

11-09-2010

Form PTO-1594 (Rev. 01-09)
OMB Collection 0651-0027 (exp. 02/28/11)

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



103611525

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):

DZMK of Kentucky, LLC formerly known as
Mark's Feed Stores of Kentucky, LLC

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

Citizenship (see guidelines) Kentucky

Additional names of conveying parties attached? Yes No

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

Execution Date(s) November 1, 2010

- 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: JRM Foods, LLC

Internal Address: Legal Department

Street Address: 1903 Stanley Gault Parkway

City: Louisville

State: Kentucky

Country: USA Zip: 40223

- Association
- General Partnership
- Limited Partnership
- Corporation
- Other LLC

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)

3,586,777

Additional sheet(s) attached? Yes No

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

The mark consists of the word "MARKS" with a banner below it containing the words "FEED STORE" all in front of the gable of a house with a chimney on the right side, the words "BAR-B-Q" are rising from the chimney along with a whisp of smoke.

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

Name: JRM Foods, LLC

Internal Address: Legal Department

Street Address: 1903 Stanley Gault Parkway

City: Louisville

State: Kentucky Zip: 40223

Phone Number: 502-254-7130

Fax Number: 502-254-5624

Email Address: mark@jrmfoods.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 25.00

- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

Deposit Account Number _____

Authorized User Name _____

9. Signature:

Mark S. Edwin
Signature
Name of Person Signing

11/04/2010 Date

01 FL:8521
Total number of pages including cover sheet, attachments, and document: 5

48.00 OP
58.00 OP

Documents to be recorded (including cover sheet) should be faxed to (871) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1480, Alexandria, VA 22313-1480

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RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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- Corporation
- Other LLC

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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)

3,028,367

Additional sheet(s) attached? Yes No

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

The mark consists of the word "MARKS" with standard characters without claim to any particular font, style, size or color

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

Name: JRM Foods, LLC

Internal Address Legal Department

Street Address: 1903 Stanley Gault Parkway

City: Louisville

State: Kentucky

Zip: 40223

Phone Number: 502-254-7130

Fax Number: 502-254-5624

Email Address: BELTSCHEFF@jrmfoods.com

6. Total number of applications and registrations involved:

1

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

- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

Deposit Account Number _____

Authorized User Name _____

9. Signature:

Mark S. Erwin
Signature
Name of Person Signing

November 1, 2010

Date

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 1480, Alexandria, VA 22313-1480

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Citizenship (see guidelines) Kentucky

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Address: Legal Department

Street Address: 1903 Stanley Gault Parkway

City: Louisville

State: Kentucky

Country: USA

Zip: 40223

- Association Citizenship _____
- General Partnership Citizenship _____
- Limited Partnership Citizenship _____
- Corporation Citizenship _____

Other LLC Citizenship Kentucky

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)

1,858,762

Additional sheet(s) attached? Yes No

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

The mark consists of the word "MARKS" in a cursive font, to the left and slanted upwards above the words "FEED STORE". This is a service mark for restaurant services and sauces.

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

Name: JRM Foods, LLC

Internal Address: Legal Department

Street Address: 1903 Stanley Gault Parkway

City: Louisville

State: Kentucky

Zip: 40223

Phone Number: 502-254-7130

Fax Number: 502-254-5624

Email Address: BHiteseth@company.com

6. Total number of applications and registrations involved:

1

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

- Authorized to be charged to deposit account
- Enclosed

8. Payment information:

Deposit Account Number _____

Authorized User Name _____

9. Signature:

Mark S. Erwin
Signature
Name of Person Signing

November 1, 2010

Date

Total number of pages including cover sheet, attachments, and document 6

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ASSIGNMENT OF TRADEMARKS, TRADENAMES,
TRADE SECRETS AND INTELLECTUAL PROPERTY

THIS ASSIGNMENT OF TRADEMARKS, TRADENAMES, TRADE SECRETS AND INTELLECTUAL PROPERTY (this "Assignment") dated as of November 1, 2010 (the "Effective Date") by DZMK of Kentucky, LLC, a Kentucky limited liability company formerly known as Mark's Feed Stores of Kentucky, LLC ("Assignor"), and JRM Foods, LLC, a Kentucky limited liability company ("Assignee").

WHEREAS, Assignor and its affiliates, Mark's In Clarks, Inc., BBQ, LLC and Mark S. Erwin, have entered into a certain Asset Purchase Agreement with Assignee dated October 7, 2010, as amended by a certain First Amendment to Purchase Agreement dated October 29, 2010 (together, the "APA"); and

WHEREAS, pursuant to the terms of the APA, Assignor agreed to sell all or substantially all of its assets to Assignee, including without limitation all of Assignor's trademarks, tradenames, trade secrets and other intellectual property

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Assignment. Assignor does hereby sell, assign, set over and convey to Assignee free and clear of all liens and encumbrances whatsoever, all trademarks, tradenames, trade secrets and other forms of intellectual property owned by Assignor and all of Assignor's right, title and interest therein (the "Intellectual Property"), including without limitation, all of the following trademarks and tradenames (the "Trademarks") together with all of the good will associated with the Trademarks and Intellectual Property:

a. The following Trademarks which are registered on the Principal Register of the United States Patent and Trademark Office ("PTO"):

