

RECORDATION FORM COVER SHEET 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):

Breyers Yogurt Company, LLC

- Individual(s)
- General Partnership
- Corporation- State: _____
- Other limited liability company
- Association
- Limited Partnership

Citizenship (see guidelines) Delaware

Additional names of conveying parties attached? Yes No

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

Execution Date(s) February 13, 2008

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

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: YoHo II IP Sub, LLC

Internal Address: _____

Address: _____

Street Address: 6309 Monarch Park Place, Suite 201

City: Longmont

State: Colorado

Country: USA Zip: 80503

- Association Citizenship _____
- General Partnership Citizenship _____
- Limited Partnership Citizenship _____
- Corporation Citizenship _____
- Other limited liability co Citizenship Delaware

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)

3299713

Additional sheet(s) attached? Yes No

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

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

Name: Lawrence A. Swain, Esq.

Internal Address: _____

Street Address: 9225 Indian Creek Parkway

City: Overland Park

State: Kansas Zip: 66210

Phone Number: 913-451-3355

Fax Number: 913-451-3361

Email Address: lswain@stklaw.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- 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 12-1660

Authorized User Name Shughart Thomson & Kilroy PC

9. Signature:


Signature

2.13.08
Date

Lawrence A. Swain
Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 2

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

CH \$40.00 121660 3299713

ASSIGNMENT OF TRADEMARK

WHEREAS, Breyers Yogurt Company, LLC, a Delaware limited liability company, United States of America, of 6309 Monarch Park Place, Suite 201, Longmont, Colorado 80503 (the "Assignor"), has adopted, used, is using and owns the following trademark (the "Mark"), which is now registered in the United States Patent and Trademark Office:

<u>TRADEMARK</u>	<u>REGISTRATION NO.</u>	<u>DATE OF REGISTRATION</u>
PROBIOTIC PLUS	3,299,713	September 25, 2007

WHEREAS, YoHo II IP Sub, LLC, a Delaware limited liability company, United States of America, of 6309 Monarch Park Place, Suite 201, Longmont, Colorado 80503 (the "Assignee"), is desirous of acquiring the Mark and the registration thereof;

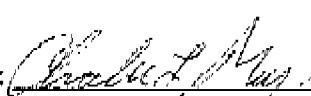
NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns unto Assignee all of its right, title and interest in the United States in and to the Mark together with the goodwill of the business symbolized by the Mark, and the registration thereof, including all common law rights and all claims for damages by reason of past infringement of said mark with the right to sue and collect therefore.

FURTHERMORE, Assignee hereby appoints Shughart Thomson & Kilroy, P.C., 120 West 12th Street, Suite 1800, Kansas City, Missouri 64105, telephone (816) 421-3355, which has associated with it Lawrence A. Swain, Richard P. Stitt, Marcia J. Rodgers and Robert J. Payne, who are members of the bar of the State of Missouri, to prosecute the assignment, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection therewith.

Breyers Yogurt Company, LLC

YoHo II IP Sub, LLC

By: 

By: 

Name: Charles F. Marcy

Name: Charles F. Marcy

Title: President & CEO

Title: CEO, President & Treasurer

Date: 2-13-08

Date: 2-13-08

The Law Firm Of



A Professional Corporation

Lawrence A. Swain
lswain@stklaw.com
Direct Dial (816) 395-0677
Direct Fax (816) 222-0841
Fax (913) 451-3361

February 13, 2008

Via Facsimile 571-273-0140

Mail Stop Assignment Recordation Services
Director of the US Patent and Trademark
Office
P.O. Box 1450
Alexandria, VA 22313-1450

RE: Trademark Assignment

Dear Sir or Madam:

Enclosed for recording, please find Recordation Form Cover Sheet along with an Assignment of Trademarks document assigning the mark PROBIOTIC PLUS from Breyers Yogurt Company, a Delaware limited liability company, to YoHo II IP Sub, LLC, a Delaware limited liability company.

Please debit our deposit account #12-1660 in the amount of \$40 for the recording fee as well as any additional fees that may be required.

Please acknowledge your receipt of these documents.

Sincerely,

LAWRENCE A. SWAIN

LAS:GR
Enclosure

LAW OFFICES OF
SHUGHART THOMSON & KILROY, P.C.

A Professional Corporation

32 Corporate Woods, Ste. 1100
 9225 Indian Creek Pkwy.
 Overland Park, KS 66210
 (913) 451-3355
 FAX (913) 451-3361

TELECOPIER TRANSMITTAL SHEET

To: U.S. Patent and Trademark Office
 Assignment Division

FAX#: 571-273-0140

FROM: Lawrence A. Swain

DATE: February 13, 2008

RE: Recordation of Trademark Assignment to assign the mark PROBIOTIC PLUS from Breyers Yogurt Company, LLC, a Delaware limited liability company, to YoHo II IP Sub, LLC, a Delaware limited liability company.

Conveying Party: Breyers Yogurt Company, LLC, a Delaware limited liability company

Receiving Party: YoHo II IP Sub, LLC, a Delaware limited liability company

CLIENT MATTER CODE: MAI115/115926

Transmitted herewith along with this facsimile transmittal cover sheet and letter of instructions are the following documents:

- 1) Recordation Form Cover Sheet (Total Pages 1); and
- 2) Assignment of Trademark (Total Pages 1)

We respectfully request acknowledgement of receipt.

PRIVILEGED AND CONFIDENTIAL

This facsimile contains CONFIDENTIAL INFORMATION, which may also be LEGALLY PRIVILEGED and which is intended only for the use of the individual or entity named above. If the reader of the facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby on notice that you are in possession of confidential and privileged information. Any dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify the sender by telephone (collect) and return the original facsimile to the sender at the above address via the U. S. Postal Service.

This transmission consists of 4 pages, including the cover page. If there are any discrepancies, please contact our telecopy operator at the number shown below:

TO DISCUSS TRANSMISSION: (913) 451-3355