

Form PTO-1594 (Rev. 01-09)  
OMB Collection 0651-0027 (exp. 02/28/2009)

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

### 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(les):**

Azar Nut Company, LLC

- Individual(s)
- General Partnership
- Corporation- State: \_\_\_\_\_
- Other LLC

Citizenship (see guidelines) Texas

Additional names of conveying parties attached?  Yes  No

**2. Name and address of receiving party(ies)**

- Yes
- No

Additional names, addresses, or citizenship attached?

Name: Mount Franklin Foods, LLC

Internal Address: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address: 1800 Northwestern Drive

City: El Paso

State: Texas

Country: USA Zip: 79912

Association Citizenship \_\_\_\_\_

General Partnership Citizenship \_\_\_\_\_

Limited Partnership Citizenship \_\_\_\_\_

Corporation Citizenship \_\_\_\_\_

Other LLC Citizenship Texas

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) \_\_\_\_\_

- Assignment
- Security Agreement
- Other Correct error on Reg. No. 2954209
- Merger
- Change of Name

**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)

2954209 is the correct number

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: Micah D. Miller

Internal Address: Mounce, Green, Myers, Safi, Paxson

& Galatzan, P.C.

Street Address: 100 N. Stanton, Suite 1000

City: El Paso

State: Texas Zip: 79901

Phone Number: (915) 532-2000

Fax Number: (915) 541-1526

Email Address: miller@mgmsg.com

**6. Total number of applications and registrations involved:**

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

- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

Deposit Account Number \_\_\_\_\_

Authorized User Name \_\_\_\_\_

**9. Signature:**

Signature

7-9-10  
Date

Clyde A. Pinc, Jr., Attorney at Record  
Name of Person Signing TX Bar Member

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

12

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

TRADEMARK

REEL: 004239 FRAME: 0198

700440955

OP \$40.00 2954209

**CORRECTION OF TYPOGRAPHICAL ERROR ON PREVIOUSLY RECORDED  
DOCUMENT PURSUANT TO §503.06 T.M.E.P.**

**I. PRIOR RECORDING.** As indicated on the first page of the cover sheet form PTO-1594, this filing is made to correct a single error in the cover sheet recorded under document number 103444272. The form reflects a file stamp date of 9/12/2007 although the "Notice of Recordation of Assignment Document" identifies the recordation date as 9/10/2007. The Reel/Frame numbers are 003620/0985 respectively.

**II. CORRECTION.** All registration and application numbers listed on the continuation sheet to the above-referenced cover sheet are correct except for the number indicated for the registered mark entitled "Power Snacks". The continuation sheet indicates a registration number of 2964209 which is not the registration number for "Power Snacks". The correct number for "Power Snacks" is 2954209. Please note that the third digit in the registration number indicated on the continuation sheet should have been a "6" but was mistyped as a "5". Please note that the "Notice of Recordation of Assignment Document" indicates that AZAR NUT COMPANY, LLC assigned various marks to MOUNTAIN FRANKLIN FOODS, LLC, and that **the mark referenced by registration number 2964209 "Roxley Farms Health on the Roof" was never held by AZAR NUT COMPANY, LLC.** In contrast the mark referenced by registration number 2954209 still appears in the TPO's trademark database as being held by AZAR NUT COMPANY, LLC. Please find the attached documentation substantiating these claims.

Form PTO-1594 (Rev. 07/05)  
OMB Collection 0651-0027 (exp. 6/10)

09-12-2007

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

9-10-07



103444272

SHEET

LY

10:12

To the Director of the U. S. Patent and Trademark Office

attached documents or the new address(es) below.

1. Name of conveying party(ies):

Azar Nut Company, LLC

- Individual(s)
- General Partnership
- Corporation- State: \_\_\_\_\_
- Other Limited Liability Company

Citizenship (see guidelines) Texas

Additional names of conveying parties attached?  Yes  No

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

Execution Date(s) 7/9/07

- Assignment
- Security Agreement
- Other \_\_\_\_\_
- Merger
- Change of Name

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

A. Trademark Application No.(s)  
See attached

B. Trademark Registration No.(s)  
see attached

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: Clyde A. Pine, Jr.  
 Internal Address: Mounce, Green, Myers, Safi,  
Paxson & Galatzan, P.C.  
 Street Address: 100 N. Stanton, Suite 1700  
 City: El Paso  
 State: Texas Zip: 79901  
 Phone Number: (915) 532-2000  
 Fax Number: (915) 541-1548  
 Email Address: pine@mgmsg.com

