

09-02-2003



102539442

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings

REC TF

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): **8-29-03**  
 Akron Apples, Inc.  
 One Cascade Plaza, Suite 2210  
 Akron, OH 44308

Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation-State Ohio  
 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: 12/31/2000

2. Name and address of receiving party(ies)  
 Name: Bolognue Management Company, Inc.  
 Internal  
 Address: \_\_\_\_\_  
 Street Address: 2745 Nesbitt Avenue  
 City: Akron State: OH Zip: 44319

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Ohio  
 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)  
1,791,987 and 2,070,433

Additional number(s) attached  Yes  No

6. Total number of applications and registrations involved: 2

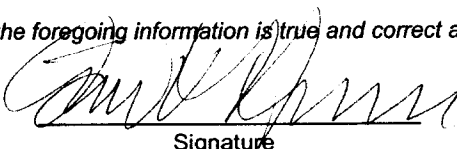
7. Total fee (37 CFR 3.41).....\$ 65.00  
 Enclosed  
 Authorized to be charged to deposit account

5. Name and address of party to whom correspondence concerning document should be mailed:  
 Name: David V. Radack, Esquire  
 Internal Address: Eckert Seamans  
Cherin & Mellott, LLC  
U.S. Steel Tower  
 Street Address: 600 Grant Street  
44th Floor  
 City: Pittsburgh State: PA Zip: 15219

8. Deposit account number:  
02-2556  
 (Attach duplicate copy of this page if paying by deposit account)

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.*

DAVID V. RADACK            August 26, 2003  
 Name of Person Signing      Signature      Date

Total number of pages including cover sheet, attachments, and document: 11

OFFICE OF PRIORITY RECORDS  
2003 AUG 29 PM 3:53  
FINANCE SECTION

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

09/02/2003 LIMEILLER 00000030 022536 1791987

01 FC:0521 40.00 DA  
02 FC:0522 25.00 DA

TRADEMARK REEL: 002813 FRAME: 0901



Prescribed by **J. Kenneth Blackwell**  
 Please obtain fee amount and mailing instructions from the Forms Inventory List (using the 3 digit form # located at the bottom of this form). To obtain the Forms Inventory List or for assistance, please call Customer Service:  
 Central Ohio: (614)-466-3910 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

Expedite this form  
 No  Yes

2000 DEC 27 AM 10:57  
 CLIENT SERVICE CENTER

### CERTIFICATE OF MERGER

In accordance with the requirements of Ohio law, the undersigned corporations, banks, savings banks, savings and loan, limited liability companies, limited partnerships and/or partnerships with limited liability, desiring to effect a merger, set forth the following facts:

#### I. SURVIVING ENTITY

A. The name of the entity surviving the merger is:  
Bolognue Management Company, Inc.

B. Name Change: As a result of this merger, the name of the surviving entity has been changed to the following:

(Complete only if name of surviving entity is changing through the merger)

C. The surviving entity is a: (Please check the appropriate box and fill in the appropriate blanks)

- Domestic (Ohio) for-profit corporation, charter number 841526
- Domestic (Ohio) non-profit corporation, charter number \_\_\_\_\_
- Foreign (Non-Ohio) corporation incorporated under the laws of the state/country of \_\_\_\_\_ and licensed to transact business in the State of Ohio under license number \_\_\_\_\_
- Foreign (Non-Ohio) corporation incorporated under the laws of the state/country of \_\_\_\_\_ and NOT licensed to transact business in the state of Ohio, \_\_\_\_\_
- Domestic (Ohio) limited liability company, with registration number \_\_\_\_\_
- Foreign (Non-Ohio) limited liability company organized under the laws of the state/country of \_\_\_\_\_ and registered to do business in the State of Ohio under registration number \_\_\_\_\_
- Foreign (Non-Ohio) limited liability company organized under the laws of the state/country of \_\_\_\_\_ and NOT registered to do business in the State of Ohio. \_\_\_\_\_
- Domestic (Ohio) limited partnership, with registration number \_\_\_\_\_
- Foreign (Non-Ohio) limited partnership organized under the laws of the state/country of \_\_\_\_\_ and registered to do business in the state of Ohio under registration number \_\_\_\_\_
- Foreign (Non-Ohio) limited partnership organized under the laws of the state/country of \_\_\_\_\_ and NOT registered to do business in the state of Ohio. \_\_\_\_\_
- Domestic (Ohio) partnership having limited liability, with the registration number \_\_\_\_\_

### J. Kenneth Blackwell

Secretary of State

- Foreign (Non-Ohio) partnership having limited liability organized under the laws of the state/country of \_\_\_\_\_ and registered to do business in the state of Ohio under registration number \_\_\_\_\_
- Foreign (Non-Ohio) non-profit incorporation under the laws of the state/country of \_\_\_\_\_ and licensed to transact business in the state of Ohio under license number \_\_\_\_\_
- Foreign (Non-Ohio) non-profit incorporation under the laws of the state/country of \_\_\_\_\_ and not licensed to transact business in the state of Ohio.

