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Attorneys for Plaintiff
MELLOW BEVERAGE CO., LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MELLOW BEVERAGE CO., LLC,

Plaintiff,

vs.

SHANNON N. NOUNNA; and
BEVERAGE CONCEPTS, INC.,

Defendants.

Case No.: 2:09-cv-2090

VERIFIED COMPLAINT

Plaintiff Mellow Beverage Co., LLC (“MBC”), hereby files this Complaint against Defendants Shannon N. Nounna and Beverage Concepts, Inc., stating and alleging as follows:

INTRODUCTION

1. This action is for trademark infringement and unfair competition arising under the common law and the Trademark Act of 1946, as amended (the “**Lanham Act**”), 15 U.S.C. § 1051, *et seq.*

2. MBC requests injunctive relief, damages and all other remedies available including, but not limited to, attorney’s fees and costs.

///

PARTIES, JURISDICTION AND VENUE

3. MBC is a California limited liability company.

4. On information and belief, Defendant Shannon N. Nounna is a resident of Nevada.

5. On information and belief, Defendant Beverage Concepts, Inc., is a Nevada corporation.

6. This Court has subject matter jurisdiction over this action under 15 U.S.C. § 1121 and under 28 U.S.C. §§ 1331, 1338(a) and 1338(b).

7. This Court has personal jurisdiction over Defendants because they are citizens of the State of Nevada and routinely transact business in the State of Nevada.

8. Venue lies in this District pursuant to 28 U.S.C. § 1391(b) and (c).

FACTUAL ALLEGATIONS

MBC

9. MBC was founded in January 2007 in California to develop relaxation and sleep aid beverages. Since then, MBC has developed unique beverage flavors and herbal blends.

10. MBC has produced eight flavors of beverage blends that may help people relax, focus, or sleep without the use of prescription or over-the-counter drugs.

11. MBC's products are broadly distributed in southern California through a distribution agreement with Dr. Pepper Snapple Group ("DPSG"), a national beverage distributor.

12. MBC markets and sells beverages under the MELLOW brand. MBC's MELLOW beverages are distributed in more than 1,600 retail establishments, with more than 100,000 of MBC's MELLOW beverages sold.

13. Going forward, MBC intends to secure investment capital to expand distribution of its beverages nationally with its established national distributor, DPSG.

The Marks

14. MBC and/or its predecessors in interest own rights in various common law trademarks used in interstate commerce comprised or containing the term "MELLOW" for beverages (collectively, the "Marks").

15. MBC has filed various federal trademark applications at the United States Patent and Trademark Office for some of the Marks, those applications include:

- a. MELLOW, U.S. Trademark Application No. 77/639,970 for “Flavored waters; Fruit juices and fruit drinks; Mixed fruit juice” in International Class 32;
- b. MELLOW DAY, U.S. Trademark Application No. 77/812,735 for “Flavored waters; Fruit juices and fruit drinks; Mixed fruit juice” in International Class 32;
- c. MELLOW NIGHT. U.S. Trademark Application No. 77/812,738 for “Flavored waters; Fruit juices and fruit drinks; Mixed fruit juice” in International Class 32;

16. MBC has the exclusive right to use and license others to use the Marks to identify its beverage products and related goods and services within the natural zone of expansion.

17. MBC has used the Marks in commerce and diligently policed its rights in the Marks. On August 14, 2009, MBC began distributing beverages with the MELLOW DAY and MELLOW NIGHT Marks. Since then, MBC’s MELLOW beverages have been distributed in more than 1,600 retail establishments, with more than 100,000 MELLOW beverages sold.

18. MBC has invested substantial time, money, and other resources in developing and promoting the Marks and enhancing their strength, including:

- a. Engaging the services of a branding agency to develop packaging, marketing strategy, and point-of-sale materials to promote the Marks;
- b. Leasing real property used to train sampling and sales teams and store sampling vehicles bearing the Marks;
- c. Investing \$150,000 in logo and label development, point-of-sale, and web site development;
- d. Investing \$180,000 for the initial production run of 32,000 cases (384,000 bottles) bearing the Marks;
- e. Investing in hiring sales and marketing officers and employees;
- f. Investing \$50,000 for sampling vehicles bearing the Marks;
- g. Investing \$40,000 for point-of-sale materials bearing the Marks including coupons, shelf tags, cooler stickers, and sampling equipment.
- h. Commencing and continually maintaining an active sampling program for all of its products bearing the Marks—to date MBC has sampled its products to more than 30,000 individuals;
- i. Paying \$100,000 in slotting fees charged by retailers for shelf placement of products bearing the Marks; and

j. Investing more than \$4,000 in securing Universal Product Codes for the eight products MBC produces and distributes via DPSG.

