

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	Termination and Release

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
JPMorgan Chase Bank, N.A.		03/11/2009	National Banking Corporation: UNITED STATES

**RECEIVING PARTY DATA**

<b>Name:</b>	Oldemark, LLC
<b>Street Address:</b>	100 Bank Street
<b>Internal Address:</b>	Suite 610B
<b>City:</b>	Burlington
<b>State/Country:</b>	VERMONT
<b>Postal Code:</b>	05402
<b>Entity Type:</b>	LIMITED LIABILITY COMPANY: VERMONT

**PROPERTY NUMBERS Total: 79**

Property Type	Number	Word Mark
Registration Number:	2857459	DELETREE CONMIGO
Registration Number:	3450411	BACONATOR
Registration Number:	3514686	MOM-RD
Registration Number:	3365536	THAT'S RIGHT.
Registration Number:	3179880	ADOPTION FRIENDLY WORKPLACE A SIGNATURE PROGRAM OF THE DAVE THOMAS FOUNDATION FOR ADOPTION
Registration Number:	1637222	BEST HAMBURGERS AND A WHOLE LOT MORE
Registration Number:	1809435	BIG BACON CLASSIC
Registration Number:	1527231	BIG CLASSIC
Registration Number:	1650884	BIGGIE
Registration Number:	2075049	BIGGIE SIZE
Registration Number:	2441330	CHEDDAR LOVERS

CH \$1990.00 2857459

Registration Number:	2905708	CHICKEN TEMPTATIONS
Registration Number:	1398099	CHOOSE FRESH CHOOSE WENDY'S
Registration Number:	2144676	CLASSIC DOUBLE
Registration Number:	2149353	CLASSIC SINGLE
Registration Number:	2147698	CLASSIC TRIPLE
Registration Number:	2777699	DAVE THOMAS FOUNDATION FOR ADOPTION
Registration Number:	2864062	DAVE THOMAS
Registration Number:	2695097	DAVE THOMAS
Registration Number:	936803	
Registration Number:	3095550	DO WHAT TASTES RIGHT.
Registration Number:	3168474	DON'T COMPROMISE. PERSONALIZE.
Registration Number:	2784008	EAT GREAT, EVEN LATE!
Registration Number:	2797039	EN WENDY'S COMER ES MAS RICO. OLD FASHIONED HAMBURGERS
Registration Number:	3224518	FRESCATA
Registration Number:	2961639	GARDEN SENSATIONS
Registration Number:	1639320	GARDEN SPOT
Registration Number:	2053934	GREAT BIGGIE
Registration Number:	2699497	HAMBURGER BLISS
Registration Number:	1186182	HOT N JUICY
Registration Number:	2847387	IT'S BETTER HERE.
Registration Number:	2650863	MANDARIN CHICKEN
Registration Number:	2517465	MOZZARELLA LOVERS' BACON CHEESEBURGER
Registration Number:	1007170	OLD FASHIONED HAMBURGERS
Registration Number:	2731415	PEOPLE EXCELLENCE
Registration Number:	981735	QUALITY IS OUR RECIPE
Registration Number:	2909543	SIZZLIN' SAUTÉ BACON CHEESEBURGER
Registration Number:	2930029	SIZZLIN' SAUTÉ CHICKEN
Registration Number:	2311789	SPICY
Registration Number:	3038718	SUPER VALUE MENU
Registration Number:	1575698	SUPERBAR
Registration Number:	2326055	TASTE THE DIFFERENCE FRESH MAKES
Registration Number:	1545770	THE BEST BURGERS IN THE BUSINESS
Registration Number:	2857722	WE'VE RAISED THE BAR ON SALADS
Registration Number:	2387927	WENDY'S