#### II. MERGING ENTITY

The name, charter/license/registration number, type of entity, state/country of incorporation or organization, respectively, of which is a party to the merger are as follows: (If this is insufficient space to reflect all merging entities, please attach a separate sheet listing the merging entities)

Name	State/Country of Organization	Type of Entity
Akron Apples, Inc. - 865597	Ohio	Corp. for Profit

#### III. MERGER AGREEMENT ON FILE

The name and mailing address of the person or entity from whom/which eligible persons may obtain a copy of the agreement of merger upon written request:

Buckingham, Doolittle & Burroughs - Attn. Rob Malone	50 S. Main St., P. O. Box 1500
(name)	(street and number)
Akron	Ohio 44309-1500
(city, village or township)	(state) (zip code)

#### IV. EFFECTIVE DATE OF MERGER

This merger is to be effective on: 12/31/00 (if a date is specified, the date must be a date on or after the date of filing; the effective date of the merger cannot be earlier than the date of filing, if no date is specified, the date of filing will be the effective date of the merger).

#### V. MERGER AUTHORIZED

The laws of the state or country under which each constituent entity exists, permits this merger. This merger was adopted, approved and authorized by each of the constituent entities in compliance with the laws of the state under which it is organized, and the persons signing this certificate on behalf of each of the constituent entities are duly authorized to do so.

#### VI. STATUTORY AGENT

The name and address of the surviving entity's statutory agent upon whom any process, notice or demand may be served is:

Joseph T. Bolognue	2745 Nesbitt Avenue
(name)	(street and number)
Akron, Ohio	44319
(city, village or township)	(zip code)

(This item MUST be completed if the surviving entity is a foreign entity which is not licensed, registered or otherwise authorized to conduct business in the state of Ohio)

#### VII. ACCEPTANCE OF AGENT

The undersigned, named herein as the statutory agent for the above referenced surviving entity, hereby acknowledges and accepts the appointment of statutory agent for said entity.

**J. Kenneth Blackwell**  
Secretary of State

Signature of Agent \_\_\_\_\_

*(The acceptance of agent must be completed by domestic surviving entities if through this merger the statutory agent for the surviving entity has changed, or the named agent differs in any way from the name currently on record with the Secretary of State.)*

**VIII. STATEMENT OF MERGER**

Upon filing, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity

**IX. AMENDMENTS**

The articles of incorporation, articles of organization, certificate of limited partnership or registration of partnership having limited liability (circle appropriate term) of the surviving domestic entity have been amended. Please see attached "Exhibit A." (Please note, if there will be no change please state "no change")

**X. QUALIFICATION OR LICENSURE OF FOREIGN SURVIVING ENTITY**

~~A.~~ The listed surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability desires to transact business in Ohio as a foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability, and hereby appoints the following as its statutory agent upon whom process, notice or demand against the entity may be served in the state of Ohio. The name and complete address of the statutory agent is:

\_\_\_\_\_  
(name) (street and number)  
\_\_\_\_\_, Ohio  
(city, village or township) (zip code)

The subject surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability irrevocably consents to service of process on the statutory agent listed above as long as the authority of the agent continues, and to service of process upon the Secretary of State of Ohio if the agent cannot be found, if the corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability fails to designate another agent when required to do so, or if the foreign corporation's, bank's, savings bank's, savings and loan's, limited liability company's, limited partnership's, or partnership having limited liability's license or registration to do business in Ohio expires or is canceled.

B. The qualifying entity also states as follows: (Complete only if applicable)

**1. Foreign Notice Under Section 1703.031**

(If the qualifying entity is a foreign bank, savings bank, or savings and loan, then the following information must be completed.)

(a.) The name of the Foreign Nationally/Federally chartered bank, savings bank, or savings and loan association is

(b.) The name(s) of any Trade Name(s) under which the corporation will conduct business:

\_\_\_\_\_  
\_\_\_\_\_

(c.) The location of the main office (non-Ohio) shall be:

\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, township, or village) (county) (state) (zip code)

**J. Kenneth Blackwell**  
Secretary of State

(d.) The principal office location in the state of Ohio shall be:

\_\_\_\_\_ (street address)

\_\_\_\_\_ (city, township, or village) \_\_\_\_\_ (county) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code)

(Please note, if there will not be an office in the state of Ohio, please list none.)

