

10-29-2003

10/27/03



EXPRESS MAIL NO. ET568659355US

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

102586450 SHEET TRADEMARKS ONLY

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

Resubmit

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

1. Name of conveying party(ies): The CIT Group/Business Credit, Inc. 4-16-03
Individual(s) Association General Partnership Limited Partnership
[checked] Corporation-State - New York
Other
Additional name(s) of conveying party(ies) attached? [] Yes [checked] No

2. Name and address of receiving party(ies) Name: Tuscan Dairy Farms, Inc. Internal Address: Street Address: 750 Union Avenue City: Union State: NJ Zip: 0708
Individual(s) citizenship Association General Partnership Limited Partnership
[checked] Corporation-State New Jersey
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 [checked] No

OFFICE OF PATENT RECORDS 2003 APR 16 PM 2:32 FINANCE SECTION

3. Nature of conveyance:
[] Assignment [] Merger
[] Security Agreement [] Change of Name
[checked] Other correct receiving party entity at reel 1637 frame 0193 to a New Jersey corporation
Execution Date: New Jersey corporation

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 [checked] Yes [] No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Bridget Griffin Johnson
Internal Address: Dean Foods Company
Street Address: 2515 McKinney Avenue, Ste 1200
City: Dallas State: TX Zip: 75201

6. Total number of applications and registrations involved: 7
7. Total fee (37 CFR 3.41) \$ 190.00
[] Enclosed
[checked] Authorized to be charged to deposit account
8. Deposit account number: 500785

DO NOT USE THIS SPACE

9. Signature. Bridget Griffin Johnson Name of Person Signing Signature Date April 14, 2003
Total number of pages including cover sheet, attachments, and document: 10

05/09/2003 TDIAZI 00000028 500785 950435
01 FC:0521 40.00 CH
02 FC:0522 150.00 CH

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

TRADEMARK REEL: 002852 FRAME: 0579

EXHIBIT A

MARK

REGISTRATION NO.

TUSCAN (Stylized)

950,435

TROPIC ISLE

1,020,801

TUSCAN

1,042,416

LIMIT

1,394,231

RICH N' PURE

1,342,962

DIET TIME

1,294,741

DIET TIME

1,324,842

USPTO-1588
1-800-786-9898
AD Service 0000

MRD RE
6-23-97

10-03-1997



100544908

SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

RECEIVED 23 JUN 1997

Attach original documents or copy thereof.

To the Honorable Commissioner of Patents

Name of conveying party(ies)

The CIT Group/Business Credit, Inc.
1211 Avenue of the Americas
New York, NY 10036

RE: MRD

2. Name and address of receiving party(ies)

Name: Tuscan Dairy Farms, Inc.

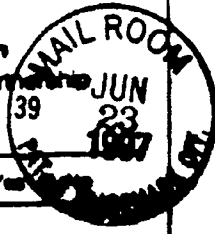
Internal Address: _____

Street Address: 750 Union Avenue

City: Union State: NJ ZIP: 07083

Individual(s)
General Partnership
Corporation-State NY
Other _____

Association
 Limited Partnership



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

If applicant is not domiciled in the United States, a domestic representative designates a contact: Yes No

(Designations must be a separate document from assignment)
Applicant name(s) & address(es) attached? Yes No

Nature of conveyance:

Assignment
 Security Agreement
 Other Release of security interest
 Merger
 Change of Name

Execution Date: May 28, 1997

Application number(s) or patent number(s):

A. Trademark Application No.(s)

See attached

B. Trademark Registration No.(s)

See attached

Additional numbers attached? Yes No

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

Name: Jean Crawford

Internal Address: _____

Street Address: Kaye, Scholer, Fierman, Hays & Handler, LLP
125 Park Avenue

City: New York State: NY ZIP: 10022

6. Total number of applications and registrations involved: 19

7. Total fee (37 CFR 3.41): \$ 490

Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

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Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copies are a true copy of the original document.

