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09-16-2004

Docket No.:

7553.5



Tab settings

To the Director of the United States Patent and

102837339

d original documents or copy thereof.

1. Name of conveying party(ies):

Excellent Foods, Inc.
218 South 200 West
Farmington, UT 84025

9-14-04

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

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

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

Execution Date: September 10, 2004

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

Name: Indulgent Foods, L.L.C.

Internal Address: Same

Street Address: 240 South 200 West, Suite 205

City: Farmington State: UT ZIP: 84025

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other Limited Liability Company

If assignee is not domiciled in the United States, a domestic designation is Yes N
(Designations must be a separate document from Additional name(s) & address(es) Yes N

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,032,437 2,480,605
1,808,569 2,179,151

Additional numbers Yes No

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

Name: Berne S. Broadbent

Internal Address: Same

09/15/2004 MBETACHE 00000052 2032437

01 FC:0521 40.00 DP
02 FC:0522 75.00 DP

Street Address: KIRTON & McCONKIE

60 East South Temple, Suite 1800

City: Salt Lake City State: UT ZIP: 84111

6. Total number of applications and registrations involved: 4

7. Total fee (37 CFR 3.41): \$ 115.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

500843

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.

Berne S. Broadbent
Name of Person Signing

Signature

September 10, 2004
Date

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

Mail documents to be recorded with required cover sheet information to:
Mail Stop Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

TRADEMARK
REEL: 003048 FRAME: 0471

ASSIGNMENT
(Nunc Pro Tunc)

WHEREAS, sometime prior to about September 1, 2002, Excellent Foods, Inc. (hereinafter referred to as "Assignor"), a corporation of the state of Utah having a principal business office at 218 South 200 West, Farmington, Utah 84025, had adopted and used, and was using, and was the owner of all right, title, and interest in and to the following trademarks:

"ORCHARD TWIST", which was registered in the United States Patent and Trademark Office as Registration No. 2,032,437 on January 21, 1997;

"STEPHEN'S", which was registered in the United States Patent and Trademark Office as Registration No. 1,808,569 on November 30, 1993;

"CAFE TI AMO", which was registered in the United States Patent and Trademark Office as Registration No. 2,179,151 on August 4, 1998; and

"ALPINE LODGE", which was registered in the United States Patent and Trademark Office as Registration No. 2,480,605 on August 21, 2001 (hereinafter referred to collectively as the "marks");


WHEREAS, Indulgent Foods, L.L.C. (hereinafter referred to as "Assignee"), a limited liability company of the state of Utah having a principal business office at 240 South 200 West, Suite 205, Farmington, Utah 84025, has previously been assigned the entire right, title, and interest in and to the marks and the aforesaid registrations thereof and is now desirous of confirming such assignment and of further securing its ownership of the marks;

NOW, THEREFORE, Assignor hereby confirms that on or about September 1, 2002, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to the Assignor by the Assignee, the receipt and sufficiency of which are hereby acknowledged, THE ASSIGNOR ASSIGNED TO THE ASSIGNEE the entire right, title, and interest, and all accrued rights, in and to the marks and the above-identified registrations thereof, together with the goodwill of the business symbolized by and associated with the marks.

The Assignor hereby authorizes and requests the United States Commissioner for Trademarks, and such officials in foreign countries as are duly authorized by their laws to register trademarks, to issue any and all certificates of registration of the marks to the Assignee as the owner of the entire interest, for the sole use and benefit of the said Assignee, its successors, assigns and legal representatives.

IN WITNESS WHEREOF, the Assignor has caused the hand of its duly authorized representative to be subscribed hereto.

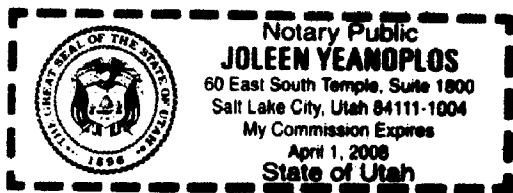
EXCELLENT FOODS, INC.




Gary Anderson
President

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 10th day of September, 2004, before me personally appeared Gary Anderson, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.





NOTARY PUBLIC
Residing at Salt Lake City

My Commission Expires:
4-1-08
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