

Form PTO-1594

(Rev. 10/02)

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

Tab settings ⇨ ⇨ ⇨

# RECORDATION FORM COVER SHEET TRADEMARKS 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):

Surf City Squeeze, Inc.

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

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

### 3. Nature of conveyance:

- Assignment
- Security Agreement
- Other \_\_\_\_\_
- Merger
- Change of Name

Execution Date: 05/28/03

### 2. Name and address of receiving party(ies)

Name: Malibu Smoothie Franchise Corp.

Internal

Address: Suite 203

Street Address: 7730 E. Greenway Road

City: Scottsdale State: AZ Zip: 85260

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State Arizona
- 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) 75/455,272

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: Renee L. Mitchell

Internal Address: Suite 1200

Street Address: One North Central Avenue

City: Phoenix State: AZ Zip: 85004

### 6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41).....\$ 40.00

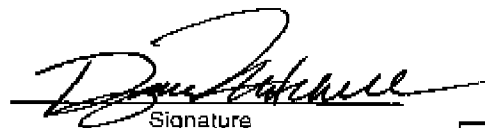
- Enclosed
- Authorized to be charged to deposit account

B. Deposit account number: \_\_\_\_\_

### DO NOT USE THIS SPACE

### 9. Signature.

Renee L. Mitchell  
Name of Person Signing

  
Signature

November 24, 2003  
Date

Total number of pages including cover sheet, attachments, and document: 6

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

6-703

06-05-2003

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

102464817

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

1. Name of conveying party(ies):

Surf City Squeeze, Inc.

- Individual(s) Association General Partnership Limited Partnership Corporation-State Arizona Other

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other

Execution Date:

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Name: Malibu Smoothie Franchise Corp.

Internal Address: Suite 203

Street Address: 7730 E. Greenway Road

City: Scottsdale State: AZ Zip: 85260

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Arizona Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 75/455,272

B. Trademark Registration No.(s)

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City: Phoenix State: AZ Zip: 85004

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1

7. Total fee (37 CFR 3.41): \$ 40.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

06/04/2003 BY: 0000057 75455272 01 FC:0521

DO NOT USE THIS SPACE

9. Signature.

40.00 UP

Renee Mitchell Name of Person Signing

Signature

May 28, 2003 Date

Total number of pages including cover sheet, attachments, and document: 3

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

**ASSIGNMENT OF TRADEMARK**

**THIS ASSIGNMENT OF TRADEMARK** (this "Assignment") is made and entered into as of this 28<sup>th</sup> day of May, 2003, by and between **Surf City Squeeze, Inc.**, an Arizona corporation, having an address at 7730 East Greenway, Suite 203, Scottsdale, Arizona 85260 ("Assignor"), and **Malibu Smoothie Franchise Corp.**, an Arizona corporation, having an address at 7730 East Greenway, Suite 203, Scottsdale, Arizona 85260 ("Assignee").

**RECITALS**

A. Assignor has adopted, used, is using or intends to use, and is the owner of the trademark MALIBU SMOOTHIE, United States Patent and Trademark Office Serial Number 75/455,272 (the "Trademark").

B. Assignee desires to acquire the Trademark, and Assignor desires to assign the Trademark to Assignee.

NOW, THEREFORE, in consideration of the agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**ASSIGNMENT**

1. Assignor hereby represents and warrants to Assignee that Assignor owns the Trademark and has the exclusive right to assign the Trademark to Assignee.

2. For payment of good and valuable consideration to the Assignor by the Assignee in the amount of \$1.00, the receipt of which the Assignor acknowledges, and pursuant to 15 U.S.C. § 1060, Assignor hereby assigns to Assignee all of Assignor's right, title and interest in and to the Trademark, and in the goodwill associated therewith.

3. Assignor waives any and all rights to claim ownership of the Trademark following this Assignment.

4. This Assignment shall inure to the sole benefit of Assignee and shall be binding upon the parties hereto and their respective successors and assigns.

5. The Commissioner of Patents and Trademarks is requested to issue the Certificate of Registration to said Assignee, Malibu Smoothie Franchise Corp.

