05-16-2002

Form PTO-1594
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OMB No. 0651-0027 (exp. 5/31/2002)

RE

102092319

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

Tab settings ⇨⇨⇨

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
DIAGEO NORTH AMERICA, INC.

5 9 '02

☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State Connecticut
☐ Other

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)
Name: FRANZIA WINERY, LLC
Internal Address:
Street Address: 17000 East Highway 120
City: Ripon State: CA Zip 95366-0897

☐ Individual(s) citizenship
☐ Association
☐ General Partnership
☐ Limited Partnership
☐ Corporation-State
☒ Other Limited Liability Company--Delaware

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)
Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:
☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other
Execution Date: May 8, 2002

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)
76/070,481
78/072,019

B. Trademark Registration No.(s)
1,793,811 1,558,361 1,458,869
1,260,618 1,913,670 2,444,374

Additional number(s) attached ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: SCOTT D. MINDEN, ESQ.
Internal Address: Howard, Rice, Nemerovski, Canady, Falk & Rabkin, a Professional Corporation
Street Address: Three Embarcadero Center, 7th Floor
City: San Francisco, CA 94111-4065 State: Zip:

6. Total number of applications and registrations involved: 8

7. Total fee (37 CFR 3.41) $215.00
☒ Enclosed ; or if amount found insufficient, then
☒ Authorized to be charged to deposit account

8. Deposit account number:
08-2797

(Attach duplicate copy of this page if paying by deposit account)

FINANCE SECTION

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.

SCOTT D. MINDEN — Name of Person Signing
Signature
5/9/02 — Date

Total number of pages including cover sheet, attachments, and document: 7

05/15/2002 DBYRNE 00000264 76070481
01 FC:481 40.00 OP
02 FC:482 175.00 OP

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

EXHIBIT 4(a)(iii)

GLOBAL ASSIGNMENT(S) OF INTELLECTUAL PROPERTY RIGHTS

THIS GLOBAL ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHTS is made, executed and delivered as of 5/8, 2002 ("Assignment") by and between Diageo North America, Inc., a Connecticut corporation ("Seller") and Franzia Winery, LLC, a Delaware limited liability company ("Buyer").

WHEREAS, Seller and Buyer have entered into an Asset Purchase Agreement, dated as of March 15, 2002 (the "Agreement"), pursuant to which Seller has agreed to sell, convey, assign, transfer and deliver, and Buyer has agreed to purchase, among other things, Seller's entire right, title and interest in and to the Intellectual Property (such term and all other capitalized terms used but not defined herein having the same meanings ascribed to such terms in the Agreement), all as more fully described in the Agreement; and

WHEREAS, Seller wishes to transfer to Buyer the Intellectual Property and Buyer wishes to acquire the Intellectual Property;

NOW, THEREFORE, be it known that for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged and accepted, Seller hereby sells, conveys, assigns, transfers and delivers unto Buyer and its successors and assigns, all of its right, title and interest in and to the Intellectual Property, including, without limitation, the trademark applications and registrations set out on Part 5.15 of the Disclosure Schedule and as identified in Schedule A attached hereto (the "Trademarks"), and including all rights to sue for past, present and future infringement thereof, together with the goodwill of the business connected with such Intellectual Property and symbolized by the Trademarks. It is expressly acknowledged that with respect to the Trademarks for which registration is being sought in the United States under the intent to use provisions of the Trademark Act (15 U.S.C. §1051(b)), Seller is assigning those Trademarks as part of the entire business or portion thereof to which those Trademarks pertain.

THIS ASSIGNMENT is intended to implement the provisions of the Agreement and shall not be construed to enhance, extend or limit the rights or obligations of Seller or Buyer thereunder.

THIS ASSIGNMENT may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Assignment has been duly executed and delivered on behalf of the parties as of the date first above written.

DIAGEO NORTH AMERICA, INC.,
a Connecticut corporation

By: Dana H Gillard

Title: Assistant Secretary

STATE OF CONNECTICUT)
) ss.
CITY AND COUNTY OF FAIRFIELD)

On May 3, 2002 before me, Keri Hutchinson, Notary Public, personally appeared Dana Gillard, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Keri M. Hutchinson
Signature of Notary Public

KERI M. HUTCHINSON
State of Connecticut
Commission Expires 08/31/2004

FRANZIA WINERY, LLC,
a Delaware limited liability company

By: The Wine Group, Inc.,
Managing Member

By: _____

Title: V.P.