19. On October 15, 2009, Beverage World, a global beverage industry publication, published its annual Packaging Awards and awarded MBC its Silver Medal for packaging using the Marks. A copy of the Beverage World publication is attached as Exhibit A and incorporated into this pleading.

Defendants' Infringing Conduct

20. Defendants have commenced use of the marks containing or comprised of the term "mellow" including MELLOW, BE HAPPY...DRINK MELLOW, and filed U.S. Trademark Application Serial No. 77/841,573 for MELLOW ALL NATURAL RELAXATION BEVERAGE for "non alcoholic, non carbonated herbal and vitamin enriched functional beverage" on October 5, 2009 (collectively the "**Infringing Marks**").

21. The Infringing Marks are similar in sight, sound, impression, and connotation as the Marks and are used to denote the same goods as Plaintiff markets under the Marks.

22. Defendants have registered the domain name www.drinkmellow.com, which purports to market a beverage concept by Defendants sold under the Infringing Marks. This domain name and the content of the referenced website infringe on the Marks.

23. Defendants have publicly stated that they are launching a beverage line under the Infringing Marks on the following various websites:

<http://www.drinkmellow.com>,

<http://twitter.com/DrinkMellow>

<http://www.facebook.com/pages/Mellow-A-Relaxation-Drink/138897480534>

<http://drinkmellow.blogspot.com>

24. According to statements on their websites, Defendants have not yet sold an actual beverage product and are at this time developing a beverage concept. But Defendants purport to be seeking distribution relationships, including relationships for distribution in southern California, and Defendants purport to have been accepting advance beverage orders as of September 24, 2009. A copy of Defendants' website statements is attached as Exhibit B and

1 incorporated into this pleading.

2 25. MBC has not authorized Defendants to make any use of the Infringing Marks and
3 MBC has specifically informed Defendants that they lack any such authorization.

4 26. Shortly after learning of Defendants' misuse of the Infringing Marks, MBC sent
5 Defendants written requests to cease and desist use of the Infringing Marks in connection with
6 their business.

7 27. Even after several chances to avoid litigation, Defendants have not ceased using
8 the Infringing Marks.

9 **Irreparable Harm Caused By Defendants' Infringing Conduct**

10 28. The beverages marketed on Defendants' websites are highly similar to the
11 beverages distributed and sold by MBC under its Marks.

12 29. The products offered by Defendants using the Infringing Marks are identical with
13 some or all of the products offered by MBC, and are directly competitive with such products and
14 sold in the same channels of trade.

15 30. On information and belief, Defendants knowingly adopted domain names and
16 trademarks that would cause confusion with the Marks such that they could gain immediate
17 recognition in the market for beverages.

18 31. Due to Defendants' offering and selling similar products using the Infringing
19 Marks, actual and potential customers of MBC's products are likely to be confused, thereby
20 causing irreparable injury to MBC.

21 32. MBC has been approached by at least one individual who confused Defendants'
22 marketing materials with MBC's marketing materials.

23 33. Defendants' unauthorized and infringing use of the Infringing Marks has caused
24 MBC to lose control of its reputation and goodwill by having the Marks wrongly associated with
25 Defendants' products.

26 34. On information and belief, Defendants have willfully and knowingly adopted,
27 advertised, and used the Infringing Marks to identify their products for the purposes of profiting
28 from and exploiting MBC's goodwill.

FIRST CLAIM FOR RELIEF
(Federal Trademark Infringement Under 15 U.S.C. § 1125)

1 Defendants cease this activity.

2 45. Upon information and belief, Defendants have undertaken these acts with the
3 objective of willfully misappropriating MBC's rights in the Marks and the valuable goodwill of
4 MBC's business, thereby unlawfully benefiting Defendants.

5 46. Upon information and belief, Defendants' continued use of the Infringing Marks
6 will injure the business and reputation of MBC and will dilute the distinctive quality of MBC's
7 source identifying mark.

8 47. Defendants' acts constitute federal trademark infringement in direct violation of 15
9 U.S.C. § 1125.

10 48. Defendants' willful acts of trademark infringement have caused and will continue
11 causing irreparable injury to MBC and its Marks and to the business and goodwill represented by
12 the Marks, in an amount that cannot be ascertained at this time and, unless restrained, will cause
13 further irreparable injury, leaving MBC with no adequate remedy at law.

14 49. MBC is entitled to injunctive relief against Defendants restraining further acts of
15 trademark infringement and, after trial, to recover any damages proven to have been caused by
16 reason of Defendants' acts of trademark infringement.

17 **SECOND CLAIM FOR RELIEF**
18 **(Unfair Competition and Common Law Trademark Infringement)**

19 50. MBC repeats and incorporates by reference the allegations in the each of the
20 preceding paragraphs as if fully stated in this paragraph.

