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Patent and Trademark Office

Attorney Docket No: WAAC219615

To the Honorable Commissioner for Trademarks: Please record this document.

Documents or copy thereof.

1. Name of conveying party(ies):  
 Washington State Apple Advertising Commission  
 Individuals  Association  
 General Partnership  Limited Partnership  
 Corporation-State of Washington  
 Other \_\_\_\_\_  
 Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies):  
 Name: Washington Apple Commission  
 Address: 2900 Euclid Avenue  
 City: Wenatchee State: WA ZIP: 98801  
 Individual(s) citizenship \_\_\_\_\_  
 Association State of \_\_\_\_\_  
 General Partnership State of \_\_\_\_\_  
 Limited Partnership State of \_\_\_\_\_  
 Corporation-State State of Washington  
 Other \_\_\_\_\_  
 If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
 (Designation 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: July 1, 2002

4. Application number(s) or registration number(s):  
 A. Trademark Application No(s).  
 B. Trademark Registration No. 2,388,532  
 Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed.  
 Cindy L. Caditz, Esq.  
 CHRISTENSEN O'CONNOR  
 JOHNSON KINDNESS<sup>PLLC</sup>  
 1420 Fifth Avenue  
 Suite 2800  
 Seattle, WA 98101-2347  
 206.695.1715

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00  
 Check No. 146015 in the amount of \$40.00 is enclosed.

8. The Commissioner is authorized to charge any fees that may be required or credit any overpayment to Deposit Account Number 03-1740.

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.*  
Cindy L. Caditz  
 Name of Attorney or Agent  
 Direct Dial 206.695.1715  
  
 Signature  
February 27, 2003  
 Date  
 Total number of pages including cover sheet, attachments and document: 8

OMB No. 0651-0011 (exp. 4/94)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Director - U.S. Patent and Trademark Office, Attn: Box Assignment, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date: February 27, 2003

03/05/2003 6TOM11 00000116 2388532  
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TRADEMARK  
REEL: 002684 FRAME: 0235

1035 am



CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2688

Chapter 313, Laws of 2002

57th Legislature  
2002 Regular Session  
EFFECTIVE DATE: July 1, 2002  
Except Sections 1, 15, 17, 29, 30,  
39, 45, 57, 58, and 138 which take  
effect April 2, 2002

Passed by the House March 9, 2002  
Yeas 94 Nays 0

Frank Chopp  
Speaker of the House of Representatives

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2688 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Cynthia Zehnder  
Chief Clerk

Passed by the Senate March 6, 2002  
Yeas 46 Nays 0

[Signature]  
President of the Senate

Approved April 2, 2002

[Signature]  
Governor of the State of Washington

FILED

APR 2 2002

Time 10:35 am

Secretary of State  
State of Washington

TRADEMARK

REEL: 002684 FRAME: 0236

1 The director shall have the authority to make allocations from the  
2 state fair fund, including interest income under RCW 43.79A.040,  
3 exclusively as follows: Eighty-five percent to participating  
4 agricultural fairs, distributed according to the merit of such fairs  
5 measured by a merit rating to be set up by the director. This merit  
6 rating shall take into account such factors as area and population  
7 served, open and/or youth participation, attendance, gate receipts,  
8 number and type of exhibits, premiums and prizes paid, community  
9 support, evidence of successful achievement of the aims and purposes of  
10 the fair, extent of improvements made to grounds and facilities from  
11 year to year, and overall condition and appearance of grounds and  
12 facilities. The remaining fifteen percent of money in the state fair  
13 fund may be used for special assistance to any participating fair or  
14 fairs and for administrative expenses incurred in the administration of  
15 this chapter only, including expenses incurred by the fair commission  
16 as may be approved by the director: PROVIDED, That not more than five  
17 percent of the state fair fund may be used for such expenses.

18 The division and payment of funds authorized in this section shall  
19 occur at such times as the director may prescribe.

20 NEW SECTION. Sec. 114. The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 16.67.020 (Purpose of chapter) and 1969 c 133 s 19;

23 (2) RCW 15.44.037 (Reimbursement of election costs) and 1965 ex.s.  
24 c 44 s 8;

25 (3) RCW 15.44.900 (Purpose of chapter) and 1961 c 11 s 15.44.900;  
26 and

27 (4) RCW 15.28.900 (Preamble) and 1961 c 11 s 15.28.900.

