

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

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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):**

Sundor Brands Inc.

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

Citizenship (see guidelines)

Execution Date(s) 08/02/2004

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

**2. Name and address of receiving party(ies)**

Additional names, addresses, or citizenship attached?  Yes  No

Name: Sunny Delight Beverages Co.

Internal

Address: Winton Hill Business Center

Street Address: 6083 Center Hill Avenue

City: Cincinnati

State: Ohio

Country: USA Zip: 45224

- Association Citizenship
- General Partnership Citizenship
- Limited Partnership Citizenship
- Corporation Citizenship Florida
- 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)

See Attachment

B. Trademark Registration No.(s)

See Attachment

Additional sheet(s) attached?  Yes  No

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

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

Name: Linda A.O. Lamberson

Internal Address: McDermott Will & Emery LLP

Street Address: 227 W. Monroe Street  
Suite 4400

City: Chicago

State: IL Zip: 60606

Phone Number: 312-984-3277

Fax Number: 312-984-7700

Email Address: L.LAMBERSON@mwem.com

**6. Total number of applications and registrations involved:**

25

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 640.00**

- 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 13-0206

Authorized User Name McDermott Will & Emery LLP

**9. Signature:**

Signature

8/18/04  
Date

Linda A.O. Lamberson

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 7

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5005, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

CH \$640.00 130206 78187116

**ATTACHMENT TO RECORDATION COVER SHEET****TRADEMARK CHANGE OF NAME  
FROM THE SUNDOR BRANDS INC.  
TO SUNNY DELIGHT BEVERAGES CO.****A TRADEMARK APPLICATION NOS:**

78/187,116  
78/145,800  
78/145,799  
78/076,397  
78/291,748  
78/127,110  
78/127,109  
78/291,744

**B TRADEMARK REGISTRATION NOS:**

2,520,774	2,678,458
1,734,136	2,398,023
2,164,130	2,541,769
1,916,700	1,434,149
2,566,234	1,000,419
2,237,662	1,000,420
1,343,111	2,296,181
1,367,998	2,501,091
1,352,268	

CHI99 4347528-1.046068.0016

Department of State 8/3/2004 1:40 PAGE 1/1 RightFAX



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood  
Secretary of State

August 3, 2004

SUNNY DELIGHT BEVERAGES CO.  
P O BOX 599  
ATTN: TAX DIVISION  
CINCINNATI, OH 45201-0599US

Re: Document Number 273498

The Amended and Restated Articles of Incorporation for SUNDOR BRANDS INC. which changed its name to SUNNY DELIGHT BEVERAGES CO., a Florida corporation, were filed on August 2, 2004.

This document was electronically received and filed under FAX audit number E04000158370.

Should you have any questions concerning this matter, please telephone (850) 245-6050, the Amendment Filing Section.

Michelle Milligan  
Document Specialist  
Division of Corporations

Letter Number: 404A00048370

Division of Corporations - P.O. BOX 6327 -Tallahassee, Florida 32314

TRADEMARK  
REEL: 002928 FRAME: 0807

**AMENDED AND RESTATED ARTICLES OF INCORPORATION**  
**OF**  
**SUNDOR BRANDS INC.**

Pursuant to Sections 607.1007, 607.0120, 607.0202 and 607.1006 of the Florida Business Corporation Act, the undersigned Vice President of Sundor Brands Inc. (the "Corporation") certifies that:

ONE: These Articles of Restatement were duly adopted by the unanimous written consent of the Board of Directors and the Sole Stockholder of the Corporation in accordance with the provisions of Sections 607.0821 and 607.0704 of the Florida Business Corporation Act, on August 2, 2004.

TWO: The Articles of Incorporation of the Corporation is hereby amended and restated to, among other things, change the name of the Corporation to Sunny Delight Beverages Co., and the Amended and Restated Articles of Incorporation shall read in its entirety as attached hereto as Exhibit I, and shall supercede all previous articles of incorporation, effective upon filing with the Florida Secretary of State.

IN WITNESS WHEREOF, the undersigned, pursuant to the laws of Florida, has executed this Amended and Restated Articles of Incorporation this 1st day of August, 2004.

**SUNDOR BRANDS INC.**

  
\_\_\_\_\_  
By: Jeffrey Teschke  
Its: Vice President

CKZ99 430095D-1.044004.0014

EXHIBIT I  
AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF  
SUNDOR BRANDS INC.

**First. Corporate Name.**

The name of the Corporation (the "Corporation") is:

SUNNY DELIGHT BEVERAGES CO.

**Second. Initial Registered Office and Registered Agent.**

The Corporation's initial registered agent shall be C T Corporation System, and the street address of the initial registered office of the Corporation in the State of Florida is 1200 South Pine Island Road, Plantation, Florida 33324.

**Third. Nature of Business**

The general nature of the business to be transacted by the Corporation is to conduct any and all lawful activities or business permitted under the laws of the United States of America and the State of Florida (and in particular, without limitation, Chapter 607 of the Florida Statutes, entitled the Florida Business Corporation Act.

**Fourth. Capital Stock.**

The aggregate number of shares of stock that the Corporation is authorized to issue and have outstanding at any one time is 1,000 shares of common stock having a par value of \$.01 per share.

**Fifth. Term of Existence.**

The Corporation shall have perpetual existence.

**Sixth. Amendment**

These Articles of Incorporation may be amended in the manner prescribed by law, except that upon the issuance of shares, every amendment must be approved by the Board of Directors of the Corporation before it is submitted to the shareholders of the Corporation for their approval.

**Seventh. Indemnification**

Except as may otherwise be provided in the Bylaws of the Corporation, the Corporation shall indemnify its incorporator, officers and directors to the fullest extent permitted by law either now or hereafter in effect.

**CERTIFICATE ACCEPTING DESIGNATION AS AN AGENT  
UPON WHOM SERVICE OF PROCESS WITHIN  
THIS STATE MAY BE SERVED**

I hereby accept the appointment as registered agent contained in the foregoing Articles of Incorporation and state that I am familiar with and accept the obligations of Section 607.0505 of the Florida Business Corporation Act.

C T CORPORATION SYSTEM

By: *Christine M. Eschwege*  
Print Name: \_\_\_\_\_  
Print Title: Christine M. Eschwege  
Registered Secretary

Dated: August 2, 2004

CNY99 4300950-4.016068.0016