

12-06-2000



**SHEET**

101541511

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 # \_\_\_\_\_

*MBO 11-15-00*



11-15-2000  
U.S. Patent & TMO/TM Mail Rcpt Dt. #67

**Conveyance Type**

Assignment  License

Security Agreement

Merger  
Effective Date  
Month Day Year  
October 25, 2000

Change of Name

Other Release of Lien on Trademarks

**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 Cable Car Beverage Corporation

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

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

Address (line 1) 1700 East 68th Avenue

Address (line 2) Denver, Colorado 80229

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

Individual  General Partnership  Limited Partnership  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

Corporation Association

Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization Delaware

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

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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. # 3

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

**Trademark Application Number(s)**

**Registration Number(s)**

1,023,373  
2,055,987

1,838,051  
1,648,286

**Number of Properties** Enter the total number of properties involved. # 4

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$ 115.00

Method of Payment: Enclosed  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  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

  
Signature

November 15, 2000

Date Signed

Cable Car Beverage Corporation

SCHEDULE A

<u>Mark</u>	<u>United States</u>	<u>Classes</u>	<u>Reg. Owner</u>	<u>App. #</u>	<u>App. Dt</u>	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u>
Aspen Extreme		32	Corporation Cable Car Beverage Corporation	74/643771	3/9/95	2055987	4/22/97	Registered
Aspen		32	Corporation Cable Car Beverage Corporation	74/339272	12/11/92	1838051	5/31/94	Registered
Fountain Classics		32	Corporation Cable Car Beverage Corporation	73/833288	10/23/89	1648286	6/18/91	Registered
Aspen		32	Corporation Cable Car Beverage Corporation	73/047860	3/27/75	1023373	10/21/75	Registered

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 Cable Car Beverage Corporation (now known as Stewart's Beverages, Inc.), 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 1893, Frame 0481, and corrected as of July 22, 1999 at Reel 1961, Frame 0861, 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: \_\_\_\_\_

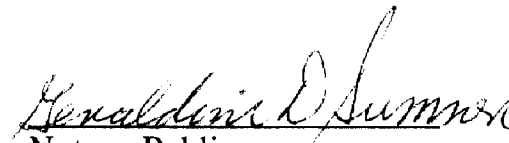
Name: James J. Ducey

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