

01-06-2004

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings



102638587

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Allied Capital Corporation

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

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other Release of Security Agreement re:Reel/Frame 2563/0220

Execution Date: December 23, 2003

2. Name and address of receiving party(ies)

Name: Clif Bar Inc. Internal Address: Street Address: 1610 5th Street City: Berkeley State: CA Zip: 94710

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State California 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 registration number(s):

A. Trademark Application No.(s) See attached Schedule 1

B. Trademark Registration No.(s) See attached Schedule 1

Additional number(s) attached Yes No

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

Name: Jane Nunn, Esq.

Internal Address: White & Case LLP

Street Address: 3 Embarcadero Center 22nd Floor

City: San Francisco State: CA Zip: 94111

6. Total number of applications and registrations involved: 37

7. Total fee (37 CFR 3.41) \$ 940.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

2003 DEC 30 PM 1:33 OFFR/FINANCE

01/05/2004 DBYRNE 00000307 78143198 01 FC:8521 40.00 OP 02 FC:8522 900.00 OP

DO NOT USE THIS SPACE

9. Signature.

Jane Nunn Name of Person Signing

Signature

12/23/2003 Date

Total number of pages including cover sheet, attachments, and document: 9

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

TRADEMARK REEL: 002890 FRAME: 0726

Schedule 1**Liens on trademarks to be terminated**

| No. | Mark | Serial Number | Registration Number | Status | Date |
|-----|------------------------------|---------------|---------------------|------------|---|
| 1. | BEYOND THE PODIUM | 78143198 | | Published | Filed: July 11, 2002 Published: June 10, 2003 Withdrawn: January 6, 2003 |
| 2. | CHERRY COVERED CHOCOLATE | 76320344 | | Pending | Filed: October 1, 2001 |
| 3. | CHOCOLATE JAVA AVALANCHE | 76179507 | 2558443 | Registered | Filed: December 12, 2000 Published: January 15, 2002 Registered: April 9, 2002 |
| 4. | CLIF | 75121959 | 2089042 | Registered | Filed: June 19, 1996 Published: May 27, 1997 Registered: August 19, 1997 |
| 5. | CLIF BAR | 74486088 | 2143787 | Registered | Filed: February 3, 1994 Published: January 10, 1995 Registered: March 17, 1998 |
| 6. | CLIF BAR | 76251420 | 2573420 | Registered | Filed: May 4, 2001 Published: March 5, 2002 Registered: May 28, 2002 |
| 7. | CLIF KICKS | 75223201 | | Abandoned | Filed: January 8, 1997 Published: January 20, 1998 Abandoned: August 26, 1999 |
| 8. | COOL MINT CHOCOLATE | 76179509 | 2558445 | Registered | Filed: December 12, 2000 Published: January 15, 2002 Registered: April 9, 2002 |
| 9. | FILMS BY...FOR...ABOUT WOMEN | 76251423 | 2586930 | Registered | Filed: May 4, 2001 Registered: June 25, 2002 |
| 10. | IT'S A GIRL THING | 76036644 | | Abandoned | Filed: April 27, 2000 Published: February 20, 2001 Abandoned: November 16, 2001 |
| 11. | IT'S YOUR BODY. YOU DECIDE. | 75276889 | 2191987 | Registered | Filed: April 17, 1997 Published: July 7, 1998 Registered: September 29, 1998 |
| 12. | KICKS BAR | 75398182 | | Abandoned | Filed: October 30, 1997 Abandoned: September 30, 1999 |
| 13. | LEMONZEST | 75656358 | 2491560 | Registered | Filed: March 8, 1999 Registered: September 18, 2001 |
| 14. | LITTER LEASH | 76231062 | 2740720 | Registered | Filed: March 26, 2001 Published: June 18, 2002 Registered: July 22, 2003 |
| 15. | LUNA & DESIGN | 75659803 | 2582744 | Registered | Filed: March 15, 1999 Registered: June 18, 2002 |
| 16. | LUNAFEST | 76196560 | 2669967 | Registered | Filed: January 17, 2001 Published: January 1, 2002 Registered: December 31, 2002 |
| 17. | MOJO BAR | 76409599 | 2697701 | Registered | Filed: May 17, 2002 Published: December 24, 2002 Registered: March 18, 2003 |
| 18. | MOJO BAR | 76179375 | 2687196 | Registered | Filed: December 12, 2000 Published: November 27, 2001 Registered: February 11, 2003 |
| 19. | NUTRITION FOR | 75903129 | 2667367 | Registered | Filed: January 25, 2000 |