21 51. Defendants' acts constitute federal unfair competition in the form of passing off,
22 false representation, false advertising and false designation of origin.

23 52. On information and belief, Defendants have engaged in these activities with full
24 knowledge of MBC's use of, and common law rights to the Marks without regard to the
25 likelihood of public confusion created.

26 53. On information and belief, Defendants have engaged in the sale of its products in a
27 manner calculated to compete unfairly with MBC and with the deliberate intent of trading upon
28 MBC's reputation and goodwill.

54. Defendants' conduct constitutes unfair competition and common law trademark infringement, which has created and will continue to create a likelihood of confusion to the irreparable injury of Plaintiff unless enjoined by this Court.

THIRD CLAIM FOR RELIEF
(Nevada Common Law Trademark Infringement)

55. MBC repeats and incorporates by reference the allegations in the each of the preceding paragraphs as if fully stated in this paragraph.

56. Defendants' acts constitute a violation of Nevada trademark law in the form of passing off, false representation, false advertising and false designation of origin.

57. On information and belief, Defendants have engaged in these activities with full knowledge of MBC's use of, and common law rights to the Marks without regard to the likelihood of public confusion created.

58. On information and belief, Defendants have engaged in the sale of its products in a manner calculated to compete unfairly with MBC and with the deliberate intent of trading upon MBC's reputation and goodwill.

59. Defendants' conduct constitutes a violation of Nevada trademark infringement law, which has created and will continue to create a likelihood of confusion to the irreparable injury of Plaintiff unless enjoined by this Court.

FOURTH CLAIM FOR RELIEF
(Declaratory Judgment)

60. MBC repeats and incorporates by reference the allegations in the each of the preceding paragraphs as if fully stated in this paragraph.

61. MBC owns exclusive rights in the Marks.

62. Defendants have commenced unlawful use of the Infringing Marks.

63. An actual controversy has arisen and now exists between MBC and Defendants concerning whether Defendants' current use of the Infringing Marks constitutes an infringement on MBC's Marks.

64. MBC desires a judicial determination of whether Defendants' use of the Infringing

1 Marks infringes MBC's Marks.

2 65. A judicial determination is necessary and appropriate at this time under the
3 circumstances in order that the parties may ascertain their rights and duties as fore-mentioned.
4 Such controversy is incapable of resolution without the intervention of this court and a judicial
5 adjudication. Accordingly, MBC has no plain, speedy or adequate remedy at law, and requests a
6 declaratory judgment, adjudicating and declaring that Defendants' use of the Infringing Marks
7 constitutes an infringement of MBC's Marks.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, MBC prays for:

10 1. An Order preliminarily and permanently enjoining and restraining Defendants and
11 their subsidiaries, including parents, officers, directors, agents, owners, employees,
12 representatives and attorneys and all others acting under, or in concert with them, or with any of
13 them from:

- 14 (a) Using the Marks or any colorable imitation thereof in connection with Defendants'
15 beverage products including, without limitation, use of the Infringing Marks;
16 (b) Imitating the Marks for the purpose of acquiring MBC's trade and goodwill by
17 imitation, fraud, mistake or deception; and
18 (c) Unfairly competing with MBC in any manner.

19 2. An Order finding that the complained of activities of Defendants constitute
20 trademark infringement and unfair competition.

21 3. An Order requiring Defendants and their subsidiaries, parents, agents, employees,
22 representatives, and all others acting under their direction or control or in concert with them to
23 transfer these domain names to MBC.

24 4. An Order requiring Defendants and their subsidiaries, parents, agents, employees,
25 representatives, and all others acting under their direction or control or in concert with them to
26 deliver up for destruction all advertising materials, promotional material, flyers, signs, and any
27 and all other materials which bear the Marks.

28 5. An Order declaring that Defendants' use of the term "MELLOW" constitutes an

1 infringement of MBC's Marks.

2 6. An award of all damages caused by Defendants' unlawful conduct.

3 7. An Order requiring disgorgement of all profits realized by Defendants through
4 their unlawful conduct.

5 8. An award of attorneys' fees and costs as allowed by law including, without
6 limitation, 15 U.S.C. § 1117.


7 9. An award of interest at the highest rate allowable by law.

8 10. Such other and further relief as the Court may deem proper.

