

05-15-2002



102090020  
RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

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

Submission Type

- New 5-7-02
- Resubmission (Non-Recordation)  
Document ID #
- Correction of PTO Error  
Reel #  Frame #
- Corrective Document  
Reel #  Frame #

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger Effective Date  
Month Day Year  
2-27-2002
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties

Execution Date  
Month Day Year  
2-27-2002

Name

Formerly

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AK/A/T/A

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

- Individual  General Partnership  Limited Partnership  Corporation  Association
  - Other
- If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Citizenship/State of Incorporation/Organization

FOR OFFICE USE ONLY

05/14/2002 03:44:51 20000140 76131113 40.00 EP  
01 10:48:51

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practices. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**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

Name   
Address (line 1)   
Address (line 2)   
Address (line 3)   
Address (line 4)

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

**Trademark Application Number(s) or Registration Number(s)**  Mark if additional numbers attached  
Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text" value="76131113"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment: Enclosed  Deposit Account

Deposit Account

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

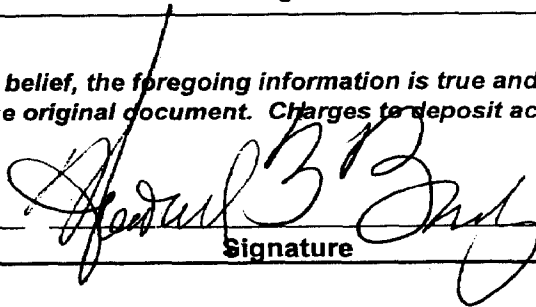
Deposit Account Number: #

Authorization to charge additional fees: Yes  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.

Howard B. Barnaby



4-30-02

Name of Person Signing

Signature

Date Signed

Schedule 1  
The Trademarks

<u>Mark</u>	<u>Territory</u>	<u>Number</u>	<u>Class</u>
Pubserve	New Zealand	623559	42
Pubserve	New Zealand	623558	41
Pubserve	New Zealand	623557	35
Pubserve	New Zealand	623551	39
Pubserve	New Zealand	623550	33
Pubserve	New Zealand	623554	38
Pubserve	New Zealand	623555	37
Pubserve	New Zealand	623552	32
Pubserve	South Africa	2000/18777	36
Pubserve	South Africa	2000/18782	42
Pubserve	South Africa	2000/18781	41
Pubserve	South Africa	2000/18780	39
Pubserve	South Africa	2000/18778	37
Pubserve	South Africa	2000/18776	35
Pubserve	South Africa	2000/18775	33
Pubserve	South Africa	2000/18774	32
Pubserve	South Africa	2000/18773	25
Pubserve	South Africa	2000/18779	38
Pubserve	UK	2245172	25,32,33,35,36,37,38
Pubserve	USA	76/131113	25,32,33,35,36,37

<u>Mark</u>	<u>Territory</u>	<u>Number</u>	<u>Class</u>
Pubserve	Community Application	T.M. 1260421	25,32,33,35,36,37
Pubserve	Mexico	691344	36
Pubserve	Mexico	689771	41
Pubserve	Mexico	689772	39
Pubserve	Mexico	689774	37
Pubserve	Mexico	689775	35
Pubserve	Mexico	691345	33
Pubserve	Mexico	691346	32
Pubserve	Mexico	691347	25
Pubserve	Mexico	689773	38
Pubserve	New Zealand	6235556	36
Pubserve	W.I.P.O. (China, Norway, Switzerland)	(China, Poland, 762405	25,32,33,35,36,37,38

Schedule 2

The Trade Mark Applications

Mark	Territory	Application Number	Class
Pubserve	Argentina	2308523	42
Pubserve	Argentina	2308514	25
Pubserve	Argentina	2308515	32
Pubserve	Argentina	2308516	33
Pubserve	Argentina	2308517	35
Pubserve	Argentina	2308518	36
Pubserve	Argentina	2308519	37
Pubserve	Argentina	2308520	38
Pubserve	Argentina	2308521	39
Pubserve	Argentina	2308522	41
Pubserve	Argentina	851007	25,32,33,35,36,37
Pubserve	Argentina	823206823	35
Pubserve	Argentina	823206815	33
Pubserve	Canada	1081426	25,32,33,35,36,37
Pubserve.com Logo	Canada	1657428	25,32,33,35,36,37,38
Pubserve	Mexico	458220	42

THIS AGREEMENT is made the

5th February

2002

BETWEEN:

1. HP BULMER LIMITED  
HP BULMER LIMITED whose registered office is at The Cider Mills, Plough Lane, Hereford, HR4 0LE, registered number 4256310
2. PUBSERVE LIMITED  
PUBSERVE LIMITED whose registered office is at The Cider Mills, Plough Lane, Hereford, HR4 0LE, registered number 4289953.

BACKGROUND

- (A) HP Bulmer Limited agrees to assign the registered trade marks detailed in schedule 1 ("the Trade Marks") and the applications for registered trademarks detailed in Schedule 2 ("the Trade Mark Applications") on the terms set out in this Agreement.

