheet, attachments, and document: 4

12/10/2002 GT0N11 00000215 76363341
01 FC:0521 40.00 OP
02 FC:0522 25.00 OP

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

TRADEMARK REEL: 002631 FRAME: 0639

## MEMORANDUM OF ASSIGNMENT OF TRADEMARK

THIS MEMORANDUM OF ASSIGNMENT OF TRADEMARK ("**Memorandum**") is entered into by Herb Thyme Farms, Inc., a Delaware corporation ("**Assignor**"), for the benefit of Bay Area Herbs & Specialties, LLC, a California limited liability company ("**Assignee**").

Assignor hereby acknowledges that Assignor has assigned to Assignee all right, title and interest of Assignor in intangible personal property consisting of trademarks and service marks, and applications for registration thereof, and the goodwill of Assignor's business associated therewith, all as evidenced by that certain Asset Purchase Agreement dated as of November 7, 2002 between Assignor and Assignee ("**Purchase Agreement**"), which Purchase Agreement is incorporated herein by this reference. Without limiting the generality of the foregoing or the Purchase Agreement, Assignor acknowledges and agrees that Assignor has assigned to Assignee all of Assignor's rights in the U.S. trademark applications for registration listed in **Exhibit A** attached hereto and incorporated herein by this reference.

This Memorandum is executed on the date set forth below by a duly authorized officer or agent of Assignor and is submitted for recording in the U.S. Patent and Trademark Office.

Assignor's Address:

Herb Thyme Farms, Inc.  
263 South Maple Avenue  
South San Francisco, CA 94080

ASSIGNOR:

**HERB THYME FARMS, INC.,**  
a Delaware corporation

By: 

Its: VP, Controller

Secretary

Date of Execution: November 8, 2002

Assignee's Address:

Attention: Steven C. Hurwitz  
1473 Benito Avenue  
Burlingame, CA 94010

**EXHIBIT A**

<u>Trademark</u>	<u>Application Serial No.</u>
AMERICAN HERBS	76363341
AMERICAN HERBS "GROWN IN THE USA"	76364829

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of San Mateo } ss.

On November 8, 2002 before me, Rose Marie Caballero, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Barbara Ratchford  
Name(s) of Signer(s)

- personally known to me
- 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.

Rose Marie Caballero  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Memorandum of Assignment of Trademark

Document Date: 11/7/02 Number of Pages: 3

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

