

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

ETAS ID: TM384252

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	01/28/2016

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
DAIRY ENTERPRISES INCORPORATED		01/12/2016	Corporation: OHIO

RECEIVING PARTY DATA

Name:	SMITHFOODS INC
Street Address:	1381 Dairy Lane
City:	Orrville
State/Country:	OHIO
Postal Code:	44667
Entity Type:	Corporation: OHIO

PROPERTY NUMBERS Total: 13

Property Type	Number	Word Mark
Registration Number:	1286208	RUGGLES
Registration Number:	1452361	WHALE-OF-A-PAIL!
Registration Number:	1980946	THE DAIRY IN THE COUNTRY
Registration Number:	1980947	
Registration Number:	2029638	
Registration Number:	2039772	THE DAIRY IN THE COUNTRY
Registration Number:	2191150	CLASS ACT
Registration Number:	2604227	SUPER JUG
Registration Number:	3182314	SUPER JUG
Registration Number:	4108836	YO-MAZING!
Registration Number:	4489371	HERD OF HEROES
Serial Number:	86526778	ARTISA
Serial Number:	86526766	AJOYO

CORRESPONDENCE DATA

Fax Number: 2166214072

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.

OP \$340.00 1286208

Phone: 216-621-2234
Email: jwolfe@tarolli.com
Correspondent Name: John R. Hlavka
Address Line 1: 1300 East Ninth Street
Address Line 4: Cleveland, OHIO 44114

NAME OF SUBMITTER: John R. Hlavka

SIGNATURE: /John R. Hlavka/

DATE SIGNED: 05/11/2016

Total Attachments: 9

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DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
02/01/2016	201602902962	Merger (MER)	99.00	0.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

KROPF WAGNER LAW FIRM LLP
CHERYL M.KIRKBRIDE
100 N. VINE ST.
ORRVILLE, OH 44667

**STATE OF OHIO
CERTIFICATE**

**Ohio Secretary of State, Jon Husted
1649194**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for
SMITHFOODS INC.

and, that said business records show the filing and recording of:

Document(s)
Merger

Document No(s):
201602902962

Effective Date: 01/28/2016



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
1st day of February, A.D. 2016.

Jon Husted
Ohio Secretary of State

DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
02/01/2016	201602902962	MERGED OUT OF EXISTENCE (MEX)	0.00	0.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

KROPF WAGNER LAW FIRM LLP
CHERYL M.KIRKBRIDE
100 N. VINE ST.
ORRVILLE, OH 44667

**STATE OF OHIO
CERTIFICATE**

**Ohio Secretary of State, Jon Husted
1872173**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

DAIRY ENTERPRISES INCORPORATED

and, that said business records show the filing and recording of:

Document(s)

MERGED OUT OF EXISTENCE

Document No(s):

201602902962

Effective Date: 01/28/2016



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
1st day of February, A.D. 2016.

Jon Husted
Ohio Secretary of State



Form 551 Prescribed by:

JON HUSTED
OHIO SECRETARY OF STATE

Toll Free: (877) SOS-FILE (877-767-3453)
Central Ohio: (614) 466-3910
www.OhioSecretaryofState.gov
busserv@OhioSecretaryofState.gov
File online or for more information: www.OHBusinessCentral.com

Mail this form to one of the following:

Regular Filing (non expedite)
P.O. Box 1329
Columbus, OH 43216

Expedite Filing (Two business day processing time.
Requires an additional \$100.00)

P.O. Box 1390
Columbus, OH 43216

2016 JAN 15 PM 1:19

Certificate of Merger
Filing Fee: \$99
(154-MER)
Forms Must Be Typed

In accordance with the requirements of Ohio law, the undersigned corporations, banks, savings banks, savings and loan associations, limited liability companies, partnerships, limited partnerships and/or limited liability partnerships, desiring to effect a merger, set forth the following facts

I. (Surviving) Entity

A. Name of Entity Surviving the Merger

B. Name Change: As a result of this merger, the name of the surviving entity has changed to the following

(Complete only if name of surviving entity is changing through the merger)