STATE OF CALIFORNIA)
) ss.
CITY AND COUNTY OF SAN FRANCISCO)

On May 8, 2002 before me, Elaine Saltzberg, Notary Public, personally appeared Paul William Flowers, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

ELAINE SALTZBERG
COMM. # 1209430
NOTARY PUBLIC • CALIFORNIA
ORANGE COUNTY
Comm. Exp. FEB. 26, 2003

Elaine Saltzberg
Signature of Notary Public

WD 042202/1-438124/989346/v2

SCHEDULE A

TRADEMARK LIST - GLEN ELLEN

COUNTRY	MARK	APPLICATION OR REGISTRATION NO.	STATUS	CURRENT RECORD TITLE OWNER*
Austria	GLEN ELLEN – Word Block Letters	Reg. # 137375	Registered	Guinness UDV North America, Inc.
Benelux	GLEN ELLEN – Word Block Letters	Reg. # 469803	Registered	UDV North America, Inc.
Brazil	GLEN ELLEN	App. # 823576450	Pending	IDV North America, Inc.
Brazil	GLEN ELLEN Label	App. # 823576434	Pending	IDV North America, Inc.
Brazil	GLEN ELLEN – Word Block Letters	App. # 822139685	Pending	IDV North America, Inc.
California	GLEN ELLEN	Reg. # 65943	Registered	IDV North America, Inc.
Canada	GLEN ELLEN – Design	App. # 1116454	Pending	Guinness UDV North America, Inc.
Canada	GLEN ELLEN –Label	App. # 1055604	Pending	Guinness UDV North America, Inc.
Canada	GLEN ELLEN –Word Block Letters	App. # TMA406955	Registered	Guinness UDV North America, Inc.
China P.R.	GLEN ELLEN –Label	Reg. # 1189237	Registered	Heublein, Inc.
China P.R.	GLEN ELLEN –Word Block Letters	Reg. # 1167586	Registered	Heublein, Inc.
Community Trademark	GLEN ELLEN –Label	Reg. # 000292862	Registered	Guinness UDV North America, Inc.
Community Trademark	GLEN ELLEN –Label	App. # 001736438	Pending	UDV North America, Inc.
Community Trademark	GLEN ELLEN	App. # 2343697	Pending	Guinness UDV North America, Inc.
Community Trademark	GLEN ELLEN (Stylized)	App. # 2343747	Pending	Guinness UDV North America, Inc.
Cuba	GLEN ELLEN –Label	Reg. #128,418	Registered	IDV North America, Inc.
Denmark	GLEN ELLEN Word Block Letters	Reg. # VR 01252 1992	Registered	Guinness UDV North America, Inc.
Finland	GLEN ELLEN -Word Block Letters	Reg. # 113609	Registered	Guinness UDV North America, Inc.
France	GLEN ELLEN – Stylized Word	Reg. # 1509055	Registered	Guinness UDV North America, Inc.
Germany	GLEN ELLEN –Word Block Letters	Reg. # 1156926	Registered	UDV North America, Inc.
Greece	GLEN ELLEN –Word Block Letters	Reg. # 96845	Registered	UDV North America, Inc.
Hong Kong	GLEN ELLEN –Word Block Letters	Reg. # 9081/97	Registered	Guinness UDV North America, Inc.
Hong Kong	GLEN ELLEN – Label (Series)	App. #9743/2000	Pending	Guinness UDV North America, Inc.
Ireland	GLEN ELLEN –Word Block Letters	Reg. # 136888	Registered	Guinness UDV North America, Inc.
Italy	GLEN ELLEN –Word Block Letters	Reg. # 600204	Registered	UDV North America, Inc.
Jamaica	GLEN ELLEN –Word Block Letters	Reg. # B24285	Registered	Heublein, Inc.
Japan	GLEN ELLEN	App. # 2001088797	Pending	Guinness UDV North America, Inc.
Japan	GLEN ELLEN Label	App. # 2001088798	Pending	Guinness UDV North America, Inc.
Japan	GLEN ELLEN – Label (Series of 4)	Reg. # 2401680	Registered	UDV North America, Inc.

