

MRD 8-29-06

08-29-2006

Form PTO-1594 (Rev. 07/05)
OMB Collection 0651-0027 (exp. 6/30/2006)

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



103296321

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):

Golub Associates Incorporated

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation- State: Delaware
☐ Other _____

Citizenship (see guidelines) _____

Additional names of conveying parties attached? ☐ Yes ☒ No

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

Execution Date(s) August 24, 2006

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Release of Trademark Security

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? ☐ Yes ☒ No

Name: Taco Bueno Restaurants, Inc.

Internal _____

Address: _____

Street Address: 3033 Kellway Drive, Suite 122

City: Carrollton

State: TX

Country: USA Zip: 75006

- ☐ Association Citizenship _____
☐ General Partnership Citizenship _____
☐ Limited Partnership Citizenship _____
☒ Corporation Citizenship Delaware
☐ 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)

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)

See continuation of item 4 attached hereto.

Additional sheet(s) attached? ☒ Yes ☐ No

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

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

Name: Magdalini Rizakos

Internal Address: c/o Latham & Watkins

Suite 5800

Street Address: 233 S. Wacker Drive

City: Chicago

State: IL Zip: 60606

Phone Number: 312/993-2698

Fax Number: 312/993-9767

Email Address: Magdalini.Rizakos@LW.com

6. Total number of applications and registrations involved:

23

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 590.00

- ☐ 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 _____

Authorized User Name _____

9. Signature: Magdalini Rizakos

Signature

August 28, 2006

Date

Magdalini Rizakos

Name of Person Signing

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

10

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

08/30/2006 DBYRNE 00000009 73270219

01 FC:8521
02 FC:8522
03 FC:8523

40.00
550.00
100.00

TRADEMARK
REEL: 003384 FRAME: 0733

SCHEDULE A
to
Release of Trademarks

MARK	CLASS(ES): GOODS/SERVICES	COUNTRY/ STATE	APPL. NO./ APPL. DATE	REG. NO./ REG. DATE	STATUS/ COMMENTS
TACO BUENO	42: Restaurant Services	US	73/270219 07/14/80	1197032 06/01/82	Registered Next Renewal 06/01/2012
	42: Restaurant Services	US	73/307056 04/23/81	1204103 08/03/82	Registered Next Renewal 08/03/2012
PARTY TACO	30: Mexican food item, namely a taco for consumption on and off the premises	US	73/804726 06/05/89	1579300 01/23/90	Registered Next Renewal 01/23/2010
MEXIDIPS & CHIPS	30: Combination food snack consisting of tortilla chips served with a variety of sauces and dips for consumption on or off the premises	US	73/691362 10/23/87	1502383 08/30/88	Registered Next Renewal 08/30/08
MUCHO CHALUPA	30: Mexican food item, namely a Chalupa for consumption on and off the premises	US	73/808226 03/21/89	1587006 03/13/90	Registered Next Renewal 03/13/2010
BUENO CHILADA	30: Mexican-style food, namely a tortilla filled with comestibles for consumption on and off the premises	US	73/808225 06/21/89	1621466 11/06/90	Registered Next Renewal 11/06/2010
MUCHACO	30: Mexican-style food, namely, a fried bread filled with comestibles for consumption on and off the premises	US	74/195110 08/15/91	1699290 07/07/92	Registered Next Renewal 07/07/2012
BUENO EXPRESS	42: Restaurant Services	US	74/137411 02/08/91	1842523 06/28/94	Registered Next Renewal 06/28/04

MARK	CLASS(ES): GOODS/SERVICES	COUNTRY/ STATE	APPL. NO./ APPL. DATE	REG. NO./ REG. DATE	STATUS/ COMMENTS
WE PUT A LOT IN EVERY BITE	42: Restaurant Services	US	73/804730 06/05/89	1611652 08/28/90	Registered Next Renewal 08/28/2010
PARTY BURRITO	30: Mexican food item, namely a burrito for consumption on and off the premises	US	74/027565 02/09/90	1654439 08/20/91	Registered Next Renewal 08/20/2011
WHEN YOU WANT MORE SAY BUENO!	42: Restaurant Services	US	74/724161 08/28/95	1993502 08/13/96	Registered Next Renewal 08/13/2006
	42: Restaurant Services	US	75/456275 03/25/98		Pending Opposition Dismissed
	42: Restaurant Services	US	75/456422 03/25/98		Pending Opposition Dismissed
BUENO CHILLERS	32: Frozen beverages, namely, non-alcoholic fruit flavored drinks sold only through applicant's authorized restaurants	US	76/212812 02/20/01		Pending Opposition suspended
MUCHO BURRITO	30: Mexican food item, namely, a burrito for consumption on and off the premises	US	76/213003 02/20/01		Pending Statement of use due 08/20/04
MUCHO NACHOS	30: Mexican food item, namely, nachos for consumption on and off the premises	US	76/213022 02/20/01		Pending

