

6129104

07-09-2004



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

RECOF TF

102786835

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): Da Vinci Gourmet, Ltd. [] Individual(s) [] Association [] General Partnership [] Limited Partnership [X] Corporation-State - WA [] Other Additional name(s) of conveying party(ies) attached? [] Yes [X] No

2. Name and address of receiving party(ies) Name: Kerry Inc. Internal Address: Street Address: One Millington Road City: Beloit State: WI Zip: 53511 [] Individual(s) citizenship [] Association [] General Partnership [] Limited Partnership [X] Corporation-State Delaware [] Other If assignee is not domiciled in the United States, a domestic representative designation is attached: [] Yes [] No (Designations must be separate document from assignment) Additional name(s) & address(es) attached? [] Yes [X] No

3. Nature of conveyance: [X] Assignment [] Merger [] Security Agreement [] Change of Name [] Other Execution Date: October 3, 2003

4. Application number(s) or registration number(s): A. Trademark Application No.(s) 78/211,281 B. Trademark Registration No.(s) 1,799,545; 2,042,566; 2,042,588; 2,629,009; 2,283,346; 2,309,482; 1,929,654 Additional number(s) attached [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed: Name: William R. Coole Internal Address: Legal Department Kerry Inc. Street Address: One Millington Road City: Beloit State: WI Zip: 53511

6. Total number of applications and registration involved: 8 7. Total fee (37 CFR 3.41) \$ 215.00 [] Enclosed [X] Authorized to be charged to deposit account 8. Deposit account number: 502575 (Attach duplicate copy of this page if paying by deposit account)

OFFICE OF PUBLIC RECORDS 2004 JUN 29 PM 3:20 FINANCE SECTION

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. William R. Coole Signature: William R. Coole Date: June 25, 2004

Total number of pages including cover sheet, attachments and document: 12

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

07/09/2004 LNUELLER 00000009 502575 78211281

01 FC:8521 40.00 BA 02 FC:8522 175.00 DA

TRADEMARK REEL: 003004 FRAME: 0219

ASSIGNMENT OF TRADEMARKS

WHEREAS, Da Vinci Gourmet, Ltd., a Washington corporation ("Assignor"), having its principal place of business at 7224 First Avenue South, Seattle, Washington 98108, is the owner of all right, title and interest in and to the trademarks, registrations, and applications, and the goodwill associated therewith (the "Trademarks"), listed on the attached *Schedule A*.

WHEREAS, Kerry Inc., a Delaware corporation ("Assignee"), having its principal place of business at 100 E. Grand Avenue, Beloit, Wisconsin 53511, is desirous of acquiring the Trademarks.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign to Assignee, and its successors in interest, all right, title and interest in and to said Trademarks, together with the goodwill of the business symbolized by said Trademarks and registrations and applications thereof, and including all common-law and other rights in said Trademarks, all claims, demands and causes of action, both at law and in equity, that Assignor may have, or may hereinafter acquire, on account of any infringement of said Trademarks prior to the date hereof, and does hereby empower Assignee, and its successors in interest, to sue for and collect the same, to its and their own absolute use.

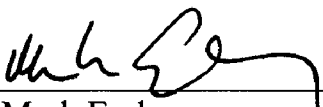
IN WITNESS WHEREOF, the undersigned, being duly authorized and acting on behalf of Assignor, does hereby execute this assignment.

(the remainder of this page left intentionally blank)

IN WITNESS WHEREOF, the undersigned, being duly authorized and acting on behalf of Assignee, does hereby execute this assignment.

DATED this 3rd day of October, 2003.

KERRY INC.

By 
Mark Earley

STATE OF WISCONSIN)
) ss.
COUNTY OF ROCK)

On this day personally appeared before me Mark Earley, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 3rd day of October, 2003.

