

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

|                                  |  |                       |                    |
|----------------------------------|--|-----------------------|--------------------|
| <b>SUBMISSION TYPE:</b>          | NEW ASSIGNMENT   |                       |                    |
| <b>NATURE OF CONVEYANCE:</b>     | ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL   |                       |                    |
| <b>CONVEYING PARTY DATA</b>      |  |                       |                    |
| <b>Name</b>                      | <b>Formerly</b>  | <b>Execution Date</b> | <b>Entity Type</b> |
| Ohio Valley Fresh Food, Inc.     |  | 12/14/2007            | CORPORATION: OHIO  |
| <b>RECEIVING PARTY DATA</b>      |  |                       |                    |
| <b>Name:</b>                     | From Rax to Rich's, Inc.   |                       |                    |
| <b>Street Address:</b>           | 1506 State Route 93  |                       |                    |
| <b>City:</b>                     | Ironton  |                       |                    |
| <b>State/Country:</b>            | OHIO   |                       |                    |
| <b>Postal Code:</b>              | 45638  |                       |                    |
| <b>Entity Type:</b>              | CORPORATION: OHIO  |                       |                    |
| <b>PROPERTY NUMBERS Total: 5</b> |  |                       |                    |
| <b>Property Type</b>             | <b>Number</b>  | <b>Word Mark</b>      |                    |
| Registration Number:             | 3025629  | BBC                   |                    |
| Registration Number:             | 2998741  |                       |                    |
| Registration Number:             | 2977762  | RAX                   |                    |
| Registration Number:             | 1084396  | RAX                   |                    |
| Registration Number:             | 2761408  | RAX FRESH 'N GOOD     |                    |
| <b>CORRESPONDENCE DATA</b>       |  |                       |                    |
| <b>Fax Number:</b>               | (614)222-3481  |                       |                    |
|                                  | <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> |                       |                    |
| <b>Phone:</b>                    | 614-462-2219   |                       |                    |
| <b>Email:</b>                    | srector@szd.com  |                       |                    |
| <b>Correspondent Name:</b>       | Susan D. Rector  |                       |                    |
| <b>Address Line 1:</b>           | 250 West Street  |                       |                    |
| <b>Address Line 4:</b>           | Columbus, OHIO 43215-2538  |                       |                    |
| <b>ATTORNEY DOCKET NUMBER:</b>   | 002624-001   |                       |                    |

**CH \$140.00 3025629**

|                    |                   |
|--------------------|-------------------|
| NAME OF SUBMITTER: | Susan D. Rector   |
| Signature:         | /Susan D. Rector/ |
| Date:              | 01/15/2008        |

**Total Attachments: 10**

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## TRADEMARK ASSIGNMENT

This Assignment ("Assignment") is made effective as of December 14, 2007, from Ohio Valley Fresh Food, Inc. ("ASSIGNOR"), to From Rax to Rich's, Inc. ("ASSIGNEE").

WHEREAS, ASSIGNOR is the owner of the trademarks (the Marks") and other intellectual property ("the Property") as described in Exhibit A, attached hereto and incorporated by reference herein, together with the goodwill of the business symbolized thereby in connection with the goods on which the Marks are used ("the Products").

WHEREAS, ASSIGNOR desires to convey, transfer, assign, deliver, and contribute to ASSIGNEE all of its right, title, and interest in and to the Marks and the Property.

NOW, THEREFORE, in consideration of the payment of Five Hundred Dollars (\$500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby conveys, transfers, assigns, delivers, and contributes to ASSIGNEE all of ASSIGNOR'S right, title, and interest of whatever kind in and to the Marks and the Property, together with (1) the goodwill of the business relating to the Products in respect upon which the Marks are used and for which they are registered: (2) all income, royalties, and damages hereafter due or payable to ASSIGNOR with respect to the Marks, including without limitation, damages, and payments for past or future infringements and misappropriations of the Marks: and (3) all rights to sue for past, present and future infringements or misappropriations of the Marks.

ASSIGNOR further covenants that it will execute all documents, papers, forms and authorizations and take all other actions that may be necessary for securing, completing, or vesting in ASSIGNEE full right, title, and interest in the Marks and the Property.

[SIGNATURES CONTAINED ON NEXT PAGE]

IN WITNESS WHEREOF, ASSIGNOR has duly executed under seal and delivered this Assignment, as of the day and year first above written.

OHIO VALLEY FRESH FOOD, INC.


By: Stanley J. Stahl  
Its: President

ACKNOWLEDGEMENT

State Of Ohio            )  
  )  
County of Franklin        )

On December 14, 2008, before me, Tom Rocco, Notary Public, personally appeared Stan Sanford, the President of Ohio Valley Fresh Food, Inc., who proved to me on the basis of satisfactory evidence to be the person(s) whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Tom Rocco  
\_\_\_\_\_  
 THOMAS J. ROCCO  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

**EXHIBIT A**

**TRADEMARKS ASSIGNED**

1. Trademark Registration No.: 3,025,629 for BBC. See Registration Sheet attached hereto.
2. Trademark Registration No.: 2,998,741 for the mark indicated on the attached.
3. Trademark Registration No.: 2,977,762 for the mark indicated on the attached.
4. Trademark Registration No.: 1,084,396 for the mark indicated on the attached.
5. Trademark Registration No.: 2,761,408 for the mark indicated on the attached.

