

Form PTO-1594 (Rev. 06/04)  
OMB Collection 0651-0027 (exp. 8/30/2005)

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

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

Salfa S.p.A.

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

Citizenship (see guidelines) Italy

Execution Date(s) 04 14 2004

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

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

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

Additional names, addresses, or citizenship attached?  Yes  No

Name: Conserve Italia Soc. Coop. A.R.L.

Internal

Address: \_\_\_\_\_

Street Address: via Paolo Poggi 11

City: San Lazzaro di Savena

State: \_\_\_\_\_

Country: Italy Zip: \_\_\_\_\_

- Association Citizenship \_\_\_\_\_
- General Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship \_\_\_\_\_
- Other cooperative association Citizenship Italy

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)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)  
76/474868

B. Trademark Registration No.(s)

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):  
Trademark DERBY BLUE

**5. Name & address of party to whom correspondence concerning document should be mailed:**

Name: Michael A. Grow, Esq.

Internal Address: Arent Fox PLLC

Street Address: 1050 Connecticut Ave., NW

City: Washington

State: DC Zip: 20036

Phone Number: (202) 857 6389

Fax Number: (202) 857 6395

Email Address: \_\_\_\_\_

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

1

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 01-2300

Authorized User Name Michael A. Grow

**9. Signature:**

Signature

October 15, 2004

Date

E.T. Henry/Trademark Specialist

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 7

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22304-1450

TRADEMARK

CH \$40.00 012300 76474868

**Dott. CLAUDIO VIAPIANA**  
NOTARY PUBLIC  
Via Cesare Battisti 10 - 40123 BOLOGNA  
tel. 051-225206 - 225266

Notary's Roll No. 25035

File No.8183

**DEED OF MERGER**  
**ITALIAN REPUBLIC**

This Monday the thirty-first day of the month of May in the year two thousand and four

(31 May 2004)

In Bologna, via Cesare Battisti 10

I as Notary Public, Dott. CLAUDIO VIAPIANA, residing in Bologna, registered in the Roll of Notaries Public for the District of Bologna, have before me the following named person:

- Dott. MAURIZIO GARDINI, farmer, born at Forlì on 13th December 1959, who resides for the purposes of this deed at the addresses set out below and who declares that, for the purposes of this deed, he is the Attendee present before me solely and exclusively in his capacities as:

a) Chairman of the Board of Directors and Representative of:

**"CONSORZIO COOPERATIVO CONSERVE ITALIA - Consorzio Italiano fra Cooperative Agricole Conserviere - Società cooperativa agricola a responsabilità limitata"**

also known by the abbreviated name

**"CONSERVE ITALIA SOC. COOP. A R.L."**

with registered office at San Lazzaro di Savena (Bologna province), via Paolo Poggi 11 -- whose registered term expires on 31 December 2050, tax code and current registration numbers being 02858450584 in the Business Register of Bologna and 260769 in the Economic Administrative Directory (R.E.A.) -- further to and in pursuance of the resolution passed by the Extraordinary General Meeting of members of 6 April 2004, the minutes of which were drawn up by me on that date as a public deed numbered 25880/8085, filed with the 2nd Internal Revenue Office, Bologna on 7 April 2004 at No. 1141, Series 1A, and whose provisions included a mandate to execute this deed, with express authorisation granted in

FILED AT THE 2nd  
INTERNAL REVENUE  
OFFICE, BOLOGNA  
ON **03.06.2004**  
AT No. **1822**  
SERIES **1A**  
EURO **132.83**

terms of art. 1395 of the Italian Civil Code excluding any conflict of interest, and to perform all the formalities relating hereto; and

b) Chairman of the Board of Directors and Representative of:

**"SALFA S.P.A."**

with registered office at San Lazzaro di Savena (Bologna province), via Paolo Poggi 11 -- whose registered term expires on 31 December 2020, fully paid-up share capital Euro 6,662,850, tax code and current registration numbers being 03514450372 in the Business Register of Bologna and 296679 in the Economic Administrative Directory (R.E.A.) -- further to and in pursuance of the resolution passed by the Extraordinary General Meeting of members of 6 April 2004, the minutes of which were drawn up by me on that date as a public deed numbered 25879/8084, filed with the 2nd Internal Revenue Office, Bologna on 7 April 2004 at No. 1142, Series 1A, and whose provisions included a mandate to execute this deed, with express authorisation granted in terms of art. 1395 of the Italian Civil Code excluding any conflict of interest, and to perform all the formalities relating hereto.

The Attendee appearing before me, of whose personal identity I as Notary Public am certain, agrees with my consent to proceed without witnesses.

