

12-06-2000

TRADEMARK



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

Submission Type

New  
 Resubmission (Non-Recordat)  
Document ID # \_\_\_\_\_  
 Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_  
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*M100 11-15-00*



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

Conveyance Type

Assignment  License  
 Security Agreement  
 Merger  
 Change of Name  
 Other Release of Lien on Trademarks  
Effective 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 Royal Crown Company, Inc.

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  Association  
 Corporation  
 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

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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.**

# 7

**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.** # 37

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$ 940.00

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

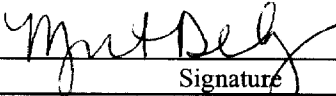
(Enter for payment by deposit account or if additional fees can be charged to the account.) Deposit Account Number: 13-4520

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

  
Signature

November 15, 2000  
Date Signed

Schedule to Release of Lien on Trademarks in the name of Royal Crown Company, Inc.

<u>Mark</u>	<u>Serial No.</u>	<u>Registration No.</u>
BE FREE. DRINK RC	75/440,995	2,253,198
BEV-RICH (Stylized)	71/659,764	600,431
CHERO (Stylized)	71/073,099	94,884
DIET RC	73/805,510	1,589,240
DIET RITE	73/389,667	1,302,990
DIET RITE FEEL ALL RIGHT	75/460,746	2,280,913
DIET-RITE	71/659,080	600,085
FLAIR	75/468,339	
FLAIR (Stylized)	72/108,706	720,072
KICK	72/212,248	837,994
KICK ME	75/323,568	
LIFT	73/107,672	1,069,095
Miscellaneous Design	75/606,143	
NEHI	75/148,583	2,089,186
NEHI (Stylized)	71/610,293	556,003
NEHI (Stylized)	71/205,512	207,313
NEHI LOCK JAW	74/655,459	2,046,464
NEHI ORIGINALS	75/147,610	2,122,430
NEHI ORIGINALS MAXXUM COLA	75/147,606	2,133,366
PAR-T-PAK	75/104,192	2,071,575
POLAR SWIRL	75/643,280	
RC	75/083,584	2,069,147
RC (Stylized)	71/533,044	515,876
RC COLA	74/642,509	2,065,568
RC EDGE	75/587,895	2,344,135
RC EXPRESS	75/141,316	2,069,879
ROYAL CROWN	73/452,524	1,303,001
ROYAL CROWN COLA	72/192,964	777,936
ROYAL CROWN COLA COMPANY	75/116,897	2,047,936
ROYAL CROWN COLA OVER RC (Stylized)	74/215,250	1,735,128
ROYAL CROWN DRAFT	74/687,929	2,070,457
SAFE-T-CAN	75/116,843	2,158,104
SHAKE THINGS UP	74/501,126	1,909,417
STARBURST (Crown) Design	75/190,158	2,079,445
THIRST THRASHER	74/590,743	2,000,661
UPPER 10	75/260,584	2,134,516
UPPER 10 (Stylized)	71/434,081	383,059

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 Royal Crown Company, 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 5, 1999 at Reel 1893, Frame 0455, 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

Royal Crown Cola Company, Inc.

Be Free Diet RC									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	35	Royal Crown Company, Inc.	75/460995	2/26/98			Pending Application		
Bev Rich (Softened)									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	71/659,764	1/20/94	600,431	1/4/95	Registered		
Crown (Softened)									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	71,009	6/19/13	94,384	1/13/14	Registered		
Diet RC									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	73/805,110	6/8/99	1,589,240	3/7/90	Registered		
Diet Rite									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	32	Royal Crown Company, Inc.	72/319,667	9/27/82	1,302,990	6/30/84	Registered		
Diet Rite Peel All Right									
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status		
United States	35	Royal Crown Company, Inc.	75/460744	4/1/98			Pending Application		

SCHEDULE A

Mark:

<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 71659,080	<u>App. Dt</u> 11/8/54	<u>Reg. #</u> 600,085	<u>Reg. Dt</u> 12/28/54	<u>Status</u> Registered
<u>Country</u> Flair	<u>Class</u> 30, 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 75468339	<u>App. Dt</u> 4/22/98	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u> Pending Application
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 72108,706	<u>App. Dt</u> 11/18/60	<u>Reg. #</u> 720,072	<u>Reg. Dt</u> 8/15/61	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 72712,248	<u>App. Dt</u> 2/17/65	<u>Reg. #</u> 837,994	<u>Reg. Dt</u> 10/31/67	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 35	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 75723568	<u>App. Dt</u> 7/14/97	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u> Pending Application
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 107,672	<u>App. Dt</u> 11/24/76	<u>Reg. #</u> 1,049,093	<u>Reg. Dt</u> 7/5/77	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 754148,583	<u>App. Dt</u> 8/9/96	<u>Reg. #</u> 2089186	<u>Reg. Dt</u> 8/19/97	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 70285,312	<u>App. Dt</u> 11/18/74	<u>Reg. #</u> 207,310	<u>Reg. Dt</u> 1/29/75	<u>Status</u> Registered
<u>Country</u> United States	<u>Class</u> 32	<u>Reg. Owner</u> Royal Crown Company, Inc.	<u>App. #</u> 718610,293	<u>App. Dt</u> 2/19/81	<u>Reg. #</u> 556,009	<u>Reg. Dt</u> 3/11/82	<u>Status</u> Registered
<u>Country</u> Nehi Lock Jaw	<u>Class</u>	<u>Reg. Owner</u>	<u>App. #</u>	<u>App. Dt</u>	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Status</u>

Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status
United States	32	Royal Crown Company, Inc.	74055,859	8/9/96	2085,708	3/18/97	REGISTERED
Nebi Originals							
United States	32	Royal Crown Company, Inc.	75147,610	8/9/96	21122430	1/21/97	Registered
Nebi Originals Maximum Cola							
United States	32	Royal Crown Company, Inc.	75147,606	8/9/96		1/27/98	Registered
PAR-T-PAK							
United States	32	Royal Crown Company, Inc.	75104,192	5/4/96	2071575	6/17/97	Registered
Status: Registered							
Polar Swirl							
United States	32	Royal Crown Company, Inc.					Pending Application
RC (Syllim)							
United States	32	Royal Crown Company, Inc.	71533,044	9/2/47	515,876	10/4/49	Registered
RC (Block Letters)							
United States	32	Royal Crown Company, Inc.	75083,514	4/4/96	2089147	6/10/97	Registered
RC Cola							
Country	Class	Reg. Owner	App. #	App. Dt	Reg. #	Reg. Dt	Status

United States 11/21/25 ROYAL CROWN COMPANY, INC. 740827309 3/095 2/085268 5/27/91 REGISTERED

RC Edge  
Country United States  
Class 32  
Reg. Owner Royal Crown Company, Inc. 75387895  
App. # 11/13/98  
App. Dt 11/13/98  
Reg. #  
Reg. Dt  
Status Pending Application

RC Express  
Country United States  
Class 28  
Reg. Owner Royal Crown Company, Inc. 75141316  
App. # 7/29/96  
App. Dt 7/29/96  
Reg. # 2069879  
Reg. Dt 6/10/97  
Status Registered

Royal Crown  
Country United States  
Class 32  
Reg. Owner Royal Crown Company, Inc. 73452524  
App. # 11/14/93  
App. Dt 11/14/93  
Reg. # 1,303,001  
Reg. Dt 10/30/94  
Status Registered

Royal Crown Cola  
Country United States  
Class 32  
Reg. Owner Royal Crown Company, Inc. 192364  
App. # 5/24/84  
App. Dt 5/24/84  
Reg. # 777,536  
Reg. Dt 9/29/84  
Status Registered

Royal Crown Cola Company  
Country United States  
Class 21, 23  
Reg. Owner Royal Crown Company, Inc. 74116897  
App. # 6/10/96  
App. Dt 6/10/96  
Reg. # 2,047,936  
Reg. Dt 3/25/97  
Status Registered

Royal Crown Cola over RC (Highly Stylized)  
Country United States  
Class 12  
Reg. Owner Royal Crown Company, Inc. 74215250  
App. # 10/4/91  
App. Dt 10/4/91  
Reg. # 1,735,128  
Reg. Dt 11/24/92  
Status Registered

Royal Crown Draft  
Country  
Class  
Reg. Owner  
App. #  
App. Dt  
Reg. #  
Reg. Dt  
Status





OFFICE SYMBOL	CLASS	REG. OFFICE	APPL. #	APPR. DI	REG. #	REG. DI	STATUS
<b>SAFE-T-CAN</b>							
Country United States	Class 18	Reg. Office Royal Crown Company, Inc.	APPL. # 75/116,843	APPR. DI 6/10/96	REG. # 2,158,104	REG. DI 5/19/98	Status Registered
<b>Shake Things Up</b>							
Country United States	Class 32	Reg. Office Royal Crown Company, Inc.	APPL. # 74/501,128	APPR. DI 3/7/94	REG. # 1,909,417	REG. DI 8/1/95	Status Registered
<b>Starburst (Crown) Design</b>							
Country United States	Class 21, 25	Reg. Office Royal Crown Company, Inc.	APPL. # 74/590,158	APPR. DI 10/20/96	REG. # 2,079,445	REG. DI 7/15/97	Status Registered
<b>Three Thrones</b>							
Country United States	Class 32	Reg. Office Elyt-Gemco Company, Inc.	APPL. # 74/590,743	APPR. DI 10/26/94	REG. # 2,000,661	REG. DI 9/7/96	Status Registered
<b>Upper 10 (Slyhead)</b>							
Country United States	Class 32	Reg. Office Royal Crown Company, Inc.	APPL. # 434,081	APPR. DI 7/17/40	REG. # 183,059	REG. DI 11/19/40	Status Registered
<b>Upper 10 (Protect letters)</b>							
Country United States	Class 32	Reg. Office Royal Crown Company, Inc.	APPL. # 75/260,584	APPR. DI 3/20/97	REG. # 2,134,516	REG. DI 2/3/98	Status Registered