

12-06-2000

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COVER SHEET  
ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).


Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

*mko*  
*11-15-00*

Conveyance Type

- Assignment
- Security Agreement
- Merger
- Change of Name
- Other Release of Lien on Trademarks

  
11-15-2000  
U.S. Patent & TMO/TM Mail Rcpt Dt. #67  
Execution Date  
Month Day Year  
October 25, 2000

Conveying Party

Mark if additional names of conveying parties attached

Name The Bank of New York

Execution Date  
Month Day Year

October 25, 2000

Formerly \_\_\_\_\_

- Individual
- General Partnership
- Limited Partnership
- Corporation

Other a national banking association

Citizenship/State of Incorporation/Organization \_\_\_\_\_

Receiving Party

Mark if additional names of receiving parties attached

Name Snapple Beverage Corp.

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 709 Westchester Avenue

Address (line 2) White Plains, New York 10604

Address (line 3) \_\_\_\_\_

- Individual
- General Partnership
- Limited Partnership
- Corporation
- Association
- Other \_\_\_\_\_

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached

Citizenship/State of Incorporation/Organization Delaware

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FORM PTO-1618A  
Expires 06/30/99  
OMB 0651-0027

Page 2

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
TRADEMARK

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name \_\_\_\_\_

Address (line 1) \_\_\_\_\_

Address (line 2) \_\_\_\_\_

Address (line 3) \_\_\_\_\_

Address (line 4) \_\_\_\_\_

**Correspondent Name and Address**

Area Code and Telephone Number 212-309-7015

Name Maura B. Leeds, Esq.

Address (line 1) Morgan, Lewis & Bockius LLP

Address (line 2) 1800 M Street, N.W.

Address (line 3) Washington, D.C. 20036

**Pages** Enter the total number of pages of the attached conveyance document including any attachments.

# 9

**Trademark Application Number(s) or Registration Number(s)**

**Trademark Application Number(s)**

See Attached Schedule

**Registration Number(s)**

See Attached Schedule

**Number of Properties** Enter the total number of properties involved. # 52

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$ 1315.00

Method of Payment: Enclosed X Deposit Account \_\_\_\_\_

(Enter for payment by deposit account or if additional fees can be charged to the account.) Deposit Account Number: 13-4520

Authorization to charge additional fees: Yes X No \_\_\_\_\_

**Statement and Signature**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.*

Margaret A. Delacruz  
Name of Person Signing

Margaret A. Delacruz  
Signature

November 15, 2000  
Date Signed

Schedule to Release of Lien on Trademarks in the name of Snapple Beverage Corp.

<u>Mark</u>	<u>Serial No.</u>	<u>Registration No.</u>
APPLE PIE	74/699,922	2,076,218
BALI	73/406,245	1,302,261
BALI BLAST	74/728,105	2,020,475
BLACK AND BLUE BERRY	75/540,812	
BLACK AND GOLD	75/555,329	
DIET SNAPPLE (Stylized)	75/057,341	2,054,570
ELEMENTS	75/637,932	2,363,312
FRAPPLE	75/298,670	
HYDRO (Stylized)	75/714,952	2,389,573
ISLAND COCKTAIL	74/722,202	2,084,642
MADE FROM THE BEST STUFF ON EARTH	74/359,616	1,827,608
MANGO MADNESS	74/452,835	1,864,877
MELONBERRY	74/452,989	1,853,774
NOBODY KNOWS APPLES LIKE SNAPPLE	75/239,965	
SAMOAN SPLASH	75/248,682	2,252,381
SNAP	72/314,308	903,099
SNAP SHOT	75/298,671	
SNAP20	75/599,235	
SNAPPLE	75/691,073	
SNAPPLE	75/647,849	2,304,347
SNAPPLE	74/216,456	1,741,540
SNAPPLE	73/416,925	1,326,262
SNAPPLE	73/202,097	1,156,585
SNAPPLE (Stylized)	74/700,028	2,031,642
SNAPPLE (Stylized)	75/088,389	2,122,285
SNAPPLE ALTITUDE Plus Design	75/939,164	
SNAPPLE APPLE ORCHARD	75/239,964	
SNAPPLE BEANS Plus Design	76/153,700	
SNAPPLE EARTH Plus Design	75/644,644	2,333,889
SNAPPLE ELEMENTS	75/637,931	2,386,498
SNAPPLE FARMS	75/314,810	2,203,741
SNAPPLE FRUITS Plus Design	76/153,702	
SNAPPLE GRAVITY Plus Design	75/877,919	
SNAPPLE HYDRO	75/599,236	
SNAPPLE LIGHTNING Plus Design	75/644,649	2,341,965
SNAPPLE METEOR Plus Design	75/877,920	
SNAPPLE MOON Plus Design	75/644,648	2,333,890
SNAPPLE RAIN Plus Design	75/644,647	2,341,964
SNAPPLE RAIN Plus Design	75/644,645	2,341,962
SNAPPLE SKY Plus Design	75/939,163	

