

06-07-1999

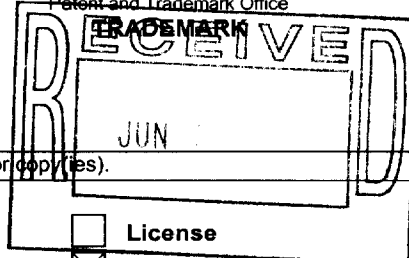
[MD1]FORM PTO-
Expires 06/30/99
OMB 0651-0027



101057886

FORM COVER SHEET
TRADEMARKS ONLY

U.S. Department of Commerce
Patent and Trademark Office



TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)

Conveyance Type

- Assignment
- Security Agreement
- License
- Nunc Pro Tunc Assignment

Document ID#

Effective Date
Month Day Year

Correction of PTO Error
Reel # Frame #

Merger

Corrective Document
Reel # Frame #

Change of Name
 Other

MRD 6.2-99

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name

Formerly

- Individual
- General Partnership
- Limited Partnership
- Corporation
- Association

Other

Citizenship /State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKATA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

- Individual
 - General Partnership
 - Limited Partnership
 - Corporation
 - Association
- Other

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached
(Designation must be a separate document from the Assignment.)

Citizenship/State of Incorporation/Organization

06/04/1999 DNGUYEN 00000327 75386954

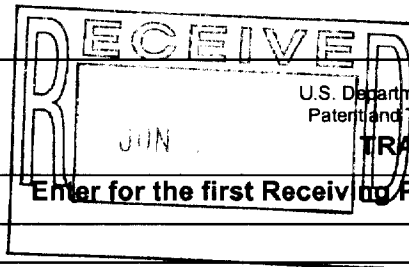
FOR OFFICE USE ONLY

01 FC:481 40.00 OP
02 FC:482 925.00 OP

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Mail documents to be recorded and required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK
REEL: 001906 FRAME: 0963



Enter for the first Receiving Party only.

Domestic Representative Name and Address

Name

Joseph R. Dreitler

Address (line 1)

Vorys, Sater, Seymour and Pease LLP

Address (line 2)

52 East Gay Street

Address (line 3)

Columbus, Ohio 43216-1008

Address (line 4)

Correspondent Name and Address

Area Code and Telephone
Number

(614) 464-6383

Name

Joseph R. Dreitler

Address (line 1)

Vorys, Sater, Seymour and Pease LLP

Address (line 2)

52 East Gay Street

Address (line 3)

Columbus, Ohio 43216-1008

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

#

7

Trademark Application Number(s) or Registration Number(s)



Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

75/386,954

Registration Number(s)

935,109

935,110

936,803

981,735

1,007,170

1,023,958

1,120,227

1,186,182

1,204,971

Number of Properties

Enter the total number of properties involved.

#

38

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

965.00

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

#

Deposit Account Number:

Authorization to charge additional fees:

Yes

No

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. Charges to deposit account are authorized, as indicated herein.

Joseph R. Dreitler
Name of Person Signing

Joseph R. Dreitler
Signature

6-1-99
Date Signed

**RECORDATION FORM COVER SHEET
 CONTINUATION
 TRADEMARKS ONLY**

U.S. Department of Commerce
 Patent and Trademark Office
TRADEMARK

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Registration Number(s)

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1,269,510	1,269,515	1,270,418
1,297,495	1,310,481	1,398,099
1,410,896	1,414,006	1,482,343
1,527,231	1,545,770	1,575,698
1,637,222	1,639,320	1,650,884
1,809,435	1,810,966	1,945,610
1,948,939	1,969,444	2,052,943

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TRADEMARK

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2,053,934	2,075,049	2,076,598
2,090,246	2,144,676	2,147,698
2,149,353	<input type="text"/>	<input type="text"/>
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NUNC PRO TUNC TRADEMARK ASSIGNMENT

State of Delaware)
) SS:
County of New Castle

WHEREAS, DELAVEST, INC., a corporation duly organized and validly existing under the laws of the State of Delaware, having its principal place of business at 200 West Ninth Street Plaza, Box 2105, Wilmington, Delaware 19899 ("Delavest"), has adopted and is using both common law and registered trademarks, service marks and trade names (the "Marks") in the United States of America, and has filed applications and/or received Certificates of Registration for certain of said Marks (the "Mark Registrations") as set forth more fully in said Exhibit A attached hereto; and