Registration Number:	2391721	WENDY'S
Registration Number:	2415636	WENDY'S
Registration Number:	2445979	WENDY'S
Registration Number:	2456914	WENDY'S
Registration Number:	2448898	WENDY'S
Registration Number:	1269515	WENDY'S
Registration Number:	1269510	WENDY'S
Registration Number:	1297495	WENDY'S
Registration Number:	935110	WENDY'S
Registration Number:	2588416	WENDY'S BUCKS
Registration Number:	1204971	WENDY'S HAS THE TASTE
Registration Number:	2516898	WENDY'S KIDS' MEAL
Registration Number:	2501820	WENDY'S KIDS' MEAL
Registration Number:	2708583	WENDY'S OLD FASHIONED COMBOS
Registration Number:	935109	WENDY'S OLD FASHIONED HAMBURGERS
Registration Number:	1482343	WENDY'S OLD FASHIONED HAMBURGERS QUALITY IS OUR RECIPE
Registration Number:	1270418	WENDY'S OLD FASHIONED HAMBURGERS
Registration Number:	1023958	WENDY'S OLD FASHIONED HAMBURGERS QUALITY IS OUR RECIPE
Registration Number:	2853724	WENDY'S OLD FASHIONED HAMBURGERS QUALITY IS OUR RECIPE POLITICAL ACTION COMMITTEE
Registration Number:	2829340	WENDY'S OLD FASHIONED HAMBURGERS WENDY'S INTERNATIONAL FOUNDATION QUALITY IS OUR RECIPE
Registration Number:	1310481	WENDY'S QUALITY IS OUR RECIPE
Registration Number:	2345404	WENDY'S RULES THE NIGHT
Registration Number:	2345290	WENDY'S SERVICE EXCELLENCE
Registration Number:	2361938	WENDY'S SERVICE EXCELLENCE
Registration Number:	2697302	WENDY'S WILDLIFE
Registration Number:	3025628	WENDY'S WONDERFUL KIDS
Registration Number:	2939184	WENDY'S WORLD QUALITY IS OUR RECIPE WENDY'S OLD FASHIONED HAMBURGERS
Registration Number:	2634301	WENDYS.COM
Registration Number:	2962825	WENET
Registration Number:	1410896	WHERE'S THE BEEF
Registration Number:	2035976	WENVIEW
Registration Number:	1414006	WHERE'S THE BEEF

TRADEMARK

REEL: 003951 FRAME: 0393

Registration Number:	2907601	WILD MOUNTAIN BACON CHEESEBURGER
Registration Number:	2907600	WILD MOUNTAIN CHICKEN

**CORRESPONDENCE DATA**

Fax Number: (202)408-3141  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
Phone: 800-927-9801 x2348  
Email: jpaterso@cscinfo.com  
Correspondent Name: Corporation Service Company  
Address Line 1: 1090 Vermont Avenue NW, Suite 430  
Address Line 2: Attn: Jean Paterson  
Address Line 4: Washington, DISTRICT OF COLUMBIA 20005

ATTORNEY DOCKET NUMBER:	924607
NAME OF SUBMITTER:	Jean Paterson
Signature:	/Jean Paterson/
Date:	03/13/2009

**Total Attachments: 7**  
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### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies):**

JPMorgan Chase Bank, N.A.

- Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation- State: \_\_\_\_\_  
 Other National Banking Corporation

Citizenship (see guidelines) USA

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance /Execution Date(s) :**

Execution Date(s) March 11, 2009

- Assignment                               Merger  
 Security Agreement                       Change of Name  
 Other Termination and Release

**2. Name and address of receiving party(ies)**

Additional names, addresses, or citizenship attached?  Yes  
 No

Name: Oldemark, LLC

Internal Address: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address: 100 Bank Street, Suite 610B

City: Burlington

State: VT

Country: USA Zip: 05402

- Association      Citizenship \_\_\_\_\_  
 General Partnership      Citizenship \_\_\_\_\_  
 Limited Partnership      Citizenship VT  
 Corporation      Citizenship \_\_\_\_\_  
 Other LLC      Citizenship USA - Vermont

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

NONE

B. Trademark Registration No.(s)

2,857,459 and additional numbers on Schedule A attached hereto.

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

**5. Name & address of party to whom correspondence concerning document should be mailed:**

Name: Maureen P. Murphy, Legal Assistant

Internal Address: \_\_\_\_\_

Cahill Gordon & Reindel

Street Address: 80 Pine Street

City: New York

State: NY Zip: 10013

Phone Number: 212-701-3283

Fax Number: 212-378-2440

Email Address: mmurphy@cahill.com

**6. Total number of applications and registrations involved:**

79

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$** \_\_\_\_\_

- Authorized to be charged to deposit account  
 Enclosed

**8. Payment Information:**

Deposit Account Number \_\_\_\_\_

Authorized User Name \_\_\_\_\_

**9. Signature:**

Maureen P. Murphy  
Signature

March 12, 2009

Date

MAUREEN P. MURPHY

Name of Person Signing

Total number of pages including cover sheet, attachments, and document:

7

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

**TERMINATION AND RELEASE OF SECURITY INTEREST  
IN TRADEMARKS**

TERMINATION AND RELEASE dated as of March 11, 2009, from JPMorgan Chase Bank, N.A., a national banking corporation with an address at P.O. Box 2558, Houston, Texas 77252, as Administrative Agent (the "Agent") for certain banks and other financial institutions (the "Lenders"), to Oldemark LLC, a Vermont limited liability company located at 100 Bank Street, Suite 610B, Burlington, Vermont 05402 (the "Obligor"):

WITNESSETH:

WHEREAS, pursuant to the Guarantee and Collateral Agreement, dated as of January 14, 2009, made by the Grantors (as defined therein) in favor of the Agent (the "Collateral Agreement"), a security interest (the "Security Interest") was granted by the Grantors to the Agent in certain collateral, including the Trademark Collateral (as hereinafter defined);

WHEREAS, pursuant to that certain Grant of Security Interest in Trademark Rights dated as of January 14, 2009 between the Agent and Obligor (the "Security Agreement"), Obligor, by reference to the Collateral Agreement, reaffirmed its intent to grant a Security Interest to the Agent specifically in certain Trademark Collateral;

WHEREAS, the Security Agreement was recorded in the Trademark Division of the United States Patent and Trademark Office on January 15, 2009 at Reel 3920 and Frame 0028; and

WHEREAS, the Agent now desires to terminate and release the entirety of its Security Interest in the Trademark Collateral;

NOW, THEREFORE, for good and valuable consideration including the satisfaction of all obligations, indebtedness and liabilities secured by the Trademark Collateral pursuant to the Collateral Agreement, the receipt and adequacy of which are hereby acknowledged, and upon the terms set forth in this Termination and Release, the Agent hereby states as follows:

1. Definitions: The term "Trademark Collateral," as used herein, shall mean all of the Grantors' right, title and interest of every kind and nature as of the date hereof in the Trademarks (including, without limitation, those items listed on Schedule A hereto). The term "Trademarks" shall have the meaning provided by reference in the Collateral Agreement.

2. Release of Security Interest: The Agent hereby terminates, releases and discharges its Security Interest in the Trademark Collateral, and any right, title or interest of the Agent in such Trademark Collateral shall hereby cease and become void.

3. Further Assurances: The Agent hereby agrees to duly execute, acknowledge, procure and deliver any further documents and to do such other acts as may be reasonably necessary to effect the release of the Security Interest contemplated hereby.

IN WITNESS WHEREOF, the undersigned has executed this Termination and Release by its duly authorized officer as of the date first above written.

JPMORGAN CHASE BANK, N.A.

By:   
Name: **BARRY BERGMAN**  
Title: **MANAGING DIRECTOR**

Signature Page to Oldemark Trademark Release

**TRADEMARK**  
**REEL: 003951 FRAME: 0397**

STATE OF New York )  
 )  
COUNTY OF New York )

ss.:

On this 10 day of MARCH, 2009, before me personally appeared Barry Bergman to me known who, being by me duly sworn, did depose and say that he/she is Managing Director of JPMorgan Chase Bank, N.A., described herein and which executed the foregoing instrument, and that he/she signed his/her name thereto pursuant to the authority granted by JPMorgan Chase Bank, N.A.

Edeline C. Adderley  
Notary Public

(Affix Seal Below)

EDELINE C. ADDERLEY  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AD6079940 QUALIFIED IN BRONX COUNTY  
CERTIFICATE FILED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES SEPT. 3, 2010



