

09-24-1999

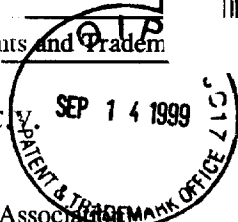
TRANSMITTAL (



4-99  
Dkt. 2441.T1  
copies of copy thereof.

To the Commissioner of Patents and Trademark

101154341



1. Name of conveying party(ies):  
**Empresas La Moderna, S.A. de C.V.**

Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation-State  
 Other **Corporation of Mexico**

Additional name(s) of conveying party(ies) attached?  
 Yes                       No

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

Name: Savia, S.A. de C.V.

Street Address: Ave. Roble No. 300, Edificio Torre Alta,  
Piso 14

**San Pedro Garza Garcia**  
City: N.L. State Mexico ZIP 66265

3. Nature of conveyance:

Assignment                       Merger  
 Security Agreement               Change of Name  
 Other \_\_\_\_\_

Execution Date: March 2, 1999

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State \_\_\_\_\_  
 Other **Corporation of Mexico**

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

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)  
2,152,663

Additional numbers attached?  Yes  No

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

Name: Fitzpatrick, Cella, Harper & Scinto  
30 Rockefeller Plaza  
New York, New York 10112-3801

Telephone No.: (212) 218-2100  
acsimile No.: (212) 218-2200

6. Number of applications and registrations involved:  
1

7. Total fee (37 CFR 3.41): . . . . \$40.00

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number  
06-1205  
(Attach duplicate copy of this page if paying by deposit account):

DO NOT USE THIS SPACE

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.*

09/23/1999 DNGUYEN 00000316 2152663  
FC:481 WILLIAM J. BRUNET 40.00 OP  
Name of Person Signing

William J. Brunet                      September 13, 1999  
Signature                                      Date

Total number of pages including cover sheet, attachments, and documents: 5

The document bears in the left side a stamped seal that reads: Mexican coat of arms with the inscription NOTARIAL OFFICE No. 12.- Incumbent.- LIC. FERNANDO MENDEZ ZORRILLA.- Monterrey, N.L., Mexico. In the right side a stamped seal that reads: Mexican coat of arms with the inscription NOTARIAL OFFICE No. 12.- Incumbent.- LIC. FERNANDO MENDEZ ZORRILLA.- Assistant Notary Public. Lic. Fernando Mendez Lopez.- Monterrey, N. L Mexico.

LIC. FERNANDO MENDEZ ZORRILLA  
LIC. FERNANDO MENDEZ LOPEZ  
NOTARIAL OFFICE No. 12  
MONTERREY, N. L.

**MINUTE No. 96,339-99**

IN MONTERREY, NUEVO LEON, UNITED MEXICAN STATES, on the 14th (Fourteenth) day of July 1999 (Nineteen hundred and ninety-nine), I, Licenciado FERNANDO MENDEZ ZORRILLA, Notary Public number 12 (Twelve), authorized to practice in this Municipality, by means of this instrument and at the previous request of Licenciado JOSE LUIS MARTINEZ GONZALEZ, in his capacity as Secretary of the Board of Directors of **SAVIA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE** (Variable Capital Stock Corporation), formerly (EMPRESAS LA MODERNA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE), CERTIFY:

**FIRST**.- That on March 10 (ten), 1999 (Nineteen hundred and ninety-nine) was signed and authorized, before me, the Public Deed Number 19,477 (Nineteen thousand four hundred seventy-seven)(In the future referred to as "PUBLIC DEED"), regarding the Minutes of the General Extraordinary Stockholders Meeting of (EMPRESAS LA MODERNA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE) now **SAVIA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE**, held on the 2d (Second) day of March 1999 (Nineteen hundred and ninety-nine) in which were adopted, among others, the following resolution:

TO AMEND the name of the corporation of EMPRESAS LA MODERNA, S.A. DE C.V. to **SAVIA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE**, modifying to such effect the FIRST Clause of the By-laws, in order to be read as follows: "CORPORATE NAME. FIRST: The Corporation shall be named Savia. This name shall always be followed by the words Sociedad Anonima de Capital Variable (Variable Capital Stock Corporation), or its abbreviation S.A. de C.V."

