

04-02-1999



Attorney Docket Number
8265-216

TO THE HONORAB.

101003971

DEPARTMENT OF PATENTS AND TRADEMARKS
Box Assignment
Washington, DC 20231

Please record the attached original documents or copy thereof.

Med 2.4.99

1. Name of conveying party(ies):

Oliver AMIEL and Charles-Austin SUNDERLAND

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

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

Name: **NESTEC S.A.**

Address: **Avenue Nestle 55**

CH-1800 Vevey

Country (if other than USA): **SWITZERLAND**

3. Nature of conveyance:

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

Execution Date: **December 17, 1998**

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) **Serial No. 09/213,701, Filed December 17, 1998**

B. Patent No.(s)

Additional numbers attached? Yes No

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**

6. Number of applications and patents involved: **1**

7. Total fee (37 CFR 3.41):..... **40.00**
Please charge to the deposit account listed in Section 8.

8. Deposit account number:
16-1150

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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.

Allan A. Fanucci-30,256
Name of Person Signing Reg. No.

Allan A. Fanucci
Signature

02/04/99
Date

Total number of pages including cover sheet:

2

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

ASSIGNMENT

WHEREAS, WE, Amiel OLIVIER and Charles-Austin SUNDERLAND citizens of France, residing at 366, rte de la Garance, F-84210 ALTHEN DES PALUDS, France and 7, Rue Edith Piaf, F-60000 GOINCOURT, France, respectively, are the inventors of the invention in

COATED FROZEN CONFECTIONERY ARTICLE AND METHOD FOR MAKING IT

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. 8265-216
- which was filed on _____, Application No. _____.

and WHEREAS, Nestec S.A., Avenue Nestle 55, CH-1800 Vevey (Suisse), is desirous of obtaining the 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 WE HEREBY authorize and request the Commissioner of Patents and Trademarks of 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, and reissue 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 TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 17/12/98, 1998 [Signature] L.S.
Olivier AMIEL.

On this 17th day of December, 1998, before me, personally appeared Olivier AMIEL, 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.

[Signature]
Witness.

Date 17-12-98, 1998 C Austin Sunderland L.S.
Charles-Austin SUNDERLAND

On this 17th day of December, 1998, before me, personally appeared Charles-Austin SUNDERLAND, 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.

[Signature]
Witness.