MARK	CLASS(ES): GOODS/SERVICES	COUNTRY/ STATE	APPL. NO./ APPL. DATE	REG. NO./ REG. DATE	STATUS/ COMMENTS
LOADED BURRITO	30: Mexican food item, namely, burritos	US	76/213006 02/20/01	2657088 12/03/02	Registered Affidavit of Use due 12/03/08 Renewal 12/03/2012
BUENO SIZE	42: Restaurant Services	US	76/235813 04/05/01	2648561 11/12/02	Registered Affidavit of Use due 11/12/08 Renewal 11/12/2012
BUENO BOWLS	30: Mexican food, entrée composed of cooked meat, beans, and rice mixed together with seasonings, lettuce, tomatoes, salsa, sour cream, cheese, guacamole	US	78/196617 12/20/02		Pending Response to Final Office Action Due 08/09/04
IT'S MORE BUENO	42: Restaurant Services	US	78/196808 12/20/02		Pending
BUENO BOWL	30: Mexican food, entrée composed of cooked meat, beans, and rice mixed together with seasonings, lettuce, tomatoes, salsa, sour cream, cheese, guacamole	US	78/196621 12/20/02		Pending Response to Final Office Action Due 08/08/04
NACHO SIZE	43: Restaurant Services	US	78/406448 04/22/04		Pending
ATM ANY TIME MEAL CARD	36: Pre-paid purchase card services namely, processing electronic payments made through pre-paid cards	US	78/435738 06/15/04		Pending

RELEASE OF TRADEMARKS

THIS RELEASE OF TRADEMARKS is dated as of August 24, 2006 by GOLUB CAPITAL INCORPORATED (f/k/a Golub Associates Incorporated), a New York corporation, in its capacity as Agent for itself and Lenders ("Agent").

WHEREAS, Agent and Taco Bueno Restaurants, Inc., a Delaware corporation ("Debtor"), entered into that certain Trademark Security Agreement, dated as of July 23, 2004;

WHEREAS, the Trademark Security Agreement granted Agent a security interest in, among other things, certain trademarks, tradenames, trademark registrations, service marks, trade styles, terms, designs and trademark applications ("Trademarks"), including, without limitation, the Trademarks listed on Schedule A attached hereto as security for certain obligations of Debtor to Agent (the "Obligations");

WHEREAS, Agent recorded the Trademark Security Agreements on July 29, 2004 at Reel 002905, Frame 0113 in the United States Patent and Trademark Office; and

WHEREAS, Debtor has satisfied all of the Obligations and has requested that Agent release its security interests in the Trademarks.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Agent hereby agrees as follows:

Agent hereby fully releases and terminates its security interests in and liens on:

(a) all of Debtor's now existing or hereafter acquired right, title and interest in and to: all Trademarks which are now filed with the U.S. Patent and Trademark Office, any similar office or agency of any state, territory or possession of the United States or Canada or any similar office or agency of any other country or used in the United States, any state, territory or possession thereof including, without limitation, Puerto Rico, or any other country, and (i) any renewals thereof, (ii) all income, royalties, damages and payments now and hereafter due or payable with respect thereto, including, without limitation, payments under all licenses entered into in connection therewith and damages and payments for past or future infringements thereof, (iii) the right to sue for past, present and future infringements thereof, (iv) all documents, packages, prints and labels on which said Trademarks have appeared and all designs and general intangibles of a like nature, and (v) all rights corresponding thereto throughout the world;

(b) the goodwill of Debtor's business connected with or symbolized by Trademarks; and

(c) any and all of the proceeds of any of the foregoing, including, without limitation, any claims by Debtor against third parties for infringement of the Trademarks or of any license with respect thereto.

Agent further agrees, at the sole cost and expense of Debtor, to perform, at Debtor's request, all acts reasonably necessary to effect the release and termination of its security

interest and liens, including, but not limited to the recording, filing and entering into any agreements, documents, forms or papers needed to accomplish such release and termination.

IN WITNESS WHEREOF, Agent has caused this Release of Trademarks to be duly executed as of the day and year first above written.

