



10-20-2000

11-17-2000

FORM PTO-  
Expires 06/30/99  
OMB 0651-0027

U.S. Patent & TMO/c/TM Mail Rcpt

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

MRP  
10/20/00



101519228

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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

#### Submission Type

New

Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_

Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

#### Conveyance Type

Assignment  License

Security Agreement  Nunc Pro Tunc Assignment  
Effective Date  
Month Day Year \_\_\_\_\_

Merger

Change of Name

Other \_\_\_\_\_

#### Conveying Party

Mark if additional names of conveying parties attached

Name Restaurant Company, The

Execution Date  
Month Day Year  
09302000

Formerly \_\_\_\_\_

Individual  General Partnership  Limited Partnership  Corporation  Association

Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization Delaware

#### Receiving Party

Mark if additional names of receiving parties attached

Name Restaurant Company of Minnesota, The

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 6075 Poplar Avenue

Address (line 2) Suite 800

Address (line 3) Memphis

TN

38119

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 Assignment.)

Citizenship/State of Incorporation/Organization Delaware

11/16/00 MTHA11 00000188 76039178

#### FOR OFFICE USE ONLY

01 - 11:41 AM  
02 - 11:48 AM

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

**TRADEMARK**  
**REEL: 002176 FRAME: 0311**

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

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

**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)**

**Registration Number(s)**

<input type="text" value="76039198"/>	<input type="text" value="76039197"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text" value="1465719"/>	<input type="text" value="2056503"/>	<input type="text" value="2003228"/>
<input type="text" value="1243032"/>	<input type="text" value="1253127"/>	<input type="text" value="1663533"/>
<input type="text" value="1843806"/>	<input type="text" value="2286891"/>	<input type="text" value="1751454"/>

**Number of Properties** Enter the total number of properties involved. #

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$

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.

Michael Metteauer, Esq.

10/17/00

Name of Person Signing

Signature

Date Signed

**RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY**

FORM PTO-1618C  
Expires 06/30/99  
OMB 0651-0027

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

**Conveying Party**

Enter Additional 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**

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Individual     General Partnership     Limited Partnership

Corporation     Association

Other

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**Trademark Application Number(s)**

**Registration Number(s)**

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1265168	2313658	1968261
2187924	1985494	1679722
1943838	1464960	1237817
809680	1403560	1939671
1996746	1475417	1897634
2121878	1203149	820475
2311102	1231484	718354

EXHIBIT A

TRADEMARKS

Marks

<u>Mark</u>	<u>Registration Nos. (if any)</u>
BOTTOMLESS CUP OF COFFEE	Canadian 358979, U.S. 1,465,719
BOTTOMLESS POT OF COFFEE	Canadian 350332, U.S. 1,243,032
BOTTOMLESS CUP OF HOT TEA	Common Law
BOTTOMLESS GLASS OF ICED TEA	Common Law
CHOCOLATE CHIPPER SUNDAE	Common Law
FIESTA OMELETTE	Canadian 354013
FOXTAIL FOODS and Design	U.S. 1,843,806
FUDGE FLATTOP DESSERT	Common Law
GARDEN OMELETTE	Canadian 354012
GRANDMA'S BREAD PUDDING	Common Law
GRANNY'S COUNTRY OMELETTE	Common Law
GRILLED SUB SUPREME	U.S. 2,056,503 (Supp.)
HOMESTEAD BEEF STEW	Common Law
INCREDIBLE CROISSANT SUNDAES	Canadian 358825, U.S. 1,253,127
KID PERKS	U.S. 2,286,891
LUNCH IN A FLASH and Design	U.S. 2,003,228
MAGNIFICENT SEVEN	U.S. 1,663,533
MAMMOTH MUFFIN	U.S. 1,751,454
MELON SUNBURST	Canadian 381420, U.S. 1,265,168
MORNING SUNRISE	U.S. 2,187,924
OLE' ALL DAY	U.S. 1,943,838
P in script	Common Law
PERKINS	Canadian 307738, U.S. 809,680
PERKINS BAKERY and Design	U.S. 1,996,746
PERKINS CAFE AND BAKERY and Design	U.S. 2,121,878
(Rising Sun in Designated Logo)	
PERKINS CAFE BAKERY and Design (Oval	U.S. 2,311,102
Logo on Top of Octagon Design)	
PERKINS CAFE BAKERY	U.S. 2,313,658
PERKINS EXPRESS & BAKERY and Design	U.S. 1,985,494
PERKINS FAMILY RESTAURANT-	U.S. 1,464,960
BAKERY in Double Oval	
PERKINS FAMILY RESTAURANT &	U.S. 1,403,560
BAKERY in Oval	

<b><u>Mark</u></b>	<b><u>Registration Nos. (if any)</u></b>
PERKINS FAMILY RESTAURANT and Oval Design	Canadian 366687
PERKINS FAMILY RESTAURANT in Double Oval	U.S. 1,475,417
PERKINS IN OVAL	Canadian 352362, U.S. 1,203,149
PERKINS IN SCRIPT	U.S. 1,231,484
PERKINS PICKIN'S	U.S. 1,968,261
PERKINS PROMISE	U.S. 1,679,722
PERKINS RESTAURANTS and Design	Canadian 353211, U.S. 1,237,817
PERKINS TAKE HOME BAKERY in Oval Design	1,939,671
TREMENDOUS TWELVE	U.S. 1,897,634
PERKINS RESTAURANT & BAKERY	Canadian 1058177, U.S. 76/039,198
PERKINS RESTAURANT & BAKERY in Double Oval	Canadian 1058176, U.S. 76/039,197
PERKINS RESTAURANT & BAKERY and Canadian Maple Leaf Design	Canadian 1058175
Sign Design	U.S. 820,475
SMITTY'S PANCAKE HOUSE and Design	U.S. 718,354

Trademark Assignment

WHEREAS, The Restaurant Company ("Assignor"), a Delaware Company having a business address of 6075 Poplar Avenue, Suite 800, Memphis, TN 38119 has adopted and is using in the United States and its Territories, either directly or through related companies, various trademarks, service marks, trade names, trade dress, logos, slogans, designs and other source-identifying indicia, including but not limited to those marks set forth in Exhibit A (hereinafter the "MARKS");

WHEREAS, The Restaurant Company of Minnesota ("Assignee"), a Delaware corporation, having a place of business at 6075 Poplar Avenue, Suite 800, Memphis, TN 38119, desires to acquire all rights and goodwill associated with the MARKS;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign unto Assignee any and all right, title and interest in and to the MARKS, together with the goodwill of the business symbolized by the MARKS.

**THE RESTAURANT COMPANY**

By: Steven R. McClellan  
Name: Steven R. McClellan  
Title: Executive Vice President  
Date: SEPT. 30, 2000

STATE OF TENNESSEE  
COUNTY OF Shelby

BEFORE ME, the undersigned authority, on this, 29 day of Sept., 2000, personally appeared Steven R. McClellan known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Kathryn A. Jones  
Notary Public in and for the State of Tennessee  
KATHY A. JONES  
(Printed/Typed Name of Notary)  
My Commission Expires: June 23, 2001