| No. | Mark | Serial Number | Registration Number | Status | Date |
|-----|-----------------------------------|---------------|---------------------|------------|--|
| | SUSTAINED ENERGY | | | | Revived/Reinstated: January 16, 2002 Registered: December 24, 2002 |
| 20. | NUTRITION FOR SUSTAINED ENERGY | 75825605 | 2441680 | Registered | Filed: October 18, 1999 Registered: April 3, 2001 |
| 21. | NUTZ OVER CHOCOLATE | 75656359 | 2416447 | Registered | Filed: March 8, 1999 Published: November 2, 1999 Registered: December 26, 2000 |
| 22. | ORANGE BLISS | 76201949 | 2726403 | Registered | Filed: January 29, 2001 Published: March 25, 2003 Registered: June 17, 2003 |
| 23. | ORANGE CHOCOLATE CHILL | 76179508 | 2558444 | Registered | Filed: December 12, 2000 Published: January 15, 2002 Registered: April 9, 2002 |
| 24. | SHOT | 75121961 | 2089043 | Registered | Filed: June 19, 1996 Published: May 27, 1997 Registered: August 19, 1997 |
| 25. | SOLE | 75942856 | | Pending | Filed: March 13, 2000 |
| 26. | SUPPORT FOR EVERY LEVEL OF RUNNER | 78143196 | | Published | Filed: July 11, 2002 Published: May 13, 2003 |
| 27. | SUSTAINED ENERGY PACK | 78143158 | | Published | Filed: July 11, 2002 Published: November 11, 2003 |
| 28. | SUSTAINING PEOPLE IN MOTION | 78143191 | | Published | Filed: July 11, 2002 Published: May 6, 2003 |
| 29. | SWEET DREAMS | 76320341 | | Abandoned | Filed: October 1, 2001 Abandoned: July 15, 2003 |
| 30. | THE ICE SERIES | 76179376 | 75981615 | Abandoned | Filed: December 12, 2000 Published: August 27, 2002 Abandoned: May 20, 2003 |
| 31. | THE ICE SERIES | 75981615 | 76179376 | Published | Filed: December 12, 2000 Published: November 18, 2003 |
| 32. | THE NATURAL ENERGY BAR | 75156386 | 2154356 | Registered | Filed: August 27, 1996 Registered: April 28, 1998 |
| 33. | THE NATURAL ENERGY BURST | 75209421 | 2176191 | Registered | Filed: December 6, 1996 Published: May 5, 1998 Registered: July 28, 1998 |
| 34. | THE NATURAL ENERGY SNACK | 75260805 | 2154379 | Registered | Filed: March 20, 1997 Registered: April 28, 1998 |
| 35. | THE ORGANIC ENERGY SOURCE | 75393857 | | Abandoned | Filed: November 21, 1997 Abandoned: October 5, 2000 |
| 36. | THE WHOLE NUTRITION BAR FOR WOMEN | 75656360 | 2518024 | Registered | Filed: March 8, 1999 Published: August 1, 2000 Registered: December 11, 2001 |
| 37. | YOU ARE ENERGY | 75598035 | | Abandoned | Filed: December 2, 1998 Published: June 29, 1999 Abandoned: September 22, 2000 |