Notary Public in and for the State of Wisconsin residing at
Beloit, Wisconsin

My appointment expires March 6, 2005


Ann Brown

Notary Public
State of Wisconsin
ANN BROWN

Mark	Country	Application No Filing Date	Registration No Effective Date	Class(es)	Goods/Services	Status
DAVINCI and Design	Vietnam	N-3131/94 09/01/94	17121 03/03/94	30	Syrups and confections	Registered. Renewal due 3/3/04.
DAVINCI ESPRESSO and Design	Taiwan	(83)56296 09/01/94	689636 09/01/95	30	Syrups; sugars; candies; cakes and biscuits; and cookies	Registered. Renewal due 8/31/05.
DAVINCI GOURMET	United States	74/363,150 02/22/93	2,042,566 03/11/97	30	Flavoring syrups	Registered. Combined Declaration Under Sections 8 and 15 due 3/10/03. Renewal due 3/11/07.
DAVINCI GOURMET	Washington State		23404 08/22/94	30	Syrups and confections	Registered. Renewal due 8/22/06.
DAVINCI GOURMET and Design	Australia	639519 08/31/94	639519 08/31/94	30	Syrups and confections; and all other goods in Class 30	Registered. Renewal due 8/31/04.
DAVINCI GOURMET and Design	Bolivia	13385 10/30/01	89006-C 01/31/03	30	Flavoring syrups and confections	Registered. Renewal due 1/13/13.
DAVINCI GOURMET and Design	Brazil	82140885 11/06/01		30	Flavoring syrups and confections	Application was published in the Official Gazette on 3/12/02. If no opposition is filed by 5/11/02, the application will be examined. Awaiting examination.
DAVINCI GOURMET and Design	Canada	748,962 03/08/94	445,006 07/07/95	?	Syrups	Registered. Renewal due 7/7/10.
DAVINCI GOURMET and Design	China	2000048437 04/14/00	1639016 09/21/01	30	Candy, confections, flavoring syrups	Registered. Renewal due 09/20/11.
DAVINCI GOURMET and Design	Costa Rica	113272 02/11/98	109616 10/28/98	30	Flavoring syrups and confections	Registered. Renewal due 10/28/08.
DAVINCI GOURMET and Design	Ecuador	89678 07/23/98	2095-00 04/06/00	30	Flavoring syrups and confections	Registered. Renewal due 4/6/10.
DAVINCI GOURMET and Design	El Salvador	23033/2002 03/01/02	3 Book 167 02/18/03	30	Flavoring syrups and candy	Registered. Renewal due 2/18/13.

Mark	Country	Application No Filing Date	Registration No Effective Date	Class(es)	Goods/Services	Status
DAVINCI GOURMET and Design	European Community	496000 03/24/97	496000 03/24/97	30	Confectionery, ices and ice cream; cookies; cakes; flavoring syrops; candy	Registered. Renewal due 3/24/07.
DAVINCI GOURMET and Design	France	94534596 09/01/94	94534596 09/01/94	5, 30, 32	IC 5: Syrups for pharmaceutical purposes IC 30: Syrups of molasses, confections, candies, sweets IC 32: Syrups for beverages	Registered: Renewal due 8/31/04
DAVINCI GOURMET and Design	Germany	D 55 331/30 Wz 08/25/94	29101084 08/25/94	30	coffee, tea, cocoa, chocolate and chocolate articles, bonbons, sugar, honey, syrup, confections, sweets, fine pastry and confectionery, cakes, pastry, ice cream	Registered. Renewal due 8/25/04.
DAVINCI GOURMET and Design	Greece	120753 09/02/94	120753 09/02/94	30	Syrups and confections	Registered. Renewal due 9/2/04.
DAVINCI GOURMET and Design	Guatemala	98-0634 01/28/98	122846 3/17/03	30	Flavoring syrops	Registered. Renewal due 3/16/13.
DAVINCI GOURMET and Design	Honduras	446/01 02/06/01	86626 01/27/03	30	Flavoring syrops and candy	Registered. Renewal due 1/27/13.
DAVINCI GOURMET and Design	Hong Kong	3058/94 03/17/94	10553/95 03/17/94	30	Syrups and confectionery	Registered. Renewal due 3/17/15.

