

ESTTA Tracking number: **ESTTA228433**

Filing date: **08/05/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047976
Party	Defendant Sylvester J. Arena
Correspondence Address	Sylvester J. Arena 2070 West Highway 46 Paso Robles, CA 93446 UNITED STATES
Submission	Defendant's Notice of Reliance
Filer's Name	Sylvester Arena
Filer's e-mail	syl@sylarenaphoto.com
Signature	// Sylvester Arena //
Date	08/05/2008
Attachments	Hiraga v. Arena - 080805 Notice of Reliance B.doc.pdf (91 pages)(22208376 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Kathleen Hiraga,	)	In the matter of trademark
	)	Registration No. 3125129
	)	Serial No. 78608724
Petitioner,	)	For the mark "Garden Organics"
	)	Date filed: April 14, 2005
v.	)	Date registered: August 1, 2006 (Supplemental)
	)	Cancellation No. 92/047976
Sylvester J. Arena,)	
)	
Respondent,)	
)	
)	

RESPONDENT'S NOTICE OF RELIANCE

Pursuant to 37 CFR § 2.120(j), Respondent hereby makes of record portions of Respondent's Answers to Petitioner's First Set of Interrogatories, Respondent's Answers to Petitioner's First Set of Request for Admissions and Respondent's Answers to Petitioner's First Set of Requests for Production of Documents, as follows:

- Exhibit A – Relevant portions of Respondent's Answer to Petitioner First Set of Interrogatories, namely:
 1. Interrogatory No. 1 and Response
 2. Interrogatory No. 3 and Response
 3. Interrogatory No. 4 and Response
 4. Interrogatory No. 8 and Response
 5. Interrogatory No. 10 and Response
 6. Interrogatory No. 11 and Response
 7. Interrogatory No. 13 and Response
 8. Interrogatory No. 14 and Response

9. Interrogatory No. 17 and Response

- Exhibit B – Respondent’s Answers to Petitioner’s First Set of Requests for Admissions
- Exhibit C – Relevant portions of Respondent’s Answers to Petitioner’s First Set of Requests for the Production of Documents, namely:
 1. Request For Production of Documents No. 3 and Response
 2. Request For Production of Documents No. 6 and Response
 3. Request For Production of Documents No. 11 and Response
 4. Request For Production of Documents No. 13 and Response
 5. Request For Production of Documents No. 14 and Response
 6. Request For Production of Documents No. 19 and Response
 7. Request For Production of Documents No. 21 and Response
 8. Request For Production of Documents No. 22 and Response
 9. Request For Production of Documents No. 31 and Response
 10. Request For Production of Documents No. 39 and Response
 11. Request For Production of Documents No. 40 and Response

Respectfully submitted,

Date: August 5, 2008

By:



Sylvester J. Arena – Respondent
2070 West Hwy 46
Paso Robles, CA 93446
Tel: (805) 226-2794

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Kathleen Hiraga,	)	In the matter of trademark
	)	Registration No. 3125129
	)	Serial No. 78608724
Petitioner,	)	For the mark "Garden Organics"
	)	Date filed: April 14, 2005
vi.	)	Date registered: August 1, 2006 (Supplemental)
	)	Cancellation No. 92/047976
Sylvester J. Arena,)	
)	
Respondent,)	
)	
)	

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing Respondent's Notice of Reliance is being deposited with the United States Postal Service, first-class postage prepaid, in an envelope addressed to:

Don Thornburgh Law Corporation
Don Thornburgh, Esq.
466 Foothill Boulevard, Suite 220
La Cañada Flintridge, California 91011

Executed this 5th day of August, 2008, at Paso Robles, California.



Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446

Exhibit A.

Relevant Portions of

Respondent's Responses to Petitioner First Set of Interrogatories

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____		)	In the matter of trademark
Kathleen Hiraga,		)	Registration No. 3125129
		)	Serial No. 78608724
	Petitioner,	)	For the mark "Garden Organics"
		)	Date filed: April 14, 2005
vii.		)	Date registered: August 1, 2006 (Supplemental)
		)	Cancellation No. 92/047976
Sylvester J. Arena,)	
)	
	Respondent,)	
)	
_____)	

ANSWER TO PETITIONER'S FIRST SET OF INTERROGATORIES

Respondent:
Sylvester Arena, an individual
2070 West Highway 46
Paso Robles, California 93446

The following is submitted under oath by the Respondent.

// signed Sylvester Arena //
Sylvester Arena
March 28, 2008

INTERROGATORY NO. 1:

“Describe in detail the circumstances of the adoption and use by You of each and every mark or trade name incorporating "GARDEN ORGANICS" as an element, including a detailed specification of each good and service offered with respect to each such mark or name and the time periods during which each such mark or name was used with respect to each such good and service.

REPLY TO No. 1 –

1. Respondent started developing the Garden Organics label and line of products in September, 2003. The original product line included: *Garden Organics Organic Rose Fertilizer 7-8-4*, *Garden Organics Microbial Planting Powder*, *Garden Organics North Atlantic Seaweed Powder* and *Garden Organics Humic Acid Soil Conditioner*.
2. The initial offering of Garden Organics products occurred in November, 2003 on the back cover of the Arena Roses catalog for spring 2004. Respondent has provided evidence in the Response to Request for Documents that 19,555 copies of this catalog were mailed on December 8, 2003. {As Respondent has noted elsewhere, Arena Roses marketed and distributed rose plants, organics, garden furniture, gifts and other items through 3 channels: the annual mailorder catalog, the website *ArenaRoses.com*, and a retail garden center in Paso Robles, California. Arena Roses shipped items nationally. As has been acknowledged by the Respondent in other documents of this matter, Arena Roses ceased operations on or about May 31, 2006.}
3. The detailed specification of each Garden Organics product is listed on the Garden Organics Product Sheet and the individual product labels – copies of which have been provided with the documents.
4. The products were offered exclusively through the Arena Rose channels until the closing of that business in May, 2006.
5. In January 2007, Respondent contacted Star Roses – a wholesale distributor of garden roses to inquire if they would be interested in selling Garden Organics products. Bill Mann, their general manager, declined.
6. Respondent contacted Steve Bening, the sales representative for Star Roses in California. Prior to working with Star Roses, Mr. Bening sold fertilizers in southern California. During the early spring of 2007, he gave the Respondent his thoughts on potential distributors, potential products and evaluated the Garden Organics Rose Fertilizer by using it in his home garden.
7. In the early autumn of 2007, Respondent proposed the Garden Organics Rose Fertilizer (now known as Garden Organics Rose Granola) to Edmunds' Roses – a subsidiary of JW Jung Seed Co., Randolph, Wisconsin. Edmunds' sells roses nationally via its mailorder catalog and website. Edmunds' added the product to their catalog and website (published November, 2007) and continues to offer the products to this day.

INTERROGATORY NO. 3:

“For each mark and each good or service, separately state the annual amounts expended for marketing, advertising, and promoting the goods and/or services sold in connection with "GARDEN ORGANICS" and any other names or marks including the words "garden organics".

REPLY TO No. 3 –

For the period 2003-2006, it is not possible to extract the amount spent specifically for the marketing of each Garden Organics product. As stated above, the products were marketed through a mail order catalog, on a website and in a garden center – all operated by Arena Roses.

The mail order marketing expenses include design, printing, postage, etc. The catalogs included 100 to 200 items. Records were not specifically kept as to what share of these expenses pertained specifically to the sale of Garden Organics products.

The website marketing expenses include design, hosting, etc. The website included 100 to 200 items. Records were not specifically kept as to what share of these expenses pertained specifically to the sale of Garden Organics products.

Marketing for the garden center included radio, print, direct mail, web and garden shows. Records were not specifically kept as to what share of these expenses pertained specifically to the sale of Garden Organics products.

Subsequent to the closing of Arena Roses, the Respondent marketed the Garden Organics product line via emails, telephone calls and personal visits. No specific records have been maintained as to the expense for these activities.

Respondent is not in a position to advise how much has been expended by Edmunds Roses for the marketing of Garden Organics Rose Granola in its catalog and website.

INTERROGATORY NO. 4:

“Describe in detail your marketing and promotional efforts in conjunction with Your Mark, including a description of the marketing and promotion channels utilized in advertising and promoting the goods and/or services sold in connection with Your Mark and a description of each and every brochure, advertisement (including but not limited to video and audio advertisement), and all other printed promotional materials used or distributed.

REPLY TO No. 4 –

November, 2003 - annual mailorder catalog of Arena Roses, full-color, 9” x 11”, 52 pages. Garden Organics products featured on back cover.

November, 2003 through May, 2006 – www.ArenaRoses.com, Garden Organics products sold through website

November, 2003 through May, 2006 – Arena Roses Garden Center, 1041 Paso Robles St., Paso Robles, CA, 93446, Garden Organics products sold in garden center owned by Respondent.

March, 2004 – San Francisco Flower & Garden Show, Arena Roses 10’x20’ booth, Garden Organics products featured among products offered for sale

April, 2004 – Fullerton Arboretum Garden Festival, Fullerton, California, Arena Roses booth, Garden Organics products featured among products offered for sale

April, 2004 – South Coast Plaza Garden Show, Costa Mesa, California, Arena Roses booth, Garden Organics products featured among products offered for sale

May, 2004 – Sunset Magazine Garden Festival, Menlo Park, California, Arena Roses booth, Garden Organics products featured among products offered for sale.

November, 2004 – annual mailorder catalog of Arena Roses, full-color, 5.5” x 8.5”, 52 pages. Garden Organics products featured on page 48.

April, 2005 – Fullerton Arboretum Garden Festival, Fullerton, California, Arena Roses booth, Garden Organics products featured among products offered for sale

January, 2007 – emails and telephone calls to Star Roses to discuss potential for them to market Garden Organics products to garden centers nationally

February, 2007 – provided samples of Garden Organics Rose Granola to Steve Bening, a former fertilizer salesman near Los Angeles for evaluation in his garden.

September, 2007 – emails and telephone calls to Edmunds Roses to discuss potential for them to market Garden Organics Rose Granola in their catalog and on their website.