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 3,025,629

United States Patent and Trademark Office

Registered Dec. 13, 2005

TRADEMARK  
PRINCIPAL REGISTER

**BBC**

CARPEDIEM MANAGEMENT COMPANY (OHIO  
CORPORATION), DBA RAX  
P.O. BOX 422  
NEW ALBANY, OH 43054

FOR: BEEF, BACON AND CHEESE SANDWICH  
FOR CONSUMPTION ON OR OFF THE PREMISES.  
IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-3-1980; IN COMMERCE 3-3-1980

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SEC 2(F).

SER. NO. 76-599,103, FILED 6-24-2004.

LA TONIA FISHER, EXAMINING ATTORNEY

nt. Cl.: 43

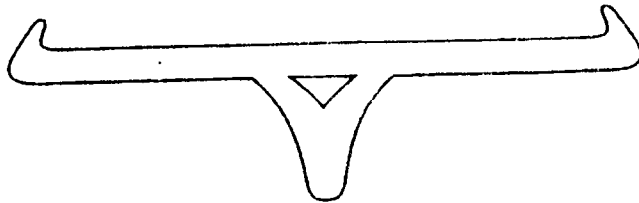
Prior U.S. Cls.: 100 and 101

Reg. No. 2,998,741

**United States Patent and Trademark Office**

Registered Sep. 20, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**



CARPEDIEM MANAGEMENT COMPANY (OHIO  
CORPORATION)  
P.O. BOX 422  
NEW ALBANY, OH 43054

FIRST USE 4-23-2005; IN COMMERCE 4-23-2005.

SN 76-553,187, FILED 9-30-2003.

FOR: RESTAURANT SERVICES, IN CLASS 43  
(U.S. CLS. 100 AND 101).

KAREN K. BUSH, EXAMINING ATTORNEY



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|                                 |  |
|---------------------------------|--|
| <b>Word Mark</b>                | <b>RAX</b>   |
| <b>Goods and Services</b>       | IC 043. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 20050425. FIRST USE IN COMMERCE: 20050425   |
| <b>Mark Drawing Code</b>        | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS   |
| <b>Design Search Code</b>       | 03.13.03 - Horns (of animal) along (not part of heads), antlers<br>27.01.04 - Letters forming objects; Numbers forming objects; Objects composed of letters or numerals; Punctuation forming objects |
| <b>Serial Number</b>            | 76553188   |
| <b>Filing Date</b>              | September 30, 2003   |
| <b>Current Filing Basis</b>     | 1A   |
| <b>Original Filing Basis</b>    | 1B   |
| <b>Published for Opposition</b> | August 3, 2004   |
| <b>Registration Number</b>      | 2977762  |
| <b>Registration Date</b>        | July 26, 2005  |
| <b>Owner</b>                    | (REGISTRANT) Carpediem Management Company CORPORATION OHIO P.O. Box 422<br>New Albany OHIO 43054   |
| <b>Attorney of Record</b>       | Susan D. Rector; Aimee A. Zaleski  |
| <b>Prior Registrations</b>      | 1084396;2761408  |
| <b>Type of Mark</b>             | SERVICE MARK   |
| <b>Register</b>                 | PRINCIPAL  |
| <b>Live/Dead Indicator</b>      | LIVE   |





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|-------------------------------|---|
| <b>Word Mark</b>              | <b>RAX</b>  |
| <b>Goods and Services</b>     | IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19770401. FIRST USE IN COMMERCE: 19770401                                    |
| <b>Mark Drawing Code</b>      | (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM   |
| <b>Serial Number</b>          | 73132343  |
| <b>Filing Date</b>            | June 30, 1977   |
| <b>Current Filing Basis</b>   | 1A  |
| <b>Original Filing Basis</b>  | 1A  |
| <b>Change in Registration</b> | CHANGE IN REGISTRATION HAS OCCURRED   |
| <b>Registration Number</b>    | 1084396   |
| <b>Registration Date</b>      | January 31, 1978  |
| <b>Owner</b>                  | (REGISTRANT) Foodplex, Inc. CORPORATION DELAWARE 1169 DUBLIN ROAD Columbus OHIO 43216   |
|                               | (LAST LISTED OWNER) Rax Resturants, Inc. CORPORATION BY CHANGE OF NAME, BY ASSIGNMENT OHIO 60 East Broad Street Colombus OHIO 43085 |
| <b>Assignment Recorded</b>    | ASSIGNMENT RECORDED   |

**Attorney of Record** Susan D. Rector; Aimee A. Zaleski  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Renewal** 1ST RENEWAL 19991223  
**Live/Dead Indicator** LIVE

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**Word Mark** RAX FRESH 'N GOOD

**Goods and Services** IC 043. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 19960201. FIRST USE IN COMMERCE: 19960201

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 02.01.20 - Bakers (men); Butchers (men); Chefs (men); Men, butchers, chefs, and bakers  
 02.01.31 - Men, stylized, including men depicted in caricature form  
 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes;  
 Stick figures  
 09.05.06 - Chef's Hat  
 24.09.07 - Advertising, banners; Banners  
 26.13.25 - Quadrilaterals with one or more curved sides

**Serial Number** 76455355

**Filing Date** September 23, 2002

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** June 17, 2003

**Registration Number** 2761408

**Registration Date** September 9, 2003

**Owner** (REGISTRANT) Carpediem Management Company 43081 CORPORATION OHIO P.O. Box 422 New Albany OHIO 43054

**Attorney of Record** Susan D. Rector; Aimee A. Zaleski

**Prior Registrations** 1084396



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