

03-24-2003



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Docket No.:

21992.R.W.Garcia Co. Inc.

Tab settings

To the Honorable Commissioner of

102397956

the attached original documents or copy thereof.

1. Name of conveying party(ies):

Bay View Financial Corporation
2121 So. El Camino Real
San Mateo, CA 94403

3. 13. 03

- Individual(s)
- General Partnership
- Corporation-State **California**
- Other

- Association
- Limited Partnership

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other **Termination of Security Interest**
- Merger
- Change of Name

Execution Date: **February 12, 2003**

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

Name: **R.W. Garcia Co., Inc.**

Internal Address:

Street Address: **345 Phelan Avenue**

City: **San Jose** State: **CA** ZIP: **95112**

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State **California**
- Other

If assignee is not domiciled in the United States, a domestic designation is Yes N
(Designations must be a separate document from Additional name(s) & address(es) Yes N

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,036,751

Additional numbers

Yes No

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

Name: **Charlotte Carberry, Paralegal**

Internal Address:

Street Address: **c/o Manatt, Phelps & Phillips, LLP**

1001 Page Mill Road, Building 2

City: **Palo Alto** State: **CA** ZIP: **94304**

6. Total number of applications and registrations involved:.....

one

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

50-1847

03/21/2003 DBYRNE 00000114 501847 2036751

01 FC:8521 40.00 CH

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.

Charlotte C. Carberry

Name of Person Signing

Signature

March 7, 2003

Date

Total number of pages including cover sheet, attachments, and

TRADE MARK

TERMINATION OF INTEREST IN PATENTS AND TRADEMARKS

This TERMINATION OF INTEREST IN PATENTS AND TRADEMARK (“Termination”) is executed as of February 12, 2003, by Bay View Financial Corporation (“Lender”), with reference to that certain Collateral Assignment of Patents and Trademarks (Security Agreement), dated September 20, 2001, executed by R.W. Garcia Co., Inc. (“Borrower”) and Lender, which was recorded with the United States Patent and Trademark Office (the “Trademark Security Agreement”). Initially capitalized terms not defined in this Termination shall have the meanings set forth in the Trademark Security Agreement.

For good and valuable consideration, receipt of which is hereby acknowledged, the Lender hereby:

- (a) releases the security interest granted to Lender by Borrower with respect to all Patents and Trademarks described in the Trademark Security Agreement, including, but not limited to, the following trademark (the “Trademark”):

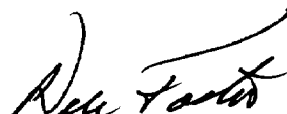
<u>Trademark</u>	<u>Registration No.</u>	<u>Date Registered</u>
Salad Eatos	2,036,751	02/11/97

- (b) to the extent Lender shall be deemed to have any right, title or interest in the Trademark, retransfers and reassigns to Borrower all of such right, title and interest without representation or warranty of any kind whatsoever.

This Termination shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the undersigned has caused this Termination to be executed by its duly authorized officer as of the date first written above.

BAY VIEW FINANCIAL CORPORATION

By: 
Name: Dale Foster
Title: Vice President

STATE OF CALIFORNIA)
 : ss.:
COUNTY OF LOS ANGELES)

On the 13th day of February, 2003, before me personally came Dale Foster, to me known, who, being by me duly sworn, did depose and say that he is a Vice President of Bay View Financial Corporation, the entity described in and which executed the foregoing instrument.

April M. Leamaster

Notary Public



March 7, 2003

Client-Matter: 21992.001

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
Recordation Division
Box: Assignment
Washington, D.C. 20231

**Re: Recordation of Termination of Security Interest against U.S. Trademark
Registration No. 2,036,751 issued February 11, 1997 for SALAD EATOS**

Dear Commissioner:

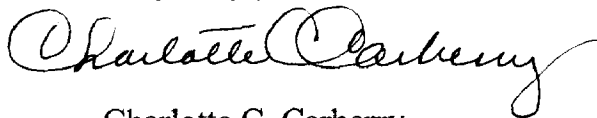
Enclosed please find the following for filing with the Patent and Trademark Office:

1. Recordation Form Cover Sheet (Form PTO-1594); and
2. Termination of Interest in Patents and Trademarks.

Please debit the Deposit Account No. 50-1847 of Manatt, Phelps & Phillips LLP for the \$40.00 filing fee. A duplicate copy of this letter is enclosed for such purpose. Please indicate your receipt of these documents by date-stamping and returning to us the enclosed stamped self-addressed postcard.

Should you have any questions regarding the foregoing, please contact us.

Very truly yours,



Charlotte C. Carberry

Enclosures

cc: Janet R. Walworth, Esq, General Counsel, BFI Business Finance
Francis X. Ferrer, Esq.
Jennifer S. Fryhling, Esq.

20082272.1

March 7, 2003

Client-Matter: 21992.001

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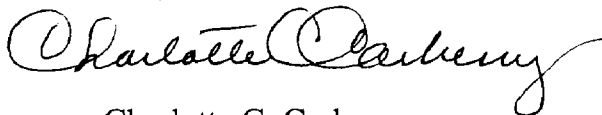
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