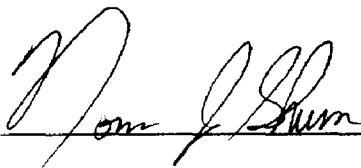
WHEREAS, MARKDEL, INC., a corporation duly organized and validly existing under the laws of the State of Delaware, having its principal place of business at 200 West Ninth Street Plaza, Box 2105, Wilmington, Delaware 19899 ("Markdel"), desires to acquire all right, title and interest and ownership in and to the Marks and Mark Registrations throughout the United States of America and its territories and possessions (the "USA"), as of an effective date of August 31, 1997.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Delavest does hereby sell, grant, transfer, assign and convey to Markdel, its legal representatives, successors and assigns, all of Delavest's right, title and interest and ownership in and to the Marks and Mark Registrations throughout the USA, together with the goodwill of the business symbolized by the Marks and Mark Registrations in such territories, including, without limitation, Delavest's right, title and interest and ownership in and to:

- (1) all renewals of the Mark Registrations for the Marks in the USA;
- (2) all income, royalties, damages and payments now and hereafter due and/or payable under and with respect to the Marks in the USA, including, without limitation, damages and payments for past or future infringements thereof; provided, however, that Delevast hereby retains its right to collect any income, royalties or payments attributable to periods prior to August 31, 1997;
- (3) the right to sue for past, present and future infringements of the Marks in the USA; and
- (4) all rights corresponding thereto throughout the USA, as fully and entirely as the same would have been held and enjoyed by Delavest had this assignment and sale not been made.

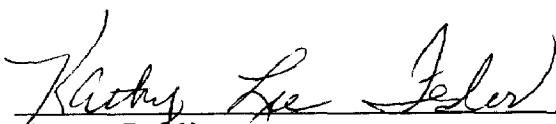
IN WITNESS WHEREOF, Delavest, through its duly authorized officer, has executed this instrument and set his/her hand and seal of the corporation this 13th day of May, 1999.

DELAVEST, INC.

By: 
Title: Vice President

Subscribed to and sworn before me this 13th day of May 1999.

[SEAL]


Notary Public

#15234v2

EXHIBIT A

<u>Registration No.</u>	<u>Trademark Name</u>	<u>Registration Date</u>
935,109	Wendy's Old Fashioned & Design	5/30/72
935,110	Wendy's	5/30/72
936,803	Girl Design	6/27/72
981,735	Quality Is Our Recipe	4/2/74
1,007,170	Old Fashioned Hamburgers	3/18/75
1,023,958	Wendy's Logo w/OFH & Quality	10/28/75
1,120,227	Building Exterior-Design Only	6/12/79
1,186,182	Hot 'N Juicy	1/12/82
1,204,971	Wendy's Has the Taste	8/10/82
1,269,510	Wendy's Wave (script)	3/6/84
1,269,515	Wendy's Logo (New)	3/6/84
1,270,418	Wendy's Logo w/OFH (New)	3/13/84
1,297,495	Wendy's (Word)	9/25/84
1,310,481	Wendy's Logo w/Quality (New)	12/18/84
1,398,099	Choose Fresh Choose Wendy's	6/17/86
1,410,896	Where's the Beef?	9/23/86
1,414,006	Where's the Beef?	10/21/86
1,482,343	Wendy's Logo w/OFH	3/29/88
1,527,231	Big Classic	2/28/89
1,545,770	Best Burgers in the Business	6/27/89
1,575,698	SuperBar	1/2/90
1,637,222	Best Hamburgers and a Whole	3/5/91
1,639,320	Garden Spot	3/26/91
1,650,884	Biggie	7/16/91
1,809,435	Big Bacon Classic	12/7/93
1,810,966	Dave's Deluxe	12/14/93
1,945,610	Create A Combo	1/2/96
1,948,939	Wendy's Ski Family Challenge	1/16/96
1,969,444	Wendy's & Design	4/23/96
2,052,943	The Wendy's Classic & Design	4/15/97
2,053,934	Great Biggie	4/22/97
2,075,049	Just Say Biggie Size It!	7/1/97
2,076,598	Fresh Stuffed Pitas	7/1/97
2,090,246	Fresh Stuffed Pitas & Design	8/19/97
2,144,676	Classic Double	3/17/98
2,147,698	Classic Triple	3/31/98
2,149,353	Classic Single	4/7/98
<u>Application No.</u>	<u>Mark</u>	<u>Filing Date</u>
75/386,954	Fresh Like a Salad Filling Like a Sandwich	11/8/97