

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
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ETAS ID: TM529952

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Duke Sandwich Company, Inc.		09/30/2016	Corporation: SOUTH CAROLINA
RECEIVING PARTY DATA			
Name:	DFP Sandwich Shops, LLC		
Street Address:	211 Pine Road		
City:	Easley		
State/Country:	SOUTH CAROLINA		
Postal Code:	29642		
Entity Type:	Limited Liability Company: SOUTH CAROLINA		
PROPERTY NUMBERS Total: 6			
Property Type	Number	Word Mark	
Registration Number:	3306449	DUKE SANDWICH COMPANY	
Registration Number:	4531162	DUKE SANDWICH COMPANY	
Registration Number:	4531161	DUKE SANDWICH	
Registration Number:	4531160	DUKE SANDWICH COMPANY QUALITY SINCE 1917	
Registration Number:	4531159	DUKE SANDWICH	
Registration Number:	4531158	DUKE SANDWICH COMPANY QUALITY SINCE 1917	
CORRESPONDENCE DATA			
Fax Number:			
<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:	3367213747		
Email:	tmdocketing@wbd-us.com		
Correspondent Name:	Randel S. Springer		
Address Line 1:	One West Fourth Street		
Address Line 4:	Winston-Salem, NORTH CAROLINA 27101		
NAME OF SUBMITTER:	Randel S. Springer		
SIGNATURE:	/Randy Springer/		
DATE SIGNED:	07/01/2019		

CH \$165.00 3306449

Total Attachments: 15

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ASSIGNMENT OF INTELLECTUAL PROPERTY

THIS ASSIGNMENT is made, executed and delivered this 30th day of September 2016 by DUKE SANDWICH COMPANY, INC., a South Carolina corporation ("DSC"), and CHERYL B. SMART ("Smart"), individually and as Trustee under Trust Agreement dated May 22, 1989 (DSC and Smart are referred to collectively herein as "Assignor"), to DFP SANDWICH SHOPS, LLC, a South Carolina limited liability company ("Assignee"), pursuant to the terms of that certain Asset Purchase Agreement dated of even date herewith between Assignor and Assignee (the "Purchase Agreement").

NOW, THEREFORE, for good and valuable consideration as described in the Purchase Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, effective as of the Effective Time (as defined in the Purchase Agreement), Assignor shall and does hereby assign, transfer, convey and deliver to Assignee all of Assignor's right, title and interest in and to the Intellectual Property (as defined in the Purchase Agreement), including, without limitation, including, without limitation, the following: (a) all federally registered marks and pending applications listed on Exhibit A attached hereto and any and all other trademarks, service marks, trade names, logos and all registrations relating thereto; (b) all copyrighted works and registrations therefor; (c) all patents and applications therefor; and (d) all confidential or proprietary processes, recipes, formulas, trade secrets and technical and other similar information, together with the goodwill related thereto and any royalty income therefrom accruing after the Effective Time.

Assignor shall execute and deliver such further instruments of sale, conveyance, transfer and assignment and take such other actions as reasonably requested by Assignee in order to more effectively sell, assign, transfer, convey to and vest in Assignee all right, title and interest to the Intellectual Property as specified herein.

This Assignment is made, executed, and delivered pursuant to the Purchase Agreement, and is subject to all the terms, provisions, and conditions thereof, including without limitation the mutual indemnifications therein. To the extent of any conflict between the terms hereof and thereof, the terms of the Purchase Agreement shall be controlling. All capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Purchase Agreement.

[Signature Page Follows]

EXHIBIT A

Marks

SEE ATTACHED



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DUKE SANDWICH COMPANY

Word Mark DUKE SANDWICH COMPANY

Goods and Services IC 030. US 046. G & S: sandwiches. FIRST USE: 19171231. FIRST USE IN COMMERCE: 19171231

 IC 043. US 100 101. G & S: restaurant services to the extent such restaurant services are not related to or connected with the late American movie legend, John Wayne. FIRST USE: 19171231. FIRST USE IN COMMERCE: 19171231

