

Form PTO-1594 (Rev. 06-04)  
OMB Collection 0651-0027 (exp. 6/30/2005)

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

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below

**1. Name of conveying party(ies)/Execution Date(s):**

Beverages Holdings, LLC

- Individual(s)
- General Partnership
- Corporation-State
- Other Limited Liability Company
- Association
- Limited Partnership

Citizenship (see guidelines) Delaware

Execution Date(s) 08/01/2004

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

**2. Name and address of receiving party(ies)**

Additional names, addresses, or citizenship attached?  Yes  No

Name: SD IP Holdings Company

Internal

Address: Winton Hill Business Center

Street Address: 6083 Center Hill Avenue

City: Cincinnati

State: Ohio

Country: USA Zip: 45224

- Association
- General Partnership
- Limited Partnership
- Corporation
- Other

Citizenship 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)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

78/403,016

B. Trademark Registration No.(s)

1,283,561; 1,376,684

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

**5. Name & address of party to whom correspondence concerning document should be mailed:**

Name: Linda A.O. Lamberson

Internal Address: McDermott Will & Emery LLP

Street Address: 227 W. Monroe Street  
Suite 4400

City: Chicago

State: IL Zip: 60606

Phone Number: 312-984-3277

Fax Number: 312-984-7700

Email Address: LLAMBERSON@mw.com

**6. Total number of applications and registrations involved:**

3

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 90.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 13-0206

Authorized User Name McDermott Will & Emery LLP

**9. Signature:**

  
Signature

Linda A.O. Lamberson

Name of Person Signing

8/13/04  
Date

Total number of pages including cover sheet, attachments, and document: 8

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

CH \$90.00 130206 78403016

## **TRADEMARK ASSIGNMENT**

THIS AGREEMENT is effective as of the 1st day of August, 2004, by and between Beverages Holdings, LLC, a Delaware limited liability company, with offices in Boston, Massachusetts ("Beverages Holdings, LLC"), and SD IP Holdings Company, a Delaware corporation with offices in Boston, Massachusetts ("SD IP Holdings Company").

WHEREAS, Beverages Holdings, LLC, owns the trademarks, trade names, and service marks, and all applications and registrations therefor, listed on the attached Schedule A (collectively "Trademarks");

WHEREAS, Beverages Holdings, LLC, desires to sell, assign and transfer to SD IP Holdings Company, all of Beverages Holdings, LLC's right, title, interest, and goodwill in the Trademarks.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, Beverages Holdings, LLC, has sold, assigned and transferred, and by these presents does sell, assign and transfer to SD IP Holdings Company, the entire right, title and interest, including the goodwill of the business appurtenant thereto, in the Trademarks, including all claims for damages by reason of infringement of the same.

AND, Beverages Holdings, LLC, hereby requests the Director of the United States Patent and Trademark Office (the "Director"), as well as his or her foreign counterparts in the foreign jurisdictions which exercise authority over any of the Trademarks, to record this Trademark Assignment. Beverages Holdings, LLC, hereby further requests the Director and his or her foreign counterparts to issue any and all registrations resulting from applications among the Trademarks to SD IP Holdings Company as assignee of the entire interest.

This Trademark Assignment shall be binding upon and shall inure to the benefit of the respective successors and assigns of Beverages Holdings, LLC, and SD IP Holdings Company. This Trademark Assignment shall not confer any rights or remedies upon any person other than the parties hereto, and their respective successors and assigns.

IN TESTIMONY WHEREOF, Beverages Holdings, LLC, and SD IP Holdings Company have caused this Assignment to be executed by their duly authorized representatives on August 1, 2004.

By: BEVERAGES HOLDINGS, LLC,  
a Delaware limited liability company

By: J. W. CHILDS EQUITY PARTNERS III,  
L.P.  
Its Manager

By: J. W. CHILDS ADVISORS III, L.P.  
Its General Partner

By: J. W. CHILDS ASSOCIATES, L.P.  
Its General Partner

BY: J. W. CHILDS ASSOCIATES, INC.  
Its General Partner

By: [Signature]  
Name: Jeffrey Teschke  
Title: Vice President

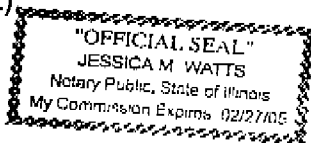
**CERTIFICATE OF ACKNOWLEDGEMENT**

certify that Jeffrey Teschke, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as a free act and deed on behalf of the identified corporation, Beverages Holdings, LLC, with authority to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 1 day of August, 2004.

