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OMB No. 0651-0027 (exp. 6/30/2008)



U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

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To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)**

Pete Barszcz; Betsy Fields; Geraint Krumpe; Edmund Shuchter;  
and James Spencer

Additional name(s) of conveying party(ies) attached?  Yes  No

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

Name: Perky-Pet Products Company, Inc.

Internal Address: \_\_\_\_\_

Street Address: 2201 South Wabash Street

City: Denver

State: Colorado

Country: USA Zip: 80231

Additional name(s) & address(es) attached?  Yes  No

**3. Nature of conveyance/Execution Date(s):**

Execution Date(s) 06/07/2005; 07/12/2005

- Assignment  Merger
- Security Agreement  Change of Name
- Joint Research Agreement
- Government Interest Assignment
- Executive Order 9424, Confirmatory License
- Other \_\_\_\_\_

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

This document is being filed together with a new application.

A. Patent Application No.(s)  
29/238,444

B. Patent No.(s)

Additional numbers attached?  Yes  No

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

Name: Timothy J. Martin

Internal Address: Suite 200

Street Address: 9250 W. 5th Avenue

City: Lakewood

State: Colorado Zip: 80226

Phone Number: 303-232-3388

Fax Number: 303-232-3288

Email Address: tmartin@martinhenson.com

**6. Total number of applications and patents involved: 1**

**7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed
- None required (government interest not affecting title)

**8. Payment Information**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 13-1940

Authorized User Name Timothy J. Martin

**9. Signature:**

Signature

10-13-05  
Date

Timothy J. Martin

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

8

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

10/18/2005 ECOOPER 00000194 29238444

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40.00 DP

PATENT  
REEL: 017088 FRAME: 0854

## ASSIGNMENT

**WHEREAS**, Pete Barszcz (hereinafter referred to as "Barszcz") of 130 East 18<sup>th</sup> Street, Silverton, Colorado 81433, Betsy Fields (hereinafter referred to as "Fields") of 1701 Snowden Street, Silverton, Colorado 81433, Geraint Krumpe (hereinafter referred to as "Krumpe") of 525 Reese Street, Unit 23, Silverton, Colorado 81433, Edmund Shuchter (hereinafter referred to as "Shuchter") of 555 Rivergate Lane B-2 138, Durango, Colorado 81301, and James Spencer (hereinafter referred to as "Spencer") of 852 Reese Street, Silverton, Colorado 81433 have invented and own a certain new and useful **BIRDFEEDER** for which application for Letters Patent of the United States is executed concurrently herewith on the respective date(s) set forth hereinbelow, said application being identified as Docket Number 2139 in the files of the law offices of Timothy J. Martin, P.C.;

**WHEREAS**, Perky-Pet Products Company, Inc. (hereinafter referred to as "Perky-Pet"), a corporation organized and existing under the laws of the State of Delaware, and having a place of business located at 2201 South Wabash Street, Denver, Colorado 80231, is desirous of acquiring the entire right, title and interest therein and thereto;

**NOW, THEREFORE**, be it known that for and in consideration of the sum of Ten Dollars (\$10.00) and certain other good and valuable consideration to Barszcz, Fields, Krumpe, Shuchter, and Spencer in hand paid, the receipt of which is hereby acknowledged, the said Barszcz, Fields, Krumpe, Shuchter, and Spencer by these presents do sell, assign and transfer unto the said Perky-Pet, its successors, legal representatives and assigns, their entire right, title and interest in and to the said invention, the aforesaid application and any and all applications derived therefrom (including but not limited to continuations, divisionals, continuations-in-part, continued prosecution applications (CPAs), and requests for continued examination applications (RCEs)), for the territory of the United States of America and for all foreign countries and to all Letters Patents and reissues thereof and extensions to be obtained therefore. Barszcz, Fields, Krumpe, Shuchter, and Spencer further agree to cooperate with Perky-Pet in the obtaining and sustaining of any and all such Letters Patents, but at the expense of Perky-Pet. Perky-Pet hereby acknowledges and accepts the sale, assignment and transfer of the same.

Barszcz, Fields, Krumpe, Shuchter, and Spencer further hereby assign and agree to assign to Perky-Pet the entire right, title and interest, domestic and foreign, which Barszcz, Fields, Krumpe, Shuchter, and Spencer may have in any discoveries, improvements and inventions made, conceived or developed by Barszcz, Fields, Krumpe, Shuchter, and Spencer in connection with the development of said invention and do further agree to execute all applications for patent, assignments and other appropriate documents and to perform all things necessary to make this Assignment effective and to perfect all right, title and interest in and to said discoveries, improvements or inventions in said Perky-Pet. Perky-Pet hereby acknowledges and accepts the assignment and agreement to assign the same.

