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	[MD1]FORM PTO- Expires 06/30/99 OMB 0651-0027		U.S. Department of Commerce Petent and Trademark Office	
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	TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(jes).			
	Submission Ty	pe	Conveyance Type	
	New		Assignment License	ı
-	Resubmissi	on (Non-Recordation)	n) Security Agreement Nunc Pro Tunc	
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<u>_</u>	Conveying Part	y Mark	rk if additional names of conveying parties attached	
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	Name	Delavest, Inc.	5/13/99	
	Formerly			
	Individual	General Partnership L	Limited Partnership 🔀 Corporation 🔲 Association	
	Other			
	[] Citizenship	/State of Incorporation/Organization	on Delaware	
	Receiving Party	,	Mark if additional names of receiving parties attached	
	Name	Markdel, Inc.		
,	DBA/AKA/TA			
	DBA/AKA/TA  Composed of			
	Composed of			
		200 West Ninth Street Plaza		
	Composed of			
	Composed of	200 West Ninth Street Plaza Box 2105		
	Composed of		Delaware 19899	
	Composed of Address (line 1) Address (line 2)	Box 2105 Wilmington	Delaware 19899 State/Country Zip Code	
	Composed of Address (line 1) Address (line 2) Address (line 3)	Box 2105 Wilmington City	State/Country Zip Code	
	Composed of Address (line 1) Address (line 2)	Box 2105 Wilmington	State/Country Zip Code  Limited Partnership If document to be recorded	
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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

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FORM PTO-1618E Expires 06/30/99 OMB 0651-0027	Page 2	JUN Pateritlan	rtment of Commerce of Tademark Office RADEMARK		
Domestic Repr	resentative Name and Address	Enter for the first Receiving	Party only.		
Name	Joseph R. Dreitler				
Address (line 1)	Vorys, Sater, Seymour and Pease LLP				
Address (line 2)	idress (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 of document including any attachments.	conveyance # 7			
Trademark A	oplication Number(s) or Registration N	umber(s) Mark if addi	tional numbers attached		
Enter either the Tra	ademark Application Number <u>or</u> the Registration Numbe	er (DO NOT ENTER BOTH number	s for the same property).		
Tradem	ark Application Number(s)	Registration Number	er(s)		
75/386,954	93	935,110	936,803		
	98	31,735 1,007,170	1,023,958		
	1,	120,227 1,186,182	1,204,971		
Number of Pr	operties Enter the total number of propert	ties involved. # 38			
Fee Amount	Fee Amount for Properties Listed	1 (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 No					
Statement an	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.					
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			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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## RECORDATION FORM COVER SHEET CONTINUATION TRADEMARKS ONLY

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## NUNC PRO TUNC TRADEMARK ASSIGNMENT

State of Delaware ) SS:
County of New Castle

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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;
- 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 <a href="mailto:13th">13th</a> day of <a href="mailto:May">May</a>, 1999.

DELAVEST, INC.

By: / om

Title: Vice President

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

[SEAL]

Notary Public

#15234v2

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## **EXHIBIT A**

Registration No.	Trademark Name	Registration Date
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
Application No.	<u>Mark</u>	Filing Date
75/386,954	Fresh Like a Salad Filling Like a Sand	wich 11/8/97

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