<u>Mark</u>	<u>Serial No.</u>	<u>Registration No.</u>
SNAPPLE SNAPPLETS Plus Design	76/153,701	
SNAPPLE SPORT	74/524,714	1,918,248
SNAPPLE SUN Plus Design	75/644,646	2,341,963
SNAPPL'CINO	75/346,249	
SNAP-UP	74/083,981	
SNAPVEND	75/496,354	
THE BEST STUFF IS IN HERE	75/432,588	2,248,359
TROPICAL INSPIRATION	74/727,586	2,137,674
WENDY'S TROPICAL INSPIRATION	75/346,152	
WHIPPED FROM THE BEST STUFF ON EARTH	75/460,745	2,260,029
WHIPPER SNAPPLE	75/429,852	2,205,890
Whipper Snapple Bottle Design	75/523,048	

Release of Lien on Trademarks

This Release of Lien on Trademarks (the "Release"), dated as of October 25, 2000 is made by The Bank of New York ("Bank"), as administrative agent (together with its successor(s) thereto, in such capacity the "Administrative Agent") for each of the Secured Parties as defined in the Credit Agreement, dated as of February 25, 1999 (the "Credit Agreement"), among the Borrowers, including Snapple Beverage Corp., a Delaware Corporation ("Grantor"), the Lenders and the Agents named therein, in favor of the Grantor. Capitalized terms used in this Release without definition have the meaning assigned to them in the Credit Agreement.

WHEREAS, Grantor entered into a Trademark Security Agreement ("Security Agreement") dated as of February 25, 1999 and recorded in the Patent and Trademark Office (the "PTO") as of May 4, 1999 at Reel 1897, Frame 0944, pursuant to which Grantor granted a security interest to the Bank in certain Trademark Collateral as such term is defined in the Security Agreement, including the trademark applications and registrations set forth on Schedule A attached hereto (the "Released Trademarks") to secure the performance of certain obligations (the "Obligations");

WHEREAS, the Obligations have now been satisfied, Grantor has requested that the Bank release any and all interest it may have in the Released Trademarks, and the Bank has agreed to do so.

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, the Bank does hereby release, relinquish and discharge its security interest in, to and under the Released Trademarks.

IN WITNESS WHEREOF, the Bank has caused this Release to be duly executed as of the date hereinabove set forth.

THE BANK OF NEW YORK,  
as Administrative Agent

By: 

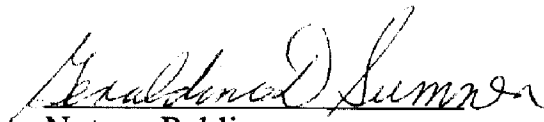
Name: James J. Ducey

Title: Vice President

STATE OF NY )  
 )  
COUNTY OF NY )

ss:

On the 25th day of October, 2000 before me and personally came James J. Ducey, to me known, who, being by me duly sworn, did depose and say that he resides at One Wall Street, NY NY; that he is a Vice President of The Bank of New York, the bank described in and which executed the above instrument; that he signed his name thereto on behalf of said bank; and that he acknowledged said instrument to be the free act and deed of said bank.

