

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM337607

<b>SUBMISSION TYPE:</b>	RESUBMISSION
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF SECURITY INTEREST - TRADEMARKS
<b>RESUBMIT DOCUMENT ID:</b>	900320220

## CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
AMERICAN BEVERAGE CORPORATION		03/31/2015	CORPORATION: DELAWARE

## RECEIVING PARTY DATA

<b>Name:</b>	TCW SPECIAL SITUATIONS, LLC, as the Collateral Agent
<b>Street Address:</b>	200 Clarendon Street, 51st Floor
<b>City:</b>	Boston
<b>State/Country:</b>	MASSACHUSETTS
<b>Postal Code:</b>	02116
<b>Entity Type:</b>	LIMITED LIABILITY COMPANY: DELAWARE

## PROPERTY NUMBERS Total: 32

Property Type	Number	Word Mark
Registration Number:	4426863	AMERICAN BEVERAGE CORPORATION
Registration Number:	2036600	BIG BURST
Registration Number:	1366965	BIG HUG
Registration Number:	1539489	
Registration Number:	0899768	DAILY'S
Registration Number:	3181798	DAILY'S
Registration Number:	4515644	FRUIT BARREL
Registration Number:	4581600	GIVE A HUG. GET A SMILE.
Registration Number:	4353836	GUZZLER
Registration Number:	1015429	LITTLE HUG
Registration Number:	1376177	
Registration Number:	4085151	LITTLE HUG FRUIT BARRELS
Registration Number:	4581836	MOCHA DELIGHT
Registration Number:	1127606	
Registration Number:	2508104	ALPINE FREEZE
Registration Number:	0919849	TEENI-PAK
Registration Number:	3659215	TOW AND GO PEACH MELON
Registration Number:	3636488	TWIST 'N' CHILL

TRADEMARK

Property Type	Number	Word Mark
Registration Number:	4236357	FLAVOR-LOCK TAP
Registration Number:	3659217	LOW AND SLOW GRAPE APPLE
Registration Number:	2528534	ORCHARD CHILL
Registration Number:	4370360	RAINBOW
Registration Number:	3640787	REPTILE RAPIDS
Registration Number:	1610015	BIG JUICY
Registration Number:	2636891	CARIBBEAN GROOVE
Registration Number:	1662688	TEENI
Serial Number:	86149551	DAILY'S COCKTAILS HARD SHAKE
Serial Number:	86144910	DAILY'S COCKTAILS SPIKED SODA
Serial Number:	86467492	FIND YOUR HAPPY TASTE
Serial Number:	86202110	FIZZY, FRUITY, FUN
Serial Number:	86492148	FREEZ'EM, SQUEEZ'EM, PLEEZ'EM!
Serial Number:	86492580	HUG

**CORRESPONDENCE DATA**

Fax Number: 2125935955

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

Phone: (212) 756-2132

Email: scott.kareff@srz.com

Correspondent Name: Scott Kareff

Address Line 1: Schulte Roth & Zabel, 919 Third Avenue

Address Line 4: New York, NEW YORK 10022

ATTORNEY DOCKET NUMBER:	059182.0045
NAME OF SUBMITTER:	Scott Kareff (059182-0045)
SIGNATURE:	/kc for sk/
DATE SIGNED:	04/08/2015

**Total Attachments: 6**

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## ASSIGNMENT OF SECURITY INTEREST - - TRADEMARKS

WHEREAS, American Beverage Corporation, a Delaware corporation (the "Assignor") has adopted, used and is using, and holds all right, title and interest in and to, the trademarks and service marks listed on the attached Schedule A, which trademarks and service marks are registered or applied for in the United States Patent and Trademark Office (the "Trademarks");

WHEREAS, the Assignor has entered into a Pledge and Security Agreement, dated July 1, 2014 (as amended, restated, supplemented, modified or otherwise changed from time to time, the "Security Agreement"), in favor of TCW Special Situations, LLC, as the Collateral Agent for itself and certain lenders (in such capacity, together with its successors and assigns, if any, the "Assignee"); and