C. The surviving entity is a (Please check the appropriate box and fill in the appropriate blanks)

1. Domestic (Ohio entity) Foreign (Non-Ohio Entity)

Jurisdiction of formation

2. Charter/Registration/License Number
(If licensed in Ohio as domestic or foreign)

- 3. For-Profit Corporation
- Nonprofit Corporation
- For-Profit Limited Liability Company
- Nonprofit Limited Liability Company
- Partnership
- Limited Partnership
- Limited Liability Partnership
- Unincorporated Nonprofit Association

2016 JAN 28 AM 8:19

II. CONSTITUENT ENTITY

Provide the name, Ohio charter/license/registration number, type of entity, jurisdiction of formation, for each entity merging out of existence. (If this is insufficient space to reflect all merging entities, please attach a separate sheet listing the additional merging entities).

Entity Name	Ohio Charter/License/Registration Number	Jurisdiction of Formation	Type of Entity
Dairy Enterprises Incorporated	1872173	Ohio	corporation

III. MERGER AGREEMENT ON FILE

The name and mailing address of the person or entity from whom/which eligible persons may obtain a copy of the merger agreement upon written request

Stephen W. Schmid
Name

1381 Dairy Lane
Mailing Address

Orrville
City

OH
State

44667
Zip Code

IV. EFFECTIVE DATE OF MERGER

This merger is to be effective on [] (The date specified must be on or after the date of the filing. If no date is specified, the date of filing will be the effective date of the merger).

V. MERGER AUTHORIZED

Each constituent entity has complied with the laws under which it exists and the laws permit the merger. The agreement of merger is authorized on behalf of each constituent entity and each person who signed the certificate on behalf of each entity is authorized to do so.

VI. STATEMENT OF MERGER

Upon filing this Certificate of Merger, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity.

VII. STATUTORY AGENT - To be filed ONLY if the surviving entity is a foreign entity not licensed in Ohio.

If the surviving entity is a foreign entity NOT licensed to transact business in Ohio, provide the name and address of a statutory agent upon whom any process, notice or demand may be served.

[Empty text box for Name]

Name

[Empty text box for Mailing Address]

Mailing Address

[Empty text box for City]

City

[Empty text box for State]

State

[Empty text box for Zip Code]

Zip Code

VIII. AMENDMENTS

If a domestic corporation, limited liability company or limited partnership survives the merger, any amendments to the entity's articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger.

Amendments are attached

No Amendments

IX. REQUIREMENTS OF CORPORATIONS MERGING OUT OF EXISTENCE

If a domestic corporation or foreign corporation licensed to transact business in Ohio is a constituent entity and the surviving entity is not a domestic corporation or foreign corporation to be licensed in Ohio, the certificate of merger must be accompanied by the affidavits, receipts, certificates, or other evidence required by division (H) of section 1701.86 division (G) of section 1702.47 of the Revised Code with respect to each domestic constituent corporation, and/or by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code with respect to each foreign constituent corporation licensed to transact business in Ohio.

X. QUALIFICATION OR LICENSE OF FOREIGN SURVIVING ENTITY

A surviving foreign entity that wishes to qualify in Ohio as part of the merger must file an additional form, as listed below, but no additional filing fee is required.

- Foreign Qualifying Corporation - Form 530A or B and Certificate of Good Standing
- Foreign Notice (if qualifying entity is a foreign bank, savings bank, or savings and loan association) - Form 552
- Foreign Qualifying Limited Liability Company - Form 533B
- Foreign Qualifying Limited Partnership - Form 531B
- Foreign Qualifying Limited Liability Partnership - Form 537 and Evidence of Existence in Jurisdiction of Formation

The undersigned constituent entities (constituent entities include all merging and surviving entities) have caused this certificate of merger to be signed by their duly authorized officers, partners and representatives.

SmithFoods Orrville Inc.

Name of entity

By: *Amy Miller*

Signature

Its: Amy Miller, Secretary

Title

Dairy Enterprises Incorporated

Name of entity

By: *Amy Miller*

Signature

Its: Amy Miller, Secretary

Title

Name of entity

By:

Signature

Its:

Title

An authorized representative of each constituent corporation, partnership, or entity must sign the merger certificate (ORC 1701.81(A), 1702.43 (A), 1705.38(A), 1776.70(A), 1782.433(A)). this includes all merging and surviving entities.