  
Notary Public

GERALDINE D. SUMNER  
NOTARY PUBLIC, State of New York  
No. 01SU4801816  
Qualified in Kings County  
Commission Expires May 31, 2001

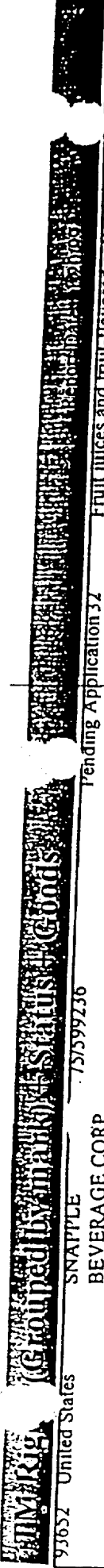
Snap

## SCHEDULE A

<u>Mark</u>	<u>Country</u>	<u>Reg. Owner</u>	<u>App. #</u>	<u>Reg. #</u>	<u>Status</u>	<u>Classes</u>	<u>Goods &amp; Services</u>
76	United States	SNAPPLE BEVERAGE CORP.	74/699922	2076218	Registered	30	FRUIT-FLAVORED ICED TEA
23	BALI United States	SNAPPLE BEVERAGE CORP.	1302261		Registered	32	FRUIT FLAVORED SOFT DRINK CONTAINING WATER.
13	BALI BLAST United States	SNAPPLE BEVERAGE CORP.	74/728105	2020475	Registered	32	FRUIT-FLAVORED BEVERAGES.
7	Black and Blue Berry United States	SNAPPLE BEVERAGE CORP.	75/540812		Pending Application	32	Fruit juices, fruit flavored soft drinks and lemonades in Int'l Cl. 32
6	Black and Gold United States	SNAPPLE BEVERAGE CORP.	75/555329		Pending Application	30, 32	Iced tea in Int'l Cl 30; Fruit juices, fruit flavored soft drinks and lemonades in Int'l Cl. 32
1	DIET SNAPPLE (STYLIZED) United States	SNAPPLE BEVERAGE CORP.	75/057341	2054570	Registered	30, 32	LOW-CALORIE ICED TEA LOW-CALORIE, FRUIT-FLAVORED SOF DRINKS; FRUIT JUICE DRINKS AND LEMONADE
	Frapple						

Country	Reg. Owner	App. #	Reg. #	Status	Classes	Goods & Services
United States	SNAPPLE BEVERAGE CORP.	75/298670		Pending Application 32		Soft drinks and syrups, extracts and concentrates for making same
ISLAND COCKTAIL	SNAPPLE BEVERAGE CORP.	74/722202	2084642	Registered	32	FRUIT-FLAVORED DRINKS
MADE FROM THE BEST STUFF ON EARTH	SNAPPLE BEVERAGE CORP.	74/359616	1827608	Registered	30, 32	ICED TEA FRUIT JUICES
MANGO MADNESS	SNAPPLE BEVERAGE CORP.	74/452835	1864877	Registered	32	FRUIT JUICES
MELONBERRY	SNAPPLE BEVERAGE CORP.	74/452989	1853774	Registered	32	FRUIT JUICES
NOBODY KNOWS APPLES LIKE SNAPPLE	SNAPPLE BEVERAGE CORP.	75/239965		Pending Application 32	32	FRUIT JUICES, FRUIT-FLAVORED SOFT DRINKS AND FRUIT DRINKS
SAMOAN SPLASH	SNAPPLE BEVERAGE CORP.	75/248682		Pending Application 32	32	FRUIT-FLAVORED DRINKS
SNAP	SNAPPLE BEVERAGE CORP.	314308	903099	Registered	32	SOFT DRINKS AND FLAVORING EXTRACTS THEREFOR





93652 United States SNAPPLE BEVERAGE CORP. Pending Application 32 Fruit Juices and Fruit Flavored soft drinks in International Class 32

Mark: SNAPPLE SPORT  
Country United States  
Reg. Owner SNAPPLE BEVERAGE CORP.  
App. # 74/524714  
Reg. # 1918248  
Status Registered  
Classes 32  
Goods & Services FRUIT JUICES.