November, 2007 to present – Garden Organics Rose Granola offered for sale by Edmunds’ Roses catalog and website

January, 2008 – Respondent attended Mid-American Horticulture Show in Chicago to survey prospects for wholesale distribution in Midwest and East.

January, 2008 – Respondent attended Nor-Cal Horticultural Show in San Mateo, California to survey prospects for wholesale distribution in California

INTERROGATORY NO. 8:

“Identify the location of each place where You have offered goods and/or services for sale in connection with Your Mark and state the inclusive dates during which such goods and/or services were offered at each such location.”

REPLY TO No. 8 – Respondent

November, 2003 - annual mailorder catalog of Arena Roses, full-color, 9” x 11”, 52 pages. Garden Organics products featured on back cover.

November, 2003 through May, 2006 – www.ArenaRoses.com, Garden Organics products sold through website

November, 2003 through May, 2006 – Arena Roses Garden Center, 1041 Paso Robles St., Paso Robles, CA, 93446, Garden Organics products sold in garden center owned by Respondent.

March, 2004 – San Francisco Flower & Garden Show, Arena Roses 10’x20’ booth, Garden Organics products featured among products offered for sale

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September, 2007 – emails and telephone calls to Edmunds Roses to discuss potential for them to market Garden Organics Rose Granola in their catalog and on their website.

November, 2007 to present – Garden Organics Rose Granola offered for sale by Edmunds’ Roses catalog and website

INTERROGATORY NO. 10:

“If You contend that You would be damaged by the continued use and/or registration of " GARDEN ORGANICS ", or any trade name, trademark, or service mark incorporating " GARDEN ORGANICS ", by Petitioner, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention, including a calculation of your alleged damages.”

REPLY TO No. 10 –

Respondent argues that he is damaged by the Petitioner’s use of “Garden Organics” in that Petitioner’s usage is confusing and limits the potential for Respondent to market his products with the distinctiveness that the brand warrants. It is the position of the Respondent that Petitioner uses the mark in ways that exceed her stated usage and that said usage infringes upon Respondent’s usage by creating confusion.

In reviewing the Petitioner’s websites in preparation for these Responses, the Respondent has recently come to the opinion that these infringements are widespread, persistent and openly promoted by the Petitioner.

Petitioner states on her USPTO application for registration (serial no. 78632995) that the mark is used in the following classes and goods/services:

- a. C 031. US 001 046. G & S: Agricultural and horticultural products, namely, living plants, plant seeds, and seedlings.
- b. C 041. US 100 101 107. G & S: Educational services, namely, conducting workshops and seminars in the fields of methods for growth and maintenance of edible herbs, flowers, vegetables and fruits, the design and implementation of organic culinary beds, nutrition, recipes and distributing course material in connection therewith.

Petitioner states on her website (http://www.mygardenorganics.com/about_us.html) that “*We are continually developing organic garden products that include culinary container pots and window boxes, potting kits, organic custom potting soil, nutrition, tools and lifestyle items.*” The Respondent contends that “*organic custom potting soil, nutrition...*” is well beyond the “*living plants, plant seeds, seedlings*” and “*educational services...*” originally indicated by the Petitioner. The Respondent asserts that “*organic custom potting soil, nutrition...*” is a clear infringement of his GARDEN ORGANICS mark as registered.

Petitioner states on her website (http://www.mygardenorganics.com/about_us.html) “*GARDEN ORGANICS inc. NEWS // ORGANICS Rx GARDEN NUTRITION LINE LAUNCHES IN 2007 // ORGANICS Rx, a parent company of Garden Organics Inc. will be rolling out the first products of a full line of plant and garden nutrition and support in February 2007.*” The Respondent asserts that such an announcement under the heading “*Garden Organics Inc. News*” is a clear infringement of his GARDEN ORGANICS mark as registered.

Petitioner maintains a separate website that is linked to MyGardenOrganics.com. This separate website, OrganicsRx.com, features organic fertilizers and soil amendments sold under the Petitioner’s “OrganicsRx” label. Respondent yesterday noted that Petitioner’s GARDEN ORGANICS products are included in the same photograph with Petitioner’s OrganicsRx fertilizer products (http://www.organicsrx.com/product_shots.html) and that “Garden Organics” products are offered for sale adjacent to organic amendments (<http://www.organicsrx.com/products.html>). Respondent asserts that this establishes a clear link between the Petitioner’s use of “Garden Organics” and organic fertilizers. The Respondent asserts that such visual representation is a clear infringement of his GARDEN ORGANICS mark as registered.

The USPTO supports the Respondent’s position that the Petitioner’s mark is confusing. Specifically, the examining attorney refused to register the Petitioner’s use of “Garden Organics” (serial no. 78/632995). That office action, dated February 21, 2007, states in part:

“*Refusal based on 2(d) – Likelihood of Confusion*”

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the mark in U.S. Registration No. 3125129 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207.”

Further, the Petitioner’s own actions acknowledge the likelihood of confusion between the marks. On August 20, 2007, Petitioner responded to the above Office Action by filing a Petition for Cancellation of Respondent’s mark (ESTAA157869). As grounds for cancellation, Petitioner cited: *Abandonment (Trademark Act section 14)* along with *Priority and Likelihood of Confusion (Trademark Act section 2(d))*.

The Respondent learned yesterday (March 27, 2008) that Petitioner is marketing “Garden Organics” products to wholesale accounts with which Respondent has either previously sold garden products (not necessarily under the “Garden Organics brand) or has identified in written correspondence as being a good prospect. Specifically, Petitioner states on <http://www.organicrx.com/stores.html> that “*Organics Rx & Garden Organics products are sold in over 120 retail stores, and growing every month.*” Among the companies listed are *Smith & Hawken* – to whom Respondent has previously sold garden rose plants on a wholesale basis – and *Whole Foods* – which Respondent listed in his correspondence of January 23, 2007 with Mr. Bill Mann as being a likely prospect for his GARDEN ORGANICS products. Respondent asserts that the Petitioner’s marketing of “Garden Organics” products to these firms greatly diminishes his potential to offer products with his registered mark to the same companies. Further, the Respondent argues that the Petitioner’s widespread distribution of ‘Garden Organics’ products through such a large number of prominent retailers serves as a indication of the value of the mark.

As demonstrated herein, the Respondent has not abandoned the mark. Based on documents filed by both parties with the USPTO, Respondent’s first use of the mark in commerce preceded Petitioner’s first use. Further, respondent is providing several documents that demonstrate the Respondent’s first use in November, 2003 and the mailing of 19,555 copies of the Arena Roses 2004 catalog on December 8, 2003. As acknowledged by both parties and by the UPSTO, there is a likelihood of confusion if both parties continue to use the mark.

The Respondent is unable at this time to calculate damages, but reserves the right to do so in the future.

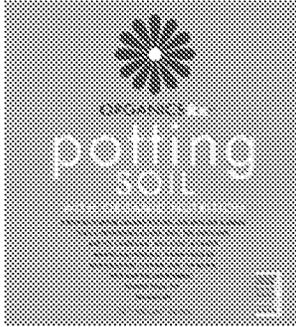
Screen captures of the referenced sites are included below.



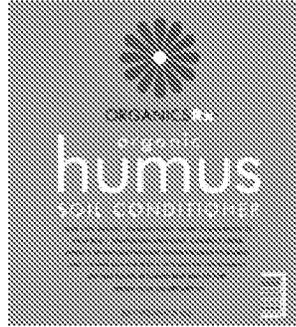
above: Petitioner’s site http://www.organicsrx.com/product_shots.html as of March 27, 2008 (11:15 PDT) showing ‘Garden Organics’ products displayed with organic fertilizers

see before & after

ORGANIC POTTING MIX & HUMUS SOIL



POTTING SOIL
Coming Soon



**HUMUS SOIL
CONDITIONER**
Coming Soon

CULINARY SEED COLLECTIONS



GOURMET LETTUCE MIX

Mesculan Mix
Total seed weight:
2 ounces \$24.99

[more info](#)



**HEIRLOOM TOMATO
COLLECTION**

Tigerella, Chadwick Red Cherry,
Brandywine
Total seed weight:
2 ounces \$24.99

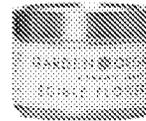
[more info](#)



BASIL COLLECTION

Genovese, Large Leaf,
Purple Opal Basil
Total seed weight:
2 ounces \$24.99

[more info](#)



EDIBLE FLOWER MIX

Borage, Calendula,
Nasturtium
Total seed weight:
2 ounces \$24.99

[more info](#)

above: Petitioner's site <http://www.organicsoil.com/products.html> as of March 27, 2008 (19:20 PDT) showing 'Garden Organics' products being offered for sale adjacent to organic soil amendments

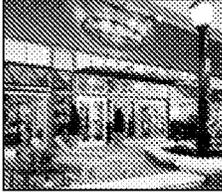
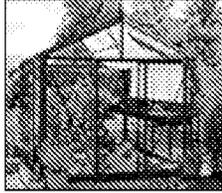
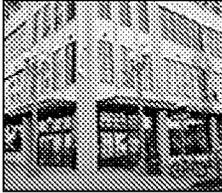
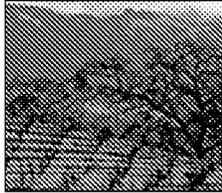


S T O R E S

PRODUCTS GARDENING STORES COMPANY WE DIG

Organics Rx & Garden Organics products are sold in over 120 retail stores, and growing every month. Visit the sites below to find out if our products are sold at a location near you.

A shopping cart service will be added in the coming months. Check back often for store updates and additions.

	<p>Smith & Hawken</p> <p>All 59 National Store Locations USA</p>		<p>TRACTOR HARDWARE™</p> <p>38 California Store Locations</p> <p>New stores added every month</p>
	<p>WHOLE FOODS</p> <p>All 25 Southern California Store Locations</p> <p>New stores added every month</p>		<p>RETAIL STORES</p>

RETAIL

If you are interested in carrying any of the Garden Organics or Organics Rx products for retail sales, please contact us at info@mygardenorganics.com for more information.

above: Petitioner’s site <http://www.organicsrx.com/stores.html> as of March 27, 2008 (19:23 PDT) showing several prominent retail outlets selling ‘Garden Organics’ products along with the statement that “‘Garden Organics’ products are sold in over 120 retail stores.”

following page: Petitioner’s site http://www.mygardenorganics.com/about_us.html as of March 27, 2008 (11:15 PDT) showing:

- link from MyGardenOrganics.com to OrganicsRx.com
- statement that Petitioner is “developing organic garden products...”
- announcement under ‘Garden Organics Inc. News’ that Petitioner is “launching” a garden nutrition line.



