

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

12-06-2000



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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
TRADEMARK

1 R SHEET

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

Submission Type

☒ New

☐ Resubmission (Non-Recordat)
Document ID # _____

☐ Correction of PTO Error
Reel # _____ Frame # _____

☐ Corrective Document
Reel # _____ Frame # _____

Conveyance Type

Assignment ☐ License

Security Agreement

Merger

☐ Change of Name

☒ Other Release of Lien on Trademarks

Effective Date
Month Day Year
October 25, 2000

11-15-2000
U.S. Patent & TMO/TM Mail Rcpt Dt. #67

Conveying Party

☐ Mark if additional names of conveying parties attached

Name The Bank of New York

Execution Date
Month Day Year

October 25, 2000

Formerly _____

☐ Individual ☐ General Partnership ☐ Limited Partnership ☐ Corporation

☒ Other a national banking association

☐ Citizenship/State of Incorporation/Organization _____

Receiving Party

☐ Mark if additional names of receiving parties attached

Name Royal Crown Company, Inc.

DBA/AKA/TA _____

Composed of _____

Address (line 1) 709 Westchester Avenue

Address (line 2) White Plains, New York 10604

Address (line 3) _____

☐ Individual ☐ General Partnership ☐ Limited Partnership ☐ If document to be recorded is an assignment and

☒ Corporation Association the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached

☐ Other _____

☒ Citizenship/State of Incorporation/Organization Delaware

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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
TRADEMARK

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 212-309-7015

Name Maura B. Leeds, Esq.

Address (line 1) Morgan, Lewis & Bockius LLP

Address (line 2) 1800 M Street, N.W.

Address (line 3) Washington, D.C. 20036

Pages

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

7

Trademark Application Number(s) or Registration Number(s)

Trademark Application Number(s)

See Attached Schedule

Registration Number(s)

See Attached Schedule

Number of Properties Enter the total number of properties involved. # 37

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 940.00

Method of Payment: Enclosed X

Deposit Account _____

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: 13-4520

Authorization to charge additional fees: Yes X 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.

Margaret A. Delacruz

Name of Person Signing

Margaret A. Delacruz

Signature

November 15, 2000

Date Signed

Schedule to Release of Lien on Trademarks in the name of Royal Crown Company, Inc.

<u>Mark</u>	<u>Serial No.</u>	<u>Registration No.</u>
BE FREE. DRINK RC	75/440,995	2,253,198
BEV-RICH (Stylized)	71/659,764	600,431
CHERO (Stylized)	71/073,099	94,884
DIET RC	73/805,510	1,589,240
DIET RITE	73/389,667	1,302,990
DIET RITE FEEL ALL RIGHT	75/460,746	2,280,913
DIET-RITE	71/659,080	600,085
FLAIR	75/468,339	
FLAIR (Stylized)	72/108,706	720,072
KICK	72/212,248	837,994
KICK ME	75/323,568	
LIFT	73/107,672	1,069,095
Miscellaneous Design	75/606,143	
NEHI	75/148,583	2,089,186
NEHI (Stylized)	71/610,293	556,003
NEHI (Stylized)	71/205,512	207,313
NEHI LOCK JAW	74/655,459	2,046,464
NEHI ORIGINALS	75/147,610	2,122,430
NEHI ORIGINALS MAXXUM COLA	75/147,606	2,133,366
PAR-T-PAK	75/104,192	2,071,575
POLAR SWIRL	75/643,280	
RC	75/083,584	2,069,147
RC (Stylized)	71/533,044	515,876
RC COLA	74/642,509	2,065,568
RC EDGE	75/587,895	2,344,135
RC EXPRESS	75/141,316	2,069,879
ROYAL CROWN	73/452,524	1,303,001
ROYAL CROWN COLA	72/192,964	777,936
ROYAL CROWN COLA COMPANY	75/116,897	2,047,936
ROYAL CROWN COLA OVER RC (Stylized)	74/215,250	1,735,128
ROYAL CROWN DRAFT	74/687,929	2,070,457
SAFE-T-CAN	75/116,843	2,158,104
SHAKE THINGS UP	74/501,126	1,909,417
STARBURST (Crown) Design	75/190,158	2,079,445
THIRST THRASHER	74/590,743	2,000,661
UPPER 10	75/260,584	2,134,516
UPPER 10 (Stylized)	71/434,081	383,059

