

11-23-98

Box Assignments  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

12-04-1998



100914128

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

<p>1. Name of conveying party(ies):  Pocket Mountain Enterprises, Inc.</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: THE BIRD BEAKIN' LLC  Internal Address: _____ _____ _____</p>
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<p>3. Nature of Conveyance:</p> <p><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>March 2, 1998</u></p>	<p>Street Address: 299 Ocean House Road Cape Elizabeth, ME 04107</p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<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: _____</p> <p>A. Patent Application No.(s) 29/028,016 filed on September 2, 1994</p>	<p>B. Patent No(s). D368.337 issued on March 26, 1996</p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Customer No. 020210 Davis and Bujold Fourth Floor 500 North Commercial Street Manchester NH 03101 Telephone 603-624-9220 Facsimile 603-624-9229 E-mail: <a href="mailto:patent@tiac.net">patent@tiac.net</a></p> <p>Attorney Docket: BIRBEA D01AUS</p> <p>12/02/1998 BMBUYEH 00000278 29028016 01 FC:581 40.00 UP</p>	<p>6. Total number of applications and patents involved: 1</p> <p>7. Total fee (37 CFR 3.41).....\$ <u>40.00</u></p> <p><input checked="" type="checkbox"/> is enclosed.  <input type="checkbox"/> was previously paid.  <input checked="" type="checkbox"/> Please charge any fee deficiency or credit any overpayment to our Deposit Account listed below.</p> <p>8. Deposit account number: <u>04-0213</u> (Attach duplicate copy of this page if paying by deposit account)</p>
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9. Statement and signature.  
*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.*

Michael J. Bujold November 20, 1998  
Name of Attorney of Record Signature Date

Attorney Registration No. 32,018

Total number of pages including cover sheet, attachments and document [ 2 ]

# ASSIGNMENT OF INVENTION

For:  U.S. and/or  Foreign Rights  
For:  U.S. Application or  U.S. Patent  
By:  Inventor(s) or  Present Owner

Assignment Recorded on  
09/02/94  
Reel: 7138  
Frame: 0197

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,  
ASSIGNOR:

POCKET MOUNTAIN ENTERPRISES, INC.  
P.O. Box 193 Granite  
Leighton Corner  
Ossipee, New Hampshire 03864

hereby sells, assigns and transfers to ASSIGNEE:

THE BIRD BEAKIN' L.L.C.  
299 Ocean House Road  
Cape Elizabeth, ME 04107

and the successors, assigns and legal representatives of the ASSIGNEE

- the entire right, title and interest
- an undivided \_\_\_\_\_ percent (\_\_\_%) interest for the United States and its territorial possessions
- and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled **BIRD FEEDER** and which is found in

- U.S. Patent Application executed on even date herewith; or
- U.S. Patent Application executed on \_\_\_\_\_; or
- U.S. Application serial no. 29/028,016 filed on September 2, 1994 (may be filled in when known); or
- U.S. Patent No. Des. 368,337 issued March 26, 1996;
- A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately; or
- and any legal equivalent thereof in a foreign country, including the right to claim priority;

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to the letters patent of any reissue or re-examination thereof;

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand this

Assignor - POCKET MOUNTAIN ENTERPRISES, INC.

By: Frank R. Dickinson Date: 3/2/98

Name: FRANK R. DICKINSON Title: PRESIDENT

EXHIBIT E

PATENT  
REEL: 9612 FRAME: 0059

TRADEMARK ASSIGNMENT

WHEREAS, POCKET MOUNTAIN ENTERPRISES, INC., a New Hampshire corporation with its principal place of business at P.O. Box 193 Granite, Leighton Corner, Ossipee, New Hampshire 03864 (hereinafter "said Assignor"), adopted and is using in its business the "BIRD FEEDER" mark (hereinafter "said Trademark") and said Assignor:

- filed United States Trademark Application No. 74/561,498 on August 16, 1994 which covers bird feeder goods in International Class 21; and/or
- was granted United States Trademark Registration No. 1,922,099 dated September 26, 1995 which issued with respect to bird feeder goods in International Class 21 goods;

WHEREAS, <sup>THE</sup> BIRD BEAKIN' L L C , a Maine corporation with a principal place of business at 299 Ocean House Road, Cape Elizabeth, ME 04107 (hereinafter "said Assignee"), is desirous of acquiring all right, title and interest in and to said Trademark;

WHEREAS, said Assignor is desirous of assigning said Trademark with the goodwill of the business in which said Trademark is used or with that part of the goodwill of the business connected with the use of and symbolized by said Trademark, as required by Section 15 U.S.C. §1060; and

NOW, THEREFORE, in consideration of and in exchange for the sum of ten dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, said Assignor does sell, assign, transfer and set over to said Assignee the entire right, title, and interest in and to said Trademark and the goodwill of the business in which said Trademark is used or with that part of the goodwill of the business connected with the use of and symbolized by said Trademark, and said Assignor also hereby transfers the original Certificate of Registration of said Trademark to said Assignee.

ASSIGNOR hereby covenants that said Trademark is still in force and no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

IN WITNESS WHEREOF, I/We have hereunto set hand this

POCKET MOUNTAIN ENTERPRISES, INC. - ASSIGNOR

By: Frank R. Dickinson  
 Print Name: FRANK R. DICKINSON  
 Title: PRESIDENT  
 Dated: 3/2/98

EXHIBIT D