

05-13-2005

DEPARTMENT OF COMMERCE
Patent and Trademark Office



RECOR 103002743
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):

Maita Bros, Inc.

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation- State: California
- Other _____

Citizenship (see guidelines) _____

Additional names of conveying parties attached? Yes No

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: Carmel Food Group

Internal

Address: _____

Street Address: 31128 San Clemente Street

City: Hayward

State: California

Country: U.S. Zip: 94544

Association Citizenship _____

General Partnership Citizenship California

Limited Partnership Citizenship _____

Corporation Citizenship _____

Other _____ Citizenship _____

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)

3. Nature of conveyance / Execution Date(s) :

Execution Date(s) June 25, 2004

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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,230,973; 2,270,693

Additional sheet(s) attached? Yes No

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

GOLDEN WEST
GARIBALDI

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

Name: R. Michael West

Internal Address: _____

Law Offices of R. Michael West

Street Address: 455 Capitol Mall, Suite 405

City: Sacramento

State: California Zip: 95814-4496

Phone Number: 916-444-5444

Fax Number: 916-444-5441

Email Address: mwest@saciplaw.com

6. Total number of applications and registrations involved:

2

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 65

- 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 50-2658

Authorized User Name Law Offices of R. Michael West

9. Signature:

R. Michael West
Signature

May 9, 2005
Date

R. Michael West

Name of Person Signing

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

11

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 22313-1450

05/13/2005 6TON11 00000066 502658 2230793

01 FC:8521 40.00 DA
02 FC:8522 25.00 DA

TRADEMARK
REEL: 003160 FRAME: 0870

ASSIGNMENT

WHEREAS, Maita Bros., Inc. ("Maita"), a California corporation has adopted, owns and at various times used the marks Garibaldi, Golden West and Pepe Pepino (the "Marks"), a copy of the Certificate of Recognition for all these Marks are attached hereto as Exhibit 1; and

WHEREAS, Carmel Food Group, a California partnership ("Carmel") desires to acquire the Marks;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

A. Maita hereby sells, assigns and transfers to Carmel all right, title and interest in and to the Marks for \$10,000, together with the good will of the business symbolized by the Marks for an additional \$10,000.

B. Maita shall provide Carmel, its successors, assigns or legal representatives, cooperation and assistance at Carmel's expense, including the execution and delivery of any and all affidavits, declarations, oaths, assignments, powers of attorney, assignment documents, exhibits, specimens or other documentation as maybe reasonably required.

(i) In the preparation and prosecution of any application for registration or any application for renewal of registrations covering the Marks anywhere in the world;

(ii) In the prosecution or defense of any oppositions, interference, infringement suits or other proceedings that may arise in connection with any of the Marks anywhere in the world, including, but not limited to, testifying as to any facts relating to the Marks assigned herein and this Assignment;

(iii) In obtaining any additional trademark or trade name protection that Carmel may deem appropriate which maybe secured under the laws now or hereafter in effect in the United States or throughout the world; and

(iv) In the implementation or perfection of this assignment.

Date: 6/25/04

MAITA BROS., INC.

By:


Harry Schottenfeld
Its: President

Dated effective as of June 25, 2004

EXHIBIT F

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are a part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



J. Todd Johnson

Acting Commissioner of Patents and Trademarks

EXHIBIT 1

P. 02

Maintenance Requirements

Section 8: This registration will be cancelled after six (6) years by the Commissioner of Patents and Trademarks, *UNLESS, before the end of the sixth year following the date of registration shown on this certificate*, the registrant files in the U.S. Patent and Trademark Office an affidavit of continued use as required by Section 8 of the Trademark Act of 1946, 15 U.S.C. §1058, as Amended. It is recommended that the Registrant contact the Patent and Trademark Office approximately five years after the date shown on this registration to determine the requirements and fees for filing a Section 8 affidavit that are in effect at that time. Currently a fee and a specimen showing how the mark is used in commerce are required for *each* international class of goods and/or services identified in the certificate of registration and both must be enclosed with the affidavit.

Section 9: This registration will expire by law after ten (10) years. *UNLESS, before the end of the tenth year following the date of registration shown on this certificate*, the registrant files in the U.S. Patent and Trademark Office an application for renewal of the registration as required by Section 9 of the Trademark Act of 1946, 15 U.S.C. §1059, as Amended. It is recommended that the Registrant contact the Patent and Trademark Office approximately nine years after the date shown on this registration to determine the requirements and fees for filing a Section 9 application for renewal that are in effect at that time. Currently a fee and a specimen showing how the mark is used in commerce are required for *each* international class of goods and/or services identified in the certificate of registration and both must be enclosed with the application for renewal.

EXHIBIT 1

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,230,973

Registered Mar. 9, 1999

**TRADEMARK
PRINCIPAL REGISTER**

GOLDEN WEST

**MAITA BROS. INC. (CALIFORNIA CORPORATION)
598 PATTERSON BOULEVARD
PLEASANT HILL, CA 94523**

**FIRST USE 0-0-1922; IN COMMERCE
7-15-1981,**

SER. NO. 75-512,431, FILED 7-2-1998.

FOR: TAMALES, IN CLASS 30 (U.S. CL. 46).