CULINARY GARDEN DESIGN

GARDEN ORGANICS SHOP

PLANT DATABASE

ABOUT US

GARDEN ORGANICS

ABOUT US



GARDEN ORGANICS

G.O. IN THE NEWS

Santa Monica Mirror

LINKS

OrganicsRx.com
John.Jeavons.info
StewFood.com
Santa Monica Farmer's Market
GraceRestaurant.net
Borderrgrill.com
Copia.org
Zingersmeats.com
AtDentsPasta.com
FairViewGardens.org
Velonews.com

CONTACT

Kathleen Hraga (Garden Director)
info@mygardenorganics.com

EMPLOYMENT

Garden Organics Inc. is always looking for qualified people to join our garden team. Please e-mail a resume and cover letter to info@mygardenorganics.com

OPEN POSITIONS

Experienced Double Diggers

ORGANICS Rx

Experienced Sales Rep
 Northern California

Office Assistant
 Part to full-time
 Start Date: February 2007

ABOUT GARDEN ORGANICS INC.

GARDEN ORGANICS INC. is a specialty grower based out of Santa Monica, California and registered as certified organic with the State of California and The USDA - National Organic Program (NOP). Our greenhouse seedlings are cultivated for culinary garden design projects, garden nurseries and fine retail stores including Whole Foods, quality Southern California Nurseries and California Farmers Markets. We are continually developing organic garden products that include culinary container pots and window boxes, potting kits, organic custom potting soil, nutrition, tools and lifestyle items.

GARDEN ORGANICS INC. NEWS ORGANICS Rx GARDEN NUTRITION LINE LAUNCHES IN 2007

ORGANICS Rx, a parent company of Garden Organics Inc. will be rolling out the first products of a full line of plant and garden nutrition and support in February 2007. Look for SUPERGROW and SEA-KELP 100 garden nutrition, and check back when ORGANICS Rx launches in early spring at OrganicsRx.com

CULINARY BED DESIGN FOR THE HOME AND RESTAURANT CHEF

Growing season never stops in Southern California, and we are designing Custom Culinary Beds year round for home and restaurant chefs. Imagine replacing your empty lawn with a culinary garden bed that yields heirloom varieties of tomatoes, vegetables, herbs and edible flowers twelve months out of the year. It will reduce your water bill up to 75% from conventional lawn care watering, and pay for itself in less than 6 months. Please contact us for a site consultation, or questions regarding Culinary Garden Design Services at info@mygardenorganics.com

GARDEN ORGANICS INC. BASED OUT OF YAMAGUCHI NURSERY IN WEST LOS ANGELES

Garden Organics Inc. is based out of Yamaguchi Bonsai Nursery on 1905 Sawtelle Blvd. in West Los Angeles, between Olympic and Santa Monica Boulevard. As one of the most historical and respected family run nurseries in Los Angeles (87 years and counting), we are pleased to be a part of the Yamaguchi retail store and nursery. We have a full retail selection of Garden Organics culinary seedlings and Organics Rx plant and garden nutrition available year round.

GREENHOUSE FOR SALE

CLEARSPAN GREENHOUSE- COMMERCIAL

We are downsizing with a couple smaller versions of this model, and could not be happier with how this greenhouse has worked in all weather conditions. No leaking, frost damage, plants thrive, great temperature control.

Specs:

20 width x 12 height x 48 length
 Sides are weatherproof 6 mil. greenhouse film
 Ends are translucent 10 oz. 22 mil. premium rip stop fabric
 Adjustable Roll up sides / 4 sided ventilation
 Front and back zipper openings
 Structure is Allied Gatorshield steel tubing
 TOTAL PAID = 8,500.00
 SELLING = 3,900.00 obo

Comes with ground cloth, 50% shade cloth, all hardware and wood that was additional, cinder blocks and more. Available immediately. Needs to be disassembled at site. Can facilitate labor for take down.

[click here for images](#)

Trademark Trial and Appeal Board Electronic Filing System. <http://esta.uspto.gov>

ESTTA Tracking number: **ESTTA157869**

Filing date: **08/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Kathleen Hiraga		
Entity	Individual	Citizenship	UNITED STATES
Address	Box 1985 Santa Monica, CA 90406-1985 UNITED STATES		

Attorney information	Don Thornburgh Don Thornburgh Law Corporation 466 Foothill Blvd. #220 La Canada Flintridge, CA 91011 UNITED STATES uspto@donthornburgh.com Phone:818-790-6547		
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Registration Subject to Cancellation

Registration No	3125129	Registration date	08/01/2006
Registrant	Arena, Sylvester J. PO Box 3570 Paso Robles, CA 93447 UNITED STATES		

Goods/Services Subject to Cancellation

Class 001. First Use: 2003/11/01 First Use in Commerce: 2003/11/01 All goods and services in the class are cancelled, namely: Fertilizers, soil conditioners and soil amendments for domestic use
--

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

above: portion of Petition for Cancellation filed by Petitioner – showing citation of “*Abandonment*”, “*Priority*” and “*Likelihood of Confusion*” as grounds for cancellation of Respondent’s mark.

INTERROGATORY NO. 11:

“If You contend that Petitioner adopted any name or mark in bad faith, for an improper purpose, or otherwise acted with an improper motive, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.”

REPLY TO No. 11 – Respondent reasserts the facts presented in question 10 above.

INTERROGATORY NO. 13:

“If You contend that there has been any actual confusion as the result of any activities by Petitioner or by the use of any name or mark by Petitioner, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.”

REPLY TO No. 13 – Respondent reasserts the facts presented in question 10 above.

INTERROGATORY NO. 14:

“If You contend that any likelihood of confusion exists because of any activities by Petitioner or because of any use by Petitioner of any name or mark, please state all facts, and include an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.”

REPLY TO No. 14 – Respondent reasserts the facts presented in question 10 above.

INTERROGATORY NO. 17:

“Identify each person whom You expect to call as an expert witness, the substance of the facts and opinions to which the expert is expected to testify and grounds for each opinion, and identify all documents reviewed or prepared by such expert with respect to the subject matter of this case.”

REPLY TO No. 17 –

1. Steve Bening, current sales representative for Star Roses in California, prior to working for Star worked as a commercial salesman of fertilizers in southern California – Mr. Bening will confirm his conversations and correspondence with Respondent in early 2007 on the topic of finding distributors for Respondent’s GARDEN ORGANICS products. Mr. Bening will also give his opinion of the current market for organic fertilizers at the retail garden center market. Further, he will speak to the performance of Garden Organics Rose Granola in the garden trials that he conducted during the spring of 2007.
2. Mike Lindsey, Director of Research, Global Organics, Goodyear, Arizona – Mr. Lindsey will speak to his on-going dialogues with the Respondent concerning the development of products suitable for sale in the Garden Organics program.
3. Mark Nuremberg, Sales Representative, Colorgraphics, Los Angeles – Mr. Nuremberg will verify that Respondent printed the Arena Roses catalog for Spring 2004 during the month of November, 2003.
4. Ken Lowe, Owner, Accurate Mailing Service, Paso Robles, California – Mr. Lowe will verify that he mailed 19,555 copies of the Arena Roses 2004 catalog on December 8, 2003.

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing ANSWER TO PETITIONER’S FIRST SET OF INTERROGATORIES is being deposited with the United States Postal Service, first-class postage prepaid, in an envelope addressed to:

Don Thornburgh Law Corporation
Don Thornburgh, Esq.
466 Foothill Boulevard, Suite 220
La Cañada Flintridge, California 91011

Executed this 28th day of March, 2008, at Paso Robles, California.



Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446

Exhibit B.

Respondent's Answers to Petitioner's First Set of Requests for Admissions

Relevance: Respondent's Answers to Petitioner's Requests for Admissions state that:

- The mark is owned by Sylvester J. Arena separately from the operation of Arena Roses
- Respondent continued to search for a distributor after the closure of Arena Roses in 2006,
- Respondent sold 'Garden Organics' product to J.W. Jung Seed Co. during 2007 for marketing in their Edmunds' Roses catalog
- Petitioner's use of the mark in its web advertising and newsletter oversteps the uses stated on Petitioner's Application for the mark
- Based on Petitioner's use of the mark, a likelihood of confusion persists.
- Based on Petitioner's use of the mark, Petitioner continues to infringe on Respondent's rights

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<hr/>		
Kathleen Hiraga,	)	In the matter of trademark
	)	Registration No. 3125129
	)	Serial No. 78608724
Petitioner,	)	For the mark "Garden Organics"
	)	Date filed: April 14, 2005
v.	)	Date registered: August 1, 2006 (Supplemental)
	)	Cancellation No. 92/047976
Sylvester J. Arena,)	
)	
Respondent,)	
)	
<hr/>)	

ANSWER TO PETITIONER'S FIRST REQUEST FOR ADMISSIONS

Respondent:
Sylvester Arena, an individual
2070 West Highway 46
Paso Robles, California 93446

REQUEST FOR ADMISSION NO. 1:

"Admit that Respondent filed application serial number 78/608724 on April 14, 2005 for "Garden Organics" in international class 001, claiming use of such mark in connection with "fertilizers, soil conditioners and soil amendments for domestic use"."

REPLY TO No. 1 – Respondent admits that he filed application serial number 78/608724 on or about April 14, 2005 for "Garden Organics" in international class 001, claiming use of such mark in connection with "fertilizers, soil conditioners and soil amendments for domestic use".

REQUEST FOR ADMISSION NO. 2:

"Admit that Respondent had not used the mark in commerce (as defined by the Act) on April 14, 2005."

REPLY TO No. 2 – Respondent denies. Respondent's first used the mark in commerce occurred on or about November 1, 2003 upon the publication of the *Arena Roses 2004 Catalog* in which GARDEN ORGANICS products were offered for sale on the back cover.

