

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM426382

SUBMISSION TYPE:	RESUBMISSION
NATURE OF CONVEYANCE:	Correction by Declaration of Incorrect Registration No. 1440756 Recorded at Reel 003375 Frame 0940
RESUBMIT DOCUMENT ID:	900404383

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Valley Fresh Foods, Inc.		05/01/2017	Corporation: CALIFORNIA

RECEIVING PARTY DATA

Name:	Valley Fresh Foods, Inc.
Street Address:	3600 East Linwood Ave.
City:	Turlock
State/Country:	CALIFORNIA
Postal Code:	95380
Entity Type:	Corporation: CALIFORNIA

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	1440756	NEST BEST

CORRESPONDENCE DATA**Fax Number:**

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.

Phone: 4153983141
Email: iplaw@evoke.law
Correspondent Name: Mary L. Shapiro
Address Line 1: 244 California Street Suite 507
Address Line 4: San Francisco, CALIFORNIA 94111

NAME OF SUBMITTER:	Mary L. Shapiro
SIGNATURE:	/Mary L. Shapiro/
DATE SIGNED:	05/05/2017

Total Attachments: 2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re registration of:

VALLEY FRESH FOODS, INC.

Registration No.: 1,440,756

Registration Date: May 26, 1987

Mark: **NEST BEST**

Law Office: Assignment Division

**DECLARATION OF DANNY O'DAY IN
SUPPORT OF VALLEY FRESH FOODS,
INC.'S OWNERSHIP**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this registration, declares that:

1. I am the President of Valley Fresh Foods, Inc., and am personally familiar with all of the facts and circumstances set forth in this declaration and could and would testify competently to the same if required.
2. On May 26, 1987, Valley Fresh Foods, Inc. applied for and was issued a registration for the NEST BEST trademark under Registration No. 1,440,756.
3. On September 20, 1990 Hormel Foods, LLC acquired certain assets of Valley Fresh, Inc. including select trademarks.
4. On August 23, 2006, a document transferring ownership of the NEST BEST mark from Valley Fresh, Inc. to Hormel Foods, LLC was filed with the United States Patent and Trademark Office (USPTO) by Hormel Foods, LLC and recorded at Reel 3375 Frames 0940-0943.
5. On February 2, 2007, Valley Fresh Foods, Inc. submitted a combined Section 8 Affidavit of Use and Section 9 Renewal.
6. On May 22, 2007, the Post Registration Division issued an Office action indicating there was a discrepancy in the chain of title between Valley Fresh Foods, Inc., as indicated on the combined Section 8 & 9 declaration, and the owner as identified on the Trademark Assignment Abstract of Title, that is, Hormel Foods, LLC.
7. On November 9, 2007, Valley Fresh Foods, Inc. submitted documents with the USPTO including a declaration by Hormel Foods, LLC acknowledging the mistaken assignment of the NEST BEST mark and correcting the ownership record.

8. The USPTO accepted Valley Fresh Foods, Inc.'s Section 8 & 9 renewal on December 8, 2007, and Valley Fresh Foods, Inc. has since timely renewed the registration again on June 23, 2016.

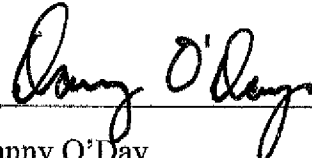
9. Valley Fresh Foods, Inc. and Valley Fresh, Inc. are two separate and distinct companies. Valley Fresh Foods, Inc. never transferred ownership of the NEST BEST trademark to Valley Fresh, Inc., therefore, Valley Fresh, Inc. could not legally transfer ownership of the NEST BEST mark to Hormel Foods, LLC.

10. Valley Fresh Foods, Inc. is, and at all times was, the owner of the NEST BEST mark.

11. Valley Fresh Foods, Inc. respectfully requests that the Trademark Assignment Abstract of Title recorded at Reel 3375 Frames 0940-0943 not be considered against the NEST BEST mark and the electronic pointers to the NEST BEST mark be removed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 5/1/17



Danny O'Day