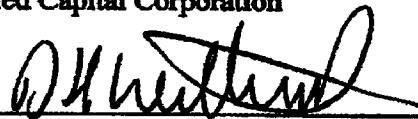
1919 Pennsylvania Avenue, NW
Washington, DC 20006-3434
202-331-1112
202-659-2053 Fax

RELEASE OF SECURITY INTEREST IN U.S. TRADEMARKS

Allied Capital Corporation, a Maryland corporation ("Secured Party"), hereby releases its security interest in all of the right, title and interest of Clif Bar Inc., a California corporation ("Debtor") in and to the trademark registrations and trademark applications listed on Exhibit A attached hereto, which security interest was granted by Debtor to Secured Party under a Trademark Security Agreement dated as of August 2, 2002.

Dated: 12/14/03

Allied Capital Corporation

By: 

Name: Thomas H. Westbrook

Title: Managing Director

EXHIBIT A
TRADEMARKS

004638.0001/00091.1

TRADEMARK
REEL: 002890 FRAME: 0731

Exhibit A
(Trademarks)

| TRADEMARK | COUNTRY | CLASS(ES) | APPL. NO FILING DATE | REG. NO. ISSUE DATE | STATUS AND REMARKS | TTC REF. COUNTRY ATTY(S) HANDLING |
|-----------------------------|---------|-----------|-------------------------|------------------------|--|---|
| BEYOND THE PODIUM | US | 042 | 78/143198 07/11/02 | | Pending | |
| CHERRY COVERED CHOCOLATE | US | 030; | 76/320344 10/01/01 | | Pending Response Due (ext to 10/05/02); | 017119-003200US MGM (ELP) |
| CHOCOLATE JAVA AVALANCHE | US | 030; | 76/179507 12/12/00 | 2558443 04/09/02 | Registered | 017119-004500US (ELP) |
| CLIF | AU | 30 | 766072 06/29/98 | 766072 02/12/99 | Registered Next Renewal Due : 06/29/08 | 017119-000700AU MJB (ELP) |
| CLIF | CA | | 1050564 03/13/00 | TMA558420 02/25/02 | Registered Intent to Use Next Renewal Due : 02/25/17 ELP filed application | 017119-000700CA MJB (ELP) |
| CLIF | CH | 29 30 | 2520/2000 03/03/00 | 482137 02/28/01 | Registered Intent to Use Next Renewal Due : 03/03/10 ELP filed application Reg. certificate received | 017119-000700CH MJB (ELP) |
| CLIF | CZ | 30 | 03/07/00 | | Abandoned | 017119-000700CZ MJB (ELP) |
| CLIF | DE | 30 | 39715761.4 04/10/97 | 39715761.4 07/08/97 | Registered Next Renewal Due : 04/30/07 USE due 07/08/02 | 017119-000700DE (ELP) |
| CLIF | EM | 29 30 | 1549690 03/01/00 | 1549690 06/13/01 | Registered Intent to Use Next Renewal Due : 03/01/10 ELP filed application | 017119-000700EM MJB (ELP) |
| CLIF | US | 030; | 75/121959 06/19/96 | 2089042 08/19/97 | Registered Affidavit of Use Due : 08/19/02 End Sec. 8 due 08/19/03 | 017119-000700US MJB (ELP) |
| CLIF BAR | US | 030; | 76/251420 05/04/01 | 2573420 0528/02 | Registered | 017119-005000US (ELP) |
| CLIF BAR & Design | AU | 30 | | | Abandoned | 017119-000900AU LOV (ELP) |
| CLIF BAR & Design | CA | | 1050565 03/13/00 | | Pending Intent to Use ELP filed the application Response | 017119-000900CA (ELP) |
| CLIF BAR & Design | CH | 29 30 | 2521/2000 03/03/00 | 478036 | Registered Next Renewal Due : 03/03/10 ELP filed application Reg. Certificate received | 017119-000900CH MJB (ELP) |
| CLIF BAR & Design | CZ | 30 | | | Abandoned | 017119-000900CZ MJB (ELP) |

