

8-27-03

08-27-2003



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

RECORDED 102535509
TRADEMARKS ONLY

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):
Wells Fargo Foothill, Inc.
f/k/a Foothill Capital Corporation

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

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

2. Name and address of receiving party(ies)
Name: Pierre Foods, Inc.
Internal
Address: _____
Street Address: 9990 Princeton Road
City: Cincinnati State: OH Zip: 45246

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

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other Release _____

Execution Date: 8/13/03

4. Application number(s) or registration number(s):
A. Trademark Application No.(s) _____

B. Trademark Registration No.(s) See Attached
Exhibit A

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Deborah E. Lindley, Paralegal
Internal Address: Carruthers & Roth, P.A.

Street Address: 235 N. Edgeworth Street

City: Greensboro State: NC Zip: 27401

6. Total number of applications and registrations involved: 53

7. Total fee (37 CFR 3.41).....\$ 1340.00
 Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: _____

DO NOT USE THIS SPACE

9. Signature.

Deborah E. Lindley, PARALEGAL
Name of Person Signing

Signature

August 26, 2003
Date

Total number of pages including cover sheet, attachments, and document: 9

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

08/27/2003 ECOOPER 00000199 2005805
01 FC:8521 40.00 OP
02 FC:8522 1300.00 OP

TRADEMARK
REEL 2805 FRAME: 0441

EXHIBIT A

Registered Trademarks

<u>Country</u>	<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
U.S.A.	BREAKFAST ON THE GO! and Design	2,005,805	10/08/1996
U.S.A.	CAFÉ PIERRE	1,876,055	01/24/1995
U.S.A.	CAFETERIA ADVENTURES	2,426,560	02/06/2001
U.S.A.	CHIX-B-Q	2,544,625	03/05/2002
U.S.A.	CHIX-B-Q	2,510,217	11/20/2001
U.S.A.	CHOP HOUSE	2,529,860	01/15/2002
U.S.A.	CHOP HOUSE	2,561,735	04/16/2002
U.S.A.	COMMODITY MAGIC	1,331,238	04/16/1985
U.S.A.	DINE 'N' WITH	1,912,699	08/15/1995
U.S.A.	FAST CHOICE	2,052,455	04/15/1997
U.S.A.	FAST CHOICE	2,152,895	04/21/1998
U.S.A.	FASTBITES	2,261,726	07/13/1999
U.S.A.	FRENCH TOAST BOAT	1,554,935	09/05/1989
U.S.A.	FRENCH TOAST BOAT and Design	1,626,155	12/04/1990
U.S.A.	GLOBAL GRILL	2,112,383	11/11/1997
U.S.A.	GOLDDIGGER	1,121,101	06/26/1979
U.S.A.	H.E.L.P.S. HEALTHCARE ENTRÉE LOW PREP SOLUTIONS	2,273,614	08/31/1999
U.S.A.	HAM-N-GO Stylized	2,345,081	04/25/2000
U.S.A.	HEARTSIDE SELECT	2,485,773	09/04/2001
U.S.A.	HOT DIGGITY SUBS	1,388,435	04/01/1986
U.S.A.	HOT DIGGITY SUBS and Design	1,387,648	03/25/1986
U.S.A.	LEAN MAGIC	1,677,773	03/03/1992
U.S.A.	LIKE MOM'S and Design	1,517,327	12/20/1988
U.S.A.	LINK-N-DOG	1,917,400	09/05/1995
U.S.A.	MAIN STREET DINER	2,525,981	01/01/2002
U.S.A.	MICRO-WICHES	1,505,035	09/20/1988

