

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
 Stylesheet Version v1.2

ETAS ID: TM535898

<b>SUBMISSION TYPE:</b>	RESUBMISSION		
<b>NATURE OF CONVEYANCE:</b>	Declaration of Release of Security Interest		
<b>RESUBMIT DOCUMENT ID:</b>	900508627		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
US Trust		07/29/2019	State Chartered Commercial: MASSACHUSETTS
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Nutcracker Brands, Inc.		
<b>Street Address:</b>	2021 Spring Road		
<b>City:</b>	Oak Brook		
<b>State/Country:</b>	ILLINOIS		
<b>Postal Code:</b>	60523		
<b>Entity Type:</b>	Corporation: DELAWARE		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	1766034	NUTCRACKER	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>			
<i>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.</i>			
<b>Phone:</b>	4155911000		
<b>Email:</b>	lfranco@winston.com		
<b>Correspondent Name:</b>	Laura M. Franco		
<b>Address Line 1:</b>	101 California Street		
<b>Address Line 4:</b>	San Francisco, CALIFORNIA 94111		
<b>ATTORNEY DOCKET NUMBER:</b>	007230.00051		
<b>NAME OF SUBMITTER:</b>	Laura M. Franco		
<b>SIGNATURE:</b>	/Laura M. Franco/		
<b>DATE SIGNED:</b>	08/08/2019		
<b>Total Attachments: 2</b>			
source=TM Security Interest Release - Nutracker - USTrust (1997) - (EXECUTION VERSION)#page1.tif			
source=TM Security Interest Release - Nutracker - USTrust (1997) - (EXECUTION VERSION)#page2.tif			

## **DECLARATION**

I, Jo E. Osborn, do hereby declare under penalty of perjury, 18 U.S.C. § 1001, that all statements made herein made of my own knowledge are true and all statements made on information and belief are believed to be true.

1. I am Vice President and Assistant Secretary of Nutcracker Brands, Inc., a Delaware corporation ("Nutcracker") and as such have authority to make the statements set forth herein on behalf of Nutcracker.

2. Nutcracker is the owner of certain intellectual property rights, including the U.S. Trademark Registration listed below (the "Trademark"):

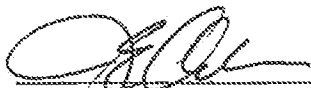
Mark	Reg. No.	Country	Status
NUTCRACKER	1766034	US	Registered

3. It is my understanding from review of documents filed and recorded with the United States Patent & Trademark Office ("USPTO") and documents filed with the Delaware Secretary of State that the following facts are relevant to the chain of title of the Trademark:

- a. As security for a loan made in connection with certain financing agreements dated October 31, 1997 (the "Loan"), on October 31, 1997 Nutcracker granted a security interest in the Trademark to USTrust ("USTrust").
- b. The grant of the security interest to USTrust was recorded at the USPTO on November 14, 1997 at Trademark Reel/Frame 1655/0910.
- c. USTrust does not have an effective UCC-1 financing statement on file with the Delaware Secretary of State in respect of any security interest in the Trademark.

4. Based upon the facts above, Nutcracker has a good faith belief and understanding that USTrust terminated its UCC financing statement executed in connection with the Loan. USTrust (as USTrust or as its successor Bank of America Private Bank) has never contacted Nutcracker regarding payments or outstanding indebtedness, to the best of Nutcracker's knowledge, and Nutcracker confirms that USTrust no longer has a valid security interest in the Trademark.

5. Nutcracker is therefore filing this declaration as evidence of its belief and understanding that Nutcracker has paid off its indebtedness to USTrust such that USTrust's security interest in the Trademark has been fully released.



Nutcracker Brands, Inc.

Name: Jo E. Osborn

Title: Vice President and Assistant Secretary

Date: July 29, 2019

*[USPTO Trademark Filings 1997]*

**TRADEMARK**

**RECORDED: 07/29/2019**

**REEL: 006726 FRAME: 0238**