

03-12-2003

Form PTO-1594

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

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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):

Mom's Best Services, Inc.

3-11-03

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation-Florida  
☐ Other \_\_\_\_\_

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

3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other nullification of assignment at reel/frame 2156/0745

Execution Date: 08141998 (original execution date)

2. Name and address of receiving party(ies)

Name: Silverado Foods, Inc.

Internal

Address: Suite 110

Street Address: 6846 S. Canton

City: Tulsa State: OK Zip: 74136

- ☐ Individual(s) citizenship \_\_\_\_\_  
☐ Association \_\_\_\_\_  
☐ General Partnership \_\_\_\_\_  
☐ Limited Partnership \_\_\_\_\_  
☒ Corporation-State Oklahoma  
☐ 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) 2222870; 1727905

Additional number(s) attached ☐ Yes ☒ No

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

Name: Kathryn M. Wheble, Esq.

Internal Address: Cooley Godward LLP

20th Floor

Street Address: One Maritime Plaza

City: San Francisco State: CA Zip: 94111-3580

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:

03-3118

DO NOT USE THIS SPACE

03/11/2003 BY: 00000251 2222870

01 FC-8521  
02 FC-852240.00 OP  
25.00 OP

Kathryn M. Wheble

Name of Person Signing

Signature

3.3.03

Date

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

10

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

TRADEMARK  
 REEL: 002692 FRAME: 0155

In Re the Registrations of:

Registrant: Nonni's Food Company, Inc.

Marks: NONNI'S AUTHENTIC  
ITALIAN FAMILY RECIPE  
and Design; NONNI'S  
(Stylized)

Registration Nos: 2,222,870; 1,727,905

Registered : February 9, 1999; October  
27, 1992

**DECLARATION OF SAMUEL M. LIVERMORE, ESQ. IN SUPPORT OF NULLIFICATION OF  
ASSIGNMENTS AT REEL/FRAME 2156/0745 AND 2227/0562**

1. I, Samuel M. Livermore, make this declaration in support of the request of Nonni's Food Company, Inc. ("Nonni's") to nullify an erroneous recordal of assignment of certain of Nonni's marks, namely registration nos. 2,222,870 and 1,727,905 (collectively, the "Nonni's Marks"), at Reel/Frames 2156/0745 and 2227/0562. I have personal knowledge of the facts set forth below.

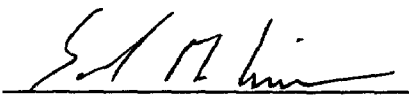
2. As of August 1998, the Nonni's Marks were owned by Silverado Foods, Inc. ("Silverado").

3. On or about August 14, 1998, Silverado commenced negotiation of an agreement whereby a company named Mom's Best Services, Inc. would purchase Silverado stock. The relevant portion of the stock purchase agreement states that "upon the terms and immediately following the satisfaction or waiver of the conditions set forth in this Agreement and immediately prior to the Repurchase, [Silverado] shall transfer, assign, deliver and convey to [Mom's Best] ... title and interest of [Silverado] in and to all of the assets, properties, privileges and rights Related to the Business, including" the Nonni's Marks.

4. The stock purchase transaction closed in December 1998. Pursuant to that transaction, the Nonni's Marks were assigned to Mom's Best Services, Inc., now called Nonni's Food Company, Inc. via a name change. See Exhibit A, copies of the name change document filed with the secretary of state. On January 15, 1999, the assignment of the Nonni's Marks was recorded at the Patent and Trademark Office ("PTO") at Reel/Frame 1841/0340. See Exhibit B.

5. Another, erroneous, assignment document was recorded with the PTO that in effect duplicated the assignment above. Reel/Frame 2156/0745 reflects an August 14, 1998 assignment from Silverado to Mom's Best Services, Inc. by way of a stock purchase agreement (and a name change from Mom's Best Services, Inc. to Nonni's Food Company, Inc. at Reel/Frame 2227/0562). This is the same transaction as embodied in Reel/Frame 1841/0340. The effective date of the assignment is incorrect because the transaction was not complete until December 1998.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, this 14<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
Samuel M. Livermore