9 DATED: October 29th, 2009.

10 SNELL & WILMER, L.L.P.

11 By


12 Claire Y. Dossier (NV Bar No. 10030)
13 3883 Howard Hughes Parkway #1100
14 Las Vegas, Nevada 89109

15 Scott C. Sandberg (CO Bar No. 33566)
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19 *Attorneys for Plaintiff*
20 *MELLOW BEVERAGE CO., LLC*
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Snell & Wilmer

LLP
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VERIFICATION

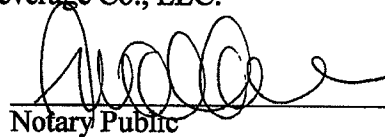
STATE OF COLORADO)
COUNTY OF Pitkin) ss.

Alan Feldman, being first duly sworn upon his oath, states:

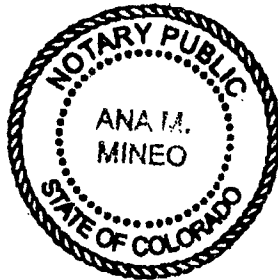
That I am a member of Mellow Beverage Co., LLC, and that I have read the foregoing Verified Complaint and that the matters and things alleged therein are true to the best of my information and belief.


Alan Feldman, Member

SUBSCRIBED AND SWORN TO BEFORE ME this 21 day of October, 2009, by
Alan Feldman, Member of Mellow Beverage Co., LLC.


Notary Public

My Comm. Expires 04/09/2011



(SEAL)

10652766.1

Snell & Wilmer

LLP
LAW OFFICES
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LAS VEGAS, NEVADA 89169
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EXHIBIT A

EXHIBIT A

» Global Edition

INTELLIGENCE FOR THE GLOBAL DRINKS BUSINESS

OCTOBER 15, 2009

BEVERAGEWORLD

» Also...

The Beverage World
Global 100

Luck of the Irish

Dublin, and the rest of the world, raise a
glass to toast 250 years of Guinness.



» Our 2nd Annual

» Operations &
Supply Chain Survey

*****5-DIGIT 80122
#8106790192# BM-10-001 BM 001
KIM O'NEILL, PRESIDENT & COO
MELLOW BEVERAGE CO
6820 S HARRISON ST
CENTENNIAL CO 80122-2052
044753

» PENCAL MURRAY, Guinness brew master



Silver Winners

Propel Fitness Water Line

Pepsi-Cola Co., Purchase, N.Y., USA

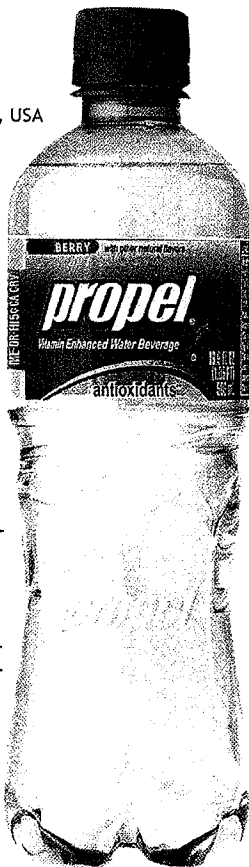
Designers: Structural Package Design

Engineering: 4sight inc., New York, N.Y., PepsiCo, Purchase, N.Y.

Pepsi launched a new line of lightweight, eco-friendly bottle designs for its Propel fitness water brand, which now boasts 33 percent reduction in plastic, 30 percent less label material, significant cost savings and enhanced brand equity.

The new slim, dynamically flowing design and sport grip strongly communicates the brand message of "Life Propelled and Enhancing Your Life." Dynamic uplifting form elements were used throughout the bottle to reinforce a theme of water in motion with a sense of energy reflecting the Propel brand.

The new packaging can be produced with the new cold fill technology developed for manufacturing primarily in the US as well as the conventional hot fill system often used internationally.

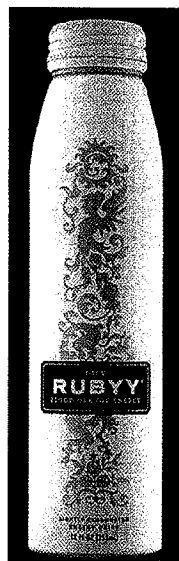


Mellow Day and Mellow Night

Mellow Beverage Co., LLC, Venice, Calif., USA

Designer: The Ocean Group, Santa Monica, Calif., USA

Mellow Day and Mellow Night are targeted at the rapidly emerging "Relaxation and Sleep Aid" category. Mellow Day utilizes a metalized foil to enhance the bright, minimalist design of the label. Mellow Night utilizes deep, dark colors on a full-shrink wrap to convey the message of natural sleep, which supports the positioning statement "The natural nightcap." "Early competitors ... present their products in energy drink cans, which seems incongruent with the purpose of the product," says the marketer.