Mark	Country	Application No Filing Date	Registration No Effective Date	Class(es)	Goods/Services	Status
DAVINCI GOURMET and Design	India	756009 05/08/97		30	Flavoring syrups and candy	Registrar objects to the mark as not distinctive and on the ground that the mark is deceptively similar to two prior registrations. Instructed associate to respond with supporting arguments. Associate attended a formal hearing on May 7, 2003 presenting arguments and evidence of use. Awaiting decision from Hearing Officer.
DAVINCI GOURMET and Design	Indonesia	D 97 10473 06/03/97	412273 06/03/97	30	Flavoring syrups and candy, syrups, candy	Registered. Renewal due 12/3/06.
DAVINCI GOURMET and Design	Italy	RM94C003872 08/31/94	702201 08/31/94	30, 32	IC 30: All goods in Class 30 IC 32: All goods in Class 32	Registered. Renewal due 8/31/04.
DAVINCI GOURMET and Design	Jamaica	30/2836 05/08/01		30	Flavoring syrups and confections	Awaiting further examination.
DAVINCI GOURMET and Design	Japan	1994-25200 03/14/94	3229932 11/29/96	32	Syrups	Registered. Renewal due 11/29/06.
DAVINCI GOURMET and Design	Jordan	69432 12/10/02		30	Flavoring syrups and confections	Application has been accepted for publication. Awaiting publication particulars.
DAVINCI GOURMET and Design	Kuwait	48503 12/9/00		30	Flavoring syrups	Published 12/29/02.
DAVINCI GOURMET and Design	Macau	13418 03/11/94	13418-M 02/17/95	30	Syrups and confections	Registered. Renewal due 2/17/05.

Mark	Country	Application No Filing Date	Registration No Effective Date	Class(es)	Goods/Services	Status
DAVINCI GOURMET and Design	Mexico	195202 03/30/94		30	Syrups and confections; and all other goods in International Class 30	Application suspended pending cancellation of prior registration (Reg. No. 399,975 for the mark DA- VINCI) owned by Perla Graciela Szuchmacher. World Finer Foods entered a Settlement Agreement with client in 11/96. World Finer Foods brought cancellation action against Reg. No. 399,975, and a resolution was rendered canceling said registration. Trademark Office must notify owner of Reg. No. 399,975 of cancellation. Instructed associate to complete notification by working with Trademark Office. Awaiting further report.
DAVINCI GOURMET and Design	New Zealand	240318 08/24/94	240318 03/03/94	30	Syrups and confections	Registered. Renewal due 3/3/15.
DAVINCI GOURMET and Design	Nicaragua	2002-000925 04/17/02	56038 LM 10/01/02	30	Flavoring syrops and confections	Registered. Renewal due 9/30/12.
DAVINCI GOURMET and Design	Norway	T972175 03/14/97	188574 02/26/98	30	Flavoring syrops and candy	Registered. Renewal due 2/26/08.
DAVINCI GOURMET and Design	Peru	034850 03/21/97	037745 07/25/97	30	Flavoring syrops and candy	Registered. Renewal due 7/24/07

