

5-31-01

06-07-2001

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings



101742072

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

To the Honorable Commissioner of Patent and Trademark Office, please return the attached original documents or copy thereof.

1. Name of conveying party(ies): Roaring Water Bay Spirits Company, Ltd.
3. Nature of conveyance: [X] Assignment, [ ] Merger, [ ] Security Agreement, [ ] Change of Name, [ ] Other
Execution Date: May 24, 2001

2. Name and address of receiving party(ies)
Name: Great Spirits Company, LLC
Address: 1331 Lamar, Suite 900
City: Houston State: TX Zip: 77010
[X] Corporation-State Delaware

4. Application number(s) or registration number(s):
A. Trademark Application No.(s) 75/978853 \*\*

B. Trademark Registration No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Evelyn M. Sommer
Internal Address: Patterson, Belknap, Webb & Tyler
Street Address: 1133 Avenue of the Americas
City: New York State: NY Zip: 10471

6. Total number of applications and registrations involved: 1
7. Total fee (37 CFR 3.41): \$ 40.00
[X] Enclosed
8. Deposit account number:

DO NOT USE THIS SPACE

9. 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.
Evelyn M. Sommer
Signature: [Handwritten Signature]
Date: 05/31/01

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

\*\* We have since been made aware that on 05/22/01 the USPTO granted registration to this Trademark: Reg. No. 2,452,996. The agreement refers to the Application since it was drafted before the Trademark was registered.

**ASSIGNMENT OF UNITED STATES TRADEMARKS**

WHEREAS, The Roaring Water Bay Spirits Company Ltd., an Irish company, referred to herein as "Assignor" has adopted and used in its business the trademarks set forth on, and as contemplated by, the attached Schedule A-1 (collectively, the "Trademark"); and

WHEREAS, Great Spirits Company LLC, a Delaware limited liability company referred to herein as "Assignee" is desirous of acquiring joint ownership of the Trademark:

NOW, THEREFORE, in consideration of and in exchange for ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, said Assignor, does sell, assign, transfer, and set over unto said Assignee, fifty percent (50%) of its entire right, title and interest in, to and under the Trademark insofar as and solely to the extent used or applied to vodka and vodka-related products (including merchandise) which are now in existence or are developed by Assignor in the future (excluding Boru Rocks if Assignor and Assignee fail to negotiate a license agreement for distribution of Boru Rocks), together with fifty percent (50%) of the entire goodwill of the business in connection with which the said marks are used and in and to all income, royalties, damages and payments now or hereafter due or payable with respect thereto in and to all causes of action (either in law or in equity) and the right to sue, counterclaim, and recover for past, present and future infringement of the rights assigned or to be assigned under this Assignment.

IN TESTIMONY WHEREOF, Assignor has caused this Assignment to be

executed by its duly authorized officers this ~~24~~<sup>th</sup> day of May, 2001.

Assignor:

THE ROARING WATER BAY  
SPIRITS COMPANY LTD.

By *[Signature]*  
Title: Joint Managing Director

U.S. ACKNOWLEDGEMENT:

State of New York )  
County of New York ) ss.:

On this 24<sup>th</sup> day of May, 2001, before me, a Notary Public, personally appeared Patrick Rigney, to me known and known to me to be the Joint Managing Director of The Roaring Water Bay Spirits Company Ltd., who signed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

[Seal]

Notary Public *[Signature]*  
By: \_\_\_\_\_

MILAGROS A. GRAU  
Notary Public, State of New York  
No. 31-520084  
Qualified in New York County  
Commission Expires June 12, 2003

or

REPUBLIC OF IRELAND )  
COUNTY OF DUBLIN ) ss.:  
CITY OF DUBLIN )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, a Notary Public in and for the County and City of Dublin, Country of Ireland, personally appeared \_\_\_\_\_, known and known to me to be the \_\_\_\_\_ of \_\_\_\_\_. I certify that \_\_\_\_\_ is a \_\_\_\_\_ organized under the laws of the Country of Ireland, and has present legal existence. I further certify that \_\_\_\_\_, in his/her aforesaid capacity, is authorized by the above-named company to execute the annexed document.

[Seal]

Notary Public  
By: \_\_\_\_\_

U.S. Consular Authentication

**TRADEMARK SCHEDULE A-1**

<u>Mark:</u>	<u>Serial No.:</u>	<u>Filed:</u>	<u>Status:</u>
BORU	75/978853	7/22/98	Published 2/27/01

**Common Law Marks**

BORU VODKA

Note: It is agreed that Great Spirits will cooperate with the Supplier to finalize the registration of the trademarks "Boru" and "Boru Vodka" and such other related marks as the parties shall agree.