WHEREAS, pursuant to the Security Agreement, the Assignor has assigned to the Assignee and granted to the Assignee for the benefit of the Secured Parties (as defined in the Security Agreement) a continuing security interest in all right, title and interest of the Assignor in, to and under the Trademarks, together with, among other things, the good-will of the business symbolized by the Trademarks and the applications and registrations thereof, and all proceeds thereof, including, without limitation, any and all causes of action which may exist by reason of infringement thereof and any and all damages arising from past, present and future violations thereof (the "Collateral"), to secure the payment, performance and observance of the Secured Obligations (as defined in the Security Agreement);

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor does hereby pledge, convey, sell, assign, transfer and set over unto the Assignee and grants to the Assignee for the benefit of the Assignee and the Secured Parties a continuing security interest in the Collateral to secure the prompt payment, performance and observance of the Secured Obligations.

The Assignor does hereby further acknowledge and affirm that the rights and remedies of the Assignee with respect to the Collateral are more fully set forth in the Security Agreement, the terms and provisions of which are hereby incorporated herein by reference as if fully set forth herein.

[Signature page follows]

IN WITNESS WHEREOF, the Assignor has caused this Assignment of Security Interest - - Patents to be duly executed by its officer thereunto duly authorized as of March 31 2015.

AMERICAN BEVERAGE CORPORATION

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

Name: Ian B. MacTaggart

Title: Vice President

Patent Security Agreement

**TRADEMARK**  
**REEL: 005494 FRAME: 0259**

SCHEDULE A TO ASSIGNMENT OF SECURITY INTEREST - - TRADEMARKS

**Trademarks and Trademark Applications**

Owned by American Beverage Corporation

**1. Registered Trademarks**

<b>Company</b>	<b>Country</b>	<b>Trademark</b>	<b>Application or Registration No.</b>	<b>Filing Date</b>	<b>Registration Date</b>
AMERICAN BEVERAGE CORPORATION	UNITED STATES	AMERICAN BEVERAGE CORPORATION	4,426,863	11/2/2012	10/29/2013
AMERICAN BEVERAGE CORPORATION	UNITED STATES	BIG BURST	2,036,600	7/28/1995	2/11/1997
AMERICAN BEVERAGE CORPORATION	UNITED STATES	BIG HUG	1,366,965	12/13/1984	10/22/1985
AMERICAN BEVERAGE CORPORATION	UNITED STATES	BIG HUG CONTAINER Design	1,539,489	5/19/1986	5/16/1989
AMERICAN BEVERAGE CORPORATION	EUROPEAN UNION (CTM)	DAILY'S	004662771	9/30/2005	6/5/2010
AMERICAN BEVERAGE CORPORATION	UNITED STATES	DAILY'S & Design	899,768	11/3/1967	9/29/1970
AMERICAN BEVERAGE CORPORATION	UNITED STATES	DAILY'S & Design	3,181,798	3/14/2005	12/5/2006
AMERICAN BEVERAGE CORPORATION	EUROPEAN UNION (CTM)	DAILY'S	003566825	12/2/2003	6/5/2007
AMERICAN BEVERAGE CORPORATION	UNITED STATES	FRUIT BARREL	4,515,644	11/15/2012	4/15/2014
AMERICAN BEVERAGE CORPORATION	UNITED STATES	GIVE A HUG. GET A SMILE.	4,581,600	7/9/2013	8/5/2014
AMERICAN BEVERAGE CORPORATION	UNITED STATES	GUZZLER	4,353,836	10/25/2012	6/18/2013
AMERICAN BEVERAGE CORPORATION	UNITED STATES	LITTLE HUG	1,015,429	4/5/1974	7/8/1975

