

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM329231

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|---|---|-----------------------|---------------------------|
| SUBMISSION TYPE: | CORRECTIVE ASSIGNMENT | | |
| NATURE OF CONVEYANCE: | Corrective Assignment to correct the entity type from Corporation to Limited Liability Company previously recorded on Reel 005393 Frame 0016. Assignor(s) hereby confirms the 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: | LIMITED LIABILITY COMPANY: 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: | 01/16/2015 | | |
| Total Attachments: 4 | | | |
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| TRADEMARK ASSIGNMENT COVER SHEET |
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Electronic Version v1.1
Stylesheet Version v1.2

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|----------------------------------|--|-----------------------|---------------------------|
| 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
Phone: 212 554 7800
Email: trademarks@mosessinger.com
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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: | 11/03/2014 |
| Total Attachments: 5 source=assignment and consent#page1.tif source=assignment and consent#page2.tif source=assignment and consent#page3.tif source=assignment and consent#page4.tif source=assignment and consent#page6.tif | |
| RECEIPT INFORMATION ETAS ID: TM322001 Receipt Date: 11/03/2014 Fee Amount: \$40 | |

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AMENDMENT TO ASSIGNMENT AND CONSENT AGREEMENT

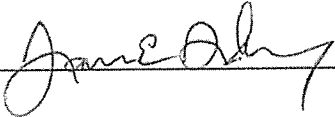
The ASSIGNMENT AND CONSENT AGREEMENT ("Agreement") entered into as of September 12, 2014 by and between **Apple & Eve, LLC**, a Delaware corporation, with a principal place of business at 2 Sea View Boulevard, Port Washington, New York 11050 ("A&E") and **James E. Gauley**, an individual residing at 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 | James E. Gauley |
| By: <u>Robert Montati</u> | <u></u> |
| Name: <u>Robert Montati</u> | |
| Title: <u>SVP Marketing</u> | |