

PLEASE TYPE

STATE OF WYOMING
SECRETARY OF STATE
State Capitol
Cheyenne, Wyoming 82002

FILED

NOV 14 94 2 9 5 6 3 7

WYOMING

APPLICATION FOR REGISTRATION OF TRADEMARK OR SERVICE MARK OF STATE

1. BE IT KNOWN THAT THE APPLICANT ERNST HOME CENTER, INC. has heretofore adopted and used a certain trademark and hereby makes application for registration of such trademark.
2. Business address of applicant is: 1511 Sixth Avenue
Seattle, WA 98101
3. Mailing address of applicant is: (same as above)
4. Applicant is: (a) individual (b) partnership (c) (a corporation) (d) other (CIRCLE ANSWER) If (b) give names and address of partners: _____
If (c) show when and where incorporated (State) Delaware (Date) 1994
If (d) explain: _____
5. Provide a written description of trademark or service mark. Your description must include all words, names, symbols, devices and designs which the applicant wishes to be included within the mark. You may attach a separate sheet if needed; however, you must describe the trademark completely. The words "ERNST HOME & NURSERY"
6. Provide the class number and title of the goods or services (see reverse) USE ONLY ONE CLASS CODE PER REGISTRATION. 100
7. Provide a brief description of the goods or services within the class (i.e., what your product is, or what service you provide.) Retail stores, namely yard & garden supplies, home building tools, supplies & lumber, hardware supplies, household furniture & accessories & installation and repair services.
8. List the mode or manner in which the mark is used to identify the goods or services (e.g., GOODS-labels on cans, bags, wrappers, etc.; tags, nameplates affixed directly to product; SERVICES-labels on laundry bags, advertising, window signs, etc.) Literature describing the services, advertising, business cards, letterhead, electronic data interchange or machine readable information used in connection with providing the services or in some equivalent fashion customary to the industry.
9. Date of first use by applicant or predecessor:
(a) Anywhere May 4, 1986 THE MARK MUST HAVE BEEN USED
(b) In THIS State May 4, 1986 BEFORE IT MAY BE REGISTERED
10. THREE specimens or facsimiles of the mark AS IT IS ACTUALLY USED must accompany this application.

State of Washington

ss.

County of King

Monty Reese

deposes and says that he is Senior Vice President of the applicant and
(title)

makes this affidavit on behalf of the applicant. He has read the above application, and the facts set out therein are true; he believes the applicant to be the owner of the mark sought to be registered; to his best knowledge and belief no other person, firm, corporation or association has the right to use said mark in this State, either in the identical form or in such near resemblance thereto as might be calculated to deceive.

Date: 9/28/94 Signature: _____

Signature available on original document

Subscribed and sworn to before me this 28 day of September, 19 94.



Notary Public

My commission expires: 2-17-97

SEAL



Corporate Offices
1511 6th Avenue
Seattle, WA 98101
(206) 621-6700

3501

State of Wyoming
c/o Kevin J. Collette
Ryan, Swanson & Cleveland
1201 Third Avenue, Suite 3400
Seattle, Washington 98101-3034

Attention: Jewell

Re: Application for Registration of Trademark

Dear Jewell:

I am an officer of the corporation that is the applicant on the application for the trademark "Ernst Home & Nursery" for the state of Wyoming. The applicant, Ernst Home Center, Inc. is the owner of the federally registered trademark for "Ernst Home & Nursery" under Registration No. 1,689,410, registered May 26, 1992, under Class 42.

Applicant is the holder also of a tradename registration in the state of Wyoming for "Ernst Home & Nursery" which was filed February 16, 1993 under File No. 279815. The applicant correctly made a tradename filing since it utilizes "Ernst Home Center" and "Ernst Home & Nursery" as tradenames in certain circumstances, including such items as stationery and letterhead. Applicant has used and continues to use "Ernst Home & Nursery" as a service mark in its advertising and promotional materials as indicated on the previously submitted specimens.

I declare the statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true.

Dated: October 31, 1994.

Signature available on original document

Jim Fox
Vice President
Marketing/Advertising