

02-03-2005

Form PTO-1594 (Rev. 06/04)
OMB Collection 0651-0027 (exp. 6/30/2005)

DEPARTMENT OF COMMERCE
Patent and Trademark Office



1/31/05
RECORD
TRA 102932292

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

COTT CORPORATION

- Individual(s) Association
 General Partnership Limited Partnership
 Corporation-State
 Other **Corporation**

Citizenship (see guidelines) **Canadian**

Execution Date(s) **November 15, 2004**

Additional names of conveying parties attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: **ALDI INC.**

Internal

Address:

Street Address: **1200 N. KIRK ROAD**

City: **BATAVIA**

State: **ILLINOIS**

Country: **USA** Zip: **60510**

Association Citizenship

General Partnership Citizenship

Limited Partnership Citizenship

Corporation Citizenship **Illinois**

Other Citizenship

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

76/521,109

B. Trademark Registration No.(s)

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

MOUNTAIN FROST

5. Name & address of party to whom correspondence concerning document should be mailed:

Name: **Allen L. Landmeier**

Internal Address: **Smith, Landmeier & Elders, PC**

Street Address: **15 N. Second Street**

City: **Geneva**

State: **Illinois** Zip: **60134**

Phone Number: **(630) 232-2880**

Fax Number: **(630) 232-2889**

Email Address: **a_landmeier@smithlandmeier.com**

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- Authorized to be charged by credit card
 Authorized to be charged to deposit account
 Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature:

Allen L. Landmeier

Signature

January 26, 2005
Date

Allen L. Landmeier

Total number of pages including cover sheet, attachments, and document: **2**

02/02/2005 BYRNE 00000237 76321109

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assisted Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

01 FC:8521

TRADEMARK
REEL: 003114 FRAME: 0997

TRADEMARK ASSIGNMENT

This Trademark Assignment (the "Assignment"), effective as of the 15th day of NOVEMBER 2004, is made by and between Cott Corporation, a Canadian corporation with a principal place of business at 207 Queens Quay West, Suite 340, Toronto, Ontario, Canada M5J 1A7, ("Assignor") and Aldi. Inc., an Illinois corporation, with a principal place of business at 1200 North Kirk Road, Batavia, Illinois 60510-1477 ("Assignee").

WHEREAS, Assignor owns United States federal trademark application Ser. No. 76/521,109 for the trademark MOUNTAIN FROST (hereinafter, the "Mark"); and

WHEREAS, Assignee is desirous of acquiring all rights, title and interest in and to the Mark in the United States, including the goodwill associated therewith and the application therefor.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge:

Assignor hereby assigns to Assignee all of its rights, title and interest in and to the Mark, including the application therefor and the goodwill of the business symbolized thereby.

Assignor further assigns to Assignee all right to sue for, to receive and to hold damages and profits accruing from past infringement of the Trademarks.

This Assignment shall be binding upon Assignor, Assignor's successors and assigns, and upon all others acting by, through, with or under Assignor's direction or control, and all those in privity therewith.

IN WITNESS WHEREOF, the Assignor has executed this Assignment and caused the same to be duly delivered on its behalf on the day and year first set forth above.

ASSIGNOR:

COTT CORPORATION

By: [Signature]
Name: EDMUND O'KEEFE
Title: VP, INVESTOR RELATIONS

ASSIGNEE:

ALDI. INC.

By: [Signature]
Name: Carl T. Munyon
Title: Vice President Corporate Purchasing