(Rev. 03/01)			J.S. DEPARTMENT OF COM U.S. Patent and Tradema
OMB No. 0651-0027 (exp. 5/31/2002)	101	936378	
Tab settings ⇔⇔ ▼	<u> </u>	<u> </u>	Y
To the Honorable Commissioner of	Patents and Trademarks:	Please record the attached origin	al documents or copy thereo
Name of conveying party(ies):		2. Name and address of re-	ceiving party(ies)
Westfalia-Surge LLC	2.11	Name: Westfalia	-Surge, Inc.
\	. 2.0 0	Internal	•
Individual(s)	Association	Address:	
General Partnership	Limited Partnership	Street Address: 1880	Country Farm Dr
Corporation-State	Linned Farthership	City: Naperville S	tate: IL Zip: 6
Other Delaware Limited	d Liability		-
Company			)
Additional name(s) of conveying party(ies)	attached? Di Yes Di No	<b>√</b> }	
	100 100	General Partnership	
3. Nature of conveyance:		1	
Assignment	Merger	Corporation-State	Delaware
Security Agreement	Change of Name	Other	
Corrective to receive	emove Assignee	If assignee is not domiciled in the representative designation is atta	
Reel 2074 / Fran	nes 0100-0111	(Designations must be a separat Additional name(s) & address( es	e document from assignment)
	Additional number(s) at	See attached lis	JS182
5. Name and address of party to whom concerning document should be mailed		Total number of applications involved:	
Name: Shelley J. Safer			
Internal Address: Lathrop & Cl.	ark LLP	7 Total fee (37 CFR 3.41)	
		1. 10.0.100 (01 01 11 0.41)	\$ <u>1,815.</u> (
		Enclosed	\$ <u>1,815.</u> (
		Enclosed	
Street Address: 740 Regent St		Enclosed	
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Street Address: 740 Regent Str		Enclosed  Authorized to be ch	narged to deposit account
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Commissioner of Patent & Trademarks, Box Assignments
Washington, D.C. 20231

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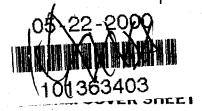
#### 4. Application number(s) or registration number(s)

### **Trademark Registration Numbers**

2,218,210	832,147	1,374,659	1,139,538
2,038,693	1,489,005	2,136,572	944,905
808,436	1,027,948	747,565	2,046,641
1,501,170	1,998,232	2,099,426	2,316,458
1,315,282	1,209,498	1,364,164	1,493,775
606,317	2,036,913	1,739,462	1,948,562
2,258,784	2,041,715	1,274,940	866,805
828,001	1,873,235	770,782	2,252,793
2,161,530	1,207,889	846,803	2,015,694
1,916,150	2,062,261	1,597,187	967,011
1,635,227	2,021,839	1,001,499	2,087,693
2,076,474	598,151	1,583,260	2,084,653
668,878	690,856	1,525,103	1,443,861
822,124	965,851	1,937,667	389,572
991,656	387,233	390,651	515,737
564,541	604,810	990,874	201,871
903,829	1,239,979	1,588,461	1,053,501
1,321,628	1,493,776	2,328,308	1,745,648

FORM PTO-1618A Expres 06/30/99 OMB 0651-0027

RECEIVED



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

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To: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).  Submission Type		OPR/FINANCE TRADE	MARKS ONLY
Resubmission    Non-Recordation   Security Agreement   Nunc Pro Tunc Assignment		TO: The Commissioner of Patents and Trademarks:	
Resubmission (Non-Recordation) Document ID #	- 1		
Document ID #	- {	X New	Assignment License
Correction of PTO Error Reel # Frame #	1	V Color Mercan	Security Agreement Nunc Pro Tunc Assignment
Corrective Document   Reel #   Frame #   X Change of Name   X Change		Document ID #	1 [ ]
Corrective Document Reel # Frame # Other  Conveying Party	-		Merger
Recei Frame Frame Conveying Party    Mark if additional names of conveying parties attached   Execution Date   Month Day Vear   10/1/99			X Change of Name
Conveying Party    Mark if additional names of conveying parties attached   Execution Date   Month Day Year			Other
Name Westfalia-Surge LLC  Formerly  Individual General Partnership Limited Partnership Corporation Association  X Other Limited Liability Company  X Citizenship/State of Incorporation/Organization Delaware  Receiving Party  Name Westfalia Dairy Systems, Inc.  DBA/AKA/TA  Composed of Address (line 1)  Address (line 3)  Address (line 3)  Naperville City  Individual General Partnership Limited Partnership  X Corporation Association  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.  Other  X Citizenship/State of Incorporation/Organization Delaware  FOR OFFICE USE ONLY	ŀ		
Name Westfalia-Surge LLC  Formerly  Individual General Partnership Limited Partnership Corporation Association  X Other Limited Liability Company  X Citizenship/State of Incorporation/Organization Delaware  Receiving Party X Mark if additional names of receiving parties attached  Name Westfalia Dairy Systems, Inc.  DBA/AKA/TA  Composed of Address (line 1) 1880 Country Farm Drive  Address (line 2) Individual General Partnership Limited Partnership assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached.  Other General Partnership Delaware  X/19/2000 ISMBA/Z 0000203 75444575 FOR OFFICE USE ONLY	ı	Conveying Party	
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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, p.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, p.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.