**"ASSIGNOR"**

**Surf City Squeeze, Inc., an Arizona corporation**


By: 

Michael J. Reagan

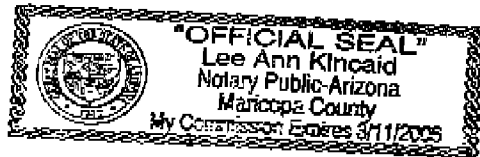
Its: General Counsel

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

The foregoing instrument was acknowledged before me this 29th day of May, 2003, by Michael J. Reagan, General Counsel of Surf City Squeeze, Inc., an Arizona corporation, on behalf of the corporation.

  
\_\_\_\_\_  
Notary Public

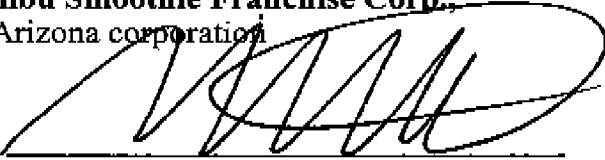
My Commission Expires:



**ACKNOWLEDGED AND ACCEPTED BY:**

**"ASSIGNEE"**

**Malibu Smoothie Franchise Corp.**  
an Arizona corporation

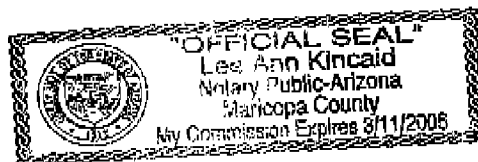
By:   
\_\_\_\_\_  
Michael J. Reagan  
Its: General Counsel

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

The foregoing instrument was acknowledged before me this 29th day of May, 2003, by Michael J. Reagan, General Counsel of Malibu Smoothie Franchise Corp., an Arizona corporation, on behalf of the corporation.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



1 RYLEY CARLOCK & APPLEWHITE  
 2 One North Central Avenue, Suite 1200  
 3 Phoenix, Arizona 85004-4417  
 Telephone: 602/258-7701  
 4 Telecopier: 602/257-9582

5 Renee L. Mitchell, Esq.  
 Christopher P. Siegle, Esq.

6 Attorneys for Applicant

7 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

8 Applicant: Surf City Squeeze, Inc., an  
 Arizona corporation

9 Address: 7730 East Greenway Road  
 Suite 203  
 10 Scottsdale, AZ 85260

11 Mark: : MALIBU SMOOTHIE

12 Serial No.: 75/455,272

13 Filing Date: March 23, 1998

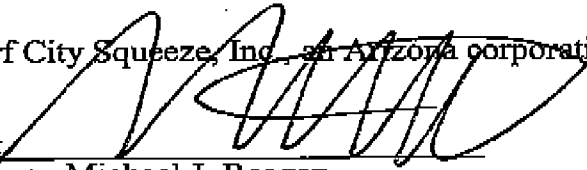
14 **POWER OF ATTORNEY**

15 TO: Commissioner for Trademarks  
 16 BOX RESPONSES - NO FEE  
 2900 Crystal Drive  
 17 Arlington, VA 22202-3513

18 **POWER OF ATTORNEY**

19 Applicant hereby appoints Renee L. Mitchell and Christopher P. Siegle, One  
 20 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, of Ryley Carlock & Applewhite,  
 21 with full power of substitution, and revocation, to transact all business in the United States  
 22 Patent and Trademark Office in connection with this mark.

23 Surf City Squeeze, Inc., an Arizona corporation

24 By:   
 25 Name: Michael J. Reagan  
 26 Title: Vice President and General Counsel



NOVEMBER 13, 2003

PTAS

Chief Financial Officer and Chief Administrative Officer  
Washington, DC 20231  
www.uspto.govRENEE L. MITCHELL  
ONE NORTH CENTRAL AVENUE  
SUITE 1200  
PHOENIX, AZ 85004

\*102464817A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 102464817

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. THE COVER SHEET SUBMITTED FOR RECORDING IS NOT ACCEPTABLE. AN EXECUTION DATE MUST BE INDICATED FOR EACH CONVEYING PARTY.

LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS