

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



To the Honorable Commissioner of Patents and Trademarks 102678264 ed original documents or copy thereof.

1. Name of conveying party(ies): The Western Sizzlin Corporation
[ ] Individual(s) [ ] Association
[ ] General Partnership [ ] Limited Partnership
[ ] Corporation-State DELAWARE
[ ] Other
Additional name(s) of conveying party(ies) attached? [ ] Yes [x] No

2. Name and address of receiving party(ies)
Name: Austin's Steaks & Saloon, Inc.
Internal Address:
Street Address: 317 Kimball Avenue
City: Roanoke State: VA Zip: 24016
[ ] Individual(s) citizenship
[ ] Association
[ ] General Partnership
[ ] Limited Partnership
[ ] Corporation-State Delaware
[ ] Other

3. Nature of conveyance:
[ ] Assignment [x] Merger
[ ] Security Agreement [ ] Change of Name
[ ] Other
Execution Date: 09/30/03

If assignee is not domiciled in the United States, a domestic representative designation is attached: [ ] Yes [x] No
(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? [ ] Yes [x] No

4. Application number(s) or registration number(s):
A. Trademark Application No.(s) 76/501,328
B. Trademark Registration No.(s) 2355500
Additional number(s) attached [x] Yes [ ] No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Marc A. Bergsman
Internal Address: Dickinson Wright PLLC
Street Address: 1901 L Street, N.W., Suite 800
City: Washington State: DC Zip: 20036-3506

6. Total number of applications and registrations involved: 24
7. Total fee (37 CFR 3.41) \$ 615
[x] Enclosed
[x] Authorized to be charged to deposit account

8. Deposit account number: 04-1061

DO NOT USE THIS SPACE

9. Signature.
Marc A. Bergsman
Name of Person Signing
Signature: Marc A. Bergsman
Date: February 16, 2004
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

02-26-2004 #BETAJHE 00000128 76501328 40.00 DF



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Current Search: S2: "western sizzlin"[on] and live[lid] docs: 24 occ: 62

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	76501328		GOLD DUST	TARR	LIVE
2	75092431	2355500	WESTERN SIZZLIN WOOD GRILL BUFFET	TARR	LIVE
3	75091810	2621596	WESTERN SIZZLIN WOOD GRILL	TARR	LIVE
4	74613531	1938676	GREAT AMERICAN STEAK & BUFFET COMPANY	TARR	LIVE
5	74599156	1977804	WESTERN SIZZLIN COUNTY FAIR BUFFET AND BAKERY	TARR	LIVE
6	73809995	1584119	WESTERN SIZZLIN STEAK & MORE RESTAURANT	TARR	LIVE
7	73601096	1438740	COOKIN' WHAT AMERICA LOVES BEST	TARR	LIVE
8	73528053	1362691	WESTERN SIZZLIN	TARR	LIVE
9	73528052	1360991	WESTERN SIZZLIN STEAK HOUSE	TARR	LIVE
10	73527096	1362680	WESTERN SIZZLIN STEAK HOUSE	TARR	LIVE
11	73527095	1364725	CHEYENNE	TARR	LIVE
12	73345437	1397778	COLT 45	TARR	LIVE
13	73345436	1255446	DUDE	TARR	LIVE
14	73345432	1257723	RANGER	TARR	LIVE
15	73319558	1210807	SIX SHOOTER	TARR	LIVE
16	73319557	1210806	GUN SMOKE	TARR	LIVE
17	73319556	1257716	WESTERN	TARR	LIVE
18	73319555	1210804	MARSHAL	TARR	LIVE

19	73319554	1257715	TRAILBLAZER	TARR	LIVE
20	73298489	1226815	BIG TEX	TARR	LIVE
21	73184748	1126269	WESTERN SIZZLIN STEAK HOUSE	TARR	LIVE
22	73116319	1076712	FLAMEKIST	TARR	LIVE
23	73069742	1049143	SIZZLIN	TARR	LIVE
24	72383388	0924434		TARR	LIVE

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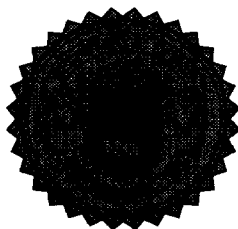
# Delaware

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*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"THE WESTERN SIZZLIN CORPORATION", A DELAWARE CORPORATION, WITH AND INTO "AUSTINS STEAKS & SALOON, INC." UNDER THE NAME OF "AUSTINS STEAKS & SALOON, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-THIRD DAY OF OCTOBER, A.D. 2003, AT 11:21 O'CLOCK A.M.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

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AUTHENTICATION: 2924138

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DATE: 02-11-04

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**CERTIFICATE OF OWNERSHIP AND MERGER**

**Austins Steaks & Saloon, Inc. and The Western Sizzlin Corporation**

The undersigned, James C. Verney, President and Chief Executive Officer and Robyn B. Mabe, Secretary of Austins Steaks & Saloon, Inc. ("Austins"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware do hereby certify as follows:

FIRST, Austins owns 100% of the outstanding common stock, the only class of stock outstanding, of The Western Sizzlin Corporation ("Western Sizzlin"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware.

SECOND, that on August 13, 2003 the Board of Directors of Austins duly adopted the following resolution, which resolution has not been amended, modified, or rescinded to the date hereof:

RESOLVED, that it is advisable and in the best interests of Austins Steaks & Saloon, Inc. ("Austins") and The Western Sizzlin Corporation ("Western Sizzlin") that Western Sizzlin be merged into Austins with Austins being the surviving Company; and the President and Secretary of Austins are hereby authorized and directed to take all action necessary to effectuate the intent of this resolution including, but not limited to, filing necessary documentation with the Secretary of State of the State of Delaware.

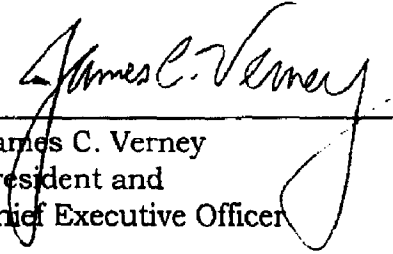
THIRD, the Certificate of Ownership and Merger was adopted pursuant to and are intended to be in conformance with the requirements of Section 253 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the undersigned Chief Executive Officer and Secretary of Austins Steaks & Saloon, Inc. hereby certify that the facts above stated are true and that the execution of this Certificate of Ownership and Merger is their voluntary act and deed and the voluntary act and deed of the Corporation under penalties of perjury.

DATED this 30<sup>th</sup> day of September, 2003.

AUSTINS STEAKS & SALOON, INC.

By: \_\_\_\_\_

  
James C. Verney  
President and  
Chief Executive Officer

ATTEST:

By: \_\_\_\_\_

  
Robyn B. Mabe, Secretary

{OM511562.1}

RECORDED: 02/17/2004

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