REQUEST FOR ADMISSION NO. 3:

"Admit that Respondent ceased operations of Respondent's business known as "Arena Roses" on or about May 31, 2006."

REPLY TO No. 3 – Respondent acknowledges that "Arena Roses" ceased operations on or about May 31, 2006.

REQUEST FOR ADMISSION NO. 4:

"Admit that Respondent ceased using the mark in commerce as of the close of operations of Respondent's business known as "Arena Roses" on or about May 31, 2006."

REPLY TO No. 4 – Respondent denies. The mark is the property of Sylvester Arena, an individual, as shown on the registration. The mark is not the property of "Arena Roses" – a business operated by the Respondent. Respondent denies that the closing of "Arena Roses" indicates that Respondent stopped use of the mark GARDEN ORGANICS in commerce or that he abandoned the mark. Subsequent to the closing of "Arena Roses", Respondent endeavored to find and eventually secured an alternative means of distribution for GARDEN ORGANICS products. Further, Respondent has not abandoned the mark or his intent to use the mark at any time.

REQUEST FOR ADMISSION NO. 5:

"Admit that no product offered by Respondent appeared in any Edmunds' Roses mail order catalog prior to November 2007."

REPLY TO No. 5 – Respondent admits that no product offered by Respondent appeared in any Edmunds' Roses mail order catalog prior to the publication of the Edmunds Roses Spring 2008 catalog in November, 2007.

REQUEST FOR ADMISSION NO. 6:

"Admit that Edmunds' Roses mail order catalog for 2007 was not published until late November 2007"

REPLY TO No. 6 – Respondent does not know the date of publication for the "Edmunds' Roses mail order catalog for 2007". Typically annual garden catalogs are published in the autumn preceding the date on the cover. Respondent guesses that the "Edmunds' Roses mail order catalog for 2007" was published in the autumn of 2006.

REQUEST FOR ADMISSION NO. 7:

"Admit that Respondent made no commercial use of the mark "GARDEN ORGANICS" for a period of at least one year prior to November 2007."

REPLY TO No. 7 – Respondent denies. Respondent endeavored to find alternative means of distribution for GARDEN ORGANICS products during the winter of 2006 and the spring of 2007. Respondent entered into negotiations with Edmunds Roses during late September, 2007. Further, Respondent has not abandoned the mark nor his intent to its continued use in commerce.

REQUEST FOR ADMISSION NO. 8:

"Admit that Petitioner began providing its goods and services before Respondent."

REPLY TO No. 8 – Respondent denies. Based on the records filed by each party at the UPSTO, the Respondent began providing its goods and services under the mark GARDEN ORGANICS prior to Petitioner.

REQUEST FOR ADMISSION NO. 9:

"Admit that Petitioner has the right to market and sell every type of good marketed and sold by Petitioner or Respondent and to display the words "Garden Organics" on its products."

REPLY TO No. 9 – Respondent does not agree that Petitioner has the right to market and sell products that display the words "Garden Organics".

REQUEST FOR ADMISSION NO. 10:

"Admit that Respondent has no right to prevent Petitioner from using the words "Garden Organics" in conjunction with the sale of its goods and services."

REPLY TO No. 10 – Respondent continues to believe that he has the right to prevent Petitioner from using the words "Garden Organics" in conjunction with the sale of its goods and services.

REQUEST FOR ADMISSION NO. 11:

"Admit that Respondent would suffer no harm by Petitioner's registration of GARDEN ORGANICS."

REPLY TO No. 11 – Respondent continues to believe that he would be harmed by Petitioner's registration of GARDEN ORGANICS."

REQUEST FOR ADMISSION NO. 12:

"Admit that Respondent has no right to prevent Petitioner from registering GARDEN ORGANICS."

REPLY TO No. 12 – Respondent believes that Petitioner's use of the mark GARDEN ORGANICS infringes upon his rights and that Petitioner should not be granted rights to the same or a similar mark.

REQUEST FOR ADMISSION NO. 13:

"Admit that Respondent is aware of no instance of a consumer being deceived, confused, or mistaken as the result of Petitioner's use of GARDEN ORGANICS."

REPLY TO No. 13 – As recently as the date of this response, Respondent has observed that:

- Petitioner features GARDEN ORGANICS products in the same photograph with Petitioner's organic fertilizer products on Petitioner's website (http://www.organicrx.com/product_shots.html).
- Petitioner states on her website (http://www.mygardenorganics.com/about_us.html) that "We are continually developing organic garden products that include culinary container pots and window boxes, potting kits, organic custom potting soil, nutrition, tools and lifestyle items."
- Petitioner states on her website (http://www.mygardenorganics.com/about_us.html) "GARDEN ORGANICS inc. NEWS // ORGANICS Rx GARDEN NUTRITION LINE LAUNCHES IN 2007 //

ORGANICS Rx, a parent company of Garden Organics Inc. will be rolling out the first products of a full line of plant and garden nutrition and support in February 2007.

Screen captures of these pages appear below. Based on these observations Respondent feels that the basis exists for consumers to be confused or mistaken as the result of Petitioner's use of GARDEN ORGANICS.



http://www.organicrx.com/product_shots.html as of March 27, 2008 (11:15 PDT)

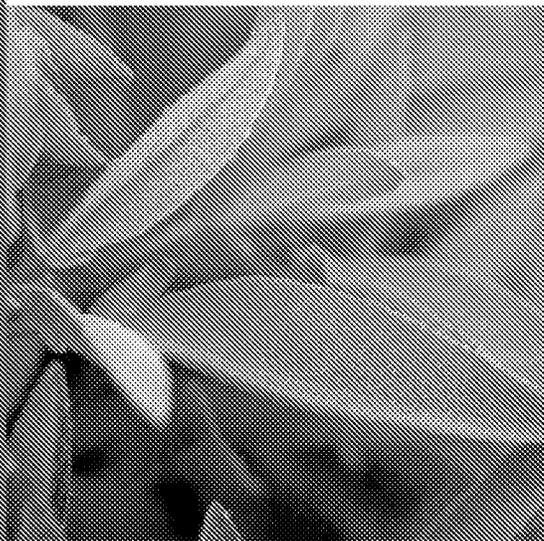


CULINARY GARDEN DESIGN GARDEN ORGANICS SHOP PLANT DATABASE ABOUT US

GARDEN ORGANICS

GARDEN ORGANICS

ABOUT US



G.O. IN THE NEWS
Santa Monica Mirror

LINKS

- OrganicsRx.com
- JohnJennons.info
- SlowFood.com
- Santa Monica Farmer's Market
- GraceRestaurant.net
- SlowOrganic.com
- Crash.org
- 2InGermans.com
- ADon'tPeeta.com
- PassionGardens.org
- Velenews.com

CONTACT

Ruthann Hays (Garden Director)
info@mygardenorganics.com

EMPLOYMENT

Garden Organics Inc. is always looking for qualified people to join our garden team. Please e-mail a resume and cover letter to: info@mygardenorganics.com

OPEN POSITIONS

Experienced Double Diggers

ORGANICS Rx

Experienced Sales Rep
Northern California

Office Assistant
Part to full time
Start Date: February 2007

ABOUT GARDEN ORGANICS INC.

GARDEN ORGANICS INC. is a specialty grower based out of Santa Monica, California and registered as certified organic with the State of California and The USDA - National Organic Program (NOP). Our greenhouse seedlings are cultivated for culinary garden design projects, garden nurseries and fine retail stores including Whole Foods, quality Southern California Nurseries and California Farmers Markets. We are continually developing organic garden products that include culinary container pots and window boxes, potting kits, organic custom potting soil, nutrition, leech and lifestyle items.

GARDEN ORGANICS INC. NEWS

ORGANICS Rx GARDEN NUTRITION LINE LAUNCHES IN 2007
ORGANICS Rx, a parent company of Garden Organics Inc. will be rolling out the first products of a full line of plant and garden nutrition and support in February 2007. Look for SUPERGROW and SEA-KELP 100 garden nutrition, and check back when ORGANICS Rx launches in early spring at OrganicsRx.com

CULINARY BED DESIGN FOR THE HOME AND RESTAURANT CHEF

Growing season never stops in Southern California, and we are designing Custom Culinary Beds year round for home and restaurant chefs. Imagine replacing your empty lawn with a culinary garden bed that yields home-grown varieties of tomatoes, vegetables, herbs and edible flowers twelve months out of the year. It will reduce your water bill up to 75% from conventional lawn care watering, and pay for itself in less than 6 months. Please contact us for a site consultation, or inquire regarding Culinary Garden Design Services at info@mygardenorganics.com

GARDEN ORGANICS INC. BASED OUT OF YAMASUCHI NURSERY IN WEST LOS ANGELES

Garden Organics Inc. is based out of Yamaguchi Bonsai Nursery on 1900 Serrano Blvd. in West Los Angeles, between Olympic and Santa Monica Boulevard. As one of the most historical and respected family run nurseries in Los Angeles (67 years and counting), we are pleased to be a part of the Yamaguchi retail store and nursery. We have a full retail selection of Garden Organics culinary seedlings and Organic Rx plant and garden nutrition available year round.

**GREENHOUSE FOR SALE
CLEARSPAN GREENHOUSE- COMMERCIAL**

We are downsizing with a couple smaller versions of this model, and could not be happier with how this greenhouse has worked in all weather conditions. No leaking, frost damage, plants thrive, great temperature control.

- Specs:
- 26' width x 12' height x 48' length
- Sides are weatherproof 8 mil. greenhouse film
- Ends are translucent 10 mil. 22 mil. greenhouse rip stop fabric
- Adjustable Roll up sides + 4 sided ventilation
- Front and back zipper openings
- Structure is Aluz-Galvalume steel tubing
- TOTAL PAID = 4,800.00
- SELLING = 3,900.00 also

Comes with ground cloth, 50% shade cloth, all hardware and wood that was additional, under blocks and more. Available immediately. Needs to be disassembled at site. Can facilitate labor for take down.

**Link here for images*

http://www.mygardenorganics.com/about_us.html as of March 27, 2008 (11:15 PDT)

The forgoing ANSWER TO PETITIONER'S FIRST REQUEST FOR ADMISSIONS is dated:
March 27, 2008.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sylvester Arena", followed by a horizontal line.

Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446
Tel: 805-550-4514

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing ANSWER TO PETITIONER'S FIRST REQUEST FOR ADMISSIONS is being deposited with the United States Postal Service, first-class postage prepaid, in an envelope addressed to:

Don Thornburgh Law Corporation
Don Thornburgh, Esq.
466 Foothill Boulevard, Suite 220
La Cañada Flintridge, California 91011

Executed this 27th day of March, 2008, at Paso Robles, California.



Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446

Exhibit C.

Respondent's Responses to Petitioner First Set of Requests for Production of Documents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

_____	)	In the matter of trademark
Kathleen Hiraga,	)	Registration No. 3125129
	)	Serial No. 78608724
	)	For the mark "Garden Organics"
	)	Date filed: April 14, 2005
viii.	)	Date registered: August 1, 2006 (Supplemental)
	)	Cancellation No. 92/047976
Sylvester J. Arena,)	
)	
)	
)	
)	
_____)	

ANSWER TO PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Respondent:
Sylvester Arena, an individual
2070 West Highway 46
Paso Robles, California 93446

3. *The invoices or other documents that evidence Your date of first use and Your date of first use in interstate or foreign commerce for “GARDEN ORGANICS” for each of the product and/or service categories for which You claim trademark or service mark rights.*

[Item 2] RESPONDENT is providing a copy of Invoice #139573, dated December 15, 2003, from Colorgraphics, Inc. (PO Box 51490, Los Angeles, CA 90051-5790). The Petitioner will note that the invoice specifies that CG Job Number 110312/1066 is for the printing of 50,000 copies of the Arena Roses 2004 catalog.

[Item 3] Respondent is providing a copy of the Arena Roses 2004 catalog. Petitioner will note that ‘Garden Organics’ products appear on the back cover. Petitioner will also note that the original design of the ‘Garden Organics’ mark is identical to the current design of the ‘Garden Organics’ mark.

[Item 4] Respondent is providing a copy of Postage Statement filed with the US Postal Service on December 8, 2003 for the mailing of 19,555 catalogs

[Item 5] Respondent is providing a copy of Invoice #5521 from Accurate Mailing Service for list management and handling services for the mailing of 19,555 catalogs on December 8, 2003

ColorGraphics

Please send remittance to:

ColorGraphics, Inc.
 Post Office Box #51480
 Los Angeles, CA 90051-0780
 Tel: 323 283-7171
 Fax: 323 280-0611

Invoice Number: 139573
 Invoice Date: 12/15/03
 Due Date: 12/15/03
 PO Number:
 Sales Rep: Mark Nuremberg
 CG Job Number: 110312/1066
 Batch Number: 43386/ 9
 Page Number: 1

i n v o i c e

Bill To: 112548
 Syl Arena Roses LLC
 Attn: Syl Arena
 1041 Paso Robles St.
 Paso Robles, CA 93446

Thank you for your business.

Qty Ordered	Qty Billed	Description	Unit Price U/M	Amount
50,000	50,000	2004 PRODUCT CATALOG - TAX EXEMPT		33,433.00
	1,300	- Overs (\$742.00)		
		Customer pre-press alterations		344.00
	50,000	Total Quantity Billed:		

Net Sales:				33,777.00
Invoice Total:				\$33,777.00
Less Payment(s) Received				\$-30,000.00
Amount Due:				\$3,777.00
				=====

Terms: 1/3 Adv, 1/3 Proof, Bal COD

SAVE
This Catalog
Our only 2004 edition.

WWW.ARENAROSE.COM
Call Toll-free 1.888.466.7434
Local (805) 22-ROSES

ARENAROSE

GARDEN LIVING CENTER

California's Finest Garden Roses... Available In
OVER 200 ROSES IN FULL COLOR 2004 EDITION

Visit our Garden Shop & Nursery In Paso Robles - see page 2.



Created especially for our customers.

GARDEN ORGANICS™

BY SYL ARENA ROSES

"We believe in growing roses naturally."

Our GARDEN ORGANICS™ line of products was created by Syl Arena with this philosophy in mind. Since the health of your garden begins with the health of your soil, our GARDEN ORGANICS™ line of fertilizers and soil amendments will help enhance the microbial population of your soil. GARDEN ORGANICS™ delivers plant nutrition in natural forms that will feed your soil as well as your plants.

GARDEN ORGANICS™ - GROWING THE WAY NATURE INTENDED™

1. GARDEN ORGANICS™ ORGANIC ROSE FERTILIZER 7-8-4 is a balanced formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your roses.

GORF05 Garden Organics™ Organic Rose Fertilizer 7-8-4, 5 lbs. \$6 [5 lbs]

GORF20 Garden Organics™ Organic Rose Fertilizer 7-8-4, 20 lbs. \$20 [22 lbs]

GORF50 Garden Organics™ Organic Rose Fertilizer 7-8-4, 50 lbs. \$40 [55 lbs]

2. GARDEN ORGANICS™ MICROBIAL PLANTING POWDER is a beneficial blend of soil microbes in a mix of kelp and alfalfa meal. It contains three strains of endo-mycorrhizal fungi that colonize rose roots and extend into the surrounding soil forming an essential link between the plant and the soil. It also contains Tricoderma fungi which have been shown to suppress root pathogens. Use 2 tablespoons per rose sprinkled in the hole as you are planting to inoculate the roots.

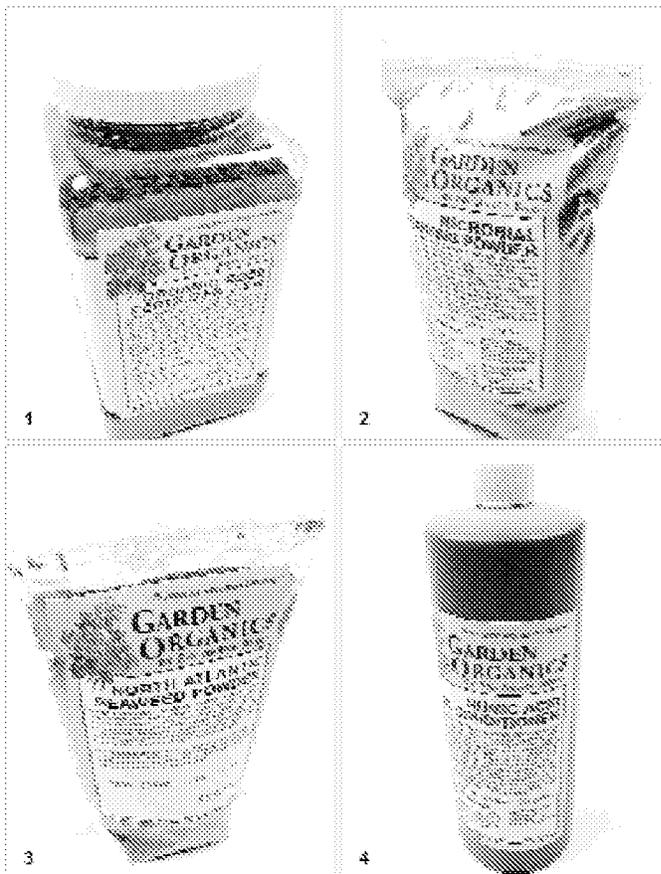
GOMP08 Garden Organics™ Microbial Planting Powder, .5 lb. ≈ 11 roses \$8 [1 lb]

GOMP08 Garden Organics™ Microbial Planting Powder, 1 lb. ≈ 22 roses \$14 [1.5 lbs]

3. GARDEN ORGANICS™ NORTH ATLANTIC SEAWEED POWDER is derived from fresh *Ascophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters off Nova Scotia, Canada. It is a natural storehouse of over 60 naturally occurring major and minor nutrients, carbohydrates, amino acids and plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance crop health, nutrition and quality. Use 1 tablespoon per gallon to soak bare roots or as a foliar.

GOSP08 Garden Organics™ Seaweed Powder 0.5 lb., makes ≈ 25 gals \$10 [1 lb]

GOSP16 Garden Organics™ Seaweed Powder 1 lb., makes ≈ 50 gals \$18 [1.5 lbs]



4. GARDEN ORGANICS™ HUMIC ACID SOIL CONDITIONER is a biologically enhanced product that contains humic substances and enzymes. These organic materials help build the soil profile, neutralize pH and increase the cation exchange capacity (CEC) of the soil. It also promotes soil aeration and water penetration by encouraging the flocculation of soil particles. Our Humic Acid may also be used as a fungal food in the brewing of compost tea. Mix 2 tablespoons per gallon.

GOHA1P Garden Organics™ Humic Acid Soil Conditioner, 1 qt. \$6 [1.5 lbs]

GOHA1Q Garden Organics™ Humic Acid Soil Conditioner, 1 qt. \$10 [2.5 lbs]

GOHA1G Garden Organics™ Humic Acid Soil Conditioner, 1 gal. \$30 [10 lbs]

ARENA ROSES™

GARDEN LIVING CENTER™

1041 Paso Robles Street
Paso Robles, California 93446

Visit our Garden Shop & Nursery
in Paso Robles -- see page 2.

You'll find hundreds of items not listed in this catalog -- including a wide selection of garden gifts, outdoor furniture and organics. We're half-way between Los Angeles and San Francisco on Highway 101 -- in the heart of the Central Coast wine region. Come for a visit. You'll discover great wine, delicious food, quaint lodging, antique shops, spas and more. See a list of our favorites on page 2.

Enjoy Paso Robles Wine & Roses!

Please deliver to:

PRSR STD
U.S. POSTAGE
PAID
SYL ARENA ROSES
LLC

Customer Number

State Code

Toll-free Tel: 1.888.466.7434 Local Tel: (805) 22-ROSES Internet: www.ArenaRoses.com

12/05/2003 16:42

8952990256

ACCURATE MAIL SERVICE

PAGE 01

United States Postal Service
Postage Statement — Standard Mail Letters and Flats
Permit Imprint

For letters subject to the nonmachinable surcharge and pieces subject to the residual shape surcharge, use Form 3602-RS.