6. Total number of applications and registrations involved:

13

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

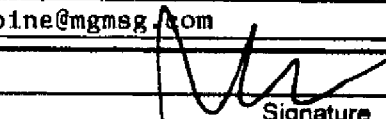
8. Payment Information:

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 00000010 281942

Authorized User Name \_\_\_\_\_

9. Signature:

  
 Signature  
Richard Condit  
 Name of Person Signing

8/17/07  
Date

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

Documents to be recorded (including cover sheet) should be faxed to (671) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

**Registered Marks**

<u>Marks</u>	<u>Registration#</u>
Snack a Doodle	2819427
Azar	2850257
Power Snacks	2964209
Carnival Crunch	2955450
Sunrise	2981477
Home Run	2046449
Power Snacks logo	3244617
Azar	0729815
Chef Xpress	3148574
Chef Azar	3168058

<u>Marks</u>	<u>Application Numbers</u>
Carnival Crunch	78920847
At Home in America's Kitchen Since 1914	78920859
America's at Home Snack Since 1914	78920865

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Phil Wilson  
Secretary of State

## Office of the Secretary of State

### CERTIFICATE OF MERGER

The undersigned, as Secretary of State of Texas, hereby certifies that a filing instrument merging

Azar Nut Company, LLC  
Domestic Limited Liability Company (LLC)  
[File Number: 800726645]

Into

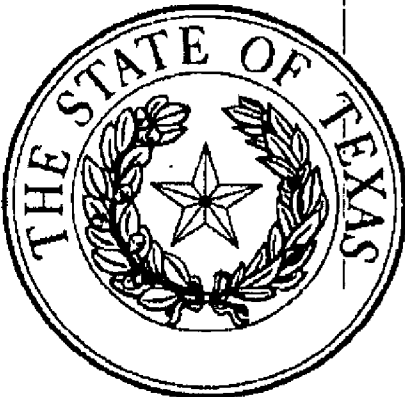
Mount Franklin Foods, LLC [Prior Name : Franklin Connections, LLC]  
Domestic Limited Liability Company (LLC)  
[File Number: 800726641]

has been received in this office and has been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by the virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing the acceptance and filing of the merger on the date shown below.

Dated: 07/09/2007

Effective: 07/09/2007



A handwritten signature in black ink that reads "Phil Wilson".

Phil Wilson  
Secretary of State

**CERTIFICATE OF MERGER****OF****AZAR NUT COMPANY, LLC,  
a Texas limited liability company,****WITH****MOUNT FRANKLIN FOODS, LLC,  
a Texas limited liability company****FILED**  
In the Office of the  
Secretary of State of Texas

JUL 09 2007

**Corporations Section**

The undersigned hereby certify that:

1. The names and states of organization of each entity that is a party to the merger are:

<u>Name</u>	<u>Type of Entity</u>	<u>State</u>
Azar Nut Company, LLC	Limited Liability Company	Texas
Mount Franklin Foods, LLC	Limited Liability Company	Texas

2. Azar Nut Company, LLC will merge with Mount Franklin Foods, LLC, with Mount Franklin Foods, LLC being the surviving domestic entity.

3. No amendments are desired to be effected by the merger to the Certificate of Formation of Mount Franklin Foods, LLC.

4. A signed Plan of Merger is on file at the principal place of business of Mount Franklin Foods, LLC, which is located at 1800 Northwestern Dr., El Paso, Texas 79912.

5. A copy of the Plan of Merger will be furnished on written request without cost by Mount Franklin Foods, LLC to any member of Mount Franklin Foods, LLC or Azar Nut Company, LLC.

6. The Plan of Merger has been approved by (i) Mount Franklin Foods, LLC as required by laws of the State of Texas and the governing documents of Mount Franklin Foods, LLC and (ii) by Azar Nut Company, LLC as required by laws of the State of Texas and the governing documents of Azar Nut Company, LLC.

7. In lieu of providing the tax certificate, Mount Franklin Foods, LLC will be liable for the payment of the required franchise taxes.

**[SIGNATURES ON NEXT PAGE]****TRADEMARK****REEL: 004239 FRAME: 0203**

Dated: July 9, 2007

**AZAR NUT COMPANY, LLC,**  
a Texas limited liability company

By:   
Richard Condie  
President

Dated: July 9, 2007

**MOUNT FRANKLIN FOODS, LLC,**  
a Texas limited liability company

By:   
Richard Condie  
President

DALDMS/6093622