**SECOND**.- That the "PUBLIC DEED", was recorded, signed and authorized in Book 7 (Seven), Page 137 (One hundred thirty-seven) Volume LXXIV (Seventy-four roman), in the Protocol Books that I carry out in this Notary to my charge.

**THIRD**.- That the first testimony of such "PUBLIC DEED", was registered before the Public Registry of Property and Commerce of the First Public Registrar of Property and Commerce, in the City of Monterrey, N. L., under Number 1737 (One Thousand seven hundred thirty-seven), Page (None), Volume 209-35 (Two hundred nine, hyphen, thirty-five), Book number 4 (Four), Third Auxiliary, Acts and Contracts, Commerce Section, dated March 10 (Ten), 1999 (Nineteen hundred and ninety-nine).

I, THE NOTARY PUBLIC WITNESSETH: (i) The truthfulness of this act; (ii) That everything related and inserted, agrees with the original instruments; (ii) That all the requirements provided by article 136 (One hundred thirty-six); 137 (One hundred thirty-seven) 138 (One hundred thirty-eight) 139 (One hundred thirty-nine), and; 146 (One hundred forty-six) of the Notary Public Law in force were complied with, and; That this Instrument is signed by me, the day it is granted, authorizing immediately this instrument. WITNESSETH.-

(Signature)

LIC. FERNANDO MENDEZ ZORRILLA  
Notary Public No. 12

A stamped seal: Mexican coat of arms with the inscription NOTARIAL OFFICE No. 12.- Incumbent.- LIC. FERNANDO MENDEZ ZORRILLA.- Monterrey, N. L., Mexico.



LIC. FERNANDO MENDEZ ZORRILLA  
 LIC. FERNANDO MENDEZ LOPEZ

NOTARIA PUBLICA No. 12  
 MONTERREY, N.L.



NOTARIA PUBLICA No. 12  
 TITULAR  
 LIC. FERNANDO MENDEZ ZORRILLA  
 LIC. FERNANDO MENDEZ LOPEZ  
 MONTERREY, N.L., MEXICO

NOTARIA PUBLICA No. 12  
 TITULAR  
 LIC. FERNANDO MENDEZ ZORRILLA  
 MONTERREY, N.L., MEXICO

**ACTA No. 96,339-99**

**EN MONTERREY, NUEVO LEON, ESTADOS UNIDOS MEXICANOS, a los 14 (Catorce) días del mes de Julio de 1999 (Mil novecientos noventa y nueve), Yo, Licenciado FERNANDO MENDEZ ZORRILLA, Notario Público Número 12 (Doce), con ejercicio en este Municipio, mediante el presente instrumento previa solicitud del Licenciado JOSE LUIS MARTINEZ GONZALEZ, en su carácter de Secretario del Consejo de Administración de SAVIA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE, antes (EMPRESAS LA MODERNA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE), HAGO CONSTAR:**

**PRIMERO.-** Que con fecha 10 (Diez) de Marzo de 1999 (Mil novecientos noventa y nueve), fue firmada pasada y autorizada, ante la fé del suscrito Notario, la Escritura Pública Número 19,477 (Diecinueve mil cuatrocientos setenta y siete) (en lo sucesivo la "ESCRITURA PUBLICA"), relativa a la protocolización del acta de la Asamblea General Extraordinaria de Accionistas de (EMPRESAS LA MODERNA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE) ahora SAVIA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE, celebrada el día 2 (Dos) de Marzo de 1999 (Mil novecientos noventa y nueve) a las 10:30 (Diez treinta) horas, en la cual se adoptaron entre otros, el siguiente acuerdo:

**MODIFICAR** la denominación social de la Sociedad de EMPRESAS LA MODERNA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE a SAVIA, SOCIEDAD ANONIMA DE CAPITAL VARIABLE, reformando al efecto la Cláusula PRIMERA de los Estatutos Sociales de la propia Sociedad, para que quede redactada en los siguientes términos: **"DE LA DENOMINACION - PRIMERA: La Sociedad se denomina Savia. Esta denominación irá siempre seguida de las palabras Sociedad Anónima de Capital Variable, o de su abreviatura, S.A. de C.V."**

**SEGUNDO.-** Que la "ESCRITURA PUBLICA", obra pasada, firmada y autorizada en el Libro 7 (Siete), en el Folio 137 (Ciento treinta y siete), del Volumen LXXIV (Setenta y cuatro romano), en los Libros de Protocolo que llevo en esta Notaría a mi cargo.

