

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

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|----------------------------------|--------------------------------------------------------------------------------------|-----------------------|--------------------------|
| SUBMISSION TYPE: | NEW ASSIGNMENT | | |
| NATURE OF CONVEYANCE: | ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL | | |
| CONVEYING PARTY DATA | | | |
| Name | Formerly | Execution Date | Entity Type |
| Beverage Partners Worldwide S.A. | | 08/31/2007 | CORPORATION: SWITZERLAND |
| RECEIVING PARTY DATA | | | |
| Name: | Societe des Produits Nestle, S.A. | | |
| Street Address: | Case Postale 353 | | |
| City: | 1800 Vevey | | |
| State/Country: | SWITZERLAND | | |
| Entity Type: | CORPORATION: SWITZERLAND | | |
| PROPERTY NUMBERS Total: 1 | | | |
| Property Type | Number | Word Mark | |
| Serial Number: | 78690490 | THE CALORIE BURNER | |
| CORRESPONDENCE DATA | | | |
| Fax Number: | (818)637-3311 | | |
| | <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> | | |
| Phone: | 818-549-6726 | | |
| Email: | robert.sanders@us.nestle.com | | |
| Correspondent Name: | Robert H. Sanders, c/o Nestle USA, Inc. | | |
| Address Line 1: | 800 N. Brand Blvd., 14th Floor | | |
| Address Line 4: | Glendale, CALIFORNIA 91203 | | |
| DOMESTIC REPRESENTATIVE | | | |
| Name: | Nestle USA, Inc. | | |
| Address Line 1: | 800 N. Brand Blvd., 14th Floor | | |
| Address Line 4: | Glendale, CALIFORNIA 91203 | | |
| NAME OF SUBMITTER: | Robert Sanders | | |
| Signature: | /Bob Sanders/ | | |

OP \$40.00 78690490

Date:

10/02/2007

Total Attachments: 2

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DEED OF ASSIGNMENT

WHEREAS **BEVERAGE PARTNERS WORLDWIDE S.A.**, a company incorporated in Switzerland, whose registered office is at 8902 Urdorf, Switzerland (hereinafter referred to as "Assignor") is the owner of the trademark(s) listed in the attached schedule;

WHEREAS **SOCIETE DES PRODUITS NESTLE S.A.**, a company incorporated in Switzerland, whose registered office is at 1800 Vevey, Switzerland, (hereinafter referred to as "Assignee") is desirous to acquire all right, title and interest in the said trademark(s);

NOW, THEREFORE, for good and valuable consideration receipt and sufficiency of which is hereby acknowledged, said Assignor does hereby assign unto said Assignee all right, title and interest in and to said trademark(s) together with the goodwill of the business symbolized thereby in the United States of America.

Executed at Urdorf, this

August 31, 2007

BEVERAGE PARTNERS WORLDWIDE S.A.

Linda Giustanni

Michael Scatex

*Linda Giustanni,
General Counsel*

*Michael Scatex,
Chief Financial Officer*

~~Jean-Pierre Maeder
Authorised Signatory~~

SCHEDULE

| Country Name | TM Status | Trademark Name | App./Reg. Number |
|---------------------|------------------|-----------------------|-------------------------|
| U.S.A | Application | THE CALORIE BURNER | 78690490 |