

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM643493

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Climax Holdings Pty. Limited		04/26/2021	Proprietary Limited Company: AUSTRALIA
Climax Holdings Pty. Limited as Trustee for the Troy Family Trust		04/26/2021	Professional Limited Liability Company: AUSTRALIA
Milkadamia Pty Ltd.	FORMERLY Macadamia Oils of Australia Pty. Ltd.	04/26/2021	Proprietary Limited Company: AUSTRALIA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Milkadamia International Holdings Pty Ltd		
<b>Street Address:</b>	6/3 Central Avenue		
<b>City:</b>	Thornleigh		
<b>State/Country:</b>	AUSTRALIA		
<b>Postal Code:</b>	NSW 2110		
<b>Entity Type:</b>	Proprietary Limited Company: AUSTRALIA		
<b>PROPERTY NUMBERS Total: 12</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Serial Number:</b>	88636358	BUTTA-BING BUTTA-BLOOM	
<b>Serial Number:</b>	88639512	ITSRCHOICE	
<b>Serial Number:</b>	88639532	IT'S R CHOICE R REGENERATIVE FARMING	
<b>Registration Number:</b>	4661853	MILKADAMIA	
<b>Serial Number:</b>	88631779	MILKADAMIA	
<b>Serial Number:</b>	88631786	MILKADAMIA	
<b>Serial Number:</b>	88631816	MOO IS MOOT	
<b>Registration Number:</b>	5444294	FREE RANGE TREES	
<b>Registration Number:</b>	5444296		
<b>Registration Number:</b>	5444297	MOO IS MOOT	
<b>Registration Number:</b>	4128170	MAC NUT OIL	
<b>Serial Number:</b>	88611227	MAC NUT OIL	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	5125364598		

OP \$315.00 88636358

TRADEMARK

**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:** 214-855-8000  
**Email:** aoipdocket@nortonrosefulbright.com,stephanie.schmidt@nortonrosefulbright.com  
**Correspondent Name:** Linda Merritt  
**Address Line 1:** 2200 Ross Avenue, Suite 3600  
**Address Line 4:** Dallas, TEXAS 75201

**DOMESTIC REPRESENTATIVE**

**Name:** Linda Merritt  
**Address Line 1:** 2200 Ross Avenue, Suite 3600  
**Address Line 4:** Dallas, TEXAS 75201

<b>NAME OF SUBMITTER:</b>	Stephanie Schmidt
<b>SIGNATURE:</b>	/Stephanie A. Schmidt/
<b>DATE SIGNED:</b>	04/30/2021

**Total Attachments: 5**

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## Confirmatory deed of assignment

Deed dated *26 April 2021*

**Parties**

Climax Holdings Pty. Limited ABN 57 054 294 316  
of 6/3 Central Avenue, Thornleigh NSW 2120

Climax Holdings Pty. Limited ABN 57 054 294 316 as Trustee for the Troy  
Family Trust  
of 6/3 Central Avenue, Thornleigh NSW 2120

Milkadamia Pty Ltd ABN 89 112 786 606 (formerly Macadamia Oils of Australia  
Pty. Ltd.)  
of 6/3 Central Avenue, Thornleigh NSW 2120

(together, the Assignor)

Milkadamia International Holdings Pty Ltd ABN 55 637 197 507  
of 6/3 Central Avenue, Thornleigh NSW 2120

(Assignee)

### Introduction

- A The Assignor is the owner of the United States trade mark applications and registrations set out in Schedule 1 (**Trade Marks**).
- B The parties are party to the Milkadamia Deed of Assignment of Intellectual Property.
- C The parties wish to enter into this Deed to confirm the ownership of, and to the extent necessary, effect the assignment by the Assignor to the Assignee of all rights embodied, subsisting, arising or to arise in the Trade Marks.

### It is agreed

#### 1 Definitions and interpretation

##### 1.1 Definitions

In this Deed:

- (1) **Deed** means this document, including any schedule or annexure to it;
- (2) **Effective Date** means 14 December 2019;
- (3) **Milkadamia Deed of Assignment of Intellectual Property** means the agreement between the Assignor and the Assignee entitled 'Assignment of Intellectual Property' with an effective date of 14 December 2019.

## 2 Assignment and transfer

- 2.1 The Assignor confirms the assignment to the Assignee of all its rights, title and interest in the Trade Marks, together with the goodwill of the business symbolised by the mark, with effect on and from the Effective Date.
- 2.2 The assignment includes the right to take action and recover damages and/or an account of profits against third parties for:
- (1) Infringement of any of the Trade Marks; or
  - (2) Passing off or misleading and deceptive conduct in relation to any of the Trade Marks,

whether or not such infringement or conduct took place before the Effective Date.