U.S.A.	PIERRE CLASSICS	2,052,456	04/15/1997
U.S.A.	PIERRE MAIN STREET DINER	2,016,292	11/12/1996
U.S.A.	PIERRE SELECT	2,505,029	11/06/2001
U.S.A.	PIERRE SELECT	2,437,502	03/20/2001
U.S.A.	PIZZA PARLOR SANDWICH	1,270,140	03/13/1984
U.S.A.	PIZZA PARLOR SANDWICH	1,642,199	04/23/1991
U.S.A.	PROUD TO SERVE	2,330,338	03/14/2000
U.S.A.	PROUD TO SERVE	2,327,379	03/07/2000
U.S.A.	PROUD TO SERVE AMERICA'S HEROS	2,327,377	03/07/2000
U.S.A.	QUICK-WICHES	1,784,320	07/27/1993
U.S.A.	RIB NIBBLERS	2,319,248	02/15/2000
U.S.A.	RIB-B-Q	1,257,730	11/15/1983
U.S.A.	RIB-B-Q	1,270,954	03/20/1984
U.S.A.	RIB-B-Q	1,598,832	05/29/1990
U.S.A.	RIB-B-Q and Design	1,276,424	05/01/1984
U.S.A.	RIB-B-Q and Design	1,275,419	04/24/1984
U.S.A.	RIB-B-Q and Design	2,132,710	01/27/1998
U.S.A.	SAUS-A-RAGE	1,928,706	10/17/1995
U.S.A.	SELECT RECIPE	2,322,506	02/22/2000
U.S.A.	SHOESTRINGS	2,302,272	12/21/1999
U.S.A.	TWO-FERS	1,505,013	09/20/1988
U.S.A.	TWO-FERS	1,599,764	06/05/1990
U.S.A.	WONDERBITES	1,781,595	07/13/1993
Canada	RIB-B-Q	TMA 305,055	07/19/1985
Canada	RIB-B-Q and Design	TMA 305,056	07/19/1985
State of Ohio	PIERRE and Design	TM 7315	05/22/1986

Pending Trademark Applications

<u>Country</u>	<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
U.S.A.	BIG AZ	76/254,000	05/08/2001
U.S.A.	DELI BREAK	76/211,365	02/15/2001
U.S.A.	HOT 'N' READY	76/258,563	05/17/2001

Trademark Applications in Preparation

None.

TRADEMARK RELEASE

THIS TRADEMARK RELEASE is made this 13TH day of August, 2003, by **WELLS FARGO FOOTHILL, INC., f/k/a FOOTHILL CAPITAL CORPORATION**, as Agent (the "Secured Party") in favor of **PIERRE FOODS, INC.**, a North Carolina corporation (the "Grantor");

WITNESSETH:

WHEREAS, on May 29, 2002, the Grantor and the Secured Party executed a Trademark Security Agreement (the "Security Agreement"), which was recorded on June 10, 2002 at Reel 2525, Frame 0138, in the United States Patent and Trademark Office, pursuant to which the Grantor granted the Secured Party a lien in and security interest upon certain trademarks and trademark applications of the Grantor as more particularly described therein; and

WHEREAS, the Secured Party, at the request of the Grantor, has agreed to release and terminate its lien in and security interest upon all of the trademarks and trademark applications set forth in the Security Agreement, including, without limitation, those trademarks and trademark applications set forth on Exhibit A attached hereto (the "Released Trademarks");

NOW THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, the Secured Party hereby releases, discharges and terminates its lien in and security interest upon the Released Trademarks, and transfers and conveys to the Grantor all of the Secured Party's right, title and interest in the Released Trademarks and the goodwill associated therewith.

This Trademark Release shall be binding upon the Secured Party and its successors and assigns.

IN WITNESS WHEREOF, the Secured Party has duly executed this Trademark Release on the day and year first above written.

WELLS FARGO FOOTHILL, INC. f/k/a
FOOTHILL CAPITAL CORPORATION, as Agent

By: _____

Title: _____

TRADEMARK

TTT
002805 FRAME: 0445

STATE OF Massachusetts

COUNTY OF Suffolk

The foregoing instrument was executed and acknowledged before me this 14 day of August, 2003, by Vincent Egan, personally known to me to be a V.P. of WELLS FARGO FOOTHILL, INC. f/k/a FOOTHILL CAPITAL CORPORATION on behalf of the corporation.