Diet Rubyy Energy Drink

Rubyy Energy Drink, Los Angeles, Calif., USA

Designer: Werner Design Werks, St. Paul, Minn., USA

The Diet Rubyy bottle has a sophistication that allows it to exist from the board room to the beach. The re-sealable, aluminum bottle was designed by Werner Design Werks with a goal of competing for shelf-space on back bars alongside the elegant and more expensive spirit bottles. Diet Rubyy's matte white finish is both subtle and eye-catching with strikingly elegant tattoo artwork. The designer says the bottle "captures the premium nature of the sparkling blood orange juice inside the cold-conducting aluminum skin while refraining from screaming for attention as other beverage cans so often do."



Bot Enhanced Water

Bot Beverages, Lawrenceville, N.J., USA

Designers: TDA, Boulder, Colo., USA; Jean Pettine Design Group, N.J., USA and 160over90, Philadelphia, Pa., USA

Bot Beverages is introducing a new addition this year to the enhanced water category: Bot enhanced water. Like the name, the design of the package is clean, modern and simple, yet whimsical with its colorful anime-influenced graphics. The marketer says the use of the characters on the bottle and beyond "are engaging, irreverent and fun." The simple approach to the design asserts its simple approach to formulation—less is more.

EXHIBIT B-1

EXHIBIT B-1

Share Report Abuse Next Blog»

Create Blog Sign In

MELLOW'S RELAXING BLOG

WEDNESDAY, OCTOBER 28, 2009

Mellow's Proprietary Formulation...explained!

Well its finally happening...Mellow's release is near...with that in mind, I thought it was time to remind our loyal friends that have waited for so long for the newly evolved formulation to arrive, of the amazing benefits!

The herbal line up...

Kava Kava, Valerian Root, L-Theanine, Passion Flower, Lemon Balm and Chamomile

The vitamin super stars...

B Vitamin Blend, B-12, and CoQ10

Down & gettin' out the dirty Antioxidants...

Decaf Green Tea

The flavor profile...

Pomegranate, a not too sweet, but sweet enough, smooth thirst quenching ahhhhhhh taste

A little sweetness to deliver the good stuff...

Naturally sweetened with Organic Agave Nectar and Stevia (which means low in calories, slow burn, diabetic friendly...no spike = no crash!)

There are NO artificial colors or flavors, no chemicals and no preservatives and NON carbonated (ladies, this was for you!)

Mellow has evolved from a three ingredient, cold processed regular "joe" beverage to an all natural "super star" relaxation beverage...we are honored to be releasing a drink that can help bring balance back to your life!

Mellow has been packed full of the support we all need to reduce our stress and anxiety levels, help with mental clarity/focus and provide

WHAT COLOR SHOULD THE MELLOW BUS BE PAINTED?

Aqua Blue	2 (25%)
Baby Blue	1 (12%)
Turquoise	4 (50%)
I added my own c...	1 (12%)

Votes so far: 8
Poll closed



WHAT SIZE CAN SHOULD MELLOW BE?

10.5 oz	2 (25%)
12 oz	4 (50%)
16 oz	2 (25%)

Votes so far: 8
Poll closed



WHAT COLOR WOULD YOU LIKE THE TOP TAB (THAT OPENS THE CAN) TO BE?

Orange	5 (35%)
Dark Blue	5 (35%)
Red	2 (14%)
Light blue	1 (7%)
Green	1 (7%)

Votes so far: 14
Poll closed



SHOULD MELLOW BE CARBONATED OR NON-CARBONATED?

the vitamins necessary to assist our bodies in strengthening our natural resources.

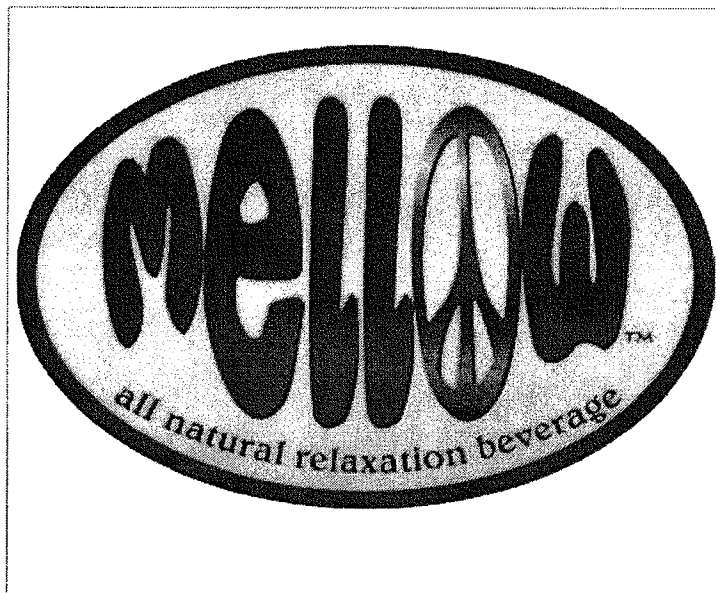
Be happy...drink Mellow...

