

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005)

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

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

Tab settings

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

<p>1. Name of conveying party(ies): Fruit-Ices Corp.</p> <p><input type="checkbox"/> Individual(s)                      <input type="checkbox"/> Association  <input type="checkbox"/> General Partnership              <input type="checkbox"/> Limited Partnership  <input checked="" type="checkbox"/> Corporation-State  <input type="checkbox"/> Other _____</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) Name: Wells' Dairy, Inc. Internal Address: P.O. Box 1310 Street Address: One Blue Bunny Drive City: Le Mars State: IA Zip: 51031</p> <p><input type="checkbox"/> Individual(s) citizenship _____  <input type="checkbox"/> Association _____  <input type="checkbox"/> General Partnership _____  <input type="checkbox"/> Limited Partnership _____  <input checked="" type="checkbox"/> Corporation-State Iowa  <input type="checkbox"/> Other _____</p> <p><small>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  (Designations must be a separate document from assignment)  Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</small></p>
<p>3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment                      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement              <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____</p> <p>Execution Date: 08/18/2004</p>	

<p>4. Application number(s) or registration number(s): A. Trademark Application No.(s) _____ _____</p>	<p>B. Trademark Registration No.(s) 2074679, 1331109, 2545960, 2486241, 2508078</p>
<p>Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: Bruce W. McKee Internal Address: _____ _____ Street Address: 801 Grand Avenue, Suite 3200 _____ City: Des Moines State: IA Zip: 50309-2721</p>	<p>6. Total number of applications and registrations involved: ..... <span style="border: 1px solid black; padding: 2px;">5</span></p> <p>7. Total fee (37 CFR 3.41).....\$ 140.00</p> <p><input type="checkbox"/> Enclosed  <input checked="" type="checkbox"/> Authorized to be charged to deposit account any under payment or credit of any over payment</p> <p>8. Deposit account number: 26-0084</p>
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**DO NOT USE THIS SPACE**

<p>9. Signature.  Bruce W. McKee Name of Person Signing</p>	 Signature	<p>8-30-04 Date</p>
<p>Total number of pages including cover sheet, attachments, and document: <span style="border: 1px solid black; padding: 2px;">3</span></p>		

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

CH \$140.00 260084 2074679

**ASSIGNMENT**


WHEREAS, FRUIT-ICES CORP., a New York corporation with a principal place of business of 1193 McDonald Avenue, Brooklyn, New York 11230, is the owner of the trademark registrations set forth below:

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
BANANA BITES	2,074,679	June 24, 1997
FROZFRUIT	1,331,109	April 16, 1985
GIVE PEACH A CHANCE	2,545,960	March 12, 2002
SMOOTHIE.YUM	2,486,241	September 4, 2001
YUMTONIC	2,508,078	November 13, 2001

WHEREAS, WELLS' DAIRY, INC., an Iowa corporation, with a principal place of business at P.O. Box 1310, One Blue Bunny Drive, Le Mars, Iowa 51031, is desirous of acquiring the entire right, title and interest in and to said marks, together with the goodwill of the business pertaining to said marks;

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said FRUIT-ICES CORP. does hereby assign unto WELLS' DAIRY, INC. all right, title and interest which FRUIT-ICES CORP. has heretofore enjoyed pertaining to said marks, together with the goodwill of the business pertaining to said marks and the registrations thereof Nos. 2,074,679; 1,331,109; 2,545,960; 2,486,241; and 2,508,078, the same to be held and enjoyed by WELLS' DAIRY, INC., its successors and assigns, together with the right to sue for and collect for all claims for damages by reason of past infringement of said marks and the registrations thereof.

FRUIT-ICES CORP.

By   
 Name: MICHAEL BARONE  
 Title PRESIDENT

TRADEMARK

REEL: 002932 FRAME: 0205

STATE OF NEW YORK )  
 ) ss  
COUNTY OF RICHMOND )

On this 18 day of AUGUST, 2004, before me, the undersigned, a Notary Public in and for the state, personally appeared MICHAEL BARONE, to me personally known, who being by me duly sworn, did say that he is the PRESIDENT of FRUIT-ICES CORP.; that said above and foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors and that the said PRESIDENT, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

**MARLENE D. MEAD**  
Notary Public, State of New York  
No. 43-4973817  
Qualified in Richmond County  
Commission Expires October 29, 2006

Marlene D Mead  
Notary Public in and for the  
State of NEW YORK  
Commission Expires 10/29/2006

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