(e.) The corporation will exercise the following purpose(s) in the state of Ohio:  
(Please provide a brief summary of the business to be conducted; a general clause is not sufficient)

\_\_\_\_\_  
\_\_\_\_\_

2. **Foreign Qualifying Limited Liability Company**  
(If the qualifying entity is a foreign limited liability company, the following information must be completed.)

(a.) The name of the limited liability company in its state of organization/registration is

(b.) The name under which the limited liability company desires to transact business in Ohio is

(c.) The limited liability company was organized or registered on \_\_\_\_\_  
under the laws of the state/country of \_\_\_\_\_

(d.) The address to which interested persons may direct requests for copies of the articles of organization, operating agreement, bylaws, or other charter documents of the company is:

\_\_\_\_\_ (street address)

\_\_\_\_\_ (city, township, or village) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code)

3. **Foreign Qualifying Limited Partnership**  
(If the qualifying entity is a foreign limited partnership, the following information must be completed.)

(a.) The name of the limited partnership is

(b.) The limited partnership was formed on \_\_\_\_\_

(c.) The address of the office of the limited partnership in its state/country of organization is:

\_\_\_\_\_ (street address)

\_\_\_\_\_ (city, township, or village) \_\_\_\_\_ (county) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code)

(d.) The limited partnership's principal office address is:

\_\_\_\_\_ (street address)

\_\_\_\_\_ (city, township, or village) \_\_\_\_\_ (county) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code)

(e.) The names and business or residence addresses of the General partners of the partnership are as follows:  
Name Address

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(If insufficient space to cover this item, please attach a separate sheet listing the general partners and their respective addresses)



**J. Kenneth Blackwell**  
Secretary of State

\_\_\_\_\_  
(Exact name of entity)  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
(Exact name of entity)  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
(Exact name of entity)  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

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(Exact name of entity)  
  
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(Exact name of entity)  
  
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(Exact name of entity)  
  
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Date: \_\_\_\_\_

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(Exact name of entity)  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

**\*200101001062\***

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/10/2001	200101001062	MERGER/DOMESTIC (MER)	50.00	10.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
ATTN: R. MALONE  
50 S. MAIN ST, BOX 1500  
AKRON, OH 44309

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, J. Kenneth Blackwell**

**841526**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**BOLOGNUE MANAGEMENT COMPANY, INC.**

and, that said business records show the filing and recording of:

Document(s):

**MERGER/DOMESTIC**

Document No(s):

**200101001062**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 31st day of December, A.D.  
2000.

*J. Kenneth Blackwell*  
Ohio Secretary of State



**Receipt**

This is not a bill. Please do not remit payment.

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
ATTN: R. MALONE  
50 S. MAIN ST, BOX 1500  
AKRON, OH 44309

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, J. Kenneth Blackwell**

**865597**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**AKRON APPLES, INC.**

and, that said business records show the filing and recording of:

Document(s):

**MERGED OUT OF EXISTENCE**

Document No(s):

**200101001062**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 31st day of December, A.D.  
2000.

*J. Kenneth Blackwell*  
Ohio Secretary of State



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/10/2001	200101001062	MERGER/DOMESTIC (MER)	50.00	10.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
 ATTN: R. MALONE  
 50 S. MAIN ST, BOX 1500  
 AKRON, OH 44309

# STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

841526

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**BOLOGNUE MANAGEMENT COMPANY, INC.**

and, that said business records show the filing and recording of:

Document(s)  
**MERGER/DOMESTIC**

Document No(s):  
**200101001062**



United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of  
 the Secretary of State at Columbus,  
 Ohio this 31st day of December,  
 A.D. 2000.

*J. Kenneth Blackwell*  
 Ohio Secretary of State

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/10/2001	200101001062	MERGED OUT OF EXISTENCE (MEX)	.00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
 ATTN: R. MALONE  
 50 S. MAIN ST, BOX 1500  
 AKRON, OH 44309

# STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

865597

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**AKRON APPLES, INC.**

and, that said business records show the filing and recording of:

Document(s)  
**MERGED OUT OF EXISTENCE**

Document No(s):  
**200101001062**



United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of  
 the Secretary of State at Columbus,  
 Ohio this 31st day of December,  
 A.D. 2000.

*J. Kenneth Blackwell*  
 Ohio Secretary of State