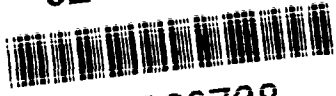


02-09-1999



100960738

5

To the Honorable Commissioner of Patents and Trademarks

original documents or copy thereof.

1. Name of conveying party(ies):

PRICE WATERHOUSE LIMITEE

Individual(s) Association  
General Partnership Limited Partnership  
 Corporation of CANADA  
Other

Additional name(s) of conveying party(ies) attached? NO

2. Name and address of receiving party(ies):

Name: 3171001 CANADA INC.

Internal Address: \_\_\_\_\_

Street Address: 82 ROUTE KENNEDY

City: SAINT-HENRI DE LEVIS, PROVINCE OF QUEBEC,

State: CANADA ZIP: G0R 3E0

3. Nature of conveyance:

4-21-98

Assignment Merger  
Security Agreement Change of Name  
Other

Execution Date: AUGUST 10, 1995

Individual(s) citizenship  
Association  
General Partnership  
Limited Partnership  
 Corporation - of CANADA  
Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: NO  
(Designations must be a separate document from Assignment)  
Additional name(s) & address(es) attached? NO

COPY

4. Application number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,457,438

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Foley & Lardner, Attention: ARTHUR SCHWARTZ

Internal Address: Suite 500

Street Address: 3000 K Street, N.W.

City: Washington, State: D.C. ZIP: 20007

6. Total number of applications involved:

1

7. Total fee (37 C.F.R. § 3.41). . . . . \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

04/30/1998 DCOATES 00000044 190741 1457438  
01 FC:481 10.00 CH 30.00 OP

DO NOT USE THIS SPACE

40E

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

ARTHUR SCHWARTZ  
Name of Person Signing

Arthur Schwartz  
Signature

8/10/95  
Date

Total number of pages including cover sheet, attachments, and document: 51

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

TRADEMARK  
REEL: 1851 FRAME: 0098

12-17-1998

5



100859993

To the Honorable Commissioner of Patents and Trademarks

and all documents or copy thereof.

1. Name of conveying party(ies):

PRICE WATERHOUSE LIMITEE

Individual(s) Association  
General Partnership Limited Partnership  
 Corporation of CANADA  
Other

Additional name(s) of conveying party(ies) attached? YES

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City: SAINT-HENRI DE LEVIS, PROVINCE OF QUEBEC,

State: CANADA ZIP: G0R 3E0

Individual(s) citizenship

Association

General Partnership

Limited Partnership

Corporation - of CANADA

Other

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Additional name(s) & address(es) attached? NO

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Execution Date: AUGUST 10, 1995

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Arthur Schwartz  
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Date

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Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

TRADEMARK  
REEL: 1851 FRAME: 0099

**ACTE DE VENTE SOUS SEING PRIVÉ INTERVENU À SAINTE-FOY LE DIXIÈME (10<sup>ième</sup>) JOUR D'AOÛT MIL NEUF CENT QUATRE-VINGT-QUINZE (1995),**

**ENTRE:**

**PRICE WATERHOUSE LIMITÉE**, personne morale légalement constituée, ayant une place d'affaires au 2600, boulevard Laurier, bureau 870, Sainte-Foy, province de Québec, G1W 4W2, syndic à l'actif de **LES PLASTIQUES FRIGOMAX LTÉE** (autrefois connue sous le nom de **TRANS-ACTION NORDIQUE LTÉE**, dont la dénomination sociale a été modifiée par certificat de modification en date du 30 septembre 1994), faillie, dûment autorisée à agir en cette fonction en vertu de la *Loi sur la faillite* et ainsi qu'il appert des déclarations mentionnées ci-dessous, représentée par monsieur **Robert BROCHU**, Syndic, dûment autorisé à cette fin aux termes d'une résolution du conseil d'administration adoptée le 10 août 1995, dont copie est jointe en annexe "A",

(ci-après appelée le "Vendeur");

**ET:**

**3171001 CANADA INC.**, personne morale, société par actions légalement constituée en vertu de la *Loi Canadienne sur les sociétés par actions*, ayant son siège au 82, route Kennedy, Saint-Henri de Lévis, province de Québec, G0R 3E0, ici représentée par messieurs **Clément BUSSIÈRES**, président, et **Serge GARNEAU**, secrétaire, dûment autorisés à cette fin aux termes d'une résolution du conseil d'administration adoptée le 10 août 1995, dont copie est jointe en annexe "B",