GOLUB CAPITAL INCORPORATED, as Agent

By: 

Name: Gregory W. Cashman

Title: Vice President

[Signature Page to Release of Trademarks]

SCHEDULE A

SCHEDULE A
to
Release of Trademarks

MARK	CLASS(ES): GOODS/SERVICES	COUNTRY/ STATE	APPL.NO./ APPL. DATE	REG. NO./ REG. DATE	STATUS/ COMMENTS
TACO BUENO	42: Restaurant Services	US	73/270219 07/14/80	1197032 06/01/82	Registered Next Renewal 06/01/2012
	42: Restaurant Services	US	73/307056 04/23/81	1204103 08/03/82	Registered Next Renewal 08/03/2012
PARTY TACO	30: Mexican food item, namely a taco for consumption on and off the premises	US	73/804726 06/05/89	1579300 01/23/90	Registered Next Renewal 01/23/2010
MEXIDIPS & CHIPS	30: Combination food snack consisting of tortilla chips served with a variety of sauces and dips for consumption on or off the premises	US	73/691362 10/23/87	1502383 08/30/88	Registered Next Renewal 08/30/08
MUCHO CHALUPA	30: Mexican food item, namely a Chalupa for consumption on and off the premises	US	73/808226 03/21/89	1587006 03/13/90	Registered Next Renewal 03/13/2010
BUENO CHILADA	30: Mexican-style food, namely a tortilla filled with comestibles for consumption on and off the premises	US	73/808225 06/21/89	1621466 11/06/90	Registered Next Renewal 11/06/2010
MUCHACO	30: Mexican-style food, namely, a fried bread filled with comestibles for consumption on and off the premises	US	74/195110 08/15/91	1699290 07/07/92	Registered Next Renewal 07/07/2012
BUENO EXPRESS	42: Restaurant Services	US	74/137411 02/08/91	1842523 06/28/94	Registered Next Renewal 06/28/04

MARK	CLASS(ES): GOODS/SERVICES	COUNTRY/ STATE	APPL. NO./ APPL. DATE	REG. NO./ REG. DATE	STATUS/ COMMENTS
WE PUT A LOT IN EVERY BITE	42: Restaurant Services	US	73/804730 06/05/89	1611652 08/28/90	Registered Next Renewal 08/28/2010
PARTY BURRITO	30: Mexican food item, namely a burrito for consumption on and off the premises	US	74/027565 02/09/90	1654439 08/20/91	Registered Next Renewal 08/20/2011
WHEN YOU WANT MORE SAY BUENO!	42: Restaurant Services	US	74/724161 08/28/95	1993502 08/13/96	Registered Next Renewal 08/13/2006
	42: Restaurant Services	US	75/456275 03/25/98		Pending Opposition Dismissed
	42: Restaurant Services	US	75/456422 03/25/98		Pending Opposition Dismissed
BUENO CHILLERS	32: Frozen beverages, namely, non- alcoholic fruit flavored drinks sold only through applicant's authorized restaurants	US	76/212812 02/20/01		Pending Opposition suspended
MUCHO BURRITO	30: Mexican food item, namely, a burrito for consumption on and off the premises	US	76/213003 02/20/01		Pending Statement of use due 08/20/04
MUCHO NACHOS	30: Mexican food item, namely, nachos for consumption on and off the premises	US	76/213022 02/20/01		Pending

CH872327.2

MARK	CLASS(ES): GOODS/SERVICES	COUNTRY/ STATE	APPL. NO./ APPL. DATE	REG. NO./ REG. DATE	STATUS/ COMMENTS
LOADED BURRITO	30: Mexican food item, namely, burritos	US	76/213006 02/20/01	2657088 12/03/02	Registered Affidavit of Use due 12/03/08 Renewal 12/03/2012
BUENO SIZE	42: Restaurant Services	US	76/235813 04/05/01	2648561 11/12/02	Registered Affidavit of Use due 11/12/08 Renewal 11/12/2012
BUENO BOWLS	30: Mexican food, entrée composed of cooked meat, beans, and rice mixed together with seasonings, lettuce, tomatoes, salsa, sour cream, cheese, guacamole	US	78/196617 12/20/02		Pending Response to Final Office Action Due 08/09/04
IT'S MORE BUENO	42: Restaurant Services	US	78/196808 12/20/02		Pending
BUENO BOWL	30: Mexican food, entrée composed of cooked meat, beans, and rice mixed together with seasonings, lettuce, tomatoes, salsa, sour cream, cheese, guacamole	US	78/196621 12/20/02		Pending Response to Final Office Action Due 08/08/04
NACHO SIZE	43: Restaurant Services	US	78/406448 04/22/04		Pending
ATM ANY TIME MEAL CARD	36: Pre-paid purchase card services namely, processing electronic payments made through pre-paid cards	US	78/435738 06/15/04		Pending

CHN872327.2