| TRADEMARK | COUNTRY | CLASS(ES) | APPL. NO FILING DATE | REG. NO. ISSUE DATE | STATUS AND REMARKS | TTC REF. COUNTRY ATTY(S) HANDLING |
|------------------------------------|---------|-----------|-------------------------|------------------------|--|---|
| CLIF BAR & Design | EM | 29 30 | 1585033 03/21/00 | 1585033 06/19/01 | Registered Intent to Use Next Renewal Due : 03/21/10 ELP filed the application. | 017119-000900EM MJB (ELP) |
| CLIF BAR & DESIGN | US | 030; | 74486088 02/03/94 | 2143787 03/17/98 | Registered Affidavit of Use Due : 03/17/03 End Sec. 8 due 03/17/04 Abandoned | 017119-000900US MJB (ELP) |
| CLIF KICKS | US | 030; | 75223201 01/18/97 | 2558445 04/09/02 | Registered | 017119-001200US (ELP) |
| COOL MINT CHOCOLATE | US | 030; | 76179509 12/12/00 | 2558445 04/09/02 | Registered | 017119-004300US (ELP) |
| FILMS BY...FOR...ABOUT WOMEN | US | 041; | 76251423 05/04/01 | 2586930 06/25/02 | Registered | 017119-004700US MLS (ELP) |
| IT'S A GIRL THING | US | 030; | 76036644 04/27/00 | 2586930 06/25/02 | Registered | 017119-003900US MCM (ELP) |
| IT'S YOUR BODY YOU DECIDE. | US | 029; 030; | 75276889 04/17/97 | 2191987 09/29/98 | Registered Affidavit of Use Due : 09/29/03 End Sec. 8 due 09/29/04 | 017119-001400US MJB (ELP) |
| KICKS BAR | US | 030; | 75398182 10/30/97 | 2491560 09/18/01 | Registered Affidavit of Use Due : 09/18/05 End Sec. 8 due 09/18/07 | 017119-001700US (ELP) |
| LEMONZEST | US | 030; | 75656358 03/08/99 | 2491560 09/18/01 | Registered Affidavit of Use Due : 09/18/05 End Sec. 8 due 09/18/07 | 017119-002800US MJB (ELP) |
| LITTER LEASH | US | 029; 030; | 762231062 03/26/01 | | Pending | 017119-004800US MLS (ELP) |
| LUNA & Design | CA | | 1049057 03/03/00 | | Pending ELP filed the application. | 017119-003000CA MJB (ELP) |
| LUNA & Design | CH | 29 30 | 25222000 03/03/00 | 476060 10/04/00 | Registered Next Renewal Due : 03/03/10 ELP filed the application | 017119-003000CH MJB (ELP) |
| LUNA & Design | CZ | 29 30 | | | Abandoned | 017119-003000CZ MJB (ELP) |
| LUNA & Design | EM | 29 30 | 001550011 03/01/00 | 001550011 04/03/02 | Registered Next Renewal Due : 03/01/10 ELP filed the application. | 017119-003000EM JFS (ELP) |
| LUNA & DESIGN | US | 029; | 75659803 03/15/99 | 2582744 06/18/02 | Registered class 30 deleted 12/13/01 per eip Use Due : 04/03/07 | 017119-003000US (ELP) |
| LUNAFEST | US | 041; | 76196560 01/17/01 | | Pending Notice of allowance Due : 09/26/02 | 017119-004600US (ELP) |
| MOJO BAR & MAN & SUN DESIGN | US | 030; | 76409599 05/17/02 | | Pending | 017119-004203US (ELP) |
| MOJOBAR | US | 005; 030; | 76179375 12/12/00 | | Pending Notice of allowance Due : 08/19/02 | 017119-004200US MCM (ELP) |