(ci-après appelée l'"Acquéreur");

**ET:**

**BANQUE NATIONALE DU CANADA**, personne morale, banque légalement constituée en vertu de la *Loi sur les banques* (L.R. (1985) ch. B-1), ayant son siège en la ville de Montréal et une place d'affaires au 49-B, route du Président-Kennedy, Lévis, province de Québec, G6V 6C3, ici représentée par monsieur **Réjean B. TREMBLAY**, directeur de comptes, dûment autorisé ainsi qu'il le déclare,

(ci-après appelée la "Banque");



**ATTENDU** que l'Acquéreur a déposé au Vendeur, le 28 juillet 1995, une offre d'acquérir (l'"Offre d'Achat") certains éléments d'actifs de la Débitrice en faillite Les Plastiques Frigomax Ltée ("Frigomax");

**ATTENDU** que le 31 juillet 1995, un jugement rendu par l'Honorable Juge Gérard Lebel de la Cour Supérieure, district de Québec (200-11-000846-959), siégeant en matière de faillite et d'insolvabilité, est intervenu autorisant le Vendeur à consentir à la vente des actifs faisant l'objet de l'Offre d'Achat;

**ATTENDU** que le Syndic a accepté l'Offre d'Achat le 31 juillet 1995;

**ATTENDU** que le 28 juillet 1995, la Banque a consenti à l'Offre d'Achat ainsi qu'aux conditions relatives aux prix proposés par intervention à l'Offre d'Achat ainsi que par l'acceptation d'une demande de financement soumise par l'Acquéreur à la Banque le 28 juillet 1995 et acceptée par la Banque ce même jour (la "Demande de Financement");

**LES PARTIES CONVIENNENT DE CE QUI SUIT:**

1. **Préambule**

1.1 Le préambule qui précède, fait partie intégrante des présentes.


2. **Objet**

2.1 Le Vendeur vend, cède et transporte à l'Acquéreur, l'ensemble des moules de production incluant les droits dans les brevets et marques de commerce appartenant à Frigomax ou utilisés par celle-ci et tel que décrits en annexe "C" pour le prix de 1 060 000,00\$.

ET LES PARTIES ONT SIGNÉ À SAINTE-FOY, ce 10<sup>ème</sup> jour du mois d'août 1995 devant les témoins ci-dessous.

PRICE WATERHOUSE LIMITÉE

Par:

  
Robert BROCHU

COPY

3171001 CANADA INC.

Par:

  
Clément BUSSIÈRES

  
Serge GARNEAU

BANQUE NATIONALE DU CANADA

Par:

  
Réjean B. TREMBLAY

10/11/95

Copie conforme  
17/6/96

DEED OF SALE UNDER PRIVATE RIGHTING TAKING PLACE  
AT SAINTE-FOY ON THE 10 OF AUGUST 1995

BETWEEN:

PRICE WATERHOUSE LIMITEE, a legal entity having its principal place of business at 2600 Laurier Boulevard, Suite 870, Sainte-Foy, Province of Quebec, G1W 4W2, Trustee of LES PLASTIQUES FRIGOMAX LTEE formerly known as TRANS-ACTION NORDIQUE LTEE which name has been changed on September 30, 1994), . . . . ., represented by Mr. Robert Brochu; Trustee duly authorized by resolution of the Board of Directors adopted August 10, 1995, copy enclosed in schedule "A";

COPY

hereby designated "Vendor"

AND:

3171001 CANADA INC. a corporation duly organized under the Laws of Canada, having its place of business at 82 Route Kennedy, Saint-Henri de Lévis, Province of Quebec G0R 3E0, hereby represented by Mr. Clément Bussièrès, President and Serge Garneau, secretary, duly authorized by resolution of the Board of Director adopted August 10, 1995, copy enclosed in schedule "B";

hereby designated "Vendee"

AND:

COPY

BANQUE NATIONALE DU CANADA, a company organized and existing under the Bank's Law (L.R. (1985) ch. B-1), having its principal place of business at Town of Montreal and a place of business at 49-B Route du President-Kennedy, Lévis, Province of Quebec, G6V 6C3, hereby represented by Mr. Réjean B. Tremblay, accounting director, duly authorized as it declares;

hereby designated "Bank"

.../2

WHEREAS the "Vendee" has sent to the "Vendor", on July 28, 1995 a proposal to purchase ("proposal") some items of the assets of the bankruptcy of LES PLASTIQUES FRIGOMAX LTEE ("Frigomax");

WHEREAS on July 31, 1995 the Honorable Judge Gérard Lebel of the Quebec Superior Court (200-11-000846-959) has rendered a decision allowing the Trusteeto proceed with the sale of the assets stated in the proposal;

WHEREAS the Trustee has accepted the proposal on July 31, 1995;

~~COPY~~

The parties have signed at Sainte-Foy this 10 day of August 1995 before witness.