28 Sec. 115. RCW 15.24.010 and 1989 c 354 s 53 are each amended to  
29 read as follows:

30 As used in this chapter:

31 (1) "Commission" means the Washington ((state)) apple  
32 ((advertising)) commission;

33 (2) "Ship" means to load apples into a conveyance for transport,  
34 except apples being moved from the orchard where grown to a packing  
35 house or warehouse within the immediate area of production;

36 (3) "Handler" means any person who ships or initiates a shipping  
37 operation, whether for himself, herself, or for another;

1 (4) "Dealer" means any person who handles, ships, buys, or sells  
2 apples, or who acts as sales or purchasing agent, broker, or factor of  
3 apples;

4 (5) "Processor" and "processing plant" means every person to whom  
5 and every place to which apples are delivered for drying, dehydrating,  
6 canning, pressing, powdering, extracting, cooking, or for use in  
7 producing a product or manufacturing a manufactured article;

8 (6) "Processing apples" means all apples delivered to a processing  
9 plant for drying, dehydrating, canning, pressing, powdering,  
10 extracting, cooking, or for use in producing a product or manufacturing  
11 a manufactured article. However, "processing apples" does not include  
12 fresh apples sliced or cut for raw consumption;

13 (7) "Fresh apples" means all apples other than processing apples;

14 (8) "Director" means the director of the department of agriculture  
15 or his or her duly authorized representative;

16 (9) "Grower district No. 1" includes the counties of Chelan,  
17 Okanogan, and Douglas;

18 (10) "Grower district No. 2" includes the counties of Kittitas,  
19 Yakima, Benton, and Franklin;

20 (11) "Grower district No. 3" includes all counties in the state not  
21 included in the first and second districts;

22 (12) "Dealer district No. 1" includes the area of the state north  
23 of Interstate 90;

24 (13) "Dealer district No. 2" includes the area of the state south  
25 of Interstate 90; and

26 (14) "Executive officer" includes, but is not limited to, the  
27 principal management executive, sales manager, general manager, or  
28 other executive employee of similar responsibility and authority.

29 Sec. 116. RCW 15.24.020 and 1989 c 354 s 54 are each amended to  
30 read as follows:

31 There is hereby created a Washington ((state)) apple  
32 ((advertising)) commission to be thus known and designated. The  
33 commission shall be composed of nine practical apple producers and four  
34 practical apple dealers. The director shall be an ex officio member of  
35 the commission without vote.

36 The nine producer members shall be citizens and residents of this  
37 state, over the age of twenty-five years, each of whom, either  
38 individually or as an executive officer of a corporation, firm or

1 partnership, is and has been actually engaged in growing and producing  
2 apples within the state of Washington for a period of five years,  
3 currently operates a commercial producing orchard in the district  
4 represented, and has during that period derived a substantial portion  
5 of his or her income therefrom: PROVIDED, That he or she may own and  
6 operate an apple warehouse and pack and store apples grown by others,  
7 without being disqualified, so long as a substantial quantity of the  
8 apples handled in such warehouse are grown by him or her; and he or she  
9 may sell apples grown by himself, herself, and others so long as he or  
10 she does not sell a larger quantity of apples grown by others than  
11 those grown by himself or herself. The four dealer members shall be  
12 persons who, either individually or as executive officers of a  
13 corporation, firm, partnership, association, or cooperative  
14 organization, are and have been actively engaged as dealers in apples  
15 within the state of Washington for a period of five years, and are  
16 citizens and residents of this state, and are engaged as apple dealers  
17 in the district represented. The qualifications of members of the  
18 commission as herein set forth must continue during their term of  
19 office.

20 Sec. 117. RCW 15.24.040 and 1989 c 354 s 56 are each amended to  
21 read as follows:

22 The ((~~director~~)) commission shall call a meeting of apple growers,  
23 and meetings of apple dealers in dealer district No. 1 and dealer  
24 district No. 2 for the purpose of nominating their respective members  
25 of the commission, when a term is about to expire, or when a vacancy  
26 exists, except as provided in RCW 15.24.050, as amended, at times and  
27 places to be fixed by the commission. ((~~Said~~)) The meetings shall be  
28 held not later than February 15th of each year and insofar as  
29 practicable, the ((~~said~~)) meetings of the growers shall be held at the  
30 same time and place as the annual meeting of the Washington state  
31 horticultural association, or the annual meeting of any other producer  
32 organization which represents a majority of the state's apple  
33 producers, as determined by the commission, but not while the same is  
34 in actual session. Public notice of such meetings shall be given by  
35 the commission in such manner as it may determine: PROVIDED, That  
36 nonreceipt of the notice by any interested person shall not invalidate  
37 the proceedings. Any qualified person may be nominated orally for such  
38 positions at the ((~~said~~)) respective meetings. Nominations may also be

1 made within five days after any such meeting by written petition filed  
2 in the Wenatchee office of the commission, signed by not less than five  
3 apple growers or dealers, as the case may be, residing within the  
4 district or within the subdivision if the nomination is made from a  
5 subdivision.

