

09-22-1999

Docket No.: 12912



RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

PATENTS ONLY

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RECEIVED

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

1. Name of conveying party(ies):
David W. Small

Additional names(s) of conveying party(ies) Yes No

OPR/FINANCE

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

3. Nature of conveyance:

Assignment Merger

Security Agreement Change of Name

Other _____

Execution Date: August 27, 1999

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: _____

Patent Application No.	Filing date	B. Patent No.(s)
09/379,680	August 24, 1999	

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

09/22/1999 DNGUYEN 00000075 09379680
01 FC:581 40.00 0P

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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. *David Farah* September 16, 1999

Name of Person Signing Signature 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 3', and filed on August 24, 1999.

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.

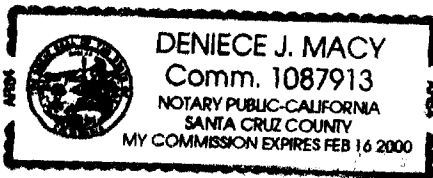
IN TESTIMONY WHEREOF, I hereunto set my hand this 27th day of August, 1999.

David W. Small
David W. Small

STATE OF California)
COUNTY OF Santa Cruz) ss.

On 8/27/99, 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.

Denice J. Macy
(Notary Public)



J:\California Giant\12912\05 Assignment

RECORDED: 09/21/1999

PATENT
REEL: 010245 FRAME: 0948