Mark	Country	Application No Filing Date	Registration No Effective Date	Class(es)	Goods/Services	Status
DAVINCI GOURMET and Design	Philippines	121366 09/03/97		30	Flavoring syrups and candy	Application published on 3/12/02. Awaiting registration to issue.
DAVINCI GOURMET and Design	Russian Federation	2002703867 02/08/02		30	Flavorings, other than essential oils, for beverages	Awaiting examination.
DAVINCI GOURMET and Design	Singapore	1948/94 03/09/94	1948/94 03/09/94	30	Syrups and confections	Registered. Renewal due 3/9/04.
DAVINCI GOURMET and Design	South Africa	2001106342 04/12/01		30	Flour and preparations made from cereals, bread, pastry, confection and confectionery, flavoring syrups, honey, treacle; yeast, baking-powder	Awaiting examination. Application will not be examined until the end of 2003.
DAVINCI GOURMET and Design	South Korea	94-9079 03/08/94	358591 03/25/97	3 (Korean)	Chocolate, Sugar, Glucose	Registered. Renewal due 3/25/07.
DAVINCI GOURMET and Design	Taiwan	91026011 06/25/02		30	Flavoring syrups	Examiner tentatively rejected client's application on the ground that it is confusingly similar to Application No. 91006178 for the mark "Yi Pin Shiu'an" (in Chinese characters) and Design. Associate will request that application be suspended pending disposition of Application No. 91006178.
DAVINCI GOURMET and Design	Turkey	2001/08592 05/10/01	2001 08592 05/10/01	30	Flavoring syrups and confections	Registered. Renewal due 5/10/11.
DAVINCI GOURMET and Design	United Arab Emirates	26283 04/29/98	21852 04/29/98	30	Flavoring syrups	Registered. Renewal due 4/29/08.

Mark	Country	Application No Filing Date	Registration No Effective Date	Class(es)	Goods/Services	Status
DAVINCI GOURMET and Design	United Kingdom	1564675 03/08/94	1564675 03/08/94	30	Syrups and sugar confectionary	Registered. Renewal due 3/8/11.
DAVINCI GOURMET and Design	United States	74/496,459 03/03/94	2,042,588 03/11/97	30	Flavoring syrups and candy	Registered. Combined Declaration Under Sections 8 and 15 due 3/10/03. Renewal due 3/11/07.
DAVINCI GOURMET and Design	Venezuela	6166/97 04/03/97	P213389 08/06/99	30	Flavoring syrups and candy	Registered. Venezuelan Trademark Registrar has instructed that Certificates of Registration must be prepared by the applicants' attorneys and submitted to the Registry for review and signature. Due to the volume of certificates to be reviewed and signed by the Registrar, issuance of the Certificate for this registration is further delayed. Renewal due 8/6/09.
DAVINCI GOURMET and Design	Washington State		23403 08/22/94	30	Syrups and confections	Registered. Renewal due 8/22/06.
FIND YOUR FLAVOR	United States	78/211,281 02/05/03		30	Flavoring syrups	Newly filed application. Awaiting examination.
KAHULI CAFFE	United States	76/080,012 06/29/00	2,629,009 10/01/02	30	Flavoring syrups and candy confections	Registered. Combined Sections 8 and 15 Declaration due 9/30/08. Renewal due 10/1/12.
COCOA DAVINCI	United States	1,799,545	1,799,545 10/19/93	30	Hot chocolate with flavored syrup	Due for renewal on October 19, 2003.

<u>Mark</u>	<u>Country</u>	<u>Application No Filing Date</u>	<u>Registration No Effective Date</u>	<u>Class(es)</u>	<u>Goods/Services</u>	<u>Status</u>
LIFE IS GOOD. WE MAKE IT BETTER.	United States	75/554,487 09/17/98	2,283,346 10/05/99	35	Wholesale distributorships, retail outlets, mail order, and on-line ordering services featuring gourmet flavoring syrups, sauces and confections	Registered. Combined Declaration Under Sections 8 and 15 due 10/4/05. Renewal due 10/5/09.
TASTE TEMPTATIONS	United States	75/679,447 04/12/99	2,309,482 01/18/00	30	Chocolate confections, namely, candy, chocolate-covered espresso beans, chocolate-covered fruit, chocolate-covered nuts, and chocolate covered cookie bits	Registered. Combined Declaration Under Sections 8 and 15 due 1/17/06. Renewal due 1/18/10
TONIO'S	Mexico	221290 01/10/95	499074 01/10/95	30	Flavoring syrups	Registered. Renewal due 1/10/05.
TONIO'S	United States	74/579,038 09/27/94	1,929,654 10/24/95	30	Flavoring syrups	Registered. Renewal due 10/24/05.