For a Mellow time...visit...
drinkMellow.com

POSTED BY MELLOW'S RELAXING BLOG AT 8:20 PM 0 COMMENTS 

WEDNESDAY, OCTOBER 7, 2009

Balance your Life!



Here is the short version of the last blog...

CONSUMER EVOLUTION = CONSUMER REVOLUTION

Be happy...drink Mellow

POSTED BY MELLOW'S RELAXING BLOG AT 1:24 PM 0 COMMENTS 

TUESDAY, OCTOBER 6, 2009

Mellow is helping wellness evolve, are you?

Beverage Concepts, Inc. (thats us!) has created an all natural relaxation beverage, Mellow, and for the record, we took this task very seriously. After extensive research of the industry, functional

carbonated	6 (25%)
non-carbonated	10 (41%)
doesnt matter if it ...	8 (33%)

Votes so far: 24
Poll closed

WHAT FIRST FLAVOR WOULD YOU WANT MELLOW TO BE?

Pomegranate	13 (27%)
Acai Berry	18 (37%)
Tropical Citrus	15 (31%)
Orange	5 (10%)

Votes so far: 48
Poll closed

FOLLOW US ON TWITTER...

Twitter

FOLLOWERS

BLOG ARCHIVE

▼ 2009 (29)

▼ October (4)

Mellow's Proprietary
Formulation...explained!

Balance your Life!

Mellow is helping wellness
evolve, are you?

ingredients, market trends (consumer demand), organic and natural sweeteners, chemists and labs; every ingredient was intentionally chosen to compliment one another, purposely added to ensure every sip consumed was in fact benefiting the mind and body efficiently. Although not every consumer will experience the same calming effect from Mellow, the overall benefits will be felt as the vitamins and antioxidants absorb and penetrate the body, in turn acting as a preventative measure to support on going health (with the goal Mellow will also help you feel better too!).

We know that many of our claims are seemingly platitudes in a saturated market full of products boasting empty promises and false claims. We are even aware of which companies are guilty and which actually operate with integrity, we adhere to being the latter. Maybe your asking the same questions that inspired us to produce a high quality beverage, how can they get away with this and what can I do? There are various factors that could be stated but the bottom line...loopholes. The current system that guidelines food and beverage products does not, in my opinion, properly protect the consumer. Ouch, that hurt...I may need to change my email address!

To answer the second question, we can make these companies accountable if we don't buy their products. If the product is suppose to provide a function such as, energy, immune strengthening or brain support and you feel there is no difference, don't continue wasting your money! My final advice, know for yourself...know the value of the ingredients listed, if something doesn't feel right to you, it isn't. Consumers are evolving by becoming more educated, more aware that what they consume affects their general well being. Get on board! Demand that products actually be all natural if that is their claim, to provide the function they are selling and to be held responsible when they do not.

Functional foods and beverages (this is Mellow's category) have created an unprecedented opportunity for these type of better products to line the shelves providing a healthier alternative to the sugary, chemical laden substitutes. Contrary to popular belief, the economic down turn has not inhibited the functional sector's growth. So now revealing a bonus (where is that drum roll when you need to announce something huge!) when you purchase our relaxation beverage...Mellow can actually save you, the consumer money by providing you with multiple ingredients shoppers would otherwise have to get in the form of more expensive nutritional supplements!

New addition to the Mellow family...

- ▶ September (7)
- ▶ August (17)
- ▶ July (1)

ABOUT ME



**MELLOW'S RELAXING
BLOG**
[VIEW MY COMPLETE
PROFILE](#)

We combined over 9 active ingredients; L-Theanine, Valerian Root, Passion Flower, Chamomile, Kava Kava, Lemon Balm, B Vitamin blend and B-12, also for focus and brain support CO-Q10 and the leader in antioxidants: decaf green tea! When you do your ingredient homework you will find the value we have imparted in every serving of Mellow far exceeds the industry norm, our goal and vision in achieving this is to set the standard higher for the next generation of functional beverages, not to mention providing a superior product to you, our consumers was also top of the list! After all this beverage was *created* for **YOU!**

If in the future, products will properly support their claims, for the first time in history the nutrition industry will make a significant stake in the prescription and over the counter drug sectors; whereas in the past consumers were primarily reactive, trying to treat health problems after they arise, today they are more proactive, focusing on overall "wellness" and turning grocery aisles into hunting grounds for healthful, functional foods and beverages that will prevent illness and chronic conditions.

Consumer EVOLUTION = Consumer REVOLUTION!