The Attendee, acting by virtue of the authority granted by the resolutions stated above, now requests that I draw up this deed by which the following is made known:

**WHEREAS**

- At their Extraordinary General Meetings, detailed above, both held on 6 April 2004, SALFA S.P.A., based at San Lazzaro di Savena (Bologna province) and "CONSORZIO COOPERATIVO CONSERVE ITALIA -- Consorzio Italiano fra Cooperative Agricole Conserviere -- Società cooperativa agricola a responsabilità limitata" also known by the abbreviated name "CONSERVE ITALIA SOC. COOP. A R.L." based at San Lazzaro di Savena (Bologna province), passed resolutions to be amalgamated into one by merger of the former (SALFA S.P.A.) into the latter ("CONSORZIO COOPERATIVO CONSERVE ITALIA -- Consorzio Italiano fra Cooperative Agricole Conserviere -- Società cooperativa agricola a responsabilità

limitata") on the basis of their financial situations as at 31 December 2003, as they appear in the respective Statements of Assets and Liabilities.

- The resolution passed by "SALFA S.P.A" was recorded in the Bologna Business Register on 14 April 2004 (No. PRA/20010/2004/CBO0219).
- The resolution passed by "CONSORZIO COOPERATIVO CONSERVE ITALIA – Consorzio Italiano fra Cooperative Agricole Conserviere – Società cooperativa agricola a responsabilità limitata" was recorded in the Bologna Business Register on 14 April 2004 (No. PRA/20047/2004/CBO0379).
- To date, none of the creditors of the two entities involved in the merger has initiated opposition proceedings against the proposed merger, as confirmed by the Attendee representing the two entities themselves.
- The term of 60 (sixty) days has not yet passed from the date on which the latter of the merger resolutions was registered, in terms of art. 2503 of the Italian Civil Code.
- The conditions envisaged by paragraph one of art. 2503 of the Italian Civil Code whereby the merger might be implemented before the end of the 60 (sixty) day term do not apply and therefore the validity of this deed is conditional upon the creditors not lodging any opposition against the merger, according to the provisions of paragraph two of art. 2503 of the Italian Civil Code.
- Further to the above, the present deed of merger shall be filed in the Business Register after a period of 60 (sixty) days has elapsed from the date on which the latter of the merger resolutions is registered in terms of art. 2502bis of the Italian Civil Code, provided always that the creditors of the two entities involved in the merger do not, within such period, lodge any opposition to the merger in terms of art. 2503 of the Italian Civil Code.

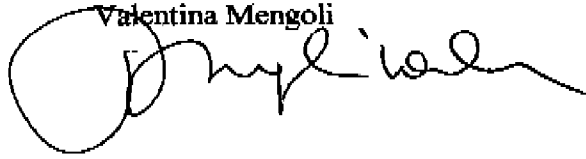
**AND WHEREAS**

- The Attendee representing the two entities involved in the merger, having duly checked the accounts, declares that since the 31 December 2003 their financial situations as they appear in the Statements of Assets and Liabilities have not changed to any extent sufficient to invalidate the proposed merger.

TRANSLATOR'S CERTIFICATE

The undersigned, Valentina Mengoli, having an office at Bugnion S.p.A., I-40126 Bologna, Via Goito 18, hereby verifies that she is fluent in English and Italian, and that the attached is a true and accurate translation of the Deed of Merger document entered between Salfa S.p.A. and Conserve Italia Soc. Coop. a r.l. on 31 May 2004.

Valentina Mengoli



Date: 29 September 2004

In re Application No. 76/474868  
Filed December 12, 2002

### **POWER OF ATTORNEY**

Applicant hereby appoints Michael A. Grow and Chiara Giuliani, and the firm of Arent Fox PLLC, having an address of 1050 Connecticut Avenue, NW, Washington, DC 20036, to prosecute this application to register and to transact all business in the Patent and Trademark Office in connection therewith, to receive the Certificate of Registration, and to represent it in all proceedings affecting the mark which may arise in the Patent and Trademark Office after the registration has been granted.

### **APPOINTMENT OF DOMESTIC REPRESENTATIVE**

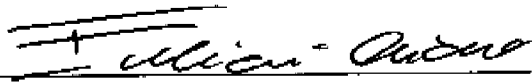
Michael A. Grow and the firm of Arent Fox PLLC, whose postal address is 1050 Connecticut Avenue, NW, Washington, DC 20036 is hereby designated Applicant's representative upon whom notice or process in proceedings affecting the mark may be served.

### **DECLARATION**

The undersigned declares that (s)he is an officer of Applicant and/or is otherwise properly authorized to execute this declaration on behalf of Applicant; that (s)he believes Applicant is entitled to use in commerce the mark sought to be registered; that Applicant is the owner of the mark sought to be registered, or if the application is being filed under 15 U.S.C. §1051(b), (s)he believes the Applicant to be entitled to use such mark in commerce; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, whether in the identical form or in such near resemblance thereto as to be likely when used on or in connection with the goods or services of such other person to cause confusion, mistake or to deceive; that the facts set forth in this application are true; that all statements made of his/her own knowledge are true; that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of this application or any registration resulting therefrom.

CONSERVE ITALIA SOC. COOP. A.R.L.

By 

Printed Name Oriano EMILIANI

Title GENERAL MANAGER

Date 28 SEPTEMBER 2004