

10-29-2001

FORM PTO-1595 (modified)

(Rev 6-93)

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**PATENTS ONLY**

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

R SHEET

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

1. Name of conveying party(ies):

10-17-01

Mark D. Freeman  
 Krista L. Ditzler  
 John J. Urbanski  
 Katy J. Dishart  
 Richard A. Schwartz  
 Robert E. Wainwright

Additional conveying party(ies) NO

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

Cargill, Inc.  
 15407 McGinty Road W.  
 Wayzata, Minnesota 55391

Additional name(s) & address(es) attached? NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:  
 09/18/2001, 09/18/2001, 09/18/2001,  
 10/01/2001, 09/18/2001, 09/18/2001

4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is: N/A

A. Patent Application Number(s):  
 09/888,343

B. Patent Number(s):  
 N/A

Additional numbers attached? NO

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

Charles G. Carter  
 FOLEY & LARDNER  
 Firststar Center  
 777 East Wisconsin Avenue  
 Milwaukee, Wisconsin 53202-5367

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

Check Enclosed  
 Charge to deposit account

8. Deposit account number: 06-1447

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. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.*

Charles G. Carter  
 Registration No. 35,093  
 Name of person signing

Signature

Oct. 12, 2001

Date

Total number of pages including cover sheet, attachments, and document: 6

10/26/2001 6TON11 00000135 09888343

01 FC:581

40.00 OP

001.1095855

Attorney Docket No. 023829-0125

**PATENT**  
**REEL: 012282 FRAME: 0086**

**ASSIGNMENT AND AGREEMENT**

*WHEREAS*, **Mark D. Freeman** of 5 Irish Place, Lititz, Pennsylvania 17543; **Krista L. Ditzler** of 19 Elm Avenue, Fredricksburg, Pennsylvania 17026; **John J. Urbanski** of 2625 Chestnut Valley Drive, Lancaster, Pennsylvania 17601; **Katy J. Dishart** of 103 Moorland CT, Lititz, Pennsylvania 17543; **Richard A. Schwartz** of 23 Countryside Lane, Lititz, Pennsylvania 17543 and **Robert E. Wainwright** of 2014 Weddington Manor Court, Matthews, North Carolina 28104; (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **NUT-LIKE FOOD COMPOSITIONS** (Attorney Docket No. 023829-0125) for which an application for United States Letters Patent was filed on June 22, 2001 as Application No. 09/888,343; and

*WHEREAS*, **Cargill, Inc.**, a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at 15407 McGinty Road W., Wayzata, Minnesota 55391 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

*NOW THEREFORE*, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

*ASSIGNOR HEREBY AUTHORIZES AND REQUESTS* the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

*ASSIGNOR HEREBY AGREES* (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney,

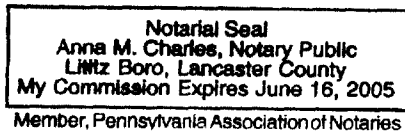


Executed this 18 day of September, 2001.

Krista L Ditzler  
KRISTA L. DITZLER

State of PENNSYLVANIA )  
 )ss.  
County of LANCASTER )

On this 18 day of September, 2001, before me, a notary public in and for said county, appeared KRISTA L. DITZLER, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



(Seal)

Anna M. Charles  
Notary Public

My Commission Expires: June 16, 2005

Executed this 18 day of September, 2001.

John J. Urbanski  
JOHN J. URBANSKI

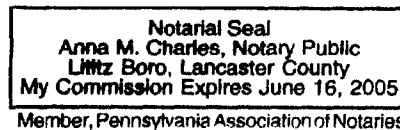
State of PENNSYLVANIA )  
 )ss.  
County of LANCASTER )

On this 18 day of September, 2001, before me, a notary public in and for said county, appeared JOHN J. URBANSKI, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

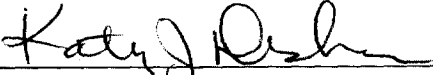
Anna M. Charles  
Notary Public

My Commission Expires: June 16, 2005

(Seal)



Executed this 1st day of October, 2001.

  
KATY J. DISHART

State of PENNSYLVANIA )  
County of LANCASTER )ss.

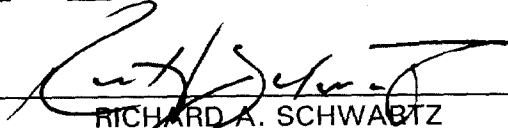
On this 1 day of October, 2001, before me, a notary public in and for said county, appeared KATY J. DISHART, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

  
Notary Public

(Seal)

My Commission Expires June 23, 2005  
**Notarial Seal**  
**Debra L. Musser, Notary Public**  
**Warwick Twp., Lancaster County**  
**My Commission Expires June 23, 2005**  
Member, Pennsylvania Association of Notaries

Executed this 18 day of September, 2001.

  
RICHARD A. SCHWARTZ

State of PENNSYLVANIA )  
County of LANCASTER )ss.

On this 18 day of September, 2001, before me, a notary public in and for said county, appeared RICHARD A. SCHWARTZ, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

  
Notary Public

(Seal)

My Commission Expires: June 16, 2005

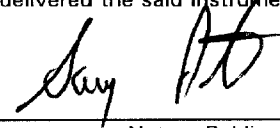
**Notarial Seal**  
**Anna M. Charles, Notary Public**  
**Litz Boro, Lancaster County**  
**My Commission Expires June 16, 2005**  
Member, Pennsylvania Association of Notaries

Executed this 18 day of Sept, 2001.

  
ROBERT E. WAINWRIGHT

State of N Carolina )  
County of Mecklenburg )ss.

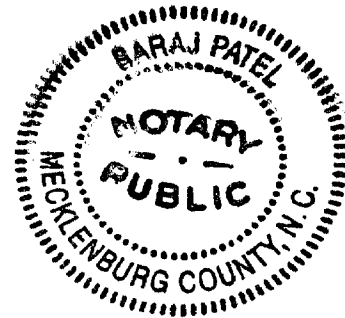
On this 18 day of Sept, 2001, before me, a notary public in and for said county, appeared ROBERT E. WAINWRIGHT, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

  
Notary Public

My Commission Expires: My Commission Expires February 17, 2006

(Seal)

My Commission Expires February 17, 2006

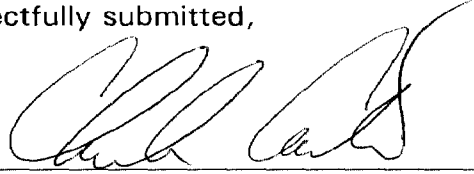


Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date OCTOBER 12, 2001

By 

FOLEY & LARDNER  
Firststar Center  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5367  
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Facsimile: (414) 297-4900

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Registration No. 35,093