

12/17-02

05-20-2003

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



U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

102452072

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): EMERGE INTERACTIVE, INC.

- 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 NUNC PRO TUNC ASSIGNMENT

Execution Date: 10/08/2002

2. Name and address of receiving party(ies)

Name: EASTERN LIVESTOCK CO., LLC

Internal Address:

Street Address: 135 WEST MARKET STREET

City: NEW ALBANY State: IN Zip: 47150

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Other INDIANA LIMITED LIABILITY 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)

B. Trademark Registration No.(s) 1615959;

1607660; 1619035

Additional number(s) attached Yes No

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

Name: SCOT A. DUVALL

Internal Address: MIDDLETON REUTLINGER

Street Address: 2500 BROWN & WILLIAMSON TOWER

City: LOUISVILLE State: KY Zip: 40202

6. Total number of applications and registrations involved: 3

7. Total fee (37 CFR 3.41) \$ 90.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature.

SCOT A. DUVALL

Name of Person Signing

Signature

Signature

4/28/2003

Date

3

12/23/2002 LMUELLER 00000031 1615959

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




01 FC:8521 02 FC:8522

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

TRADEMARK REEL: 002736 FRAME: 0080

**NUNC PRO TUNC ASSIGNMENT**

WHEREAS, EMERGE INTERACTIVE, INC., a Corporation of the state of Delaware having an office and place of business at 135 West Market Street, New Albany, Indiana 47150, adopted and continuously used through July 1, 2002 the following trademarks (the "Marks") which are registered in the United States Patent and Trademark Office:

<b><u>TRADEMARK</u></b>	<b><u>REG. NO.</u></b>	<b><u>DATE REGISTERED</u></b>
 E & Design	1,615,959	October 02, 1990
 E & Design	1,607,660	July 24, 1990
 EASTERN LIVESTOCK CO. & Design	1,619,035	October 23, 1990

WHEREAS, EASTERN LIVESTOCK CO., LLC, a Limited Liability Company of the state of Indiana, having an office and place of business at 135 West Market Street, New Albany, Indiana 47150, acquired by agreement effective July 1, 2002 the Marks and the registrations thereof, including all claims and rights associated therewith and including the right to bring and maintain actions for trademark infringement (including the right to sue for infringement damages incurred or arising prior to said date) and has continuously used the Marks since that date;

WHEREAS, in addition to the agreement of July 1, 2002 the parties wish to evidence by this document, the transfer of all rights in the Marks and the registrations thereof;

NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, and confessed, EMERGE INTERACTIVE, INC. does hereby evidence its assignment unto EASTERN LIVESTOCK CO., LLC, of all rights, title and interest in and to the Marks, together with the goodwill of the business symbolized by the Marks, and the registrations thereof (U.S. Reg. Nos. 1,615,959; 1,607,660; and 1,619,035) and all claims and rights associated therewith including the right to bring and maintain actions based on the Marks, all effective as of July 1, 2002.

EMERGE INTERACTIVE, INC.

By: David C. Warren  
David C. Warren  
Title: CEO

STATE OF Florida )  
COUNTY OF Indian River )

:SS

I do hereby certify that David C. Warren, CEO of eMerge Interactive, Inc., personally known to me to be the person who executed the foregoing instrument, appeared before me this day in person and acknowledge the execution and delivery thereof, under his seal, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal on this 8<sup>th</sup> day of October, 2002.

Christine Smith  
Notary Public

My commission expires: 4-25-04.



EV100709146US

December 17, 2002

MIDDLETON  
REUTLINGER

2500  
Brown & Williamson  
Tower  
Louisville, Kentucky  
40202  
502.584.1135  
502.561.0442 fax  
www.midtreut.com

Scot A. Duvall  
Direct Dial: (502) 625-2784  
sduvall@midtreut.com

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

CERTIFICATE OF MAILING  
BY EXPRESS MAIL PURSUANT TO 37 C.F.R. § 1.10

THE UNDERSIGNED CERTIFIES THAT HE/SHE IS MAILING  
THIS MATERIAL BY EXPRESS MAIL (LABEL NUMBER  
EV100709146US) ADDRESSED TO  
COMMISSIONER OF PATENTS AND TRADEMARKS,  
BOX ASSIGNMENTS, WASHINGTON, D.C. 20231, ON THIS  
17<sup>th</sup> DAY OF December, 2002.

*Charlton Dose*

Dear Commissioner:

Enclosed for recording is the Recordation Form Cover Sheet for U.S. Reg. Nos. 1615959 (E & Design); 1607660 (E & Design); 1619035 (EASTERN LIVESTOCK CO. & Design), the assignment document, and check number 62892 to your order in the sum of \$90.00 as filing fee. These registrations have been assigned from the registrant of record to Eastern Livestock Co., LLC.

Upon receiving this letter with enclosures, please date-stamp and return the enclosed self-addressed and stamped postcard. Please send further correspondence to the following address:

Scot A. Duvall, Esq.  
Middleton Reutlinger  
2500 Brown & Williamson Tower  
Louisville, Kentucky 40202

Should the enclosed have any defect such that the assignment cannot be recorded, please telephone me collect at (502) 625-2784.

Very truly yours,

MIDDLETON REUTLINGER

*Scot A. Duvall*

Scot A. Duvall

Enclosures  
SAD/cg

TRADEMARK  
REEL: 002736 FRAME: 0083

EV279599734US



OFFICE OF PUBLIC RECORDS

2003 MAY 15 AM 9:24

MIDDLETON  
REUTLINGER

FINANCE SECTION

2500  
Brown & Williamson  
Tower  
Louisville, Kentucky  
40202  
502.584.1135  
502.561.0442 fax  
www.middreut.com

May 15, 2003

CERTIFICATE OF MAILING  
BY EXPRESS MAIL PURSUANT TO 37 C.F.R. 1.10

THE UNDERSIGNED CERTIFIES THAT HE/SHE IS MAILING THIS MATERIAL BY EXPRESS MAIL (LABEL NUMBER EV279599734US) ADDRESSED TO U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS CG-4, 1213 JEFFERSON DAVIS HIGHWAY, SUITE 320, WASHINGTON, D.C. 20231, ON THIS 15TH DAY OF MAY, 2003.

A handwritten signature in black ink, appearing to read "J. A. Duvall".

U. S. Patent and Trademark Office  
Assignment Division, Box Assignments, CG-4  
1213 Jefferson Davis Highway  
Suite 320  
Washington, D.C. 20231

RE: Resubmission of Recordation Document (Doc. ID No. 102319940).

To the Commissioner for Trademarks:

Resubmitted for recording is the Recordation Form Cover Sheet, (stamped as received on 12/23/02), for U.S. Reg. Nos. 1615959 (E & design); 1607660 (E & design); 1619035 (EASTERN LIVESTOCK CO. & Design), as well as the assignment document. These registrations have been assigned from the registrant of record to Eastern Livestock Co., LLC.

Upon receiving this letter with enclosures please date-stamp and return the enclosed self-addressed postcard. Please send further correspondence to the following address:

Scot A. Duvall, Esq.  
Middleton Reutlinger  
2500 Brown & Williamson Tower  
Louisville, KY 40202

TRADEMARK  
REEL: 002736 FRAME: 0084

Should the enclosed have any defect such that the assignment cannot be recorded please call me collect at (502) 625-2784.

Very truly yours,

MIDDLETON REUTLINGER



Scot A. Duvall

Enclosures  
SAD/kl