And we could all stand to be better to the bodies we carry around with us everyday, here is to you and your better quality of life!

Be happy...drink Mellow...Balance your Life!

Peace Love & Mellow...

In Health,
Shannon

POSTED BY MELLOW'S RELAXING BLOG AT 12:49 PM 0 COMMENTS 

MONDAY, OCTOBER 5, 2009

New addition to the Mellow family...

Visions do come true...



Peace Love & Mellow

POSTED BY MELLOW'S RELAXING BLOG AT 10:32 AM 0 COMMENTS 

THURSDAY, SEPTEMBER 24, 2009

Pre-order Mellow TODAY!

Ok, its finally time to place your pre-orders for Mellow, all natural relaxation beverage! This new yummy beverage will help relax our minds and calm our stressful lives...

The flavor is a refreshing and great tasting Pomegranate, main active calming ingredients are: Kava Kava, L-Theanine, Valerian Root, and Passion Flower. Other vitamins and anti oxidants are Pomegranate, B-Vitamins, CO-Q10 and Decaf Green Tea. It is sweetened with organic blue agave nectar and stevia, with only 50 calories per serving. Each case has 24-12 oz cans per case, shrink wrapped. There are 80 cases per pallet.


Distributors/Retailers, please email Sales@DrinkMellow.com for cost, minimums and for an estimated delivery time.

Individual orders/sales of quantities under 40 cases will be received beginning October 19th, 2009.

Inquiries or questions are always welcome! Please call the Mellow

office @ 702.635.9006 Monday thru Friday 9am-5pm, Pacific Standard Time. Please note...at times we experience high call volumes, if you reach our voice mail, please leave a message and your call will be returned promptly.

Thank you for your support, we look forward to helping you spread Mellow across the country in order to de-stress humankind!

POSTED BY MELLOW'S RELAXING BLOG AT 10:13 AM 1 COMMENTS 

TUESDAY, SEPTEMBER 22, 2009

Mellow Cocktail Recipes

A little soon but save these two yummy cocktail recipes!

We will be serving these drinks at Mellow's release party...stay tuned for the date!

Peace Love & Mellow


2 oz Mandarin Vodka
8 oz Mellow, all natural relaxation drink
2 orange slices
Mint leaves
1 tsp. large crystal sugar

**On bottom of glass crush 1 orange slice, mint leaves and sugar enough to release oils from the orange and mint, crush ice in a towel (optional), pour 1 ounce of vodka, pour Mellow and then remaining vodka, stir and garnish with sugar coated remaining orange slice.

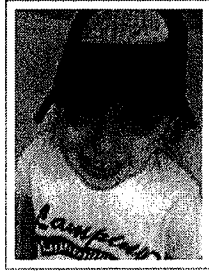
For a Mellow Time...

1 part vodka
1 part Mellow, all natural relaxation drink
1 cherry
1 tsp. 24 kt. gold flakes

**Garnish rim with gold. Place a drop of simple syrup at bottom of martini glass, place cherry securely. Shake vodka and Mellow together until cold, slowly pour drink.

POSTED BY MELLOW'S RELAXING BLOG AT 12:04 PM 0 COMMENTS 

Mellow's Biggest Little Fan!



POSTED BY MELLOW'S RELAXING BLOG AT 10:53 AM 0 COMMENTS

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- partying like rock stars! Crazy bloggers! Have fun...good night! Tell Barry Hi @MommyBrain 8:22 PM Oct 17th from Echofon
506. You are so cute! RT @MommyBrain: omg Barry manilow is coming to the pool party at the Hilton! #bwe09 #cbbwe8:11 PM Oct 17th from Echofon
507. May I add, how can people with loyal followers not be following anyone? So arrogant and bad display of manners, isn't this suppose to be fun? 8:10 PM Oct 17th from Echofon
508. I am a sucker for a great #quote however, does anyone have any original content to Tweet?! It's a RT trick I get, but what else ya all got? 8:06 PM Oct 17th from Echofon
509. @bryancallen didn't know you were performing here in Vegas...what did I miss?! 7:57 PM Oct 17th from Echofon
510. @bryancallen so if I have taken down something similar to a vow does that count & then you'll follow Mellow? Let me know... 7:54 PM Oct 17th from Echofon
511. @MommyBrain no worries, I can order @ChefMark's new cook book online!! Have a blast tonight!! 7:52 PM Oct 17th from Echofon in reply to MommyBrain
512. Indeed you can!! RT @know_cancer: Can I get a #beatcancer Pls RT!! 12:41 PM Oct 17th from Echofon
513. THX! @L_Hawkins RT @DrinkMellow: Pre-orders have commenced, first release soon, get 10% off your 1st order of Mellow~\$43 <http://bit.ly/2pN2nX2> 12 PM Oct 17th from web
514. @ChefMark Congrats on your Fatburger conquest! LOL! Just in time for your signing...ouch though! LOL! Hope you get lots of support at 3! 12:10 PM Oct 17th from web in reply to ChefMark
515. Pre-orders have commenced! With the first release coming soon, get 10% off your first order of Mellow~\$43... <http://bit.ly/2pN2nX1> 1:56 PM Oct 17th from Facebook
516. Everyone PLS RT @ChefMark's book signing is in one hour at 3 pm, he is signing his new cookbook!! Pls support his great accomplishment! 1:46 PM Oct 17th from web
517. Thanks to all our distribution channels and retailers for supporting the release of #drinkMellow we are grateful for your generosity! 1:38 PM Oct 17th from Echofon
518. RT @lasvegasweekly: Bite into Las Vegas (plus six questions with Pat Monahan of Train) <http://bit.ly/111Soe1> 1:34 PM Oct 17th from Echofon
519. We are coming fast and we will launch hard!! Look for #drinkMellow all natural relaxation beverage, EVERYWHERE soon!! 1:32 PM Oct 17th from Echofon
520. TY TY! RT @michelle_sel: Sigam : @official92 @marrana @VickSpinola @Yurizim @LocalMoSA (y) 1:29 PM Oct 17th from Echofon