| TRADEMARK | COUNTRY | CLASSES | APPL. NO. FILING DATE | REG. NO. ISSUE DATE | STATUS AND REMARKS | TIC REF. COUNTRY | ATTY(S) HANDLING |
|---|---------|-----------|-----------------------|---------------------|---|------------------|------------------|
| NUTRITION FOR SUSTAINED ENERGY | US | 030; | 75/825605 10/18/99 | 241680 04/03/01 | Registered Affidavit of Use Due : 04/03/06 End Sec.8 due 04/03/07 | 017119-003500US | JAH MJB (ELP) |
| NUTRITION FOR SUSTAINED ENERGY & DESIGN | US | 030; | 75/903129 01/25/00 | | Pending | 017119-003501US | (ELP) |
| NUTZ OVER CHOCOLATE | US | 030; | 75/656359 03/08/99 | 241647 12/26/00 | Registered Affidavit of Use Due : 12/26/05 End Sec.8 due 12/26/06 | 017119-002700US | MJB (ELP) |
| ORANGE BLISS | US | 030; | 76/201949 01/29/01 | | Pending | 017119-004900US | LHV (ELP) |
| ORANGE CHOCOLATE CHILL | US | 030; | 76/179508 12/12/00 | 2558444 04/09/02 | Registered | 017119-004400US | (ELP) |
| SHOT | US | 030; | 75/121961 06/19/96 | 2089043 08/19/97 | Registered Affidavit of Use Due : 08/19/02 End Sec.8 due 08/19/03 | 017119-000800US | MJB (ELP) |
| SOLE | US | 030; 005 | 75/942856 03/13/00 | | Pending | 017119-003800US | MCM (ELP) |
| SUPPORT FOR EVERY LEVEL OF RUNNER | US | 042; | 78/143196 07/11/02 | Pending | | | |
| SUSTAINED ENERGY PACK | US | 030; | 78/143158 07/11/02 | Pending | | | |
| SUSTAINING PEOPLE IN MOTION | US | 030; | 78/143191 07/11/02 | Pending | | | |
| SWEET DREAMS | US | 030; | 76/330341 10/01/01 | | Pending Response Due (ext. to 06/17/02); | 017119-005300US | MCM (ELP) |
| THE ICE SERIES | US | 030; | 76/179376 12/20/00 | | Pending | 017119-004100US | (ELP) |
| THE ICE SERIES | US | 030 | 75/981615 12/12/00 | | Pending Divided out of appln 76/179376 (file no. 17119-41) | 017119-004101US | (ELP) |
| THE NATURAL ENERGY BAR | US | 030; | 75/156386 08/27/96 | 2154356 04/28/98 | Registered Affidavit of Use Due : 04/28/03 End Sec.8 due 04/28/04 | 017119-000400US | MJB (ELP) |
| THE NATURAL ENERGY BURST | US | 030; | 75/209421 12/06/96 | 2176191 07/28/98 | Registered Affidavit of Use Due : 07/28/03 End Sec.8 due 07/28/04 | 017119-001100US | MJB (ELP) |
| THE NATURAL ENERGY SNACK | US | 030; | 75/260805 03/20/97 | 2154379 04/28/98 | Registered Affidavit of Use Due : 04/28/03 End Sec.8 due 04/28/04 | 017119-001300US | MJB (ELP) |
| THE ORGANIC ENERGY SOURCE | US | 030; 032; | 75/393857 11/21/97 | | Abandoned | 017119-001800US | (ELP) |
| WHOLE NUTRITION BAR FOR WOMEN | US | 030; | 75/656360 03/08/99 | 2518024 12/11/01 | Registered Affidavit of Use Due : 12/11/06 End Sec.8 due 12/11/07 | 017119-002900US | MJB (ELP) |

| TRADEMARK | COUNTRY | CLASS(ES) | APPL. NO FILING DATE | REG. NO. ISSUE DATE | STATUS AND REMARKS | TTC REF. COUNTRY ATTY(S) HANDLING (ELP) |
|----------------|---------|-----------|-------------------------|------------------------|--------------------|--|
| YOU ARE ENERGY | US | 030; 032; | 75/598035 12/02/98 | | Abandoned | 017119-002400US (ELP) |