

4/19/05

04-21-2005

Form PTO-1594 (Rev. 03/05)  
OMB Collection 0651-0027 (exp. 6/30/20)



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

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102986126

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):**

Bank of America, N.A.  
Salinas Commercial Banking Office #1491

- Individual(s)
- General Partnership
- Corporation- State: \_\_\_\_\_
- Other National Banking Association
- Association
- Limited Partnership

Citizenship (see guidelines) U.S.A.

Additional names of conveying parties attached?  Yes  No

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

Execution Date(s) April 14, 2005

- Assignment
- Security Agreement
- Other Release
- Merger
- Change of Name

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

Additional names, addresses, or citizenship attached?  Yes  No

Name: Fresh Express Incorporated

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

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

Street Address: 950 E. Blanco Road

City: Salinas

State: California

Country: U.S.A.

Zip: 93912

- Association Citizenship \_\_\_\_\_
- General Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship Delaware Corporation
- Other \_\_\_\_\_ Citizenship \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,932,671

Additional sheet(s) attached?  Yes  No

**C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):**

Fresh Express Farms

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

Name: Jana L. Hall, Bank of America, N.A.

Internal Address: Business Credit Services - Fresno #1631

Mail Code CA1-520-01-01

Street Address: 1560 East Shaw Avenue

City: Fresno

State: California

Zip: 93710-8046

Phone Number: 559.265.6394

Fax Number: 559.265.6302

Email Address: jana.hall@bankofamerica.com

**6. Total number of applications and registrations involved:**

1

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$40.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

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

b. Deposit Account Number \_\_\_\_\_

Authorized User Name \_\_\_\_\_

**9. Signature:**

Jana L. Hall  
Signature

4-14-05  
Date

Jana L. Hall, Assistant Vice President  
Name of Person Signing

Total number of pages including cover sheet, attachments, and document:  1  2

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

04/20/2005 ECDOPER 0000065 1932671

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TRADEMARK  
REEL: 003150 FRAME: 0507

RELEASE OF TRADEMARK

THIS RELEASE, dated April 14, 2005, is given by BANK OF AMERICA, N.A. ("Bank").

WITNESSETH:

WHEREAS, Bank and Fresh Express Incorporated (the "Company") are parties to a certain Security Agreement – General Intangibles (Patents, Trademarks, Copyrights, Computer Software) dated as of February 28, 1996 (the "Security Agreement"), pursuant to which the Company granted a security interest in the trademark listed below (the "Trademark") and certain other property as security for the Company's Indebtedness (as defined in the Security Agreement) to Bank;

<u>Country</u>	<u>Registration No.</u>	<u>Registration Date</u>	<u>Trademark or Service Mark</u>
USA	1,932,671	November 7, 1995	Fresh Express Farms

WHEREAS, the Security Agreement was recorded in the Assignment Branch of the U.S. Patent and Trademark Office on March 19, 1996, on Reel 1442, Frame 0388;

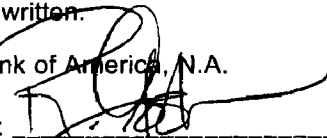
WHEREAS, the Company has satisfied the Indebtedness and has requested that Bank release its security interest in the Trademark;

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged:

Bank hereby releases its security interest in:

- (i) The Trademark and other related property, as more particularly described in Paragraph 1 of the Security Agreement; and
- (ii) All proceeds of all of the foregoing.

IN WITNESS WHEREOF, Bank has caused this Release to be duly executed by its duly authorized officer as of the day and year first above written.

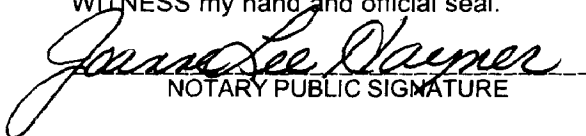
Bank of America, N.A.  
 By:   
 Typed Name: Richard Gosvener  
 Title: Vice President

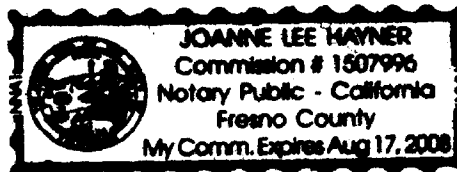
ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )

On APRIL 14, 2005, before me, JOANNE LEE HAYNER, personally appeared RICHARD GOSVENER, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person ~~or~~ whose name ~~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.

 (SEAL)  
NOTARY PUBLIC SIGNATURE



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