MAILER INFORMATION

Permit Holder's Name and Address, and Small Address if Any Accurate Mailing Service PO Box 880 Paso Robles CA 93447-0880	Telephone 805-237-0140	Name and Address of Mailing Agent (If other than permit holder) Accurate Mailing Service PO Box 880 Paso Robles CA 93447-0880	Telephone	Name and Address of Individual or Organization for Which Mailing is Prepared (If other than permit holder) Arena Rose PO Box 3096 Paso Robles CA 93447-3096
CAPS Cust. Ref. ID _____	Dun & Bradstreet No. _____	Dun & Bradstreet No. _____	Dun & Bradstreet No. _____	Dun & Bradstreet No. _____

MAILING INFORMATION

Post Office of Mailing PASO ROBLES CA	Processing Category (DMM C050) <input type="checkbox"/> Letters <input checked="" type="checkbox"/> Flats <input type="checkbox"/> Automation Flats (DMM C020)	Mailing Date 12/08/2003	Federal Agency Cost Code	Statement Seq. No.	No. of Containers 1 st MM Trays 2 nd MM Trays 2 nd EMM Trays Total Ltr. Trays Flat Trays No. of Sacks
Permit No. 163		Weight of a Single Piece 0.2894 pounds		Total Pieces 19,555	N/A 334
For Mail Enclosed Within Another Class <input type="checkbox"/> Periodicals <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Media Mail <input type="checkbox"/> Parcel Post		If Sacked Based on <input type="checkbox"/> 125 Pcs <input checked="" type="checkbox"/> 15 Lbs. <input type="checkbox"/> Box		Total Weight 5659.2170	
For Automation Rate Pieces, Enter Date of Address Matching and Coding (DMM A950.3.0) 12/05/2003		For Enhanced Carrier Route Rate Pieces, Enter Date of Address Matching and Coding (DMM A950.3.0) 12/05/2003		For Enhanced Carrier Route Rate Pieces, Enter Date of Carrier Route Sequencing (DMM M050.4.0) 12/05/2003	

POSTAGE COMPUTATION (DMM P013)

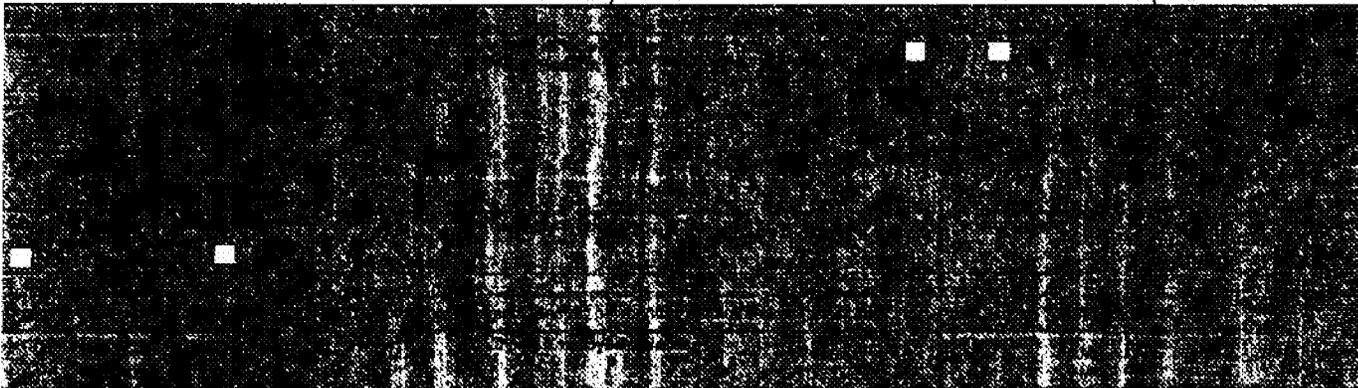
For Automation Letters and Flats (3.3 oz. or less)	Total From Part A (On reverse)	
For Presorted Letters and Flats (3.3 oz. or less)	Total From Part B (On reverse)	
For Enhanced Carrier Route Letters and Flats (3.3 oz. or less)	Total From Part C (On reverse)	
For All Letters and Flats More Than 3.3 oz.	Total From Part D (On reverse)	\$ 7,128.775
Postmaster: Report total postage in MIC 130.	Total Postage (Add lines above) →	\$ 7,128.78

CERTIFICATION

The mailer's signature certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent signs this form, the agent certifies that he or she is authorized to sign on behalf of the mailer, and that the mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the rates and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation.

I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.

Signature of Mailer or Agent	Name of Mailer or Agent	Telephone 805-237-0140
------------------------------	-------------------------	---------------------------



Accurate Mailing Service
PO Box 880
Paso Robles CA 93447-0880
805-237-0140 Fax 805-239-0256
Email: amsinfo@arrival.net

Invoice

DATE	INVOICE NO.
12/8/2003	5521

BILL TO
Syl Arena Roses LLC PO Box 3096 Paso Robles CA 93447-3096

P.O. NO.	TERMS	DUE DATE	PROJECT
	Due On Receipt	12/8/2003	Calatog 2004

DESCRIPTION	QTY	RATE	AMOUNT
NCOA Update - Address Update	19,963	0.00726	145.00
Label Printing - Direct Impression w/ address corrections and barcoding	19,555	0.03125	611.09
Sorting and bundling	19,555	0.0275	537.76

We appreciate your prompt payment

HIS BILL IS DUE AND PAYABLE ON PRESENTATION AND PAST DUE 30 DAYS THEREAFTER.
LATE CHARGE OF 1 1/2% PER MONTH

Total \$1,293.85

6. *All documents relating to or referring to any change or alteration in any "GARDEN ORGANICS" mark used or proposed or considered for use by You.*

RESPONDENT replies that he has not changed or altered the 'Garden Organics' mark since its first use in November, 2003 and, thereby, no such documents exist.

[Item 10] RESPONDENT is providing a copy of the Edmunds' Roses catalog for spring 2008. Respondent suggests that Petitioner compare the design of the 'Garden Organics' logo as presented on pages 22 and 45 of this catalog with the design of the 'Garden Organics' logo as presented on the back cover of the Arena Roses 2004 catalog (previously referenced herein as Item 3). Such a comparison demonstrates that the mark has not been changed or altered.

Spring 2008

\$3.00

Edmunds' roses

Your source for America's finest garden roses.

Only from Edmunds' in 2008 .

All-American Magic

Grow this magical grandiflora in your garden.
Details on page 5.

Toll-free 800.347.7609 • EdmundsRoses.com

Hybrid Teas and Grandifloras



MISTER LINCOLN

Hybrid Tea

For more than a generation this dark red rose is the one that was the yardstick that all new introductions would eventually be measured against. A tall, sturdy plant produces a myriad of double, perfumed deep crimson blooms that regularly appear on these tall, strong stems in dense and warm climates, and in more temperate climates, it certainly belongs in the top ten all-time favorites, particularly here in the U.S. Resistant to black spot.

Height: 5-7' Petals: 25
Flower Size: 4-5"
Fragrance: Very strong
Hybridizer: Swiss & Weeks, 1949
14.95 ea.
SAVE! 2 for 25.95 4 for 44.95
Item #23720

FRAGRANT

SUNSTRUCK

Hybrid Tea

REAL VAN WERKHOFF! Classically formed hybrid tea in various shades of gold and apricot with an unusual bright yellow/peacock fan pattern on the back of each petal. The substance is strong enough to make this rose an exhibitor's delight, but be sure to see them before they open too far as they will begin to fade in the heat. The plant is fibrous with lush, dark green, resistant foliage and its vigorous growth to be called a "hempster machine". Flowers can get as large as 6 inches across.

Height: 5-6' Petals: 25-30
Flower Size: 4-5"
Fragrance: Moderate, Fruity
Hybridizer: Canham, 2000
14.95 ea.
SAVE! 2 for 29.95 4 for 51.95
Item #23721



GARDEN ORGANICS®
Growing the way nature intended™

ROSE GRANOLA

ORGANIC FERTILIZER 7-8-4

For complete organic fertilizer that will help you grow all your roses, vegetables, fruit & more.

ROSE GRANOLA™

ORGANIC ROSE FERTILIZER

An Edmunds® Mailorder Exclusive

GARDEN ORGANICS® ROSE GRANOLA™ is a balanced organic formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic sawdust, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

Guaranteed Analysis 7-8-4 - 7% Nitrogen, 8% Phosphate, 4% Soluble Potash. Also contains 8% Calcium, 3% Humic Acid

5 lb. bag 12.95 ea.
Item #51100

20 lb. bag 39.95 ea.
Item #51101



Fragrant Plum

FRAGRANT

FRAGRANT PLUM Grandiflora

(VanAROpium) The name says it all: this rose is one fruity beauty. Bountiful, plum-colored blooms with darker, smoky edges and heady fragrance reward gardeners of this beautiful Grandiflora. The richly colored flowers, held high on long, clustered stems, are perfect for filling vases, and the lush, deep green, squeaky-clean foliage provides a great backdrop for them.

Height: 5-6' Petals: 20-25 Flower Size: 4-5"
Fragrance: Strong, Fruity
Hybridizer: Christensen, 1990

14.95 ea.
SAVE! 2 for 25.95 4 for 44.95
Item #23726

36" Twofers Tree Roses



ROSE GRANOLA ORGANIC FERTILIZER 7-8-4

As always, our organic fertilizer that will help you protect and feed your trees, shrubs, herbs & more.

ROSE GRANOLA™ ORGANIC FERTILIZER An Edmunds' Mailorder Exclusive

ROSE GRANOLA™ is a balanced organic formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

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5 lb. bag 12.95 ea.
Item #51100

20 lb. bag 39.95 ea.
Item #51101

TWOFRER TREE ROSES

Looking for a unique rose tree to use as La focal point in your garden? Look no further than our 36" Twofers™ Tree Roses. Rather than bud a single variety to the head, a combination of two contrasting varieties are grafted together. The result is a mixed bouquet on a single tree! The pairings are selected so that the different varieties are perfectly balanced in flower size, floriferousness, foliage and habit.

36" Twofers Roses **49.95 ea.**

Please see the general description for our tree roses on page 44 along with important information on shipping charges for our tree roses.