[Signature]  
Notary Public  
Commission Expires: 2/27/05

(SEAL)



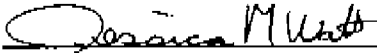
**SD IP Holdings Company:**

By:   
Name: Jeffrey Teschke  
Title Vice President & Secretary

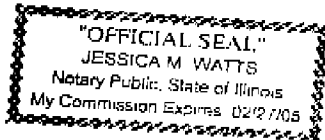
**CERTIFICATE OF ACKNOWLEDGEMENT**

I, Jessica M Watts, a Notary Public in and for Illinois do hereby certify that Jeffrey Teschke personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as a free act and deed on behalf of the identified corporation, SD IP Holdings, with authority to do so.

Company IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 1 day of August, 2004.

  
Notary Public  
Commission Expires: 2/27/05

(SEAL)



## SCHEDULE A

Malaysia	SUNNY DELIGHT	32	1999/6112	8-Jul-99	99006112	8-Jul-99	8-Jul-09	R
Mongolia	SUNNY DELIGHT	29,32	2772	16-Feb-99	2656	3-Jun-99	3-Jun-09	R
Nicaragua	SUNNY DELIGHT	32	1892-94	25-Jul-94	28552-CC	8-May-95	7-May-05	R
Peru	SUNNY DELIGHT	32	086140-1999	18-Jun-99	57356	8-Sep-99	8-Sep-09	R
Qatar	SUNNY DELIGHT	32	7844	8-Feb-90	7844	23-Nov-99	8-Feb-10	R
Saudi Arabia	ECLIPSE	32	49876	28-Jun-99	51169	22-Dec-99	9-Mar-09	R
Saudi Arabia	SUNNY DELIGHT (& Arabic)	32	NA	20-Feb-90	226/49	23-Sep-90	16-Jul-09	R
Singapore	ECLIPSE	32	1999/6120	16-Jun-99	1999/6120	16-Jun-99	16-Jun-09	R
South Africa	ECLIPSE	32	99/11208	24-Jun-99	99/11208	7-Mar-03	24-Jun-09	R
St. Kitts-Nevis	SUNNY DELIGHT	32	4907	17-May-99	4907-1999	9-Jul-01	17-May-13	R
St. Lucia	SUNNY DELIGHT	32	215-1999	1-Jun-99	215-1999	5-Dec-00	1-Jun-13	R
Suriname	SUNNY DELIGHT	32	N/A	23-Mar-99	16207	23-Mar-99	23-Mar-09	R
Taiwan	ECLIPSE	32	88029268	15-Jun-99	890356	16-Apr-00	15-Apr-10	R
Tanganyika	SUNNY DELIGHT	29	27437	25-Nov-99	27437	25-Nov-99	25-Nov-06	R
Tanganyika	SUNNY DELIGHT	32	27436	25-Nov-99	27436	25-Nov-99	25-Nov-06	R
U.A.E.	SUNNY DELIGHT	32	13485	25-Oct-95	16854	16-Jul-98	25-Oct-05	R
Uganda	SUNNY DELIGHT	29	23086	6-Mar-00	23086	6-Mar-00	6-Mar-07	R
Uganda	SUNNY DELIGHT	32	23085	6-Mar-00	23085	6-Mar-00	6-Mar-07	R
USA	REFUEL PLAY	29	78403016	16-Apr-04				P
USA	SUN SIP	32	NA.	27-Mar-85	1,376,684	31-Dec-85	31-Dec-05	R
USA	SUNSHINE ORANGE	32	366248	24-May-82	1,283,561	26-Jun-84	25-Jun-04	R
Vietnam	SUNNY DELIGHT	32	14384	8-Jul-93	11956	8-Jul-93	8-Jul-13	R

TRADEMARK

REEL: 002926 FRAME: 0931

SCHEDULE A (continued)

West Bank	SUNNY DELIGHT	32	7323	28-Aug-99					P
Yemen	SUNNY DELIGHT (& Arabic)	32	4680	16-Feb-91	4249	23-May-95	16-Feb-11		R
Zanzibar	SUNNY DELIGHT	29,32	35/2000	24-Nov-99	20/2000	24-Nov-99	24-Nov-13		R

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