SCHEDULE A

COUNTRY	MARK	APPLICATION OR REGISTRATION NO.	STATUS	CURRENT RECORD TITLE OWNER*
Japan	GLEN ELLEN – Label (Series of 4)	App. # 2000-44064	Pending	Guinness UDV North America, Inc.
Korea, North	GLEN ELLEN	App. # 23831	Pending	Guinness UDV North America, Inc.
Korea, North	GLEN ELLEN Label	App. # 23832	Pending	Guinness UDV North America, Inc.
Korea, Republic of	GLEN ELLEN	App. # 40200137049	Pending	Guinness UDV North America, Inc.
Korea, Republic of	GLEN ELLEN Label	App. # 40200137051	Pending	Guinness UDV North America, Inc.
Malaysia	GLEN ELLEN – Word Block Letters	Reg. # 90/03167	Registered	Heublein, Inc.
Nigeria	GLEN ELLEN – Word Block Letters	Reg. # 50553	Registered	UDV North America, Inc.
Norway	GLEN ELLEN Label	App. # 200109926	Pending	Guinness UDV North America, Inc.
Norway	GLEN ELLEN – Word Block Letters	Reg. # 143007	Registered	UDV North America, Inc.
Panama	GLEN ELLEN	App. # 117859	Pending	Guinness UDV North America, Inc.
Panama	GLEN ELLEN Label	App. # 117858	Pending	Guinness UDV North America, Inc.
Philippines	GLEN ELLEN	App. # 420010006237	Pending	Guinness UDV North America, Inc.
Philippines	GLEN ELLEN Label	App. # 420010006239	Pending	Guinness UDV North America, Inc.
Portugal	GLEN ELLEN – Word Block Letters	Reg. # 264595	Registered	UDV North America, Inc.
Singapore	GLEN ELLEN	App. # T0113118I	Pending	Guinness UDV North America, Inc.
Singapore	GLEN ELLEN – Label (Series of 4)	App. # T00/06854H	Pending	UDV North America, Inc.
Singapore	GLEN ELLEN – Word Block Letters	Reg. # T89/05904G	Registered	UDV North America, Inc.
Spain	GLEN ELLEN	Reg. # 1569052	Registered	UDV North America, Inc.
Sweden	GLEN ELLEN – Word Block Letters	Reg. # 225645	Registered	Guinness UDV North America, Inc.
Switzerland	GLEN ELLEN (Stylized)	App. # 084522001	Pending	Guinness UDV North America, Inc.
Switzerland	GLEN ELLEN – Word Block Letters	Reg. # 375134	Pending	UDV North America, Inc.
Taiwan	GLEN ELLEN – Word Block Letters	Reg. # 503472	Registered	UDV North America, Inc.
Thailand	GLEN ELLEN Label	App. # 47169	Pending	Guinness UDV North America, Inc.
Thailand	GLEN ELLEN –Word Block Letters	Reg. # 154999	Registered	Heublein, Inc.
United States	GLEN ELLEN –Label	App. # 76/070481	Pending	Guinness UDV North America, Inc.
United States	GLEN ELLEN – Stylized Word	Reg. # 1793811	Registered	Guinness UDV North America, Inc.
United States	GLEN ELLEN – Stylized Word	Reg. # 1260618	Registered	Guinness UDV North America, Inc.
United States	GLEN ELLEN –Word Block Letters	Reg. # 1558361	Registered	Guinness UDV North America, Inc.
United States	SEVEN REGIONS COLLECTION - Word Block Letters	App. # 78/072019	Pending	Guinness UDV North America, Inc.

SCHEDULE A

TRADEMARK LIST - M.G. VALLEJO

COUNTRY	MARK	APPLICATION OR REGISTRATION NO.	STATUS	CURRENT RECORD TITLE OWNER*
Australia	M.G. VALLEJO - Word Block Letters	Reg. # 552576	Registered	Guinness UDV North America, Inc.
Austria	M.G. VALLEJO - Word Block Letters	Reg. # 138370	Registered	Guinness UDV North America, Inc.
Benelux	M.G. VALLEJO - Word Block Letters	Reg. # 497826	Registered	UDV North America, Inc.
Canada	M.G. VALLEJO - Word Block Letters	Reg. # TMA372393	Registered	Guinness UDV North America, Inc.
Denmark	M.G. VALLEJO - Word Block Letters	Reg. # VR 06079 1992	Registered	UDV North America, Inc.
France	M.G. VALLEJO - Word Block Letters	Reg. # 1509054	Registered	Guinness UDV North America, Inc.
Germany	M.G. VALLEJO - Word Block Letters	Reg. # 2010777	Registered	UDV North America, Inc.
Hong Kong	M.G. VALLEJO - Word Block Letters	Reg. # B4274/91	Registered	Guinness UDV North America, Inc.
Japan	M.G. VALLEJO - Word Block Letters	Reg. # 2357234	Registered	UDV North America, Inc.
Korea, South	M.G. VALLEJO - Word Block Letters	Reg. # 224235	Registered	Guinness UDV North America, Inc.
Mexico	M.G. VALLEJO - Word Block Letters	Reg. # 383075	Registered	Heublein, Inc.
Norway	M.G. VALLEJO - Word Block Letters	Reg. # 155599	Registered	Heublein, Inc.
Switzerland	M.G. VALLEJO - Word Block Letters	Reg. # 373655	Registered	UDV North America, Inc.
Taiwan	M.G. VALLEJO - Word Block Letters	App. # 90002639	Pending	UDV North America, Inc.
Thailand	M.G. VALLEJO - Word Block Letters	Reg. # 155714	Registered	Heublein, Inc.
United States	M.G. VALLEJO - Word Block Letters	Reg. # 1913670	Registered	Guinness UDV North America, Inc.
United States	M.G. VALLEJO - Word Block Letters	Reg. # 1458869	Registered	Guinness UDV North America, Inc.
United States	MGV – Word Block Letters	Reg. # 2444374	Registered	Guinness UDV North America, Inc.

* Record title owner as of March 15, 2002. Name changes to Diageo North America, Inc. are in the process of being recorded, and some have already been recorded.