Company	Country	Trademark	Application or Registration No.	Filing Date	Registration Date
AMERICAN BEVERAGE CORPORATION	UNITED STATES	LITTLE HUG BOTTLE Design	1,376,177	5/5/1983	12/17/1985
AMERICAN BEVERAGE CORPORATION	UNITED STATES	LITTLE HUG FRUIT BARRELS	4,085,151	3/8/2011	1/10/2012
AMERICAN BEVERAGE CORPORATION	UNITED STATES	MOCHA DELIGHT	4,581,836	10/3/2013	8/5/2014
AMERICAN BEVERAGE CORPORATION	UNITED STATES	TWO-EARED BOTTLE Design	1,127,606	8/15/1975	12/11/1979
AMERICAN BEVERAGE CORPORATION	UNITED STATES	ALPINE FREEZE	2,508,104	3/2/2000	11/13/2001
AMERICAN BEVERAGE CORPORATION	UNITED STATES	TEENI-PAK <sup>1</sup>	919,849	2/12/1970	9/7/1971
AMERICAN BEVERAGE CORPORATION	UNITED STATES	TOW AND GO PEACH MELLON	3,659,215	8/25/2008	7/21/2009
AMERICAN BEVERAGE CORPORATION	UNITED STATES	TWIST 'N' CHILL	3,636,488	4/21/2008	6/9/2009
AMERICAN BEVERAGE CORPORATION	UNITED STATES	FLAVOR-LOCK TAP	4,236,357	10/5/2011	11/6/2012
AMERICAN BEVERAGE CORPORATION	UNITED STATES	LOW AND SLOW GRAPE APPLE	3,659,217	8/25/2008	7/21/2009
AMERICAN BEVERAGE CORPORATION	UNITED STATES	ORCHARD CHILL	2,528,534	3/24/2000	1/8/2002
AMERICAN BEVERAGE CORPORATION	UNITED STATES	RAINBOW	4,370,360	8/12/2004	7/23/2013
AMERICAN BEVERAGE CORPORATION	UNITED STATES	REPTILE RAPIDS	3,640,787	3/17/2008	6/16/2009

<sup>1</sup> Should be marked abandoned by trademark office for failure to renew.

Company	Country	Trademark	Application or Registration No.	Filing Date	Registration Date
AMERICAN BEVERAGE CORPORATION	UNITED STATES	BIG JUICY	1,610,015	10/30/1989	8/14/1990
AMERICAN BEVERAGE CORPORATION	UNITED STATES	CARIBBEAN GROOVE	2,636,891	2/12/2001	10/15/2002
AMERICAN BEVERAGE CORPORATION	UNITED STATES	TEENI <sup>2</sup>	1,662,688	3/7/1990	10/29/1991

## 2. Trademark Applications

Company	Country	Trademark	Application or Registration No.	Filing Date	Registration Date
AMERICAN BEVERAGE CORPORATION	UNITED STATES	DAILY'S COCKTAILS HARD SHAKE	86/149,551	12/20/2013	N/A
AMERICAN BEVERAGE CORPORATION	UNITED STATES	DAILY'S COCKTAILS SPIKED SODA	86/144,910	12/16/2013	N/A
AMERICAN BEVERAGE CORPORATION	UNITED STATES	FIND YOUR HAPPY TASTE	86/467,492	12/1/2014	N/A
AMERICAN BEVERAGE CORPORATION	UNITED STATES	FIZZY, FRUITY, FUN	86/202,110	2/24/2014	N/A
AMERICAN BEVERAGE CORPORATION	UNITED STATES	FREEZ'EM, SQUEEZ'EM, PLEEZ'EM!	86/492,148	12/30/2014	N/A

<sup>2</sup> Should be marked abandoned by trademark office for failure to renew.

Company	Country	Trademark	Application or Registration No.	Filing Date	Registration Date
AMERICAN BEVERAGE CORPORATION	UNITED STATES	HUG	86/492,580	12/30/2014	N/A
AMERICAN BEVERAGE CORPORATION	COLOMBIA	LITTLE HUG	14223438	1/20/2015 <sup>3</sup>	N/A
AMERICAN BEVERAGE CORPORATION	COLOMBIA	HUG WATER	14222092	1/20/2015 <sup>4</sup>	N/A

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<sup>3</sup> This is the date this application was assigned to ABC.

<sup>4</sup> This is the date this application was assigned to ABC.