



To the Honorable Commissioner of Patents and Trademarks

102429713

ments or copy thereof.

1. Name of conveying party(ies):

SILVER CREEK TECHNOLOGIES, LLC

4-21-03

- Individual(s)
- General Partnership
- Corporation-State
- Other Tennessee limited liability company

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

Name and address of receiving party(ies)

Name: MOMENTX CORPORATION

Internal Address: Suite 1350

Street Address: 9400 N. Central Expressway

City: Dallas State: Texas ZIP: 75231

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: March 22, 2003

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

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

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

A. Trademark Application No.(s)
78/043,314

B. Trademark Registration No.(s)

Additional numbers attached? Yes No

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

Name: John M. Cone
Internal Address: Akin Gump Strauss Hauer & Feld, LLP
Street Address: P.O. Box 688
City: Dallas State: Texas ZIP: 75313-0688

6. Total 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:

(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.

John M. Cone
Name of Person Signing

[Signature]
Signature

4/14/03
Date

Total number of pages including cover sheet in duplicate, attachments, and document: 3

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Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

NUNC PRO TUNC ASSIGNMENT

WHEREAS, **SILVER CREEK TECHNOLOGIES, LLC**, a Tennessee limited liability company (hereinafter "Assignor"), was the owner of the trademark **DAIRYPORT**, U.S. Application Serial No. 78/043,314 (hereinafter referred to as the "Mark") which mark has been in use since at least as early as February 22, 2002;

WHEREAS, on January 31, 2003, Assignor did assign to **MOMENTX CORPORATION**, a Delaware corporation, having an address of 9400 N. Central Expressway, Suite 1350, Dallas, Texas 75231 (hereinafter "Assignee"), the right, title and interest in and to the Mark;


WHEREAS, it is the purpose of this document to memorialize the assignment of the Mark in a form suitable for recording.

NOW, THEREFORE, Assignor hereby confirms the assignment on January 31, 2003 and does hereby assign unto Assignee, *nunc pro tunc*, the entire right, title and interest in and to the Mark, together with the goodwill of the business connected with the use of and symbolized by said Mark, and the right to recover for any infringement of the Mark prior to this Assignment.

IN WITNESS WHEREOF, Assignor has executed this instrument on this 29th day of March, 2003.

SILVER CREEK TECHNOLOGIES, LLC

By:



David Boshears, Chief Executive Officer

STATE OF TENNESSEE

COUNTY OF Washington

BEFORE ME, the undersigned authority, on this day personally appeared David Boshears and having been duly sworn by me, upon his oath states that he is the Chief Executive Officer of **SILVER CREEK TECHNOLOGIES, LLC**, that he has read and understands the foregoing instrument, that he is authorized to execute said instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said limited liability company.

SUBSCRIBED AND SWORN TO BEFORE ME, this 28th day of
March, 2003.

Linda L. Maddox
Printed Name of Notary Public

Linda L. Maddox
Signature of Notary Public

My Commission expires the 25th day of January, 2005.