

Please read instruction on reverse side before completing application.

FILED

APR -7 86 2 34 6 37

STATE OF WYOMING

SECRETARY OF STATE
Capitol Building
Cheyenne, Wyoming 82002

WYOMING
SECRETARY OF STATE

APPLICATION FOR REGISTRATION OF TRADEMARK OR SERVICE MARK

1. BE IT KNOWN THAT THE APPLICANT SMITH'S MANAGEMENT CORP. has heretofore adopted and used a certain trademark and hereby makes application for registration of such trademark.
2. Address of applicant is: Street 1550 So. Redwood Road
City Salt Lake County Salt Lake State Utah ZIP 84104
3. Applicant is: (a) individual (b) partnership (c) a corporation (d) other (CIRCLE ANSWER)
If (b) give names and address of partners: _____
- If (c) show when and where incorporated (State) Utah (Date) 12/29/61
If (d) explain: _____
4. Provide a written description of trademark or service mark. Your description must include all words, names, symbols, devices and designs which the applicant wishes to be included within the mark. You may attach a separate sheet if needed; however, you must describe the trademark completely. Words "Mountain Dairy" against a backdrop of a mountain range.
5. Provide the class number and title of the goods or services (see reverse) USE ONLY ONE CLASS CODE PER REGISTRATION. 46 Foods and Ingredients of Foods
6. Provide a brief description of the goods or services within the class (i.e., what your product is, or what service you provide. Dairy Products
7. List the mode or manner in which the mark is used to identify the goods or services (e.g., GOODS - labels on cans, bags, wrappers, etc.; tags, nameplates affixed directly to product; SERVICES - labels on laundry bags, advertising, window signs, etc.)
Mark will be on labels, which will be attached to container.
8. Date of first use by applicant or predecessor:
(a) Anywhere March 15, 1986 THE MARK MUST HAVE BEEN USED BEFORE IT MAY BE REGISTERED
(b) In THIS state March 15, 1986
9. THREE specimens or facsimiles of the mark AS IT IS ACTUALLY USED must accompany this application.

State of Utah)
) ss
County of Salt Lake)

Peter H. Barth, being first duly sworn, deposes and says that he is Corporate Counsel of the applicant and makes this affidavit (title)

on behalf of the applicant. He has read the above application, and the facts set out therein are true; he believes the applicant to be the owner of the mark sought to be registered; to his best knowledge and belief no other person, firm, corporation or association has the right to use said mark in this state, either in the identical form or in such near resemblance thereto as might be calculated to deceive.

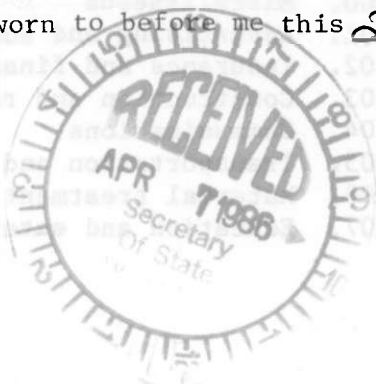
Date 3/28/86 SIGNATURE: _____

Signature available on original document

Subscribed and sworn to before me this 28th day of March, 1986

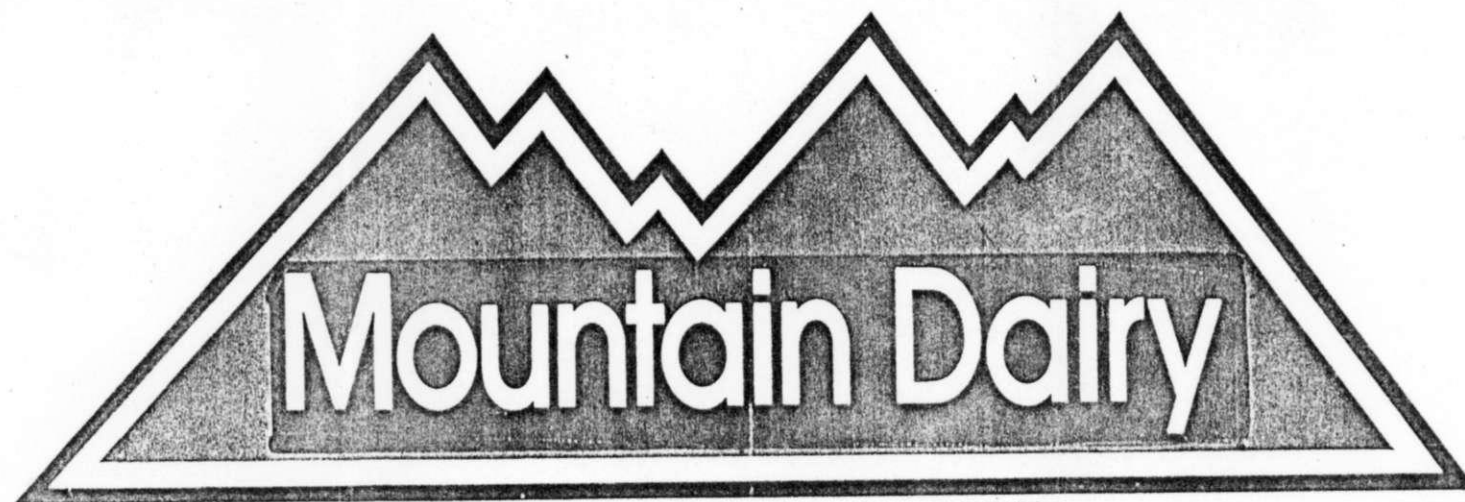
(Notary Public)