6 The members of the commission shall be elected by secret mail  
7 ballot under the supervision of the director: PROVIDED, That in any  
8 case where there is but one nomination for a position, a secret mail  
9 ballot shall not be conducted or required and the director shall  
10 certify the candidate to be elected. Grower members of the commission  
11 shall be elected by a majority of the votes cast by the apple growers  
12 in the respective districts or subdivisions thereof, as the case may  
13 be, each grower who operates a commercial producing apple orchard  
14 within the district or subdivision being represented, whether an  
15 individual proprietor, partnership, joint venture, or corporation,  
16 being entitled to one vote. As to bona fide leased or rented orchards,  
17 only the lessee-operator, if otherwise qualified, shall be entitled to  
18 vote. An individual commercial orchard operator, if otherwise  
19 qualified, shall be entitled to vote as such, even though he or she is  
20 also a member of a partnership or corporation which votes for other  
21 apple acreage. Dealer members of the commission shall be elected by a  
22 majority of the votes cast by the apple dealers in the respective  
23 districts, each dealer being entitled to one vote. If a nominee does  
24 not receive a majority of the votes on the first ballot, a run-off  
25 election shall be held by mail in a similar manner between the two  
26 candidates for such position receiving the largest number of votes.

27 Sec. 118. RCW 15.24.050 and 1984 c 287 s 12 are each amended to  
28 read as follows:

29 In the event a position becomes vacant due to resignation,  
30 disqualification, death, or for any other reason, such position until  
31 the next annual meeting shall be filled by vote of the remaining  
32 members of the commission. At such annual meeting a commissioner shall  
33 be elected to fill the balance of the unexpired term.

34 A majority of the voting members shall constitute a quorum for the  
35 transaction of all business and the carrying out of the duties of the  
36 commission.

37 Each member of the commission shall be compensated in accordance  
38 with RCW 43.03.230 and shall be reimbursed for actual travel expenses

1 incurred in carrying out the provisions of this chapter. Employees of  
2 the commission may also be reimbursed for actual travel expenses when  
3 ((~~out of state~~)) on official commission business.

4 Sec. 119. RCW 15.24.070 and 1994 c 134 s 1 are each amended to  
5 read as follows:

6 The Washington ((~~state~~)) apple ((~~advertising~~)) commission is hereby  
7 declared and created a corporate body. The powers and duties of the  
8 commission shall include the following:

9 (1) To elect a chair and such other officers as it deems advisable;  
10 and to adopt, rescind, and amend rules and orders for the exercise of  
11 its powers under this chapter, which shall have the force and effect of  
12 the law when not inconsistent with existing laws;

13 (2) To administer and enforce the provisions of this chapter, and  
14 do all things reasonably necessary to effectuate the purposes of this  
15 chapter;

16 (3) To employ and at its pleasure discharge a manager, secretary,  
17 agents, attorneys, and employees as it deems necessary, and to  
18 prescribe their duties and powers and fix their compensation;

19 (4) To establish offices and incur expense and enter into contracts  
20 and to create such liabilities as may be reasonable for the proper  
21 administration and enforcement of this chapter. Expenses may include  
22 reasonable, prudent use of promotional hosting to benefit the purposes  
23 of this chapter;

24 (5) To investigate and prosecute violations of this chapter;

25 (6) To conduct scientific research to develop and discover the  
26 health, food, therapeutic, and dietetic value of apples and apple  
27 products;

28 (7) To keep accurate record of all of its dealings, which shall be  
29 open to inspection and audit by the state auditor;

30 (8) To sue and be sued, adopt a corporate seal, and have all of the  
31 powers of a corporation;

32 (9) To expend funds for commodity-related education, training, and  
33 leadership programs as the commission deems expedient;

34 (10) To borrow money and incur indebtedness;

35 (11) To accept gifts, grants, conveyances, bequests, and devises,  
36 of real or personal property, or both, in trust or otherwise, and sell,  
37 lease, exchange, invest, or expend these donations or the proceeds,  
38 rents, profits, and income from the donations except as limited by the

# STATE of WASHINGTON



## SECRETARY of STATE

*I, SAM REED, Secretary of State of the State of Washington and custodian of its seal,*

*hereby certify that according to the records on file in this office the*

**WASHINGTON STATE APPLE ADVERTISING COMMISSION**

*changed its name to the*

**WASHINGTON APPLE COMMISSION**

**EFFECTIVE DATE: July 1, 2002**



*Date: July 3, 2002*

*Given under my hand and the Seal of the State  
of Washington at Olympia, the State Capital*

A handwritten signature in cursive script that reads "Sam Reed".

*Sam Reed, Secretary of State*