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

1. Name of Conveying Part(ies):

Timothy J. Gerds
John K. SlaughterExecution Date(s): December 15, 2004Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: The Burchell Nursery, Inc.

Internal Address: _____

Street Address: 12000 Highway 120City: Oakdale State: CA Zip: 95361

Additional names(s) & address(es) attached:

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Security Agreement
☐ Merger ☐ Change of Name
☐ Government Interest Assignment
☐ Executive order 9424, Confirmatory License
☐ Other _____

4. Application number(s) or patent number(s): ☒ This document is being filed together with a new application.

A. Patent Application No.(s):

12/23/2004 HTECKLU1 00000020 1101639904 PC:802140.00 OPAdditional numbers attached: ☐ Yes ☒ No

B. Patent No.(s)

Additional numbers attached: ☐ Yes ☒ No

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

Name: George G. GrigelInternal Address: Wells St. John P.S.Street Address: 601 W. First Avenue, Suite 1300City: Spokane State: WA Zip: 99201-3828

Phone Number: (509) 624-4276

Fax Number: (509) 838-3424

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)

\$ 40.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number

23-0925

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9. Signature.

George G. Grigel

Name of Person Signing

Signature

16 Dec 04

Date

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET, ATTACHMENTS AND DOCUMENT: 4

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PATENT
REEL: 016111 FRAME: 0591

ASSIGNMENT

PARTIES TO THE ASSIGNMENT:

INVENTORS:

Timothy J. Gerds, 2571 - 20th Avenue, Kingsburg, CA 93631

John K. Slaughter, 1555 W. Boston, #104, Fresno, CA 93711

ASSIGNEE:

The Burchell Nursery, Inc.
Corporation of the State of California
12000 Highway 120
Oakdale, CA 95361

BACKGROUND OF THIS ASSIGNMENT:

Inventors have conceived certain new and useful inventions disclosed in a United States patent application titled **Nectarine Tree, 'BURNECTWENTY'**.

THE BURCHELL NURSERY, INC. (hereinafter referred to as "ASSIGNEE") desires to acquire the entire right, title and interest in said inventions and with respect to any Letters Patent that may be granted with respect to the inventions in both the United States and in all foreign countries.

THE PARTIES AGREE AS FOLLOWS:

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, INVENTORS have sold, assigned and transferred to ASSIGNEE the full and exclusive right to said inventions in the United States and in all foreign countries.

INVENTORS do hereby sell, assign and transfer to ASSIGNEE the entire right, title and interest in the above-identified inventions and application and to any reissues, renewals, divisions or continuations of the application thereof, and hereby authorizes the Commissioner of Patents and Trademarks to issue such Letters Patent to ASSIGNEE for the sole use of ASSIGNEE, its successors or assigns.


INVENTORS further agree to execute, at the request and expense of ASSIGNEE such other formal documents as may be required to fully convey the interest transferred herein and will similarly execute any applications papers required for the filing of any division, continuation or reissue of the patent application or resulting Letters Patent; and will generally do everything necessary or desirable to obtain and enforce proper protection for the inventions assigned hereby.

INVENTORS further assign to ASSIGNEE the whole right, title and interest in the inventions disclosed in the application throughout all countries foreign to the United States. ASSIGNEE is hereby authorized to apply for patents relating to the inventions in its own name in countries where such procedure is proper; to claim the benefit of the International Convention; to file and prosecute International Applications relating to the inventions under the Patent Cooperation Treaty; and to file and prosecute applications relating to the inventions under the European Patent Convention. INVENTORS agree to execute applications relating to the inventions in those countries and under those conventions where it is necessary that the same be executed by the inventor, and to execute assignments of such applications and the resulting Letters Patent to ASSIGNEE as well as all other necessary papers in relation to such applications and Letters Patent.

Signed at Fowler, Ca., on 12/15, 2004.
[City] [State]

Timothy J. Gerds

Signed at Fowler, CA, on 12/15, 2004.
[City] [State]



John K. Slaughter