

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
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<b>SUBMISSION TYPE:</b>		NEW ASSIGNMENT	
<b>NATURE OF CONVEYANCE:</b>		ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL	
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
California Artichoke & Vegetable Growers Corp., d/b/a Ocean Mist Farms		05/20/2010	CORPORATION: CALIFORNIA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Desert Glory, Ltd.		
<b>Street Address:</b>	2338 N. Loop 1604 W., Suite 200		
<b>City:</b>	San Antonio		
<b>State/Country:</b>	TEXAS		
<b>Postal Code:</b>	78248		
<b>Entity Type:</b>	LIMITED PARTNERSHIP: TEXAS		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	2960491	SUNBURST ARTICHOKE	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	(214)855-8200		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
<b>Phone:</b>	214-855-8000		
<b>Email:</b>	cholland@fulbright.com		
<b>Correspondent Name:</b>	Linda M. Merritt		
<b>Address Line 1:</b>	2200 Ross Avenue, Suite 2800		
<b>Address Line 4:</b>	Dallas, TEXAS 75201		
<b>ATTORNEY DOCKET NUMBER:</b>	10912877		
<b>NAME OF SUBMITTER:</b>	Linda M. Merritt		
<b>Signature:</b>	/Linda M. Merritt/		

OP \$40.00 2960491

**900163579**

**TRADEMARK  
 REEL: 004216 FRAME: 0705**

Date:

06/02/2010

Total Attachments: 2

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## TRADEMARK ASSIGNMENT

THIS TRADEMARK ASSIGNMENT (this "*Assignment*") is made effective as of May 12, 2010 (the "*Effective Date*"), by and between CALIFORNIA ARTICHOKE & VEGETABLE GROWERS CORP., d/b/a OCEAN MIST FARMS, a California corporation, having its principal place of business at 10855 Cara Mia Parkway, Suite A, Castroville, California 95102 ("*Ocean Mist*") and DESERT GLORY, LTD., a Texas limited partnership, having its principal place of business at 2338 N. Loop 1604 W., Suite 200, San Antonio, Texas 78248 ("*Desert Glory*").

### RECITALS

WHEREAS, Ocean Mist is the owner of United States Trademark Registration No. 2,960,491 for the mark SUNBURST ARTICHOKEs for "fresh vegetables, namely, artichokes" ("*Ocean Mist's Registration*");

WHEREAS, Desert Glory has filed U.S. Application Serial No. 77/543,924 for the mark SUNBURSTS and U.S. Application Serial No. 77/584,357 for SUNBURSTS & Design, both for "fresh tomatoes" ("*Desert Glory's Applications*");

WHEREAS, the United States Patent & Trademark Office ("*USPTO*") has refused Desert Glory's Applications on the basis of Ocean Mist's Registration;

WHEREAS, Desert Glory has filed Cancellation No. 92051828 with the USPTO against Ocean Mist's Registration (the "*Cancellation*") and Ocean Mist has denied the substantive allegations in the Cancellation; and

WHEREAS, the parties have entered into that certain Settlement and Trademark Assignment Agreement dated effective May 12, 2010 (the "*Settlement Agreement*") setting forth the terms pursuant to which (i) they settle their dispute, including the Cancellation; and (ii) Ocean Mist assigns and transfers its rights in the SUNBURST ARTICHOKEs mark, Ocean Mist's Registration, and related rights to Desert Glory; and

WHEREAS, the parties execute this Assignment pursuant to the Settlement Agreement to enable recordation of the assignment of the aforementioned rights from Ocean Mist to Desert Glory with the USPTO.

NOW, THEREFORE, for good and valuable consideration, including the reciprocal covenants set forth in the Settlement Agreement, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

### AGREEMENT

Ocean Mist does hereby assign and transfer to Desert Glory all right, title and interest of Ocean Mist in and to the mark SUNBURST ARTICHOKEs, together with the goodwill of the business connected with the use of and symbolized by the mark SUNBURST ARTICHOKEs, as well as Ocean Mist's entire right, title and interest in and to Ocean Mist's Registration, any and

all common law rights in the mark SUNBURST ARTICHOKES, and any and all claims and demands Ocean Mist may have either at law or in equity arising out of any past infringements of the SUNBURST ARTICHOKES mark. Desert Glory hereby accepts the assignment of the aforementioned rights.

IN WITNESS WHEREOF, the parties have caused this Trademark Assignment to be duly executed by their authorized representatives on the dates set forth below.

**CALIFORNIA ARTICHOKE &  
VEGETABLE GROWERS CORP.,  
d/b/a OCEAN MIST FARMS**

**DESERT GLORY, LTD.**

By: Charles Edward Boultonnet  
Name: CHARLES EDWARD BOUTONNET  
Title: PRESIDENT & CEO  
Date: May 17, 2010

By: Robert S. Taffo  
Name: Robert S Taffo  
Title: VP-MKting  
Date: May 20, 2010