David Gewanter
Name of Person Signing

David Gewanter
Signature

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

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

TRADEMARK
REEL: 1637 FRAME: 0193

TRADEMARK
REEL: 002852 FRAME: 0581

Schedule A

Registrations

1. Reg. No. 950,435
2. Reg. No. 1,020,801
3. Reg. No. 1,039,805
4. Reg. No. 1,042,416
5. Reg. No. 1,394,231
6. Reg. No. 1,342,962
7. Reg. No. 1,116,149
8. Reg. No. 1,171,493
9. Reg. No. 1,294,741
10. Reg. No. 1,324,842
11. Reg. No. 1,623,859
12. Reg. No. 1,682,145
13. Reg. No. 1,768,203
14. Reg. No. 1,650,113
15. Reg. No. 1,36,869
16. Reg. No. 1,658,316

Applications

17. App. No. 159,180
18. App. No. 159,164
19. App. No. 442,522

Filing Dates

- 3/26/92
- 3/26/92
- 9/30/93

DE ALPENA

TRADEMARK
REFID: 1637 FRAME: 0194

TRADEMARK
REEL: 002852 FRAME: 0582

Release of Lien on Trademarks

WHEREAS, by a certain Assignment for Security (Trademarks) (the "Assignment") dated as of November 3, 1994 by Tuscan Dairy Farms, Inc. ("Assignor") to The CIT Group/Business Credit, Inc., which Assignment was recorded with the United States Patent and Trademark Office on November 7, 1994 on reel 1278 frame 0335, Assignor granted to The CIT Group/Business Credit, Inc. a security interest in and lien on those trademarks and trademark applications owned by Assignor and set forth on Schedule A hereto:

WHEREAS, The CIT Group/Business Credit, Inc. desires to release its security interest in and lien on the trademarks and trademark applications set forth on Schedule A hereto;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The CIT Group/Business Credit, Inc. does hereby release its security interest in and lien on the trademarks and trademark applications set forth on Schedule A hereto and reassigns to debtor all right, title and interest of The CIT Group/Business Credit, Inc. in and to such trademarks and trademark applications together with the goodwill of the business symbolized by each such trademark and trademark application.

Date: May 28, 1997

THE CIT GROUP/BUSINESS CREDIT, INC.

By: 

Title: Senior Vice President

DOC #14211-3 NY

TRADEMARK
REEL: 1637 FRAME: 0195

TRADEMARK
REEL: 002852 FRAME: 0583

Release of Lien on Trademarks

WHEREAS, by a certain Assignment for Security (Trademarks) (the "Assignment") dated as of November 3, 1994 by Tuscan Dairy Farms, Inc. ("Assignor") to The CIT Group/Business Credit, Inc., which Assignment was recorded with the United States Patent and Trademark Office on November 7, 1994 on reel 1278 frame 0335, Assignor granted to The CIT Group/Business Credit, Inc. a security interest in and lien on those trademarks and trademark applications owned by Assignor and set forth on Schedule A hereto;

WHEREAS, The CIT Group/Business Credit, Inc. desires to release its security interest in and lien on the trademarks and trademark applications set forth on Schedule A hereto;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The CIT Group/Business Credit, Inc. does hereby release its security interest in and lien on the trademarks and trademark applications set forth on Schedule A hereto and reassigns to debtor all right, title and interest of The CIT Group/Business Credit, Inc. in and to such trademarks and trademark applications together with the goodwill of the business symbolized by each such trademark and trademark application.

Date: May 28, 1997

THE CIT GROUP/BUSINESS CREDIT, INC.

By: 

Title: Senior Vice President

NY 01420190.NY

RECORDED: 06/23/1997

TRADEMARK
REF: 1637 FRAME: 0126

TRADEMARK
REEL: 002852 FRAME: 0584

CERTIFICATE OF CHANGE OF NAME

OF

TUSCAN DAIRY FARMS, INC., a corporation of New Jersey

THE TUSCAN DAIRY FARM

incorporated in the State of New Jersey and having last duly organized

and the date of its organization in the State of

The location of the principal office in this State, is at No. 750 Union Avenue, in the Township of Union, County of Union.

