

11-16-1998

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100878802

Attorney Docket Number
8170-034

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
Box Assignment
Washington, DC 20231

MRD 11.6.98

Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Amado Q. Amorao, Arnaldo Solis, Jr., Thomas M. Sjulín, and Joseph I. Espejo, Jr.</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies): Name: <u>Driscoll Strawberry Associates, Inc.</u> Address: <u>345 Westridge Drive</u> <u>Watsonville, California 95077</u> Country (if other than USA): _____</p>
<p>3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>October 19, 1998, October 19, 1998, November 2, 1998, and November 2, 1998, respectively</u></p>	
<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) 09/143,668 B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed: PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, NY 10036</p>	<p>6. Number of applications and patents involved: <u>one (1)</u> 7. Total fee (37 CFR 3.41):.....\$ <u>40.00</u> Please charge to the deposit account listed in Section 8. 8. Deposit account number: <u>16-1150</u></p>

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.

Ann L. Gisolfi **31,956** **November 6, 1998**
Name of Person Signing Reg. No. Signature Date

Total number of pages including cover sheet: **three (3)**

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

11/12/1998 5BURNS 00000146 161150 09143668
01 FC:581 40.00 CH

PATENT
REEL: 9572 FRAME: 0256

ASSIGNMENT

WHEREAS, WE, Amado Q. Amorao, Arnolde Solis, Jr., Thomas M. Sjuln, and Joseph I. Espejo, Jr., ASSIGNORS, citizens of the United States, residing at 6398 Calle Bodega, Camarillo, California 93012, 845 South B Street, Oxnard, California 93030, 629 Carpenteria Road, Aromas, California 95004, and 157 Calabasas Road, Watsonville, California 95076, respectively, are the inventors of the invention in STRAWBERRY PLANT NAMED 'MONTALVO' for which we have executed an application for a Patent of the United States

- which is executed on even date herewith or _____ (date)
- which is identified by Pennie & Edmonds LLP docket no. 8170-034
- which was filed on August 31, 1998, Application No. 09/143,668

and WHEREAS, Driscoll Strawberry Associates, Inc., 345 Westridge Drive, Watsonville, California 95077 USA, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date October 19, 1998 Amado Q. Amorao L.S.
 Amado Q. Amorao

Date October 19, 1998 Arnolde Solis, Jr. L.S.
 Arnolde Solis, Jr.

Date November 2, 1998 Thomas M. Sjuln L.S.
 Thomas M. Sjuln

Date Nov 2, 1998 Joseph I. Espejo, Jr. L.S.
 Joseph I. Espejo, Jr.

State of CALIFORNIA)
County of Ventura) SS.:

On this 19 day of OCTOBER, 1998, before me, a Notary Public in and for the State and County aforesaid, personally appeared Amado Q. Amorao x, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



Mohammad Asim
Notary Public.

State of California)
County of Ventura) SS.:

On this 19 day of OCTOBER, 1998, before me, a Notary Public in and for the State and County aforesaid, personally appeared Arnoldo Solis, Jr., to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

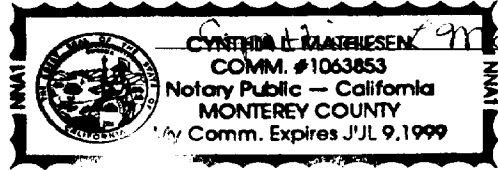
Mohammad Asim

Notary Public.



State of California)
County of Santa Cruz) SS.:

On this 2nd day of November, 1998, before me, a Notary Public in and for the State and County aforesaid, personally appeared Thomas M. Sjulín, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



Cynthia L. Mathiesen

Notary Public.

State of California)
County of Santa Cruz) SS.:

On this 2nd day of November, 1998, before me, a Notary Public in and for the State and County aforesaid, personally appeared Joseph I. Espejo, Jr., to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Cynthia L. Mathiesen

Notary Public.