Julia Child & Ebb Tide™

Item #25993 (see pages 35 and 36)

Iceberg & Brilliant Pink Iceberg

Item #25995 (see page 34)

Living' Easy & Easy Going

Item #25994 (see page 33)

Iceberg & Burgundy Iceberg

Item #25992 (see page 34)



Julia Child & Ebb Tide



Iceberg & Brilliant Pink Iceberg

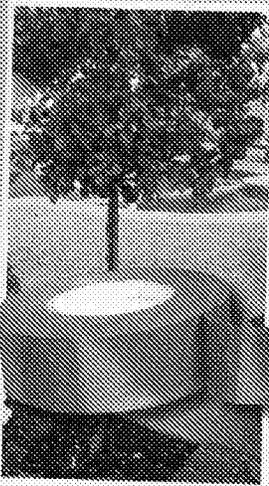


Living' Easy & Easy Going



Iceberg & Burgundy Iceberg

TREE ROSE SUPPORT



A 48 inch stake is the perfect size for our 36 inch tree roses. Powder coated with a permanent finish to prevent rust, peeling or flaking, these stakes will be a permanent support for your tree roses lasting for many, many years. Save time and money by buying the best tree support stakes on the market.

TREE SUPPORT KIT

Kit includes 1 Stake, 1 Green Garden Tape, 1 Package of 4 Foam Cushions.
2.95 Kit Item # 53300

48" STAKE

9.95 Ea. Item # 53301

GREEN GARDEN TAPE

1 roll will wrap 10 stakes.
2.95 Roll Item # 53302

FOAM CUSHIONS

1 package of 8.
2.95 Pkg. Item # 53303

ROSE RX

3 IN 1 CONCENTRATE

Two way triple action: Insecticide - Miticide - Fungicide/Kills eggs, larvae and adults! Prevents and controls blackspot, anthracnose, rust, scab, blights—stops powdery mildew in as little as 24 hours! Kills all life stages of aphids, mites, scale, whitefly, beetles, leafrollers—For use on roses and flowers as well as fruit, nuts, vegetables, herbs, spices, houseplants, trees and shrubs. May be used indoors. Easy on beneficial insects. An excellent choice for organic and IPM gardens. Contains 70% NEEM OIL, organic insecticide concentrate

Pint 15.95 ea. Item #89263

3 IN 1 READY TO USE

3 multi-purpose products in 1 - Fungicide + Miticide + Insecticide protection for roses, shrubs, houseplants, veggies, fruit, nuts...Kills eggs, larvae and adult stages of insects. Contains natural, botanical extract of neem .9%.

32 Fl. Oz. 9.95 ea. Item #85112



Order Toll Free: 1.800.374.7609 Customer Service: 1.888.481.7673

11. *All documents constituting, evidencing, or referring to meetings of those persons involved in the operation of Your business where Petitioner, Petitioner's goods or services, or Petitioner's trade name, service marks, or trademarks were addressed.*

RESPONDENT replies that Arena Roses was a small, family business that he operated with his wife. Subsequent to the closing of Arena Roses in May, 2006, he has continued to conduct his marketing of 'Garden Organics' products as a sole proprietor. He has no documents constituting, evidencing, or referring to meetings of those persons involved in the operation of his business where Petitioner, Petitioner's goods or services, or Petitioner's trade name, service marks, or trademarks were addressed.

13. *All documents evidencing, referring to, or relating to any mistake, deception, confusion, or uncertainty as to any affiliation, association, or relationship between Respondent and Petitioner or their respective trade names, service marks, trademarks, or their products, services, or commercial activities.*

RESPONDENT replies that he has no documents evidencing, referring to, or relating to any mistake, deception, confusion, or uncertainty as to any affiliation, association, or relationship between Respondent and Petitioner or their respective trade names, service marks, trademarks, or their products, services, or commercial activities – other than those already submitted in his responses to the Admissions, Interrogatories and this Request for Documents.

14. *All documents constituting, evidencing, or referring to Your proposed or actual long or short term business plans, including, but not limited to, documents constituting or referring to marketing plans, product or service line plans, expansion of product or service line plans, business operating plans, business forecasts, and financing plans.*

[Item 11] RESPONDENT is providing a copy of the January 23, 2007 email to Bill Mann at Star Roses which includes in part *“It occurred to me on the way home last night that there might be some money for both of us to make if Star were to market my line of Garden Organic® fertilizers... Norcal would be a good opportunity to test the waters for wider distribution in CA... Whole Foods would also be a perfect outlet for Rose Granola™ as well.”*

[Item 12] RESPONDENT is providing a copy of the January 23, 2007 email to Steve Bening which includes in part *“I’d like to get your thoughts on the market for organic fertilizers – particularly organic rose fertilizer – in the CA garden centers... Any thoughts that you might have on the potential or ways to market/distribute would be gratefully received.”*

[Item 13] RESPONDENT is providing a copy of the January 23, 2007 email from Steve Bening which includes in part *“I do have some ideas on this, as well as very good contacts (going up to ownership) with distribution companies.”*

[Item 14] RESPONDENT is providing a copy of the February 16, 2007 email from Steve Bening which includes in part *“Here are the products I think you should consider for possible distribution... Please send me a sample box, and at some point I will need to use the fertilizer on my roses, and have a few customers test it to get their feedback as well.”*

[Item 15] RESPONDENT is providing a copy of the February 17, 2007 email to Steve Bening which includes in part *“How many roses do you want to feed?... I’ll pick up enough 50 lb. bags to get you covered for the spring.”* Also attached to the email was a PDF of the info sheet for ‘Garden Organics’ products.

[Item 16] RESPONDENT is providing a copy of the February 17, 2007 email to Steve Bening which states *“Forgot to include the link to BioFlora / Global Organics. They are located in Goodyear, AZ. Not too far from the vicinity of all the Phx rose growers. My relationship with the company is through Mike Lindsey, their Director of Research & Product Development. I will talk to Mike next week and ask which of their products would easily slide into the list that you sent.”*

From: Syl Arena / SYLPPIX <syl@sylpix.com>
Subject: Syl checking in
Date: January 23, 2007 10:51:52 AM PST
To: Bill Mann <billm@starroses.com>
1 Attachment, 191 KB Save

Made it home shortly after midnight without any issues on the road. Thank you again for the dinner.

I've just emailed the list of AARS recipients to Carmen. I am faxing the paperwork to go with the orders right now.

I will start the imposter sheet next and get it over before noon.

Then I will clean the order form up and get it over.

If you have time today, give me a call to discuss my organic fertilizer program. It occurred to me on the way home last night that there might be some money for both of us to make if Star were to market my line of Garden Organics® fertilizers. The products were very popular with our customers -- especially the Rose Granola™. I have a @ on Garden Organics and have applied for the same on "Granola" in the fertilizer class. Norcal would be a good opportunity to test the waters for wider distribution in CA. If you're open to it, I could get you a couple of sample bags tomorrow for Norcal. Whole Foods would also be a perfect outlet for Rose Granola™ as well.

Here's a PDF of the label>



GARDEN ORGANICS®
Growing the way nature intended.™

ROSE GRANOLA™
ORGANIC FERTILIZER 7-8-4

An easy-to-use organic fertilizer that will help your garden soil feed your roses, vegetables, lawn & trees.

GARDEN ORGANICS™ ROSE GRANOLA™ is a balanced organic formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

DIRECTIONS FOR USE ON ROSES: Make your first application at winter pruning time and repeat every six weeks through mid-summer (mid-autumn in warm climates). Work into the soil and water thoroughly. For established rose bushes, apply 1 cup of granules around the base of each plant. Use at rate of ¼ to ½ cup for miniature roses. Apply at double rate for established climbers and very large shrub roses. Can be applied during planting - use half rate and mix thoroughly with soil in bottom of planting hole.

DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month.

Net Wt. [] 5 lbs. (about 13.5 cups)	[] 20 lbs. (about 54 cups)	[] 50 lbs. (about 135 cups)
---	--------------------------------	---------------------------------

Guaranteed Analysis	NUTRIENTS DERIVED FROM:
Total Nitrogen (N) 7.00%	Fish meal, crab meal, meal/bone meal, alfalfa meal, dry poultry waste, sulfate of potash and kelp (Ascochyllum nodosum).
0.85% Ammonia Nitrogen	
0.58% Nitrate Nitrogen	
2.58% Water Soluble Nitrogen	
3.21% Water Insoluble Nitrogen	
Available Phosphate (P ₂ O ₅) 8.00%	ALSO CONTAINS NON-PLANT FOOD INGREDIENT:
Soluble Potash (K ₂ O) 4.00%	3.00% Humic Acid
Calcium (Ca) 8.00%	derived from leonardite

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN

Developed by: SYL ARENA ROSES LLC
PO BOX 3519 - PASO ROBLES, CA 92447

FOR INFORMATION ON ORGANIC ROSE CARE
CALL TOLL-FREE: 1 800 486 1346 - WWW.ARENAROSES.COM



GARDEN ORGANICS®
Growing the way nature intended.™

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DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month.

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2.58% Water Soluble Nitrogen	
3.21% Water Insoluble Nitrogen	
Available Phosphate (P ₂ O ₅) 8.00%	ALSO CONTAINS NON-PLANT FOOD INGREDIENT:
Soluble Potash (K ₂ O) 4.00%	3.00% Humic Acid
Calcium (Ca) 8.00%	derived from leonardite

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PO BOX 3519 - PASO ROBLES, CA 92447

FOR INFORMATION ON ORGANIC ROSE CARE
CALL TOLL-FREE: 1 800 486 1346 - WWW.ARENAROSES.COM

From: Syl Arena / SYLPIX <syl@sylpix.com>
Subject: **Rose Granola™**
Date: January 23, 2007 11:00:49 AM PST
To: Steve Bening <stbj@mail.com>
1 Attachment, 191 KB Save

Steve:

Sometime when you have a few minutes, I'd like to get your thoughts on the market for organic fertilizers - particularly organic rose fertilizer - in the C/ garden centers.

For several years I repackaged bulk fertilizer down into consumer sized bags. The line sold quite successfully through our store and website. I have a federal registration ® on Garden Organics and have applied for the same on Rose Granola™.

I pitched the idea of having Star market the line to Bill. The response was very cool. Any thoughts that you might have on the potential or ways to market/distribute would be gratefully received.