**Schedule A**

**U.S. Trademark Registrations and Applications**

<b>Trademark</b>	<b>Registration or Application Number</b>
DELETREE CONMIGO	# 2,857,459
BACONATOR	# 3,450,411
MOM-RD	# 3,514,686
THAT'S RIGHT	# 3,365,536
ADOPTION FRIENDLY WORKPLACE A SIGNATURE PROGRAM OF THE DAVE THOMAS FOUNDATION FOR ADOPTION AND DESIGN	# 3,179,880
BEST HAMBURGERS AND A WHOLE LOT MORE	# 1,637,222
BIG BACON CLASSIC	# 1,809,435
BIG CLASSIC	# 1,527,231
BIGGIE	# 1,650,884
BIGGIE SIZE	# 2,075,049
CHEDDAR LOVERS	# 2,441,330
CHICKEN TEMPTATIONS	# 2,905,708
CHOOSE FRESH CHOOSE WENDY'S	# 1,398,099
CLASSIC DOUBLE	# 2,144,676
CLASSIC SINGLE	# 2,149,353
CLASSIC TRIPLE	# 2,147,698
DAVE THOMAS FOUNDATION FOR ADOPTION AND DESIGN	# 2,777,699
DAVE THOMAS	# 2,864,062
DAVE THOMAS	# 2,695,097
DESIGN ONLY	# 936,803
DO WHAT TASTES RIGHT	# 3,095,550
DON'T COMPROMISE PERSONALIZE	# 3,168,474
EAT GREAT, EVEN LATE!	# 2,784,008
EN WENDY'S COMER ES MAS RICO. OLD FASHIONED HAMBURGERS AND DESIGN	# 2,797,039
FRESCATA	# 3,224,518
GARDEN SENSATIONS	# 2,961,639
GARDEN SPOT	# 1,639,320
GREAT BIGGIE	# 2,053,934
HAMBURGER BLISS	# 2,699,497
HOT N JUICY AND DESIGN	# 1,186,182
IT'S BETTER HERE	# 2,847,387
MANDARIN CHICKEN	# 2,650,863
MOZZARELLA LOVERS' BACON CHEESEBURGER	# 2,517,465
OLD FASHIONED HAMBURGERS	# 1,007,170
PEOPLE EXCELLENCE AND DESIGN	# 2,731,415
QUALITY IS OUR RECIPE	# 981,735

<b>Trademark</b>	<b>Registration or Application Number</b>
SIZZLIN' SAUTÉ BACON CHEESEBURGER	# 2,909,543
SIZZLIN' SAUTÉ CHICKEN	# 2,930,029
SPICY AND DESIGN	# 2,311,789
SUPER VALUE MENU	# 3,038,718
SUPERBAR	# 1,575,698
TASTE THE DIFFERENCE FRESH MAKES	# 2,326,055
THE BEST BURGERS IN THE BUSINESS	# 1,545,770
WE'VE RAISED THE BAR ON SALADS	# 2,857,722
WENDY'S	# 2,387,927
WENDY'S	# 2,391,721
WENDY'S	# 2,415,636
WENDY'S	# 2,445,979
WENDY'S	# 2,456,914
WENDY'S	# 2,448,898
WENDY'S AND DESIGN	# 1,269,515
WENDY'S	# 1,269,510
WENDY'S	# 1,297,495
WENDY'S	# 935,110
WENDY'S BUCKS	# 2,588,416
WENDY'S HAS THE TASTE AND DESIGN	# 1,204,971
WENDY'S KID'S MEAL AND DESIGN	# 2,516,898
WENDY'S KID'S MEAL	# 2,501,820
WENDY'S OLD FASHIONED COMBOS	# 2,708,583
WENDY'S OLD FASHIONED HAMBURGERS AND DESIGN	# 935,109
WENDY'S OLD FASHIONED HAMBURGERS QUALITY IS OUR RECIPE AND DESIGN	# 1,482,343
WENDY'S OLD FASHIONED HAMBURGERS AND DESIGN	# 1,270,418
WENDY'S OLD FASHIONED HAMBURGERS QUALITY IS OUR RECIPE AND DESIGN	# 1,023,958
WENDY'S OLD FASHIONED HAMBURGERS QUALITY IS OUR RECIPE POLITICAL ACTION COMMITTEE AND DESIGN	# 2,853,724
WENDY'S OLD FASHIONED HAMBURGERS WENDY'S INTERNATIONAL FOUNDATION QUALITY IS OUR RECIPE AND DESIGN	# 2,829,340
WENDY'S QUALITY IS OUR RECIPE AND DESIGN	# 1,310,481
WENDY'S RULES THE NIGHT AND DESIGN	# 2,345,404
WENDY'S SERVICE EXCELLENCE AND DESIGN	# 2,345,290
WENDY'S SERVICE EXCELLENCE AND DESIGN	# 2,361,938
WENDY'S WILDLIFE	# 2,697,302
WENDY'S WONDERFUL KIDS AND DESIGN	# 3,025,628
WENDY'S WORLD QUALITY IS OUR RECIPE WENDY'S OLD FASHIONED HAMBURGERS AND DESIGN	# 2,939,184
WENDYS.COM	# 2,634,301
WENET	# 2,962,825
WHERE'S THE BEEF	# 1,410,896
WENVIEW	# 2,035,976

<b>Trademark</b>	<b>Registration or Application Number</b>
WHERE'S THE BEEF	# 1,414,006
WILD MOUNTAIN BACON CHEESEBURGER	# 2,907,601
WILD MOUNTAIN CHICKEN	# 2,907,600