

1/10/05

01-18-2005

Express Mail No. EV459064775US



102921405

Attorney Docket Number 8170-064-999

Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Kristie L. Gilford Bruce D. Mowrey JoAnne Coss</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: <u>Driscoll Strawberry Associates, Inc.</u></p> <p>Address: <u>345 Westridge Drive</u> <u>Watsonville, California 95076-4169</u></p> <p>Country (if other than USA):</p>
<p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment Merger</p> <p>Security Agreement Change of Name</p> <p>Other</p> <p>Execution Date: <u>January 3, 2005 and January 6, 2005</u></p>	<p style="text-align: right;">2005 JAN 10 PM 12:10 OPR/FINANCE</p>

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) 10/679,037 B. Patent No.(s)

Additional numbers attached? Yes No

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>JONES DAY 222 East 41st Street New York, New York 10017</p>	<p>6. Number of applications and patents involved: <u>1</u></p> <p>7. Total fee (37 CFR 3.41):.....\$ 40.00 Please charge to the deposit account listed in Section 8.</p> <p>8. Deposit account number: <u>50-3013</u></p>
---	--

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.

by Joseph P. Cahill reg no. 51,573

Ann L. Gisolfi	<u>31,956</u>	<u>Ann L. Gisolfi</u>	<u>January 10, 2005</u>
Name of Person Signing	Reg. No.	Signature	Date

Total number of pages including cover sheet: 3

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

01/14/2005 870M11 00000009 503013 10679037
01 FC:8021 40.00 BA

NYJD: 1559446.1

PATENT
REEL: 016147 FRAME: 0671

ASSIGNMENT

WHEREAS, WE, Kristie L. Gilford, Bruce D. Mowrey, and JoAnne Coss, ASSIGNORS, citizens of the United States, residing at 1525 North Dover Road, Dover, Florida 33527, 266 Web Road, Watsonville, California 95076, and 217 Katherine Avenue, Salinas California 93901, respectively and are the inventors of the invention in Strawberry Plant Named 'Driscoll Malibu' for which we have executed an application for a Patent of the United States

- which is executed on even date herewith or
which was filed on October 2, 2003, as attorney docket No. 8170-064-999

and WHEREAS, DRISCOLL STRAWBERRY ASSOCIATES, INC., ASSIGNEE is desirous of obtaining our 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 all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to 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, reissue and foreign 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 all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date January 6, 2005 [Signature] L.S.
State of Florida)
) SS.:
County of Hillsborough)

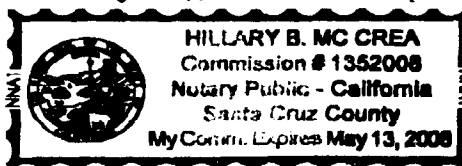
On January 6, 2005, before me, Rose Peacock, Notary Public, personally appeared Kristie L. Gilford, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal [Signature] Rose Peacock My Commission DD877377 Expires March 18, 2008

Date Jan 3, 2005 [Signature] L.S.
State of California)
) SS.:
County of Monterey)

On January 3, 2005 before me, Hillary B. McCrea Notary Public, personally appeared Bruce D. Mowrey, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal [Signature] Hillary B. McCrea



NYJD: 1538677.1

Date Jan 3, 2005

JoAnne Coss
JoAnne Coss

L.S.

State of California)
) SS.:
County of Monterey)

On January 3, 2005, before me, Hillary B. McCrea Notary Public, personally appeared **JoAnne Coss**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Hillary B. McCrea