**TERCERO.-** Que el primer testimonio de la referida "ESCRITURA PUBLICA", quedó inscrito en el Registro Público de la Propiedad y del Comercio de la Primera Cabecera Distrital del Estado de Nuevo León, con sede en la Ciudad de Monterrey, N.L., bajo el Número 1737 (Mil setecientos treinta y siete), Folio —, Volumen 209-35 (Doscientos nueve, guión, treinta y cinco), Libro número 4 (Cuatro), Tercer Auxiliar, Actos y Contratos Diversos, Sección de Comercio, el 10 (Diez) de Marzo de 1999 (Mil novecientos noventa y nueve).

YO, EL NOTARIO DOY FE: (i) De la verdad de este acto; (ii) De que lo relacionado e inserto concuerda en todo con sus originales; (iii) De que se cumplieron los requisitos que señala el Artículos 136 (Ciento treinta y seis); 137 (Ciento treinta y siete); 138 (Ciento treinta y ocho); 139(Ciento treinta y nueve), y; 146 (Ciento cuarenta y seis) de la Ley del Notariado en vigor, y; (iii) De que esta acta es firma por mí hoy día de su otorgamiento, autorizando de inmediato este instrumento.- DOY FE.

LIC. FERNANDO MENDEZ ZORRILLA  
 Notario Público No. 12  
 NOTARIA PUBLICA No. 12  
 TITULAR  
 LIC. FERNANDO MENDEZ ZORRILLA  
 MONTERREY, N.L., MEXICO



1292/99

APOSTILLA No. 1292/99  
13 DE JULIO DE 1999



ESTADOS UNIDOS MEXICANOS  
NUEVO LEON



N. L.

México

Apostille

(Convention de La Haye du 5 octobre 1961)

1292/99

Derechos \$ 159.00

No. orden 1292/99

En México el presente documento público ha sido firmado

por LIC. FERNANDO MENDEZ ZORRILLA

quien actúa en calidad de NOTARIO PUBLICO TITULAR NUMERO 12 EN MONTERREY, —  
NUEVO LEON

y está revestido del sello correspondiente a NOTARIA PUBLICA NUMERO 12 EN MONTE-  
RREY, NUEVO LEON

Certificado en MONTERREY, NUEVO LEON por LIC. MARCELA DENISSE LEAL ALANIS,  
JEFA DE LA UNIDAD DE LEGALIZACIONES



el 14 de JULIO de 1999

*Marcela*  
Firma

GOBIERNO DEL ESTADO  
DE NUEVO LEON  
Unidad de Legalizaciones

YO, Licenciado FERNANDO MENDEZ ZORRILLA, Notario Público  
Número (12) de este Estado, certifico que la copia fotostática de \_\_\_\_\_  
hoja(s) del documento número \_\_\_\_\_ de \_\_\_\_\_  
de su original que se encuentra en el Libro de \_\_\_\_\_  
interesada, fue firmada por \_\_\_\_\_ a los  
Control de Actos Públicos el día \_\_\_\_\_ de \_\_\_\_\_  
\_\_\_\_\_ días del mes de \_\_\_\_\_ de 1999.

LIC. FERNANDO MENDEZ ZORRILLA  
Notario Público No. 12



SERVICEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

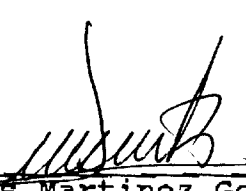
Applicant: SAVIA, S.A. DE C.V. )  
: )  
Mark: MONTERREY MEXICO : )  
: )  
Registration No.: 2,152,663 : )  
: )  
Int. Class: 41 :

BOX ITU - NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

DESIGNATION OF DOMESTIC REPRESENTATIVE

Edward E. Vassallo and Fitzpatrick, Cella, Harper & Scinto, whose postal address is 30 Rockefeller Plaza, New York, New York 10112, are hereby designated as Registrant's representatives on whom notice or process in proceedings affecting this above-captioned registration may be served.

Date: August 18, 1999

By:   
Jose Luis Martinez Gonzalez  
Secretary of the Board  
SAVIA, S.A. de C.V.

NY\_MAIN 17830 v1