

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM322007

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF AN UNDIVIDED PART OF ASSIGNOR'S INTEREST		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Mr. James E. Gauley		09/12/2014	INDIVIDUAL: UNITED STATES
RECEIVING PARTY DATA			
Name:	Apple & Eve, LLC		
Street Address:	2 Sea View Boulevard		
City:	Port Washington		
State/Country:	NEW YORK		
Postal Code:	11050		
Entity Type:	CORPORATION: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2759268	FRUITSMART	
CORRESPONDENCE DATA			
Fax Number:	2125547700		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	212 554 7800		
Email:	trademarks@mosessinger.com		
Correspondent Name:	Elizabeth A. Corradino, Esq.		
Address Line 1:	405 Lexington Avenue		
Address Line 2:	The Chrysler Building		
Address Line 4:	New York, NEW YORK 10174		
ATTORNEY DOCKET NUMBER:	09626-0103		
NAME OF SUBMITTER:	Elizabeth A. Corradino, Esq.		
SIGNATURE:	/Elizabeth A. Corradino/		
DATE SIGNED:	11/03/2014		
Total Attachments: 1			
source=amendment to assignment and consent-2#page1.tif			

CH \$40.00 2759268

AMENDMENT TO ASSIGNMENT AND CONSENT AGREEMENT

The ASSIGNMENT AND CONSENT AGREEMENT ("Agreement") entered into as of September 12, 2014 by and between **Apple & Eve, LLC**, a Delaware corporation, with a principal place of business at 2 Sea View Boulevard, Port Washington, New York 11050 ("A&E") and **James E. Gauley**, an individual residing at 3463 Scoon Road, Sunnyside, Washington 98944 ("Gauley") is hereby amended as follows, effective as of September 12, 2014:

Section 1.1 of the Agreement is deleted and replaced by the following new Section 1.1:

1.1 By the later of October 31, 2014 or 45 days after counsel for A&E receives the attached short form assignment executed by Gauley, A&E must apply to the United States Patent and Trademark Office to amend the description of goods in the '268 Reg. to read as follows: "International Class 29: Concentrated fruit purees sold to the retail and food service markets. International Class 32: Concentrated fruit juices sold to the retail and food service markets." If A&E fails to do so, Gauley's sole remedy therefor shall be to submit such application in A&E's name as A&E's attorney-in-fact. Any failure by A&E to submit such application shall not broaden, narrow or otherwise affect the trademark rights of the Parties confirmed or reserved hereunder.

The remainder of the Agreement remains in full force and effect as originally executed.

IN WITNESS WHEREOF, each of the Parties has caused this Amendment to Assignment and Consent Agreement to be executed in duplicate originals by its duly authorized officer or representative.

Apple & Eve, LLC By: <u>Robert Montati</u> Name: <u>Robert Montati</u> Title: <u>SVP Marketing</u>	James E. Gauley <u>James E. Gauley</u>
--	--