SEAL



My commission expires:

July 16, 1989



PLEASE READ INSTRUCTIONS ON REVERSE
SIDE BEFORE COMPLETING APPLICATION.

MOUNTAIN DAIRY (WORDS AGAINST THE DESIGN OF
SMITH'S MGMT CORP.
1550 S REDWOOD RD
SALT LAKE CITY, UT 84104

DEC 20 95 3 05 919

86-234637 TM

APPLICATION FOR RENEWAL OF TRADEMARK OR SERVICE MARK REGISTRATION

1. **BE IT KNOWN THAT THE APPLICANT** SMITH'S FOOD & DRUG CENTERS, INC. successor in interest to SMITH'S MANAGEMENT CORP. has heretofore adopted and used a certain trademark and hereby makes application for the renewal of such trademark registration.

2. Address of the Applicant is: Street 1550 South Redwood Road
City Salt Lake County Salt Lake State Utah Zip 84104

3. Is applicant (a) individual? (b) partnership? (c) corporation? (d) other? (Circle one.)
If (b), give names and addresses of partners:

If (c), show when and where incorporated (State) Delaware Date 2/89


4. Date of original registration in the office of the Wyoming Secretary of State: 3/24/86

5. Provide a **written** description of trademark or service mark. Your description must include all words, names, symbols, devices and designs which appear on the mark.
Words "Mountain Dairy" against a backdrop of a mountain range


6. Provide the class number and title of the goods or services (see reverse). **USE ONLY ONE CLASS CODE PER RENEWAL.** 46

7. Provide a brief description of the goods or services within the class.
fruit drinks, milk,

8. List the mode or manner in which the mark is used to identify the goods or services (e.g., GOODS - labels on cans, bags, wrappers, etc; tags, nameplates affixed directly to product; SERVICES - labels on laundry bags, advertising, window signs, etc.)
Mark will be on labels, which will be attached to container

9. **NOTE: THREE (3) SPECIMENS OR FACSIMILES MUST**  **IS APPLICATION.**

10. **APPLICANT CERTIFIES THAT THE MARK IS STILL IN USE IN WYOMING.**

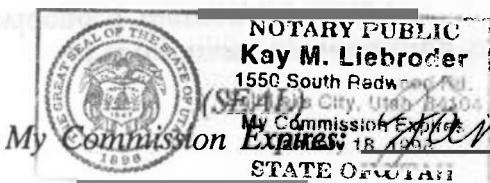
Date: 22-9-95 Signature  Signature available on original document

STATE OF Utah)
COUNTY OF Salt Lake)

Michael C. Frei, being first duly sworn, deposes and says that he is Sr. Vice President (Title)

He has read the above application, and the facts set out therein are true; he believes the applicant to be the owner of the mark sought to be renewed; to his best knowledge and belief no other person, firm, corporation or association has the right to use said mark in this State, either in the identical form or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefore:

Subscribed and sworn to before me this 11 day of December 1995.




Notary Public



LEGAL DEPARTMENT

Michael C. Frei
Peter H. Barth

Smith's Food & Drug Centers, Inc.

1550 South Redwood Rd., Salt Lake City, Utah 84104 • P.O. Box 30550, Salt Lake City, Utah 84130
Telephone (801) 974-1494 • Telecopier (801) 974-1676

December 20, 1995

**SENT VIA FACSIMILE
307-777-5337**

Secretary of State
STATE OF WYOMING
Capital Building
Cheyenne, Wyoming 82002
Attention: Jewell

Re: MOUNTAIN DAIRY

Dear Jewell:

With regards to our conversation of this date, please be advised that permission is given for the following change on the Application for Renewal of Trademark Registration:

Line 4 should read: April 7, 1986

Thank you for your help in correcting this application. MERRY CHRISTMAS!!

Very truly yours,

Signature available on original document

Kay M. Liebroder
Legal Assistant

KML