PRICE WATERHOUSE LIMITÉE

By:

\_\_\_\_\_  
Signature

3171001 CANADA INC.

By:

COPY

\_\_\_\_\_  
Signature

BANQUE NATIONALE DU CANADA

By:

\_\_\_\_\_  
Signature

CERTIFICATE OF TRANSLATION

I, the undersigned, declare that I am familiar with the English and French languages and that I have translated the attached Sale Agreement and, to the best of my knowledge and belief, it is an accurate and complete translation thereof.

SIGNED IN MONTREAL, Quebec, Canada this 18 day of December, 1997.

Madalena C. Dias

Madalena C. Dias

COPY

Declared solemnly before me in Montreal  
on this 18 day of December 1997

Ginette Falus #81,882

Commissioner of Oaths  
for the City and District of Montreal  
and for all Judicial Districts of the  
Province of Quebec

COPY



Please charge any additional fees due or credit any overpayment to Deposit Account No. 19-0741. A duplicate copy of this letter is attached for this purpose.

Respectfully submitted,

9/21/98

Date

  
Arthur Schwartz

FOLEY & LARDNER  
Suite 500, 3000 K Street, N.W.  
Washington, D.C. 20007-5109  
(202) 672-5300

COPY

Attachments:

copy of official communication Document No. 100631202  
prior cover sheet  
seven cover sheets and documents for recordation  
check for \$240 for filing fee

COPY



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 ASSISTANT SECRETARY AND COMMISSIONER  
 OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

DECEMBER 22, 1998

PTAS



\*100859993A\*

FOLEY & LARDNER  
 ARTHUR SCHWARTZ  
 SUITE 500  
 3000 K STREET, N.W.  
 WASHINGTON, DC 20007

UNITED STATES PATENT AND TRADEMARK OFFICE  
 NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 100859993

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. THE COVER SHEET SUBMITTED FOR RECORDING IS NOT ACCEPTABLE. THE ATTACHMENTS THAT WERE INDICATED ON THE COVER SHEET WERE NOT RECEIVED BY THE ASSIGNMENT DIVISION. THE REFERENCED DOCUMENTS MUST BE PRESENT BEFORE RECORDING.

STEVEN POST, EXAMINER  
 ASSIGNMENT DIVISION  
 OFFICE OF PUBLIC RECORDS

**TRADEMARK**  
**REEL: 1851 FRAME: 0107**

*Handwritten: Patent Assignment*



01-21-1999

D

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #58

THE UNITED STATES PATENT AND TRADEMARK OFFICE

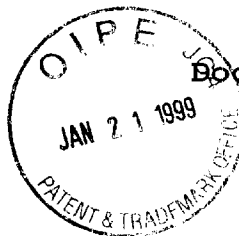
Assignor: Price Waterhouse Limitee

Assignee: 3171001 Canada Inc.

Registration No.: 1,457,438

Issued: September 15, 1987

Mark: MAXIMA



Document No.: 100859993A

Examiner: Steven Post

TRANSMITTAL LETTER

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202

Sir:

This is in response to your letter dated December 22, 1998, Document No. 100859993A, regarding Notice of Non-Recordation. In order to correct the Request for Assignment, we are enclosing a copy of the Coversheet with the section marked, "Additional name(s) of conveying party(ies) attached?" marked out and corrected to be **NO**. The document is now in proper order for recording and recordation effective from January 27, 1998 is respectfully requested.

If you have any questions, please contact the undersigned at 202 672-5300 in Washington, D.C.

Respectfully submitted,

1/21/99  
Date

Arthur Schwartz  
Arthur Schwartz

FOLEY & LARDNER  
Suite 500, 3000 K Street, N.W.  
P.O. Box 25696  
Washington, D.C. 20007-8696

Attachments:

- Copy of Recordation Coversheet with correction
- Copy of letter dated December 22, 1998, No.: 100859993A
- Original Recordation Coversheet, with attachments