## 3 Variation



- 3.1 The agreement recorded in this Deed cannot be varied or amended unless the variation or amendment is in writing and signed by the parties.

## 4 Governing law and jurisdiction

- 4.1 This Deed is governed by the law in force in New South Wales, Australia.
- 4.2 The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and of the Commonwealth of Australia.

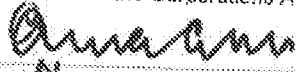
### Schedule 1 - Trade Marks

United States of America	BUTTA-BING BUTTA-BLOOM	N/A	88636358	29	Application filed		Climax Holdings Pty Limited
United States of America	ItsRChoice	N/A	88639512	03, 05, 29, 30, 32	Application filed		Climax Holdings Pty Limited
United States of America	ITSRCHOICE REGENERATIVE FARMING logo		88639532	03, 05, 29, 30, 32	Application filed		Climax Holdings Pty Limited
United States of America	MILKADAMI A	N/A	4861853	29, 30	Registered /Granted	30-Dec-2024	Climax Holdings Pty Limited
United States of America	MILKADAMI A	N/A	88631779	03, 05, 29, 30, 32	Application filed		Climax Holdings Pty Limited
United States of America	MILKADAMI A stylised		88631786	03, 05, 29, 30, 32	Application filed		Climax Holdings Pty Limited
United States of America	MOD IS MOOT	N/A	88631816	03, 05, 29, 30, 32	Application filed		Climax Holdings Pty Limited
United	FREE	N/A	5444294	29, 32	Registered	10-Apr-	Climax Holdings

States of America	RANGE TREES				/Granted	2028	Pty Limited as Trustee for the Troy Family Trust
United States of America	FREE RANGE TREES device		5444296	29, 32	Registered /Granted	10-Apr-2028	Climax Holdings Pty Limited as Trustee for the Troy Family Trust
United States of America	MOO IS MOOT	N/A	5444297	29, 32	Registered /Granted	10-Apr-2028	Climax Holdings Pty Limited as Trustee for the Troy Family Trust
United States of America	Mac Nut OIL logo		4128170	29	Registered /Granted	17-Apr-2022	Macadamia Oils of Australia Pty Ltd
United States of America	MAC NUT OIL	N/A	88611227	29	Application filed		Milkadamia Pty Ltd

Executed as a deed and delivered on the date shown on the first page.

Executed by Climax Holdings Pty. Limited  
ABN 57 054 294 316 in accordance with  
section 127 of the Corporations Act 2001:

  
Director/~~company secretary~~

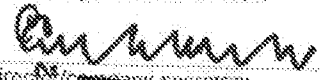
Kenneth Henderson  
Name of director/~~company secretary~~  
(BLOCK LETTERS)

26 April 2021  
Date

  
Director

TREVOR ROY  
Name of director  
(BLOCK LETTERS)

Executed by Climax Holdings Pty. Limited  
ABN 57 054 294 316 as Trustee for the Troy  
Family Trust in accordance with section 127  
of the Corporations Act 2001:

  
Director/~~company secretary~~

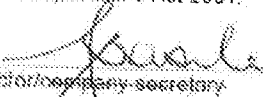
Kenneth Henderson  
Name of director/~~company secretary~~  
(BLOCK LETTERS)

26 April 2021  
Date

  
Director


TREVOR ROY  
Name of director  
(BLOCK LETTERS)

Executed by Milkadamia Pty Ltd ABN 89  
112 786 606 in accordance with section 127  
of the Corporations Act 2001:

  
Director/~~company secretary~~  
GAETANO BASILE

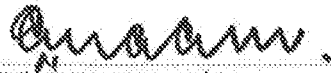
Name of director/~~company secretary~~  
(BLOCK LETTERS)

26 April 2021  
Date

  
Director

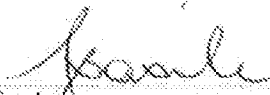
TREVOR ROY  
Name of director  
(BLOCK LETTERS)

Executed by Milkdamia International Holdings Pty Ltd ABN 55 837 187 507 in accordance with section 127 of the Corporations Act 2001:

  
Director/~~company secretary~~

Kenneth Henderson  
Name of director/~~company secretary~~  
(BLOCK LETTERS)

26 April 2021  
Date

  
Director

GAETANO BASILE  
Name of director  
(BLOCK LETTERS)