

**RECORDATION  
TRADE**



103497266

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

4-16-08

**1. Name of conveying party(ies):**

New Age Beverages, L.L. C.  
aka New Age Beverage LLC

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

Citizenship (see guidelines) Colorado

Additional names of conveying parties attached?  Yes  No

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

Additional names, addresses, or citizenship attached?  Yes  No

Name: Xing Beverage LLC

Internal

Address: \_\_\_\_\_

Street Address: 1700 East 68th Avenue

City: Denver

State: Colorado

Country: USA                                      Zip: 80229

- Association    Citizenship \_\_\_\_\_
- General Partnership    Citizenship \_\_\_\_\_
- Limited Partnership    Citizenship \_\_\_\_\_
- Corporation    Citizenship \_\_\_\_\_

Other LLC                                      Citizenship Colorado

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)

**3. Nature of conveyance /Execution Date(s) :**

Execution Date(s) April 8, 2008

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

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

A. Trademark Application No.(s)

77/312,679    77/312,629    77/313,637

B. Trademark Registration No.(s)

Additional sheet(s) attached?  Yes  No

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

XING SODA    XING ENERGY    XING COFFEE

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

Name: Grant R. Clayton

Internal Address: (T11559, T11560, T11561)

Street Address: P.O. Box 1909

City: Sandy

State: UT                                      Zip: 84091

Phone Number: 801-255-5335

Fax Number: 801-255-5338

Email Address: gclayton@chcpat.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 50-0836

Authorized User Name Grant R. Clayton

**9. Signature:**

Signature

15 April 2008

Date

Grant R. Clayton

Name of Person Signing

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

5

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

T R A D E M A R K   A S S I G N M E N T

WHEREAS, NEW AGE BEVERAGES, L.L.C., also known as NEW AGE BEVERAGE LLC, and XING BEVERAGE LLC, also known as XING BEVERAGES LLC, have jointly applied for registration of the trademarks listed in Table A.

WHEREAS, NEW AGE BEVERAGES, L.L.C., also known as NEW AGE BEVERAGE LLC (hereinafter referred to as "ASSIGNOR"), a limited liability company duly organized and existing under the laws of the State of Colorado and having a principal place of business at 1700 East 68<sup>th</sup> Avenue, Denver, Colorado 80229, is the owner of certain right, title, and interest in and to the applications (hereinafter referred to as the "Applications") and the trademarks listed in Table A (hereinafter referred to as the "Marks").

TABLE A			
CHC Ref. No.	Trademark	Jurisdiction	Serial No. & Filing Date
T11465.CA	XING TEA	Canada	1375440 December 10, 2007
T11559	XING SODA	United States	77/312,679 October 24, 2007
T11559.CA	XING SODA	Canada	1375444 December 10, 2007
T11560	XING ENERGY	United States	77/312,629 October 24, 2007
T11560.CA	XING ENERGY	Canada	1375443 December 10, 2007

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T11559.CA, T11560, T11560.CA,  
T11561; T11561.CA

CHC Ref. No.	Trademark	Jurisdiction	Serial No. & Filing Date
T11561	XING COFFEE	United States	77/313,637 October 25, 2007
T11561.CA	XING COFFEE	Canada	1375442 December 10, 2007

WHEREAS, XING BEVERAGE LLC, also known as XING BEVERAGES LLC (hereinafter referred to as "ASSIGNEE"), a limited liability company duly organized and existing under the laws of the State of Colorado, having a principal business office at 1700 East 68<sup>th</sup> Avenue, Denver, Colorado 80229, is desirous of acquiring all right, title and interest in and to the Marks and the Applications held by ASSIGNOR.

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to the ASSIGNOR by the ASSIGNEE, the receipt and sufficiency of which is hereby acknowledged, THE ASSIGNOR HEREBY ASSIGNS TO THE ASSIGNEE any and all right, title and interest which it may hold in and to the Marks and to the Applications, along with the portion of the ASSIGNOR's ongoing and existing business to which the Marks pertain, *together with the goodwill of the business symbolized by and associated with the Marks, as well as the right to bring legal actions for infringement of any of the Marks, including past infringement and the right to receive damages for any past infringement and all causes of action, claims and rights to damages or profits, due or*

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T11559.CA, T11560, T11560.CA,  
T11561; T11561.CA

*accrued, arising out of past infringement of the Marks, or injury to the goodwill associated with the Marks, as well as the rights to sue for and recover the Marks in Assignee's own name.*

Assignor agrees that it will cooperate in any actions necessary for Assignee to prosecute, renew or register its rights, title and interests in and to the Marks, including in the United States of America and registrations outside of the United States of America, and to cooperate in any actions brought to enforce the rights accompanying this Assignment against third parties.

ASSIGNOR also transfers and assigns the right, both retroactively and prospectively, to file applications for the Marks outside of the United States of America in Assignee's own name, including the right to claim the benefits of any pertinent international or transnational convention or treaty benefitting such applications.

The ASSIGNOR hereby authorizes and requests all trademark issuing officials and entities, including the United States Commissioner of Trademarks and any such officials in countries other than the United States as are duly authorized by the applicable laws to register trademarks, to issue any and all certificates of registration of the Marks to the ASSIGNEE as the owner of the ASSIGNOR's entire interest in said Marks and said Applications, for the use and behoof of the said ASSIGNEE, its successors, assigns and legal representatives.

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T11559.CA, T11560, T11560.CA,  
T11561; T11561.CA


- 3 -

**TRADEMARK**  
**REEL: 003762 FRAME: 0596**

This Assignment and Agreement shall be binding upon any and all successors of the ASSIGNOR.


DATED this 8<sup>th</sup> day of APRIL, 2008.

NEW AGE BEVERAGES, L.L.C.

By:   
Title: Murphy Partner

STATE OF Colorado )  
 ) ss  
COUNTY OF Boulder )

On this 8th day of April, 2008, before me personally appeared Mark Friedland, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he/she has read the same and knows the contents thereof and that he/she executed the same as his/her free act and deed, on behalf of the identified corporation with authority to do so, for the purposes set forth therein.

  
NOTARY PUBLIC  
Residing at: 542 Evans Ct.  
Boulder, CO 81621

My Commission Expires:  
11-17-2008

S:\CHC Files\T11--\T115--\T11549\Assignment-NEW AGE to XING-20080402.wpd

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