

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

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

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

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

1. Name of conveying party(ies):

Milky Whey, Inc.

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

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

2. Name and address of receiving party(ies)

Name: First Business Capital Corp.

Internal

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

Street Address: 401 Charmany Drive

City: Madison State: WI Zip: 53719

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State WI
- 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
- Security Agreement
- Other Notice of Trademark Security Agreement
- Merger
- Change of Name

Execution Date: 11/12/2004

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) \_\_\_\_\_

B. Trademark Registration No.(s) 2754962

Additional number(s) attached  Yes  No

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

Name: Brian G. Gilpin

Internal Address: Godfrey & Kahn, S.C.

Street Address: 780 N. Water Street

City: Milwaukee State: WI Zip: 53202

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

07-1509

**DO NOT USE THIS SPACE**

9. Signature.

Brian G. Gilpin  
Name of Person Signing

Brian G. Gilpin  
Signature

Dec. 9, 2004  
Date

Total number of pages including cover sheet, attachments, and document: 4

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

CH \$40.00 071509 2754962

**NOTICE OF TRADEMARK SECURITY AGREEMENT**  
(FOR RECORDATION PURPOSES)

This Notice of Trademark Security Agreement, dated as of November 12, 2004, is made by and between MILKY WHEY, INC., a Delaware corporation whose address and principal place of business is 110 East Broadway, 4<sup>th</sup> Floor, Missoula, Montana 59807 (the "Debtor"), and FIRST BUSINESS CAPITAL CORP, a Wisconsin corporation whose address and principal place of business is 401 Charmany Drive, Madison, Wisconsin 53719 (the "Secured Party").

**RECITALS:**

The Debtor and the Secured Party have entered into a Loan and Security Agreement dated as of November 12, 2004 (as the same may hereafter be amended, supplemented or restated from time to time, the "Loan Agreement") setting forth the terms on which the Secured Party may now or hereafter make certain loans or other financial accommodations to or for the account of the Debtor.

As a further condition to making any loan or other financial accommodation under the Loan Agreement or otherwise, the Secured Party has required the execution and delivery of a Trademark Security Agreement by the Debtor.

ACCORDINGLY, in consideration of the mutual covenants contained in the Loan Agreement, the Trademark Security Agreement, and herein, the parties hereby agree as follows:

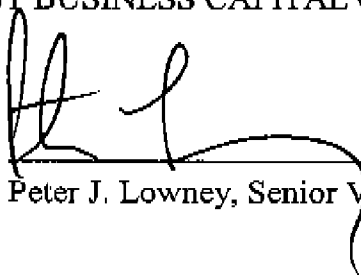
Debtor has granted a security interest in favor of the Secured Party in and with respect to the entire right, title, and interest of Debtor in the trademarks identified in the attached schedule (the "Trademarks"), together with the goodwill of the business symbolized by said Trademarks.

IN WITNESS WHEREOF, the parties have executed this Notice of Trademark Security Agreement as of the date written above.


FIRST BUSINESS CAPITAL CORP.

MILKY WHEY, INC.

By:

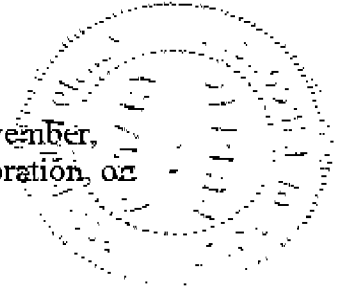
  
\_\_\_\_\_  
Peter J. Lowney, Senior Vice President

By:

  
\_\_\_\_\_  
Curtis W. Pijanowski, President

STATE OF WISCONSIN )  
 )  
COUNTY OF DANE )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2004, by Curtis W. Pijanowski, the President of Milky Whey, Inc., a Delaware corporation, on behalf of the corporation.



*Mary A. Allen*  
Notary Public  
My commission expires 8/14/05

STATE OF WISCONSIN )  
 )  
COUNTY OF DANE )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2004, by Peter J. Lowney, Senior Vice President of First Business Capital Corp., a Wisconsin corporation, on behalf of the corporation.

*Mary A. Allen*  
Notary Public  
My commission October 15, 2006

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**SCHEDULE OF TRADEMARKS**

**UNITED STATES ISSUED TRADEMARKS, SERVICE MARKS  
AND COLLECTIVE MEMBERSHIP MARKS**

MARK	SERIAL NO./REG. NO.	FILING DATE/REG. DATE	STATUS
<b>The Milky Whey</b>	2,754,962	08/26/2003	Registered