Release of Lien on Trademarks

This Release of Lien on Trademarks (the "Release"), dated as of October 25, 2000 is made by The Bank of New York ("Bank"), as administrative agent (together with its successor(s) thereto, in such capacity the "Administrative Agent") for each of the Secured Parties as defined in the Credit Agreement, dated as of February 25, 1999 (the "Credit Agreement"), among the Borrowers, including Royal Crown Company, Inc., a Delaware Corporation ("Grantor"), the Lenders and the Agents named therein, in favor of the Grantor. Capitalized terms used in this Release without definition have the meaning assigned to them in the Credit Agreement.

WHEREAS, Grantor entered into a Trademark Security Agreement ("Security Agreement") dated as of February 25, 1999 and recorded in the Patent and Trademark Office (the "PTO") as of May 5, 1999 at Reel 1893, Frame 0455, pursuant to which Grantor granted a security interest to the Bank in certain Trademark Collateral as such term is defined in the Security Agreement, including the trademark applications and registrations set forth on Schedule A attached hereto (the "Released Trademarks") to secure the performance of certain obligations (the "Obligations");

WHEREAS, the Obligations have now been satisfied, Grantor has requested that the Bank release any and all interest it may have in the Released Trademarks, and the Bank has agreed to do so.

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, the Bank does hereby release, relinquish and discharge its security interest in, to and under the Released Trademarks.

IN WITNESS WHEREOF, the Bank has caused this Release to be duly executed as of the date hereinabove set forth.

THE BANK OF NEW YORK,
as Administrative Agent

By: 

Name: James J. Ducey

Title: Vice President

Royal Crown Company, Inc.

Be Free Drink RC									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	35	Royal Crown Company, Inc.	75460995	2/26/98			Pending Application		
Bev Rich (Soylind)									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	71459,764	1/20/94	600,431	1/4/95	Registered		
Chino (Soylind)									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	71,009	9/19/93	94,184	1/13/94	Registered		
Diet RC									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	73/805,110	6/8/93	1,589,240	3/27/90	Registered		
Diet Rite									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	73/319,667	9/27/92	1,302,990	10/30/94	Registered		
Diet Rite Peel All Right									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	35	Royal Crown Company, Inc.	75/460744	4/1/98			Pending Application		

Mark:

<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 71659,080	<u>App. Dt</u> 11/8/54	<u>Reg. #</u> 600,085	<u>Reg. Dt</u> 12/28/54	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 30, 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 75468339	<u>App. Dt</u> 4/22/91	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u> Pending Application
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 721104,706	<u>App. Dt</u> 11/18/60	<u>Reg. #</u> 720,072	<u>Reg. Dt</u> 8/15/61	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 72712,241	<u>App. Dt</u> 2/17/65	<u>Reg. #</u> 837,994	<u>Reg. Dt</u> 10/31/67	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 35	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 75723568	<u>App. Dt</u> 7/14/97	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u> Pending Application
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 107,672	<u>App. Dt</u> 11/24/76	<u>Reg. #</u> 1,049,093	<u>Reg. Dt</u> 7/15/77	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 75148,583	<u>App. Dt</u> 8/9/96	<u>Reg. #</u> 2089186	<u>Reg. Dt</u> 8/19/97	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 70205,312	<u>App. Dt</u> 11/19/74	<u>Reg. #</u> 207,375	<u>Reg. Dt</u> 12/29/75	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 71610,293	<u>App. Dt</u> 2/19/51	<u>Reg. #</u> 556,009	<u>Reg. Dt</u> 3/11/52	<u>Status</u> Registered
<u>Country</u> Nehi Lock Jaw	<u>Class</u>	<u>Reg. Owner</u>	<u>App. #</u>	<u>App. Dt</u>	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u>

