

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT
EFFECTIVE DATE:	09/25/2006

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
BUCA, Inc.		09/25/2006	CORPORATION: MINNESOTA

**RECEIVING PARTY DATA**

Name:	BUCA Restaurants 3, Inc.
Street Address:	155 Otis Street
City:	Northborough
State/Country:	MASSACHUSETTS
Postal Code:	01532
Entity Type:	CORPORATION: MINNESOTA

**PROPERTY NUMBERS Total: 3**

Property Type	Number	Word Mark
Registration Number:	2401420	VINNY TESTA'S
Registration Number:	2805569	VINNY T'S OF BOSTON
Registration Number:	2531808	VINNY TESTA'S

**CORRESPONDENCE DATA**

Fax Number: (617)345-1300  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 617-345-1341  
 Email: matm@nixonpeabody.com  
 Correspondent Name: Michelle A. Massicotte  
 Address Line 1: 100 Summer Street  
 Address Line 4: Boston, MASSACHUSETTS 02110

ATTORNEY DOCKET NUMBER:	800729/101490
NAME OF SUBMITTER:	Michelle A. Massicotte

CH \$90.00 2401420

Signature:

/Michelle A. Massicotte/

Date:

12/17/2007

Total Attachments: 2

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**EXECUTION**

**NUNC PRO TUNC ASSIGNMENT OF TRADEMARKS AND SERVICE MARKS**

This ASSIGNMENT OF TRADEMARKS AND SERVICE MARKS (this "**Assignment**") is made by and between BUCA, Inc., a Minnesota corporation, with its principal place of business at 1300 Nicollet Mall, Suite 5003 Minneapolis, MN 55403 (the "**Assignor**") and BUCA Restaurants 3, Inc., a Minnesota corporation, with its principal place of business at 155 Otis Street, Northborough, MA 01532 (the "**Assignee**").

WHEREAS, the Assignor has adopted, owns and is using (a) certain trademarks and service marks for which the Assignor owns the federal registrations listed in **Schedule 1** attached hereto and incorporated herein by reference (the "**Marks**") and (b) all of the elements of package or trade dress associated with the Marks and the respective goods and services (collectively, the "**Trade Dress**"); and


WHEREAS, the Assignor has agreed to assign to the Assignee all of the rights, title and interests of the Assignor in and to the Marks and the Trade Dress, and the Assignee has agreed to accept said assignment;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor hereby assigns, transfers and conveys to the Assignee, and the Assignee hereby accepts from the Assignor, all of the rights, title and interests of the Assignor in and to the Marks and the Trade Dress, together with all of the goodwill of the business with which the Marks and Trade Dress are used or otherwise associated and with the right to recover for damages and profits and all other remedies for past infringements thereof, *nunc pro tunc*, effective as of September 25, 2006.

Dated effective as of September 25, 2006.

BUCA, Inc.

By:

  
Name: *Richard Erbe*  
Title: *General Counsel*

**Schedule 1**

<b><u>No.</u></b>	<b><u>Trademark/Service Mark</u></b>	<b><u>Serial No.</u></b>	<b><u>Registration No.</u></b>	<b><u>Date of Registration</u></b>
1.	VINNY TESTA'S	75/641539	2401420	11-7-2000
2.	VINNY T'S OF BOSTON	76/409735	2805569	1-13-2004
3.	VINNY TESTA'S (and design)	76/165288	2531808	1-22-2002