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78384414

Filing Date March 15, 2004

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 24, 2007

Registration Number 3306449

Registration Date October 9, 2007

Owner (REGISTRANT) Duke Sandwich Company, Inc. CORPORATION SOUTH CAROLINA 211 Pine Road Easley SOUTH CAROLINA 29642

Attorney of Record Thomas W. Epting

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SANDWICH COMPANY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK, SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15, SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Word Mark DUKE SANDWICH COMPANY
Goods and Services IC 043. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 20050802. FIRST USE IN COMMERCE: 20050802
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 03.01.08 - Dogs; Puppies
 03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers
 17.03.02 - Bracelets; Chains, jewelry; Chokers (jewelry); Dog tags (military identification); Necklaces; Tags, identification (metal)
 18.13.05 - Collars (animal other than horses); Leashes (animal other than horses); Yokes, collars, leashes, and harnesses for other animals
Serial Number 76645401
Filing Date August 23, 2005
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 10, 2013
Registration Number 4531162
Registration Date May 20, 2014
Owner (REGISTRANT) Duke Sandwich Company, Inc. CORPORATION SOUTH CAROLINA 1001 Poinsett Highway Greenville SOUTH CAROLINA 29609
Attorney of Record Thomas W. Epting

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SANDWICH COMPANY" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a cartoon dog wearing a collar with the wording "DUKE SANDWICH COMPANY" in stylized font.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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DUKE SANDWICH

Word Mark DUKE SANDWICH
Goods and Services IC 030; US 046; G & S; SANDWICHES; FIRST USE: 19170000; FIRST USE IN COMMERCE: 19170000
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76643794
Filing Date July 28, 2005
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 10, 2013
Registration Number 4531161
Registration Date May 20, 2014
Owner (REGISTRANT) Duke Sandwich Company, Inc. CORPORATION SOUTH CAROLINA 1001 Poinsett Highway Greenville SOUTH CAROLINA 29609
Attorney of Record Thomas W. Epling
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SANDWICH" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark DUKE SANDWICH COMPANY QUALITY SINCE 1917
Goods and Services IC 043. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19780000
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.01.21 - Circles that are totally or partially shaded.
Serial Number 76643793
Filing Date July 28, 2005
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 10, 2013
Registration Number 4531160
Registration Date May 20, 2014
Owner (REGISTRANT) Duke Sandwich Company, Inc. CORPORATION SOUTH CAROLINA 1001 Poinsett Highway Greenville SOUTH CAROLINA 29609
Attorney of Record Thomas W. Epting
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SANDWICH COMPANY QUALITY SINCE 1917" APART FROM THE MARK AS SHOWN

TRADEMARK

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "DUKE SANDWICH COMPANY QUALITY SINCE 1917" upon a circular background that has a border.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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DUKE SANDWICH

Word Mark DUKE SANDWICH
 Goods and Services IC 043, US 100 101, G & S; RESTAURANT SERVICES. FIRST USE: 19170000. FIRST USE IN COMMERCE: 19170000
 Standard Characters Claimed
 Mark Drawing Code (4) STANDARD CHARACTER MARK
 Serial Number 76643792
 Filing Date July 28, 2005
 Current Basis 1A
 Original Filing Basis 1A
 Published for Opposition September 10, 2013
 Registration Number 4531159
 Registration Date May 20, 2014
 Owner (REGISTRANT) Duke Sandwich Company, Inc. CORPORATION SOUTH CAROLINA 1001 Poinsett Highway Greenville SOUTH CAROLINA 29609
 Attorney of Record Thomas W. Epting
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 Type of Mark SERVICE MARK
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Word Mark DUKE SANDWICH COMPANY QUALITY SINCE 1917
Goods and Services IC 030, US 046, G & S: SANDWICHES, FIRST USE: 19780000, FIRST USE IN COMMERCE: 19780000
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.01.21 - Circles that are totally or partially shaded.
Serial Number 76643791
Filing Date July 28, 2005
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 10, 2013
Registration Number 4531158
Registration Date May 20, 2014
Owner (REGISTRANT) Duke Sandwich Company, Inc. CORPORATION SOUTH CAROLINA 1001 Poinsett Highway Greenville SOUTH CAROLINA 29609
Attorney of Record Thomas W. Epting
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