SNAP-UP  
Country United States  
Reg. Owner SNAPPLE BEVERAGE CORP.  
App. # 74/083981  
Reg. #  
Status Abandoned  
Classes 32  
Goods & Services Beer, ale and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

SNAPVEND  
Country United States  
Reg. Owner SNAPPLE BEVERAGE CORP.  
App. # 75/496354  
Reg. #  
Status Pending Application 35  
Classes 35  
Goods & Services Incentive award program promoting the sale of soft drinks in vending equipment owned by others in International Class 35  
 Examiner amended goods to read: Promoting the sale of soft drinks in vending equipment owned by others through the administration of incentive award programs.

The Best Stuff is in Here  
Country United States  
Reg. Owner SNAPPLE BEVERAGE CORP.  
App. # 75/432588  
Reg. #  
Status Pending Application 30, 32  
Classes 30, 32  
Goods & Services ICED TEA IN INTL CL. 30; FRUIT JUICES AND FRUIT FLAVORED SOFT DRINKS IN INTL CL. 32

Tropical Inspiration  
Country United States  
Reg. Owner SNAPPLE BEVERAGE CORP.  
App. # 74/727586  
Reg. # 2137674  
Status Registered  
Classes 32  
Goods & Services Soft drinks, syrups and extracts for making soft drinks

Wendy's Tropical Inspiration  
Country United States  
Reg. Owner SNAPPLE BEVERAGE CORP.  
App. # 75/346152  
Reg. #  
Status Abandoned  
Classes 32  
Goods & Services Soft drinks, syrups and extracts for making soft drinks



Mark:

Snap Shot  
Country  
United States

Reg. Owner  
SNAPPLE  
BEVERAGE CORP.

App. #  
75/298671

Reg. #

Status  
Pending

Classes  
Application 6, 21, 32

Goods & Services  
Metal cans for beverages sold empty in Int'l Cl. 6

Glass bottles for beverages sold empty in Int'l Cl. 21  
Soft drinks namely fruit juices and fruit flavored soft drink

SNAP20  
Country  
United States

Reg. Owner  
SNAPPLE  
BEVERAGE CORP.

App. #  
75/599235

Reg. #

Status  
Pending

Classes  
Application 32

Goods & Services

Snappl'cino  
Country  
United States

Reg. Owner  
SNAPPLE  
BEVERAGE CORP.

App. #  
75/346249

Reg. #

Status  
Pending

Classes  
Application 30

Goods & Services  
Iced coffees and iced teas and syrups, extracts and concentrates for making same

SNAPPLE  
Country  
United States

Reg. Owner  
SNAPPLE  
BEVERAGE CORP.

App. #  
74/216456

Reg. #  
1741540

Status  
Registered

Classes  
30, 32

Goods & Services  
ICE TEA

United States  
Registered  
416925  
1326262  
LEMONADE AND FRUIT DRINKS  
SOFT DRINKS

United States  
Registered  
202097  
1156585  
FRUIT JUICES



Mark:

WHIPPED FROM THE BEST STUFF ON EARTH

<u>Country</u> United States	<u>Reg. Owner</u> SNAPPLE BEVERAGE CORP.	<u>App. #</u> 75/460745	<u>Reg. #</u>	<u>Status</u> Pending Application 32, 35	<u>Classes</u> 32, 35	<u>Goods &amp; Services</u> Fruit juices and fruit-flavored soft drinks in International Class 32;  Marketing services for others namely preparing advertisements for others and distributing audio and printed promotional materials for others to promote the purchase of soft drinks in International Class 35
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Whipper Snapple

<u>Country</u> United States	<u>Reg. Owner</u> SNAPPLE BEVERAGE CORP.	<u>App. #</u> 75/429852	<u>Reg. #</u> 2203890	<u>Status</u> Registered	<u>Classes</u> 32	<u>Goods &amp; Services</u> Fruit Juices and fruit flavored soft drinks
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Whipper Snapple Bottle Design

<u>Country</u> United States	<u>Reg. Owner</u> SNAPPLE BEVERAGE CORP.	<u>App. #</u> 75/523048	<u>Reg. #</u>	<u>Status</u> Pending Application 32	<u>Classes</u> 32	<u>Goods &amp; Services</u> Fruit juices and fruit-flavored carbonated and non-carbonated soft drinks in Int'l Cl. 32
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