EXHIBIT B-2

EXHIBIT B-2

701. @MommyBrain just looked it up, it's here in Vegas, sounds unbelievable!! Are u going?!11:05 PM Oct 12th from Echofon in reply to MommyBrain
702. @MommyBrain where and when is the blog convention?! Sounds cool, & yes let's chat about the drink soon...I'll DM my contact info.10:23 PM Oct 12th from Echofon in reply to MommyBrain
703. Headed to SoCal to tear up some distribution channels! I'll keep our Mellow family you posted as the love spreads...Peace Love & Mellow...6:10 PM Oct 12th from web
704. LOVE THIS!! @thePOSHpreneur Carbs make me happy- -I'm gonna go eat some carbs and get over myself6:08 PM Oct 12th from web
705. @MommyBrain Im doing great, so busy so many strides for the beverage, its been exhausting and amazing all at the same time. What is BWE?6:07 PM Oct 12th from web in reply to MommyBrain
706. @MommyBrain Thx for the RT Mama! Nice to see you pop up!! Hope your doing well...3:52 PM Oct 12th from web in reply to MommyBrain
707. @ChefDorys Of course, let me know when you'll be here! I would love to meet you too!!3:51 PM Oct 12th from web in reply to ChefDorys
708. Happy Thanksgiving Canada, hope your full, rolling yourselves out of your chairs...3:39 PM Oct 12th from web
709. @ChefDorys Keep those yummy recipes coming...thank you for always posting...keeps me hungry tho!!3:36 PM Oct 12th from web in reply to ChefDorys
710. Happy #MellowMonday! Hope your having a great one...Peace Love & Mellow...3:33 PM Oct 12th from web
711. @HawaiianKiko thx for the mention today...Mahalo!!2:16 PM Oct 12th from Echofon in reply to HawaiianKiko
712. RT @HawaiianKiko: #ALOHA Monday #SURE @AlohaBruce @KhoreoKat @DaveMalby @kodakCB @bkGirlFriday @tweetokole @EATIHONOLULU @kecharae @pupule2:16 PM Oct 12th from Echofon
713. Good night...or good morning, either way, #Mellow wishes you...Peace Love & Mellow...1:32 AM Oct 12th from web
714. @AS3K right on, sweet dreams...talk to you in the morning...11:17 PM Oct 11th from Echofon in reply to AS3K
715. Good night all...Peace Love & Mellow...11:16 PM Oct 11th from Echofon
716. @AS3K ok sounds good, please call me as soon as possible, all the content is almost done, how about your changes?11:15 PM Oct 11th from Echofon in reply to AS3K
717. @AS3K p.s. If you want to work more, I have many

requests for you...so? U in? Let's go!!11:00 PM Oct 11th
from Echofon in reply to AS3K

718. @AS3K all ya have to do is communicate with me...when
will you be available tomorrow?10:59 PM Oct 11th from
Echofon

719. More important than Mellow?Ok understand, can we get
back to it?RT @AS3K: and i had more important things to
do this weekend so i didnt call10:58 PM Oct 11th from
Echofon

720. Sry for your loss RT @GuyKawasaki: This is my friend
who died: Craig Johnson. <http://bit.ly/PlvJT> Silicon
Valley has suffered a great loss.10:56 PM Oct 11th from
Echofon

more

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EXHIBIT B-3

EXHIBIT B-3