UNITED STATES	32	ROYAL CROWN COMPANY, INC.	74053,753	8/9/96	2,085,784	3/18/97	REGISTERED
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Nebi Originals							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status
United States	32	Royal Crown Company, Inc.	75147,610	8/9/96	21122430	1/16/97	Registered

Nebi Originals Maximum Cola							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status
United States	32	Royal Crown Company, Inc.	75147,606	8/9/96		1/27/98	Registered

PAR-T-PAK							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status
United States	32	Royal Crown Company, Inc.	75104,192	5/4/96	2071575	6/17/97	Registered

Slate							
Registered							

Polar Swirl							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status
United States	32	Royal Crown Company, Inc.					Pending Application

RC (Syllable)							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status
United States	32	Royal Crown Company, Inc.	71533,044	9/2/97	515,876	10/4/99	Registered

RC (Block Letters)							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status
United States	32	Royal Crown Company, Inc.	75083,504	4/4/96	2069147	6/10/97	Registered

RC Cola							
COUNTRY	Class	REG. OWNER	APP. #	APP. Dt	REG. #	REG. Dt	Status

United States		18, 21, 25	Royal Crown Company, Inc.	74062,509	8, 695	2,065,568	5/27/97	Registered
RC Edge								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	
United States	32	Royal Crown Company, Inc.	75387895	11/13/98			Pending Application	
RC Express								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	
United States	26	Royal Crown Company, Inc.	75141,216	7/29/96	2069479	6/10/97	Registered	
Royal Crown								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	
United States	32	Royal Crown Company, Inc.	73452,524	11/14/93	1,303,001	10/30/94	Registered	
Royal Crown Cola								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	
United States	32	Royal Crown Company, Inc.	192,964	5/24/84	777,936	9/29/84	Registered	
Royal Crown Cola Company								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	
United States	21, 25	Royal Crown Company, Inc.	75116,897	6/10/96	2,047,936	3/25/97	Registered	
Royal Crown Cola over RC (Highly Stylized)								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	
United States	12	Royal Crown Company, Inc.	74215,250	10/24/91	1,735,128	11/24/92	Registered	
Royal Crown Draft								
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status	

United States		32	ROYAL CROWN COMPANY, INC. 7408, 7728		8/13/95	2070457	8/10/97	REGISTERED
SAFE-T-CAN								
COUNTRY	CHARGE	18	REG. OWNER	APP. #	APP. DI	REG. #	REG. DI	STATUS
United States			Royal Crown Company, Inc.	75/116,843	6/10/96	2,158,104	5/19/96	Registered
Shake Things Up								
COUNTRY	CHARGE	32	REG. OWNER	APP. #	APP. DI	REG. #	REG. DI	STATUS
United States			Royal Crown Company, Inc.	74/501,126	3/15/94	1,909,417	8/1/95	Registered
Starburst (Crown) Design								
COUNTRY	CHARGE	21,725	REG. OWNER	APP. #	APP. DI	REG. #	REG. DI	STATUS
United States			Royal Crown Company, Inc.	72/150,158	10/30/96	2079445	7/15/97	Registered
Thirst Thirsties								
COUNTRY	CHARGE	32	REG. OWNER	APP. #	APP. DI	REG. #	REG. DI	STATUS
United States			Royal Crown Company, Inc.	74/590,743	10/26/94	2,000,661	9/7/96	Registered
Upper 10 (Slyfined)								
COUNTRY	CHARGE	32	REG. OWNER	APP. #	APP. DI	REG. #	REG. DI	STATUS
United States			Royal Crown Company, Inc.	434,081	7/11/94	383,059	11/19/90	Registered
Upper 10 (Protect Return)								
COUNTRY	CHARGE	32	REG. OWNER	APP. #	APP. DI	REG. #	REG. DI	STATUS
United States			Royal Crown Company, Inc.	75/260,584	3/20/97	2134516	2/3/98	Registered