Mail documents to be recorded with required cover sheet(s) information to:

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

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FORM PTO-1618B Expres 0673/59 CMB 0651-6927	Page 2		U.S. Department of C Patent and Trademar TRADEMA	k Office
Domestic Representative N	ame and Address En	ter for the first Rece		
Name				
Address (line 1)				
Address (line 2)				
Address (line 3)				
Address (line 4)				<del></del>
Correspondent Name and	Address Area Code and Tele	phone Number (608)	257-7766	
Name Shelley J. Saf	er, Esq.			
Address (line 1) Lathrop & Clar	k LLP			
Address (line 2) 740 Regent Str	eet	•		
Address (line 3) P.O. Box 1507				
Address (line 4) Madison, WI 53	701–1507			
Pages Enter the total nu including any att	mber of pages of the attache achments.	ed conveyance docu	ment # 6	
Trademark Application Nutrement of the Property of the Trademark Application Trademark Application (75/464,575)	n Number <u>or</u> the Registration Number in Number (s)	Registra 2,218,210 8:	J	659 005
Number of Properties En	ter the total number of prope	erties involved.	# 74	
Fee Amount Fee	Amount for Properties Liste	ed (37 CFR 3.41):	\$ 1,865.00	
Method of Payment: Deposit Account (Enter for payment by deposit acc	Enclosed X Depo ount or if additional fees can be char Deposit Account Nun Authorization to char	nber:	# 15-0660 Yes X No	
Statement and Signature				
To the best of my knowl	edge and belief, the foregoing in copy of the original document.	nformation is true and Charges to deposit acc	correct and any count are authorized, as	

indicated herein.

Name of Person Signing

Shelley J. Safer

TRADEMARK REEL: 002413 FRAME: 0494

4/27/00 Date Signed FORM PTO-1618C Expres 2/30/99 OMB CEST/2027

# CONTINUATION TRADEMARKS ONLY

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Address (line 2)	
Address (line 3) Naperville	[111inois 60563
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X Corporation Association	assignment and the receiving party i not domiciled in the United States, as appointment of a domestic
A corporation the contract of	representative should be attached (Designation must be a separate
Other	document from the Assignment)
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Trademark Application Number(s)	808,436 1,027,948 747,565
	2,046,641 [1,501,170 [1,998,232
	2,099,426 2,316,458 1,315,282
	2,036,913 1,739,462
	1,948,562 2,258,784 2,041,715
	1,274,940 866,805 828,001

FORM PTO-1618C Expres 05/30/99 OMB 0651-6027

## CONTINUATION TRADEMARKS ONLY

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

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	1,873,235	770,782	2,252,793
	2,161,530	1,207,889	846,803
	2,015,694	1,916,150	2,062,261
	**************************************	967,011	1,917,725
	1,635,227	2,021,839	1,001,499
	2,087,693	2,076,474	598,151
	1,583,260	2,084,653	668,878

FORM PTO-1618C Expres 06/30/99 GMB C651-0027

# CONTINUATION TRADEMARKS ONLY

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Other		representative sh (Designation mus document from th	t be a separate
Citizenship/State of Incorporation/Organization			
Trademark Application Number(s) or Registra		X Mark if addition	nal numbers attached
Enter either the Trademark Application Number or the Registration	Number (DO NOT ENTER	BOTH numbers for the s	ame property).
Trademark Application Number(s)		gistration Number	
	690,856	1,525,103	1,443,861
	822,124	965,851	1,937,667
	389,572	991,656	387,233
	390,651	515,737	564,541
	604,810	990,874	201,871
	903,829	1,239,979	1,588,461
	1,053,501	1,321,628	1,493,776

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

## CONTINUATION TRADEMARKS ONLY

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

TRADEMARKS ONLY
Conveying Party  [Mark if additional names of conveying parties attached Execution Date  [Execution Date]
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Composed of
Address (line 1)
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City  State/Country  Limited Partnership  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
Trademark Application Number(s) or Registration Number(s) X 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)
2,328,308