Notary Public

My Commission Expires: 7/29/2005

**EXHIBIT A TO
TRADEMARK RELEASE**

Registered Trademarks

<u>Country</u>	<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
U.S.A.	BREAKFAST ON THE GO! and Design	2,005,805	10/08/1996
U.S.A.	CAFÉ PIERRE	1,876,055	01/24/1995
U.S.A.	CAFETERIA ADVENTURES	2,426,560	02/06/2001
U.S.A.	CHIX-B-Q	2,544,625	03/05/2002
U.S.A.	CHIX-B-Q	2,510,217	11/20/2001
U.S.A.	CHOP HOUSE	2,529,860	01/15/2002
U.S.A.	CHOP HOUSE	2,561,735	04/16/2002
U.S.A.	COMMODITY MAGIC	1,331,238	04/16/1985
U.S.A.	DINE 'N' WITH	1,912,699	08/15/1995
U.S.A.	FAST CHOICE	2,052,455	04/15/1997
U.S.A.	FAST CHOICE	2,152,895	04/21/1998
U.S.A.	FASTBITES	2,261,726	07/13/1999
U.S.A.	FRENCH TOAST BOAT	1,554,935	09/05/1989
U.S.A.	FRENCH TOAST BOAT and Design	1,626,155	12/04/1990
U.S.A.	GLOBAL GRILL	2,112,383	11/11/1997
U.S.A.	GOLDDIGGER	1,121,101	06/26/1979
U.S.A.	H.E.L.P.S. HEALTHCARE ENTRÉE LOW PREP SOLUTIONS	2,273,614	08/31/1999
U.S.A.	HAM-N-GO Stylized	2,345,081	04/25/2000
U.S.A.	HEARTHSIDE SELECT	2,485,773	09/04/2001
U.S.A.	HOT DIGGITY SUBS	1,388,435	04/01/1986
U.S.A.	HOT DIGGITY SUBS and Design	1,387,648	03/25/1986
U.S.A.	LEAN MAGIC	1,677,773	03/03/1992
U.S.A.	LIKE MOM'S and Design	1,517,327	12/20/1988
U.S.A.	LINK-N-DOG	1,917,400	09/05/1995
U.S.A.	MAIN STREET DINER	2,525,981	01/01/2002
U.S.A.	MICRO-WICHES	1,505,035	09/20/1988

3595566v1

TRADEMARK

RELEAS: 002805 FRAME: 0447

U.S.A.	PIERRE CLASSICS	2,052,456	04/15/1997
U.S.A.	PIERRE MAIN STREET DINER	2,016,292	11/12/1996
U.S.A.	PIERRE SELECT	2,505,029	11/06/2001
U.S.A.	PIERRE SELECT	2,437,502	03/20/2001
U.S.A.	PIZZA PARLOR SANDWICH	1,270,140	03/13/1984
U.S.A.	PIZZA PARLOR SANDWICH	1,642,199	04/23/1991
U.S.A.	PROUD TO SERVE	2,330,338	03/14/2000
U.S.A.	PROUD TO SERVE	2,327,379	03/07/2000
U.S.A.	PROUD TO SERVE AMERICA'S HEROS	2,327,377	03/07/2000
U.S.A.	QUICK-WICHES	1,784,320	07/27/1993
U.S.A.	RIB NIBBLERS	2,319,248	02/15/2000
U.S.A.	RIB-B-Q	1,257,730	11/15/1983
U.S.A.	RIB-B-Q	1,270,954	03/20/1984
U.S.A.	RIB-B-Q	1,598,832	05/29/1990
U.S.A.	RIB-B-Q and Design	1,276,424	05/01/1984
U.S.A.	RIB-B-Q and Design	1,275,419	04/24/1984
U.S.A.	RIB-B-Q and Design	2,132,710	01/27/1998
U.S.A.	SAUS-A-RAGE	1,928,706	10/17/1995
U.S.A.	SELECT RECIPE	2,322,506	02/22/2000
U.S.A.	SHOESTRINGS	2,302,272	12/21/1999
U.S.A.	TWO-FERS	1,505,013	09/20/1988
U.S.A.	TWO-FERS	1,599,764	06/05/1990
U.S.A.	WONDERBITES	1,781,595	07/13/1993
Canada	RIB-B-Q	TMA 305,055	07/19/1985
Canada	RIB-B-Q and Design	TMA 305,056	07/19/1985
State of Ohio	PIERRE and Design	TM 7315	05/22/1986

Pending Trademark Applications

<u>Country</u>	<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
U.S.A.	BIG AZ	76/254,000	05/08/2001
U.S.A.	DELI BREAK	76/211,365	02/15/2001
U.S.A.	HOT 'N' READY	76/258,563	05/17/2001

Trademark Applications in Preparation

None.