

TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Beverage Acquisition, LLC dba The Switch		02/07/2014	LIMITED LIABILITY COMPANY: TEXAS

**RECEIVING PARTY DATA**

<b>Name:</b>	A & E Acquisition, LLC
<b>Street Address:</b>	2 Sea View Boulevard
<b>City:</b>	Port Washington
<b>State/Country:</b>	NEW YORK
<b>Postal Code:</b>	11050
<b>Entity Type:</b>	LIMITED LIABILITY COMPANY: DELAWARE

**PROPERTY NUMBERS Total: 4**

Property Type	Number	Word Mark
Registration Number:	4227661	FLIP CHIPS
Registration Number:	4257690	DRINK SOMETHING GOOD FOR A CHANGE
Registration Number:	4257691	MUNCH SOMETHING GOOD FOR A CHANGE
Registration Number:	4304232	SNACKTACULAR

**CORRESPONDENCE DATA**

Fax Number: 2125547700  
*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.*

Phone: 212 554 7800  
 Email: trademarks@mosessinger.com  
 Correspondent Name: Laurie Buchanan  
 Address Line 1: 405 Lexington Avenue  
 Address Line 2: The Chrysler Building  
 Address Line 4: New York, NEW YORK 10174

<b>ATTORNEY DOCKET NUMBER:</b>	09626-0103
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CH \$115.00 4227661

NAME OF SUBMITTER:	Laurie Buchanan
Signature:	/Laurie Buchanan/
Date:	02/25/2014
<b>Total Attachments: 4</b> source=Trademark Assignment - Executed#page1.tif source=Trademark Assignment - Executed#page2.tif source=Trademark Assignment - Executed#page3.tif source=Trademark Assignment - Executed#page4.tif	

## CONFIRMATORY TRADEMARK ASSIGNMENT

This Confirmatory Trademark Assignment is entered into as of the Effective Date (hereinafter defined) by and between **Beverage Acquisition, LLC**, a Texas limited liability company with offices at 301 Commerce Street, Suite 1600, Fort Worth, TX 76102 (the “**Assignor**”) and **A&E Acquisition, LLC**, a Delaware limited liability company with offices at 2 Seaview Boulevard, Port Washington, NY 11050 (the “**Assignee**”).

**WHEREAS**, Assignor and Assignee have executed an Asset Purchase Agreement and a Bill of Sale, Assignment and Assumption on February 7, 2014 (the “**Effective Date**”), pursuant to which Assignor sold, conveyed, assigned, and transferred to Assignee, among other assets, Assignor’s entire right, title, interest in and to the trademarks, service marks, logos, trade dress, trade names, business names, and other indicia of origin used in the business of the United States, including the marks listed on Schedule A (collectively, the “**Trademarks**”), together with all registrations and applications for registration therefor and the good will of the business symbolized by the Trademarks in the United States.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, Assignor hereby, without reservation:

1. Confirms that it has sold, assigned, transferred, and conveyed to Assignee, its successors, and assigns, Assignor’s whole entire right, title, and interest in and to the Trademarks, together with the goodwill of the business symbolized by the Trademarks, and all rights to sue for and collect damages resulting from past, present, and future infringements of any or all Trademarks in the United States.
2. Authorizes and requests the Commissioner of Patents and Trademarks of the United States to issue or transfer the Trademarks to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.


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IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed by their duly authorized representatives as of the Effective Date.

**BEVERAGE ACQUISITION, LLC**

**A&E ACQUISITION, LLC**

By: Apple & Eve, LLC, Its Managing Member

By: 

By: \_\_\_\_\_

Name: Michael D. Bornitz

Name: Gordon Crane

Title: Manager

Title: Chief Executive Officer

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed by their duly authorized representatives as of the Effective Date.

**BEVERAGE ACQUISITION, LLC**

By: \_\_\_\_\_

Name: Michael D. Bornitz

Title: Manager

**A&E ACQUISITION, LLC**

By: Apple & Eve, LLC, Its Managing Member

By:  \_\_\_\_\_

Name: Gordon Crane

Title: Chief Executive Officer

**SCHEDULE A**

<b>Mark</b>	<b>Serial / Registration Number</b>	<b>Application / Registration Date</b>	<b>Status</b>	<b>Goods / Services</b>
THE SWITCH	SN: 77/755,057 RN: 3,736,602	January 12, 2010  Registered	Registered	<i>Soft drinks, aerated fruit juices, mixed fruit juices, and non- alcoholic fruit juice beverages in Class 32</i>
THE SWITCH	SN: 78/031,899 RN: 2,664,591	December 17, 2002  Registered	Renewed	<i>Fruit juices and smoothies in Class 32</i>
DRINK SOMETHING GOOD FOR A CHANGE	SN: 85/617,408 RN: 4,257,690	December 11, 2012  Registered	Registered	<i>Fruit juices, aerated fruit juices, fruit drinks in Class 32</i>
FLIP CHIPS	SN: 85/485,805 RN: 4,227,661	October 16, 2012  Registered	Registered	<i>Potato crisps and chips; potato puffs; potato- based snack foods; vegetable chips in Class 29  Corn chips; grain-based chips in Class 30</i>
SNACKTACULAR	SN: 85/609,427 RN: 4,304,232	March 19, 2013  Registered	Registered	<i>Potato crisps and chips in Class 29</i>
MUNCH SOMETHING GOOD FOR A CHANGE	SN: 85/617,434 RN: 4,257,691	December 11, 2012  Registered	Registered	<i>Potato crisps and chips in Class 29</i>