IT IS AGREED as follows:

1. **CONSIDERATION**

HP Bulmer Limited assigns to Pubserve Limited with full title guarantee all its legal and beneficial rights and title in the Trade Marks and the Trademark Applications and the full and exclusive benefit of each of them and all accrued statutory and common law rights, of action in relation to the Trade Marks and the Trademark Applications to hold the same unto Pubserve Limited its successors in title and assigns absolutely. The consideration for this assignment is detailed in an agreement for the transfer of certain assets relating to the "Pubserve" business dated today and made between (1) HP Bulmer Limited and (2) Pubserve Limited.

2. **ASSIGNOR'S COVENANTS AND WARRANTIES**

- 2.1 HP Bulmer Limited agrees to execute such further documents, and take such actions and do such things, as may be reasonably requested by Pubserve Limited to give full effect to the terms of this Agreement and to secure the full right, title and interest of Pubserve Limited in the Trade Marks and the Trade Mark Applications.
- 2.2 HP Bulmer Limited warrants that:
  - 2.2.1 it is the sole proprietor of the Trade Marks and the Trade Mark Applications and has submitted an application for such ownership to be properly registered as such and has the full power to enter into this Assignment;
  - 2.2.2 the Trade Marks are registered at the relevant trade mark registry;
  - 2.2.3 all fees due in respect of the Trade Marks and the Trade Mark Applications have been paid;
  - 2.2.4 it is not aware of any claim which may affect ownership of the Trade Marks or the Trade Mark Applications, nor has it licensed, charged or encumbered the Trade Marks or the Trade Mark Applications;
  - 2.2.5 it is not aware of any infringements of the Trade Marks or the Trade Mark Applications nor of any claim that the Trade Marks or the Trade Mark Applications infringe the rights of any third party.
  - 2.2.6 it has not done or omitted any act, matter or thing whereby the Trade Marks or the Trade Mark Applications may be invalidated in whole or in part, and is not aware of any reason that might result in such invalidation;
  - 2.2.7 it will not itself use the Trade Marks or the Trade Mark Applications after the date of this Agreement, unless it has express consent of Pubserve Limited.

3. The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

BIR\_COMM/601507/01

4. This Agreement shall be governed by and construed in accordance with the laws of England and Wales and the parties hereto irrevocably submit to the exclusive jurisdiction of the English Courts.

Signed for and on behalf of HP BULMER LIMITED:

Name: TERESE SILK

Job Title: DIRECTOR

Date: 5th February 2002

Signed for and on behalf of PUBSERVE LIMITED:

Name: L JACKSON

Job Title: DIRECTOR

Date: 5th February 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**DESIGNATION OF DOMESTIC REPRESENTATIVE (FOR TRADEMARK APPLICATION)**

Name of Applicant: **Pubserve Limited**  
Serial No., if Any: **76/131113**  
Filing Date: **September 19, 2000**  
Address of Applicant: **The Cider Mills**  
**Plough Lane**  
**Hereford HR4 0LE**  
**United Kingdom**  
Trademark: **PUBSERVE**

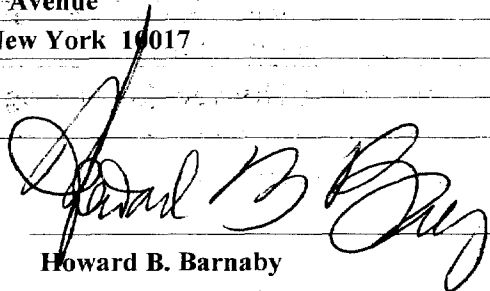
Docket No.

**TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS**

The above-identified Applicant hereby designates the following as Domestic Representative upon whom notice or process in proceedings affecting the above-identified trademark may be served:

Name of Domestic Representative: **Howard B. Barnaby, Esq.**  
Postal Address: **Robin, Blecker & Daley**  
**330 Madison Avenue**  
**New York, New York 10017**

Dated: **April 30, 2002**

By:   
**Howard B. Barnaby**  
**Attorney for Applicant**

*Certificate of Mailing by Express Mail*

*Certificate of Mailing by First Class Mail*


I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

\_\_\_\_\_  
*Signature of Person Mailing Correspondence*

\_\_\_\_\_  
*Typed or Printed Name of Person Mailing Correspondence*

\_\_\_\_\_  
*"Express Mail" Mailing Label Number*

I certify that this document and fee is being deposited on **April 30, 2002** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

  
*Signature of Person Mailing Correspondence*

**Monica Hendricks**  
*Typed or Printed Name of Person Mailing Correspondence*





We certify this document as ~~a true copy~~ of the original

*Eversheds*

*27.2.02*

Eversheds  
115 Colmore Row, Birmingham, B3 3AL

DATED

*5th February* 2002

(1) HP BULMER LIMITED

(2) PUBSERVE LIMITED

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ASSIGNMENT OF REGISTERED TRADEMARKS  
AND TRADEMARK APPLICATIONS

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EVERSHEDS  
115 Colmore Row  
Birmingham  
B3 3AL  
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Fax: 0121 232 1900  
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