Barszcz, Fields, Krumpe, Shuchter, and Spencer hereby authorize and request the law offices of Timothy J. Martin, P.C., to insert here in parentheses (Application

number 29/238,444, filed 09-16-2005) the filing date and application number of said application when known.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment to Perky-Pet, its successors, legal representatives and assigns of the entire right, title and interest therein.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and affixed their seals on the respective date(s) set forth hereinafter.

Date: 7-12-05 By: [Signature]  
Pete Barszcz

Date: 7-12-05 By: [Signature]  
Betsy Fields

Date: 7-12-05 By: [Signature]  
Geraint Krumpe

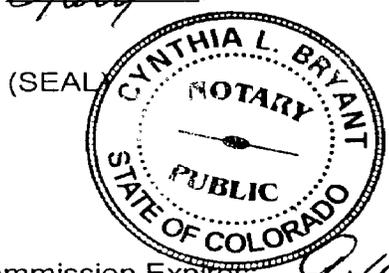
Date: 7-12-05 By: [Signature]  
Edmund Shuchter

Date: 7-12-05 By: [Signature]  
James Spencer

Date: 6/7/05 By: [Signature]  
Robert W. Donegan, President  
Perky-Pet Products Company, Inc.

STATE OF Colorado )  
COUNTY OF San Juan ) ss.

Before me, a Notary Public in and for the said County and State, personally appeared Pete Barszcz, who is known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and considerations therein expressed this 12<sup>th</sup> day of July, 2005.



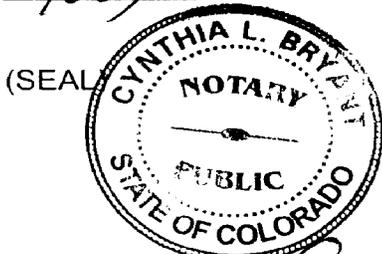
[Signature]  
Notary Public  
1202 Green St.  
Address  
Silverton Co 81433  
City, State and Zip Code

My Commission Expires: 9-10-07

STATE OF Colorado )  
COUNTY OF San Juan )

ss.

Before me, a Notary Public in and for the said County and State, personally appeared Betsy Fields, who is known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that she executed the same for the purposes and considerations therein expressed this 12<sup>th</sup> day of July, 2005.



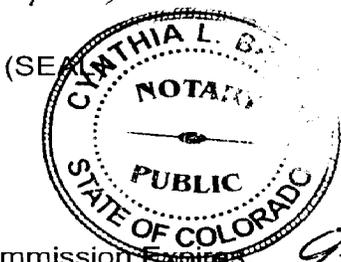
Cynthia L. Bryant  
Notary Public  
1202 Greene St.  
Address  
Silverton Co 81433  
City, State and Zip Code

My Commission Expires: 9-10-07

STATE OF Colorado )  
COUNTY OF San Juan )

ss.

Before me, a Notary Public in and for the said County and State, personally appeared Geraint Krumpe, who is known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and considerations therein expressed this 12<sup>th</sup> day of July, 2005.



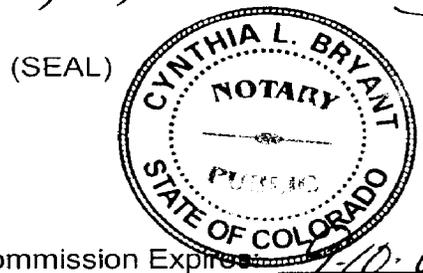
Cynthia L. Bryant  
Notary Public  
1202 Greene St  
Address  
Silverton Co 81433  
City, State and Zip Code

My Commission Expires: 9-10-07

STATE OF Colorado )  
COUNTY OF San Juan )

ss.

Before me, a Notary Public in and for the said County and State, personally appeared Edmund Shuchter, who is known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and considerations therein expressed this 12<sup>th</sup> day of July, 2005.



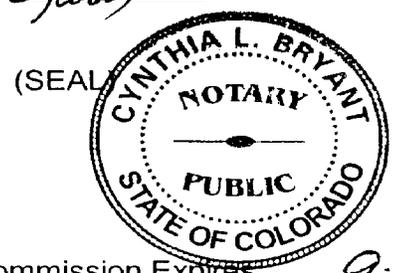
Cynthia L. Bryant  
Notary Public  
1202 Greene St.  
Address  
Silverton, Co 81433  
City, State and Zip Code

My Commission Expires 9-10-07

STATE OF Colorado )  
COUNTY OF San Juan )

ss.

Before me, a Notary Public in and for the said County and State, personally appeared James Spencer, who is known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and considerations therein expressed this 12<sup>th</sup> day of July, 2005.



Cynthia L. Bryant  
Notary Public  
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Address  
Silverton, Co 81433  
City, State and Zip Code

My Commission Expires 9-10-07