LINDA M. DWYER, EXAMINING ATTORNEY

EXHIBIT 1

State of California



SECRETARY OF STATE

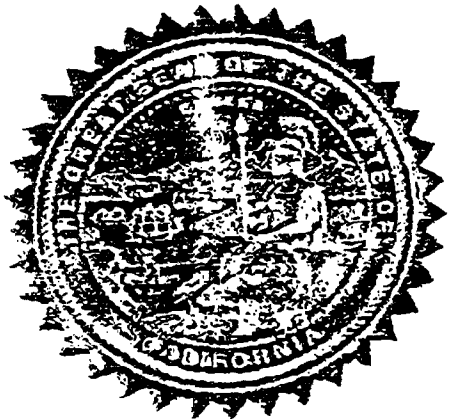
Trademark Reg. No. 42650 Class No. Int.30 Renewal No. 17110
CERTIFICATE OF RENEWAL OF TRADEMARK

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That an application for renewal has been filed in this office for the **TRADEMARK** described below:

Name of Applicant: Maita Bros. Inc
Business Address: 598 Patterson Blvd, Pleasant Hill, CA 94523
Date First Used in California: November 1, 1922
Date First Used Anywhere: November 1, 1922
Description of Trademark: GOLDEN WEST in script type with rays of sun on horizon with silhouette of wagon train.
Description of Goods on Which the Trademark is Used: Food products, such as tamales, raviolas, enchiladas, and tacos.
Date of Registration: June 27, 1962
Term of Registration Extends to and Includes: June 27, 2012

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 18th day of April, 2002.



Bill Jones
BILL JONES
Secretary of State

EXHIBIT 1

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are a part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Acting Commissioner of Patents and Trademarks

EXHIBIT 1

20%

P. 02

Maintenance Requirements

Section 8: This registration will be cancelled after six (6) years by the Commissioner of Patents and Trademarks, *UNLESS, before the end of the sixth year following the date of registration shown on this certificate*, the registrant files in the U.S. Patent and Trademark Office an affidavit of continued use as required by Section 8 of the Trademark Act of 1946, 15 U.S.C. §1058, as Amended. It is recommended that the Registrant contact the Patent and Trademark Office approximately five years after the date shown on this registration to determine the requirements and fees for filing a Section 8 affidavit that are in effect at that time. Currently a fee and a specimen showing how the mark is used in commerce are required for *each* international class of goods and/or services identified in the certificate of registration and both must be enclosed with the affidavit.

A
S
P

Section 9: This registration will expire by law after ten (10) years. *UNLESS, before the end of the tenth year following the date of registration shown on this certificate*, the registrant files in the U.S. Patent and Trademark Office an application for renewal of the registration as required by Section 9 of the Trademark Act of 1946, 15 U.S.C. §1059, as Amended. It is recommended that the Registrant contact the Patent and Trademark Office approximately nine years after the date shown on this registration to determine the requirements and fees for filing a Section 9 application for renewal that are in effect at that time. Currently a fee and a specimen showing how the mark is used in commerce are required for *each* international class of goods and/or services identified in the certificate of registration and both must be enclosed with the application for renewal.

EXHIBIT 1

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,270,693

United States Patent and Trademark Office

Registered Aug. 17, 1999

**TRADEMARK
PRINCIPAL REGISTER**

GARIBALDI

**MAITA BROS., INC. (CALIFORNIA CORPORATION)
398 PATTERSON BOULEVARD
PLEASANT HILL, CA 94523**

**FIRST USE 0-0-1912; IN COMMERCE
10-8-1980.
SEC. 2(F).**

SER. NO. 75-310,684, FILED 7-2-1998.

FOR: TAMALES, IN CLASS 30 (U.S. CL. 46).

LINDA M. DWYER, EXAMINING ATTORNEY

EXHIBIT 1

State of California

SECRETARY OF STATE

Trademark Reg. No. 47441 Class No. 30 Renewal No. 16069
CERTIFICATE OF RENEWAL OF TRADEMARK

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That an application for renewal has been filed in this office for the **TRADEMARK** described below:

Name of Applicant: Maita Bros., Inc.
Business Address: 598 Patterson Blvd. Pleasant Hill, CA 94523
Date First Used in California: As early as 1912
Date First Used Anywhere: 1912
Description of Trademark: Garibaldi
Description of Goods on Which the Trademark is Used: Tamales
Date of Registration: December 29, 1969
Term of Registration Extends to and Includes: December 29, 2009

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this
30th day of July, 1999



Bill Jones
BILL JONES
Secretary of State

EXHIBIT L

State of California



SECRETARY OF STATE

Trademark Reg. No. 103767

Class No. Int. 30

CERTIFICATE OF REGISTRATION OF TRADEMARK

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the **TRADEMARK** described below has been duly registered in this office on behalf of:

Name of Applicant: Maita Bros., Inc.

Business Address: 598 Patterson Blvd., Pleasant Hill, CA 94523

Date first used in California: March 4, 1997

Date first used anywhere: March 4, 1997

Description of Trademark: Garibaldi's PEPE PEPINO

Description of Goods on which the Trademark is used: Tamales

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached

Date of Registration: May 15, 1998

Term of Registration Extends to and Includes: May 15, 2008

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 22nd day of May, 1998



Bill Jones
BILL JONES
Secretary of State

EXHIBIT 1