

Please read instructions on reverse side before completing application.

PLEASE TYPE

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

FILED

MAY 8 95 3 00 3 7 2

APPLICATION FOR REGISTRATION OF TRADEMARK OR SERVICE MARK

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: 1511 Sixth Avenue, Seattle, WA 98101

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) 2/8/1995
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 "MALMO 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.) SEE Attached

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.) SEE Attached

9. Date of first use by applicant or predecessor:

(a) Anywhere 12-20-1961
(b) In THIS State 12-20-1961

10. THREE specimens or facsimiles accompany this application.



State of Washington ss.
County of King

James H. Fox, JR being first duly sworn, deposes and says that he is VP Mktg / Adv. 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: 3/9/95 Signature: [Signature]
Subscribed and sworn to before me this 9th day of March, 19 95.

Ervinne J. Powers
(Notary Public)

My commission expires: 6-2-98

SEAL

INSTRUCTIONS

Forms must be submitted in duplicate. One copy will be returned to you showing the file date.

Send three facsimiles or specimens of the trademark or service mark as it is actually used. Photocopies or drawings are not acceptable.

The filing fee is ten dollars (\$10.00). Checks must be made payable to the Secretary of State.

The sworn application must be executed by the individual applicant, a member of the firm applying (if, for example the applicant is a partnership) or an officer of a corporate applicant.

Registration is effective for a term of ten years and is renewable for a like term upon application filed within six months prior to expiration of such terms. Renewal forms are mailed by the Office of the Secretary of State to registrants whose trademark is up for renewal.

Copies of the Wyoming Trademarks Act are available from the Office of the Secretary of State without charge.

Assignments and cancellations of trademarks may be made by filing a written request with the Office of the Secretary of State.

The following general classes of goods and services are established for convenience of administration of this Act, but not to limit or extend the applicant's or registrant's rights. A single application for registration of a mark may include any or all goods upon which, or service with which, the mark is actually being used in a single class. IF GOODS OR SERVICES FALL WITHIN TWO SEPARATE CLASS CODES, A SEPARATE REGISTRATION MUST BE SUBMITTED FOR EACH CLASS.

CLASS NUMBER AND TITLE

Goods

- | | |
|--|--|
| 1. Raw or partly prepared materials | 30. Crockery, earthenware, and porcelain |
| 2. Receptacles | 31. Filters and refrigerators |
| 3. Baggage, animal equipments, portfolios, and pocketbooks | 32. Furniture and upholstery |
| 4. Abrasives and polishing materials | 33. Glassware |
| 5. Adhesives | 34. Heating, lighting, and ventilating apparatus |
| 6. Chemicals and chemical compositions | 35. Belting, hose, machinery packing, and non-metallic tires |
| 7. Cordage | 36. Musical instruments and supplies |
| 8. Smokers' articles, not including tobacco products | 37. Paper and stationery |
| 9. Explosives, firearms, equipments, and projectiles | 38. Prints and publications |
| 10. Fertilizers | 39. Clothing |
| 11. Inks and inking materials | 40. Fancy goods, furnishings & notions |
| 12. Construction materials | 41. Canes, parasols, and umbrellas |
| 13. Hardware and plumbing and steam-fitting supplies | 42. Knitted, netted and textile fabrics and substitutes therefor |
| 14. Metals and metal castings and forgings | 43. Thread and yarn |
| 15. Oils and greases | 44. Dental, medical, and surgical appliances |
| 16. Paints and painters' materials | 45. Soft drinks and carbonated waters |
| 17. Tobacco products | 46. Foods and ingredients of foods |
| 18. Medicines and pharmaceutical preparations | 47. Wines |
| 19. Vehicles | 48. Malt beverages and liquors |
| 20. Linoleum and oiled cloth | 49. Distilled alcoholic liquors |
| 21. Electrical apparatus, machines, and supplies | 50. Merchandise not otherwise classified |
| 22. Games, toys, and sporting goods | 51. Cosmetics and toilet preparations |
| 23. Cutlery, machinery, and tools and parts thereof | 52. Detergents and soaps |
| 24. Laundry appliances and machines | |
| 25. Locks and safes | |
| 26. Measuring and scientific appliances | |
| 27. Horological instruments | |
| 28. Jewelry and precious-metal ware | |
| 29. Brooms, brushes, and dusters | |

Services

100. Miscellaneous
101. Advertising and business
102. Insurance and financial
103. Construction and repair
104. Communications
105. Transportation and storage
106. Medical treatment
107. Education and entertainment

Attachment to
Application for Registration
of Trademark or Service Mark

"MALMO NURSERY"
Class 100

7. Retail stores featuring yard and garden supplies, environmentally friendly home building tools, supplies, lumber, ecology, recycling and environmental safety
8. Literature describing the services, or in avertising, or on business cards or letterhead, or in electronic data interchange or machine readable information used in connection with producing the services, or in some equivalent fashion and in such other means

AVAILABILITY OF NAME

NAME: Malmo Nursery - JM

The above-referenced name was researched for availability and the following was determined:

First examiner's name: SC

Availability: YES NO ONLY WITH CONSENT

If "no" or "only with consent" name the conflicting company or companies:

*Registration
Ernst Home Center, etc*

Second examiner's name: SS

Availability: YES NO ONLY WITH CONSENT

If "no" or "only with consent" name the conflicting company or companies:

IF THERE IS A CONFLICT BETWEEN THE EXAMINERS' OPINIONS, OBTAIN THE SUPERVISOR'S OPINION.

Supervisor's name: _____

Availability: YES NO ONLY WITH CONSENT

If "no" or "only with consent" name the conflicting company or companies:



Flower _____

Color _____

QUANTITY		
	427551 BULK BEGONIAS 2" / UP	 0 30641 17304 7
	427462 BULK VARIETY GLADS 2" / UP	 0 30641 17321 4
	427454 BULK MIXED GLADS 1 3/4" TO 2"	 0 30641 17320 7