

09-01-1999

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U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

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attached original documents or copy thereof.

To the Honorable Commissioner of Pate.

1. Name of conveying party(ies):

David W. Small

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: August 4, 1999

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

Name: California Giant, Inc.

Address: 75 Sakata Lane

City: Watsonville

State/Prov.: California

Country: US

ZIP: 95077-1359

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: August 24, 1999

Patent Application No.

Filing date

B. Patent No.(s)

09/379679

Additional numbers

☐ Yes ☒ No

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

Name: David A. Farah, M.D.

Registration No. 38,134

Address: c/o Sheldon & Mak

225 South Lake Avenue, 9th Floor

City: Pasadena

State/Prov.: California

Country: US

ZIP: 91101

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

19-2090

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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.

David A. Farah, M.D.

Name of Person Signing

David Farah

Signature

August 24, 1999

Date

Total number of pages including cover sheet, attachments, and

2

ASSIGNMENT

WHEREAS, I, David W. Small, invented a new plant as disclosed in an application for a United States Plant Patent titled Strawberry Patent Named 'Cal Giant 2', and filed herewith.

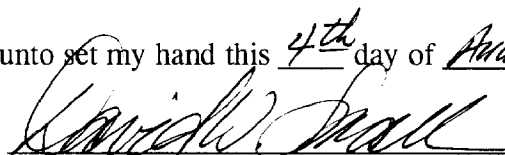
AND WHEREAS California Giant, Inc., a California corporation (hereafter, together with any successors, legal representatives or assigns thereof, called "Assignee"), wants to acquire the entire right, title and interest in and to said improvements and application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over to Assignee the entire right, title and interest in said plant, and said application and all divisions, substitutions, continuations and continuations-in-part thereof, and all United States Plant Patents which may be granted thereon and all reissues and extensions thereof, and all priority rights under the International Convention for the Protection of Industrial Property for every member country, or under any other international treaty, and all applications for patents (including related rights such as utility-model registrations, inventor's certificates, and the like) heretofore or hereafter filed for said plant in any foreign countries, and all patents (including all extensions, renewals and reissues thereof) granted for said plant in any foreign countries; and I hereby authorize and request the United States Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents on applications as aforesaid, to issue all patents for said plant to Assignee in accordance with the terms of this assignment;

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

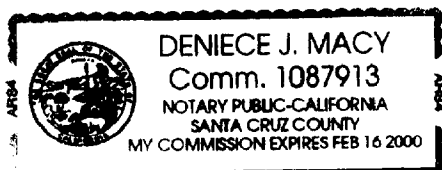
AND I HEREBY further covenant and agree that I will communicate to Assignee any facts known to me respecting said plant, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, continuations-in-part, substitute and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee to obtain and enforce proper patent protection for said plant in all countries.

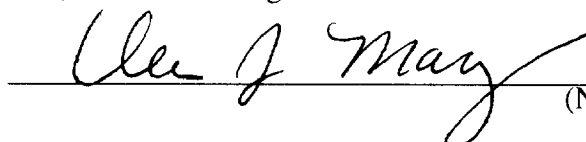
IN TESTIMONY WHEREOF, I hereunto set my hand this 4th day of August, 1999.


David W. Small

STATE OF California)
COUNTY OF Santa Cruz) ss.

On 8/4/99, before the undersigned, a Notary Public for the State and County aforesaid, personally appeared David W. Small, known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above assignment, and acknowledged that he executed the same.




(Notary Public)