	<u>Mark</u>	<u>Registration Number</u>	<u>Registration Date</u>
1.	"Mark's Feed Store Bar-B-Q" (stylized A/O with Design)	3,586,777	March 10, 2009
2.	"Mark's"	3,028,367	December 13, 2005
3.	"Mark's Feed Store"	1,858,762	October 18, 1994

b. The following Trademarks and all common law and other rights associated therewith:

- (i) "Friendly Folks Servin' Famous Bar-B-Q"
- (ii) "Honeywings"

(iii) "Bird-in-a-Nest"

2. Further Assurances. Promptly upon Assignee's request, Assignor shall execute, deliver and record all such further documents and instruments as may be necessary or desirable to more fully vest title to the Trademarks and other Intellectual Property in Assignee, including without limitation, recordation of documents and instruments at the PTO.

3. Binding Effect. This Assignment should be finding upon and inure to the benefit of Assignor and Assignee and their respective heirs, legal representatives, successors and assigns..

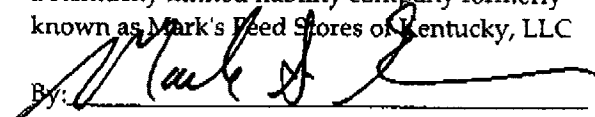
4. Severability. If any term or provision (or any portion thereof) of this Assignment shall to any extent be invalid or unenforceable, the remainder of this Assignment shall not be affected thereby and each remaining term and provision of this Assignment shall be valid and enforced to the fullest extent permitted by law.

5. Counterparts. This Assignment may be signed in counterparts with the same force and effect as if all required signatures were contained in a single, original instrument

IN WITNESS WHEREOF, the parties have executed this Assignment as of the Effective Date.

Assignor.

DZMK OF KENTUCKY, LLC,
a Kentucky limited liability company formerly
known as Mark's Feed Stores of Kentucky, LLC

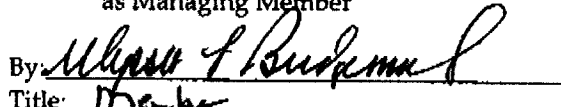
By: 

Mark S. Erwin
Managing Member

Assignee

JRM FOODS, LLC

By: SJRT, LLC,
a Kentucky limited liability company
as Managing Member

By: 
Title: Member

Int. Cls.: 30 and 43

Prior U.S. Cls.: 46, 100 and 101

Reg. No. 3,586,777

United States Patent and Trademark Office

Registered Mar. 10, 2009

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



MARK'S FEED STORES OF KENTUCKY, LLC
(KENTUCKY LIMITED LIABILITY COMPAN-
NY)

P.O. BOX 23189
LOUISVILLE, KY 40223

FOR: BARBEQUE SAUCE, IN CLASS 30 (U.S. CL.
46).

FIRST USE 0-0-1996; IN COMMERCE 0-0-1996.

FOR: RESTAURANT AND CATERING SERVI-
CES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1996, IN COMMERCE 0-0-1996.

OWNER OF U.S. REG. NOS. 1,858,762 AND
3,028,367.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BAR-B-Q", APART FROM THE
MARK AS SHOWN.

THE NAME SHOWN IN THE MARK IDENTIFIES
"MARK S. ERWIN" WHOSE CONSENT IS OF RE-
CORD.

THE MARK CONSISTS OF THE WORD
"MARK'S" WITH A BANNER BELOW IT CONTAIN-
ING THE WORDS "FEED STORE" ALL IN FRONT
OF THE GABLE OF A HOUSE WITH A CHIMNEY
ON THE RIGHT SIDE, THE WORDS "BAR-B-Q" ARE
RISING FROM THE CHIMNEY ALONG WITH A
WHISP OF SMOKE.

SER. NO. 77-537,816, FILED 8-3-2008.

PAUL F. GAST, EXAMINING ATTORNEY

Int. Cls.: 30 and 42

Prior U.S. Cls.: 46 and 100

United States Patent and Trademark Office **Reg. No. 1,858,762**
Registered Oct. 18, 1994

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

Mark's
FEED STORE

MARK'S FEED STORE, INC. (KENTUCKY
CORPORATION)
11422 SHELBYVILLE ROAD
LOUISVILLE, KY 40243

FOR: SAUCES, IN CLASS 30 (U.S. CL. 46).
FIRST USE 4-0-1988; IN COMMERCE
4-0-1988.

FOR: RESTAURANT SERVICES, IN CLASS
42 (U.S. CL. 100).
FIRST USE 4-0-1988; IN COMMERCE
4-0-1988.

SER. NO. 74-449,076, FILED 10-21-1993.

RACHEL BLUE, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,028,367

Registered Dec. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**

MARK'S

**MARK'S FEED STORES OF KENTUCKY, LLC
(KENTUCKY LTD LIAB CO)**

P.O. BOX 23189

LOUISVILLE, KY 402230189

**FOR: SAUCES AND SPICES, IN CLASS 30 (U.S. CL.
46).**

FIRST USE 4-0-1988; IN COMMERCE 4-0-1988.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

OWNER OF U.S. REG. NO. 1,858,762.

SER. NO. 78-500,966, FILED 10-16-2004.

KIMBERLY PERRY, EXAMINING ATTORNEY