### State of Delaware

### Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"WESTFALIA-SURGE LLC", A DELAWARE LIMITED LIABILITY COMPANY, WITH AND INTO "WESTFALIA DAIRY SYSTEMS, INC." UNDER THE NAME OF "WESTFALIA-SURGE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FIRST DAY OF OCTOBER, A.D. 1999, AT 9 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

Edward J. Freel, Secretary of State

AUTHENTICATION:

0015160

8100M

991416322

2273223

DATE: 10-07-99
TRADEMARK

REEL: 002413 FRAME: 0499

SEXTH: That the executed Agreement of Merger is on file at the principal place of business of the Surviving Company, the address of which is 1880 Country Farm Drive, Naperville, IL 60563.

SEVENTH: That a copy of the executed Agreement of Merger will be furnished by the Surviving Company, on request and without cost, to any person or entity holding an interest in Westfalia-Surge LLC or to any person or entity holding an interest in Westfalia Dairy Systems, Inc.

IN WITNESS WHEREOF, the Surviving Corporation has caused this Certificate of Merger to be executed by its officers thereunto duly authorized as of the 1st day of October, 1999.

WESTFALIA DAIRY SYSTEMS, INC.

By: /s/ Dick Heinal

Name: Dirk Hejnal Title: President

#### AGREEMENT OF MERGER

THIS AGREEMENT OF MERGER, (this "Agreement") dated as of the 1st day of October, 1999, pursuant to Section 264 of the Delaware General Corporation Law, as amended (hereinafter referred to as the "DGCL") is entered into by and between the entities named in Article SECOND below, which are hereinafter collectively referred to as the Constituent Entities.

FIRST: Each of the Constituent Entities has agreed to effect a merger, and the terms and conditions of the merger, the manner of carrying the same into effect, and the manner and basis of converting or exchanging the shares of issued stock or ownership interests of each of the Constituent Entities into different stock or other consideration pursuant to Section 264 of the DGCL, are and shall be as set forth herein.

SECOND: The parties to this Agreement are Westfalia Dairy Systems, Inc., a corporation organized under the DGCL on September 10, 1991, (the "Corporation") and Westfalia-Surge LLC, a limited liability company organized under the Delaware Limited Liability Company Act on February 26, 1999 ("Merged Entity").

THIRD: (a) The Merged Entity is a single member limited liability company.

- (b) The Corporation has an authorized capitalization of one thousand five hundred (1,500) shares of common stock, no par value, of which twenty (20) shares are issued and outstanding.
- FOURTH: (a) The date upon which the Merger shall become effective shall be the date on which the Certificate of Merger reflecting the Merger is filed with the Secretary of State of the State of Delaware (the "Effective Date").
- (b) On the Effective Date, the Merged Entity shall be merged with and into the Corporation, whereupon the separate existence of the Merged Entity shall cease, and the Corporation shall be the surviving business entity of the Merger (the "Surviving Corporation") in accordance with Section 264 of the DGCL.
  - (c) The Merger shall have the effects set forth in the DGCL.
- (d) The members of the Board of Directors and the officers of the Corporation immediately prior to the Effective Date shall be the members of the Board of Directors and the officers, respectively, of the Surviving Corporation until their respective successors are duly elected and qualified.

1-NY/1032198.2

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their respective authorized representatives as of the day and year first-above written.

WESTFALIA DAIRY SYSTEMS, INQ.

WESTFALIA-SURGE LLC

3

1-17/1002399.2

The name of the Surviving Corporation shall be "Westfalia-Surge, Inc." (e)

FIFTH: On the Effective Date, all of the membership interests in the Merged Entity issued and outstanding immediately prior to the Effective Date shall, by virtue of the Merger, and without any action on the part of the holder thereof, cease to be outstanding, shall be canceled and retired without any payment of any consideration therefor and shall cease to exist. The issued shares of the Surviving Corporation shall not be converted or exchanged in any manner, but each said share which is issued at the Effective Date shall continue to represent one issued share of the Surviving Corporation.

The Certificate of Incorporation of the Surviving Corporation (the SIXTH: "Certificate"), separate and apart from this Agreement, shall be, and may be separately certified as, the Certificate of Incorporation of the Surviving Corporation.

SEVENTH: This Agreement may be terminated and the Merger may be abandoned at any time prior to the Effective Date by mutual written consent of the Constituent Entities.

This Agreement shall be construed in accordance with and governed EIGHTH: by the laws of the State of Delaware, without giving effect to principles of conflicts of law.

2

1-87/1032198.2

RECORDED: 01/03/2002