The name of the agent therein and in charge thereof, upon whom process against this Corporation may be served, is Samuel Borinsky.

RESOLUTION OF DIRECTORS

The Board of Directors of the Tuscan Dairy Farm, a corporation of New Jersey, on this 10th day of December, 1940, do hereby resolve and declare that it is deemed advisable to amend the Certificate of Incorporation so as to change the name of the corporation from "TUSCAN DAIRY FARM" its present name, to "TUSCAN DAIRY FARMS" and to that end, Article I be changed to read as follows:-

"The name of the corporation is
TUSCAN DAIRY FARMS, INC."

and do hereby call a meeting of the stockholders, to be held at the company's office, in the Township of Union, on the 20th day of December, 1940 at 10:00 A.M., to take action upon the above resolution.

CERTIFICATE OF CHANGE

The Tuscan Dairy Farm, a corporation of New Jersey, doth hereby certify that it has changed its name from the title heretofore borne by it, to wit, TUSCAN DAIRY FARM, to the

TRADEMARK

REEL: 002852 FRAME: 0585

TUSCAN DAIRY FARMS, INC., and that said change having been declared by resolution of the board of directors of said corporation to be advisable and having been duly and regularly assented to by the vote of two-thirds in interest of each class of stockholders having voting powers, at a meeting duly called by the board of directors.

IN WITNESS WHEREOF, said corporation has made this certificate under its seal and the hands of its president and secretary, the 10th day of December, A.D. 1940.

TUSCAN DAIRY FARM (L.S.)

Charles Borinsky President
CHARLES BORINSKY

Samuel Borinsky Secretary
SAMUEL BORINSKY

WITNESS:

Louis L. Feinseth
LOUIS L. FEINSETH

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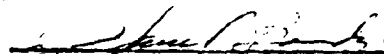
STATE OF NEW JERSEY:

:SS

COUNTY OF UNION :

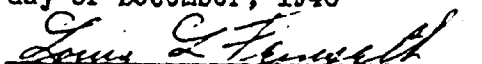
BE IT REMEMBERED, that on this 10th day of December, A. D. 1940 before me, the subscriber, A MASTER IN CHANCERY OF NEW JERSEY, personally appeared SAMUEL BORINSKY, Secretary of the TUSCAN DAIRY FARM, the corporation named in and which executed the foregoing certificate, who, being by me duly sworn, according to law, does depose and say and make proof to my satisfaction that he is the Secretary of said corporation; that the seal affixed to said corporation certificate is the corporate seal of said corporation, the same being well known to him; that it was affixed by order of said corporation; that Charles Borinsky is the president of said corporation; that he saw said Charles Borinsky as such president sign said certificate and affix said seal thereto and deliver said certificate, and heard him declare that he signed, sealed and delivered said certificate as the voluntary act and deed of said corporation, by its order and by authority of its Board of Directors and by the vote, either in person or by proxy, duly constituted and thereunto duly authorized, of more than two-thirds in interest of each class of said stockholders having voting powers, for the uses and purposes therein expressed; and that said LOUIS L. FEINSETH signed his name thereto at the same time as subscribing witness.

Sworn and subscribed to


SAMUEL BORINSKY, Secretary

before me this 10th

day of December, 1940


LOUIS L. FEINSETH

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P-1123

* * *

CERTIFICATE OF CHANGE OF NAME

OF

THE TUSCAN DAIRY FARM

* *

DATED: December 10, 1940

FILED AND RECORDED

JAN 1 1941

Thomas Smith
SECRETARY OF STATE

Recorded in book

Page of Corporations

LOUIS L. FEINSETH
COUNSELLOR AT LAW
MILITARY PARK BUILDING
60 PARK PLACE
NEWARK, N. J.

X 21670

**ABSTRACTED
JAN 11 1941
ENTERED**