Complete the information in this section.

AFFIDAVIT

In lieu of dissolution releases from various governmental authorities.

Dairy Enterprises Incorporated

Name of Corporation

The undersigned, being first duly sworn, declares that on the dates indicated below, each of the named state governmental agencies was advised IN WRITING of the scheduled date of filing of the Certificate and was advised IN WRITING of the acknowledgement by the corporation of the applicability of the provisions of section 1701.95 of the ORC.

Agency	Date Notified	Agency	Date Notified
Ohio Bureau of Workers' Compensation 30 W. Spring Street Columbus, Ohio 43215	1/12/16	Ohio Job & Family Services Status and Liability Section Data Correspondence Control Fax: 614-752-4811 Phone: 614-466-2319 Overnight: P.O. Box 182413 Columbus, OH 43218-2413	1/12/16
*Only required for domestic for-profit corporations		Regular: P.O. Box 182413 Columbus, OH 43218-2413	
Ohio Department of Taxation Taxpayer Services Division/Tax Release Unit PO Box 182382 Columbus, OH 43218-2382 Dissolution@tax.state.oh.us	1/12/16	<input checked="" type="checkbox"/> The corporation is not required to pay or the department of taxation has not assessed any personal property tax.	
Complete this date notified field only if the corporation is a domestic non-profit corporation or foreign corporation. [see note below]			

*Note: Domestic for-profit corporations must submit with this filing a Certificate of Tax Clearance issued by the Ohio Department of Taxation.

Note: This affidavit must be signed by one or more persons executing the certificate or by an officer of the corporation.

Signature Amy Miller Title Secretary

Amy Miller
Name

1381 Dairy Lane, P. O. Box 87
Mailing Address

Orrville OH 44667
City State Zip Code

Sworn to and subscribed in my presence on 1/12/16
Date

Seal Cheryl M. Kirkbride, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Expires Section 147.03R.C.
Date

Cheryl M. Kirkbride
Notary Public

Cheryl M. Kirkbride, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Expires Section 147.03R.C.
Date

AFFIDAVIT OF PERSONAL PROPERTY

State of Ohio

County of Wayne

Amy Miller
Name of Officer

Secretary
Title of Officer

of Dairy Enterprises Incorporated
Name of Corporation

and that this affidavit is made in compliance with Section 1701.86(H)(1) of the Ohio Revised Code.

That above-named corporation: (Check one (1) of the following)

- Has no personal property in any county in Ohio
- Is the type required to pay personal property taxes to state authorities only
- Has personal property in the following county (ies)

[] [] []

Signature: Amy Miller

Title: Secretary

Sworn to and subscribed in my presence on Date 1/12/16

Seal

Cheryl M. Kirkbride
Notary Public

Expiration date of Notary Public's Commission Date []

Cheryl M. Kirkbride, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03R.C.



PO Box 182382
Columbus, OH 43218-2382
tax.ohio.gov



SMITH DAIRY PROPERTIES INCORPORATED CHARTER # 1649187
1381 DAIRY LANE
PO BOX 87
ORRVILLE, OH 44667
USA

December 22, 2015
Contact ID: 4749909980

RE: Certificate of Tax Clearance

This certificate certifies that the above stated entity has filed all tax returns and paid in full all taxes and fees administered by the tax commissioner through the certificate issue date.

This certificate does not preclude the Department from issuing a bill and/or assessment against the entity for any tax returns and/or tax liabilities and fees that become due after the certificate issue date or as a result of an examination or audit for any period ending prior to the date that this certificate is filed with the Ohio Secretary of State.

This certificate of Tax Clearance is valid for thirty (30) days from the date of issuance and must be filed along with all forms prescribed by the Ohio Secretary of State.

Joseph W. Testa
Tax Commissioner

If you have any questions, please contact us.

Taxpayer Services Division
Phone: 1-888-405-4039
Fax: 1-206-984-0378
TTY/TDD: 1-800-750-0750

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