

08-24-2004

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



102819757

8/20/04

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

FERRARA PAN CANDY CO., INC.

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

Citizenship (see guidelines) Illinois

Execution Date(s) May 28

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

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

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

Additional names, addresses, or citizenship attached?  Yes  No

Name: Cole Taylor Bank and LaSalle Business Credit, LLC

Internal

Address:

Street Address: 111 W. Washington, Suite 400

City: Chicago

State: Illinois

Country: USA

Zip: 60602

- Association
- General Partnership
- Limited Partnership
- Corporation
- Other

Citizenship USA  
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)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

78343669, 78343763, 78344087, 78343653, 78344218, 78344076, 78344251, 78245644, 78344236

B. Trademark Registration No.(s)

2830092, 2813195, 2243831

Additional sheet(s) attached?  Yes  No

**C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):**

Applehead (78343669); Cherryhead (78343763), Grapehead (78344087), Lemonhead (78343653), Melonhead (78344218), Orangehead (78344076), Punchhead (78344251), Rainbowhead (78245644), Strawberryhead (78344236)

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

Name: Katharine E. Seidelman

Internal Address: c/o Levenfeld Pearlstein

Street Address: 211 Waukegan Road, Suite 300

City: Northfield

State: IL Zip: 60093

Phone Number: 847-441-7676

Fax Number: 847-441-9976

Email Address: kseidelman@lplegal.com

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

12

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 315.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 502035  
Authorized User Name Katharine E. Seidelman

**9. Signature:**

*Katharine E. Seidelman*

Signature

August 13, 2004

Date

Katharine E. Seidelman

Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

08/23/2004 EDDUPR 0000013 522765 49-60 PM 275.00 PM

**PREPARED BY AND WHEN  
RECORDED MAIL TO:**

Steven Bright, Esq.  
Levenfeld Pearlstein  
211 Waukegan Road  
Suite 300  
Northfield, Illinois 60093

**AMENDMENT NO. 1 TO  
ASSIGNMENT OF PATENT,  
TRADEMARK AND LICENSE MORTGAGE  
AND  
AMENDED AND RESTATED PATENT,  
TRADEMARK AND LICENSE MORTGAGE -  
FERRARA PAN CANDY CO., INC.**

Amendment No. 1 to Assignment of Patent, Trademark and License Mortgage and Amended and Restated Patent, Trademark and License Mortgage dated as of May 28, 2004, made by **FERRARA PAN CANDY CO., INC.** ("Mortgagor") in favor of **COLE TAYLOR BANK** ("CTB"), as Administrative Agent (hereinafter referred to as "Mortgagee") for the benefit of CTB, **LASALLE BUSINESS CREDIT, LLC** ("LaSalle") and any other person or entity which may at any time or from time to time in the future become a "Lender" pursuant to the Loan Agreement (defined below), as Lenders (CTB, LaSalle and each such other person and entity are sometimes hereinafter individually referred to as a "Lender" and collectively as "Lenders").

**P R E A M B L E:**

Mortgagor gave to Mortgagee that certain Assignment of Patent, Trademark and License Mortgage and Amended and Restated Patent, Trademark and License Mortgage dated as of December 19, 2002, which was recorded on August 26, 2003, in the United States Patent and Trademark Office at Reel/Frame 002710/0595 (the "Mortgage"). Mortgagor has requested Lenders to modify Lenders' existing financing of Mortgagor. Lenders have agreed to do so, so long as, among other things, Mortgagor executes and delivers to Mortgagee this Amendment.

NOW, THEREFORE, in consideration of the premises which are incorporated herein by this reference and constitute an integral part hereof and the execution and delivery of this Amendment, Mortgagor agrees as follows:

1. Exhibit B of the Mortgage is amended to include all trademarks, trade names and service marks described on the attached Schedule 1. All references in the Mortgage to "Trademark" and "Trademarks" shall be deemed to include, without limitation, all trademarks, trade names and service marks referenced on the attached Schedule 1.

2. All references to the "Mortgage" in the Mortgage shall mean the "Mortgage" as amended by this Amendment and as may be further amended and/or restated from time to time.

3. In all other respects, the Mortgage is hereby restated, reaffirmed and incorporated herein, the only amendments intended to be made thereto being those above set forth. Except as specifically set forth herein to the contrary, all terms defined in the Mortgage shall have the same meanings herein as therein.

FERRARA PAN CANDY CO., INC.

By: [Signature]

Title: CEO

By: [Signature]

Title: Treasurer

By: [Signature]

Title: CEO

STATE OF ILLINOIS )  
                          ) SS.  
COUNTY OF COOK )

I, Mary A. Gosmire a Notary Public in and for said County, in the State aforesaid, DO  
HEREBY CERTIFY that Salvatore Ferrara II, President, James S. Buffardi, Secretary/Treasurer and Thomas A.  
Pagano, Vice President of Ferrara Pan Candy Company, Inc. personally are known to me to be the same persons  
whose names are subscribed to the foregoing instrument as such President, Secretary/Treasurer and Vice President,  
respectively, appeared before me this day in person and acknowledged that they signed and delivered the said  
instrument as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and  
purposes therein set forth.

GIVEN under my hand and notarial seal this 27<sup>th</sup> day of May, 2004.

Mary A. Gosmire  
NOTARY PUBLIC



My Commission Expires:

9/11/04

**SCHEDULE 1 TO AMENDMENT NO. 1 TO  
AMENDED AND RESTATED PATENT,  
TRADEMARK AND LICENSE MORTGAGE**

Additional Trademarks, Trade Names and Service Marks Pledged

Mark	Class	Status (P = Pending) (R = Registered)	Serial or Registration Number
Applehead	33	P	78343669
Atomic Sour Ball & Design	30	R	2830092
Cherryhead	33	P	78343763
Ferrara Pan Atomic Sour Ball	30	R	2813195
Grapehead	33	P	78344087
Lemonhead	33	P	78343653
Melonhead	33	P	78344218
Oranghead	33	P	78344076
Punchhead	33	P	78344251
Rainbowhead	30	P	78245644
Strawberryhead	33	P	78344236
Fun Bugs		R	2243831