Syl

PDF:



GARDEN ORGANICS®
Growing the way nature intended.™

ROSE GRANOLA™
ORGANIC FERTILIZER 7-8-4

An easy-to-use organic fertilizer that will help your garden soil feed your roses, vegetables, lawn & trees.

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DIRECTIONS FOR USE ON ROSES: Make your first application at winter pruning time and repeat every six weeks through mid-summer (mid-autumn in warm climates). Work into the soil and water thoroughly. For established rose bushes, apply 1 cup of granules around the base of each plant. Use at rate of ¼ to ½ cup for miniature roses. Apply at double rate for established climbers and very large shrub roses. Can be applied during planting - use half rate and mix thoroughly with soil in bottom of planting hole.

DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month.

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(about 13.5 cups) (about 54 cups) (about 135 cups)

Guaranteed Analysis

Total Nitrogen (N) 7.00%
0.65% Ammonia Nitrogen
0.56% Nitrate Nitrogen
2.58% Water Soluble Nitrogen
3.21% Water Insoluble Nitrogen
Available Phosphate (P₂O₅) 8.00%
Soluble Potash (K₂O) 4.00%
Calcium (Ca) 8.00%

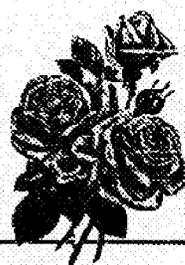
NUTRIENTS DERIVED FROM:

Fish meal, crab meal, meal/bone meal, alfalfa meal, dry poultry waste, sulfate of potash and kelp (Ascophyllum nodosum).

ALSO CONTAINS NON-PLANT

FOOD INGREDIENT:
3.00% Humic Acid derived from leonardite

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN



GARDEN ORGANICS®
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ORGANIC FERTILIZER 7-8-4

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DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month.

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NUTRIENTS DERIVED FROM:

Fish meal, crab meal, meal/bone meal, alfalfa meal, dry poultry waste, sulfate of potash and kelp (Ascophyllum nodosum).

ALSO CONTAINS NON-PLANT

FOOD INGREDIENT:
3.00% Humic Acid derived from leonardite

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN

Distributed by: SYL ARENA ROSES, LLC
PO BOX 2870 - PASO ROBLES, CA 93447

FOR INFORMATION ON ORGANIC ROSE CARE
CALL TOLL FREE 1-888-486-7434 - WWW.ARENAROSES.COM

Distributed by: SYL ARENA ROSES, LLC
PO BOX 2870 - PASO ROBLES, CA 93447

FOR INFORMATION ON ORGANIC ROSE CARE
CALL TOLL FREE 1-888-486-7434 - WWW.ARENAROSES.COM

From: "steve bening" <stlj@mail.com>
Subject: UmU6lFJvc2UgR3Jhbm9sYe+/vQ==
Date: January 23, 2007 2:18:32 PM PST
To: "Syl Arena / SYLPiX" <syl@syipix.com>

Syl,
I do have some ideas on this, as well as very good contacts (going up to ownership) with distribution companies.
I will be up at the Norcal Show Wed. and Thursday, so maybe we could talk on Friday. Give me a call.
Steve

P.S. I have not been able to open ANY of the attachments you have sent to me recently. I never have any trouble with attachments otherwise and would REALLY like to have what you send out.

----- Original Message -----
From: "Syl Arena / SYLPiX"
To: "Steve Bening"
Subject: Rose Granola
Date: Tue, 23 Jan 2007 11:00:49 -0800

Steve

Sometime when you have a few minutes, I'd like to get your thoughts on the market for organic fertilizers - particularly organic rose fertilizer - in the CA garden centers.

For several years I repackaged bulk fertilizer down into consumer sized bags. The line sold quite successfully through our store and website. I have a federal registration on Garden Organics and have applied for the same on Rose Granola.

I pitched the idea of having Star market the line to Bill. The response was very cool. Any thoughts that you might have on the potential or ways to market/distribute would be gratefully received.

Syl

PDF
<< Rose >>

Syl Arena

Syipix Creative
2070 Highway 46 West
Paso Robles, CA 93446

e: syl@syipix.com
o: 805 / 226-2794
m: 805 / 550-4514

www.syipix.com

Star Roses

From: "steve bening" <stlj@mail.com>
Subject: **Rose Granola**
Date: February 16, 2007 2:10:25 PM PST
To: "Syl Arena" <syl@sylpix.com>

Syl,
Here are the products I think you should consider for possible distribution.

- Rose (and flower) Granola
- All Purpose Granola
- Lawn Granola
- Fruit and Vegetable Granola
- Azalea, Camellia Granola
- Fruit and Vegetable Granola
- Starter Fertilizer Granola

All followed (as in your label) with ORGANIC FERTILIZER.

As per our conversation, I think the ingredient list (plus being homogenized) in Rose Granola has some excellent selling points, and probably will out perform the competition, IE Dr. Earth and Whitney Farms.
Please send me a sample box, and at some point I will need to use the fertilizer on my roses, and have a few customers test it to get their feedback as well.

With the right packaging and an aggressive distributor, I think this product line has potential.
Best regards,
Steve Bening

Star Roses

From: Syl Arena / SYLPIX <syl@sylpix.com>
Subject: **Re: Rose Granola**
Date: February 17, 2007 6:18:11 AM PST
To: steve bening <stlj@mail.com>
2 Attachments, 594 KB Save *

Steve:

How many roses do you want to feed? There's a distributor about 20 miles north of Cutler that used to stock the bulk mix. I expect to rendezvous with Bill towards the end of next week or the beginning of the week following. I'll pick up enough 50 lb. bags to get you covered for the spring.

Here's the PDF of the (old) Garden Organics labels >

GARDEN_OR...pdf (140 KB)

PDF of simple info sheet >



NORTH ATLANTIC SEAWEED EXTRACT

A natural storehouse of micronutrients, amino acids and growth promoting substances. Use as a soak for your bareroots before planting and as a foliar spray to increase vitality of plant foliage.

GARDEN ORGANICS™ SEAWEED EXTRACT is derived from fresh *Ascophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters of Nova Scotia, Canada. It is a natural storehouse of over 60 naturally occurring major and minor nutrients, carbohydrates, amino acids and naturally occurring plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance crop health, nutrition and quality.

DIRECTIONS FOR USE AS A PRE-PLANT SOAK: Mix 1 large scoop (= 1 tablespoon) of powder per gallon of water. Soak entire bareroot plant(s) in solution for 12 - 24 hours before planting. Then pour the soaking solution around the plant(s) after planting.

DIRECTIONS FOR USE AS A FOLIAR SPRAY: Mix 1 large scoop (= 1 tablespoon) of powder per gallon of water or 1 small scoop (= 1 teaspoon) per quart. Spray on foliage once or twice a month from pruning to end of summer.

One pound makes approximately 50 gallons of solution.

HUMIC ACID SOIL CONDITIONER

Helps open heavy soils, neutralize pH and increase the cation exchange capacity of soil. Promotes soil aeration and water penetration. Also used in brewing compost tea.

GARDEN ORGANICS™ HUMIC ACID SOIL CONDITIONER is a biologically enhanced product that contains humic substances and enzymes. These organic materials help build the soil profile, neutralize pH and increase the cation exchange capacity (CEC) of the soil. It also promotes soil aeration and water penetration by encouraging the flocculation of soil particles. Our Humic Acid may also be used as a fungal food in the brewing of compost tea.

DIRECTIONS FOR USE: For use as a soil drench mix 1 to 2 tablespoons (TBS) per gallon of water and apply liberally to the base of each plant at planting time. Thereafter, apply at the same rate twice yearly. For extremely poor soils, the rate may be increased up to 1 cup per gallon of water. For use in the brewing of compost tea, mix 1/4 cup (2 ounces) per 5 gallons of water.

One quart makes 32 gallons.

ALFALFA MEAL

Alfalfa Meal is a favorite of many rosarians. It's a good source of triconantal - a natural growth hormone that stimulates root growth.

ORGANIC ROSE FERTILIZER 7-8-4

An all-purpose organic fertilizer for your roses, vegetables, herbs, trees, lawn and everything else that grows in your garden.

GARDEN ORGANICS™ ORGANIC ROSE FERTILIZER is a balanced formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

DIRECTIONS FOR USE: For established rose bushes, apply 1 cup of granules around the base of each plant. Work into the soil and water thoroughly. Make your first application at winter pruning time and repeat once a month until early autumn. Use at rate of 1/2 to 1 cup for miniature roses. Apply at double rate for established climbers and very large shrub roses. For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month. Can be applied during planting - use half rate and mix thoroughly with soil in bottom of planting hole.

WATER-TITE™ ANTI-TRANSPIRANT

An organic anti-transpirant derived from pine resin that helps plants retain moisture in their canes and leaves. Greatly enhances plant survival during stressful growing conditions -- like dry winds during hot summers and cold winters. Very useful at planting time to help bareroot canes retain moisture before roots develop.

GARDEN ORGANICS™ WATER-TITE is an organic anti-transpirant that is derived from pine resin. It forms a microscopic polymer layer that keeps moisture inside of canes and leaves.

DIRECTIONS FOR USE: Mix this concentrate with water before application. For newly planted bareroots, mix 1 part Water-Tite to 5 parts water. For winter protection, mix 1 part Water-Tite to 10 parts water. For summer protection during excessively hot weather, mix 1 part Water-Tite to 20 parts water. Spray liberally on all canes and foliage - including the under side of the leaves. Mix only enough spray for immediate application. Clean your sprayer with hot water after application. Wash hands thoroughly.

MICROBIAL PLANTING POWDER™

Use at planting to inoculate roses and other plants with beneficial mycorrhizal fungi to form a symbiosis with the soil -- increases water and nutrient uptake.

GARDEN ORGANICS™ MICROBIAL PLANTING POWDER is a blend of 10 carefully selected species of beneficial soil microbes in a mix of kelp and alfalfa meal. It contains three species of endo-mycorrhizal fungi and five species of ecto-mycorrhizal fungi that colonize roots and extend into the surrounding soil forming an essential link between the plant and the soil. It also contains Trichoderma fungi which have been shown to suppress pathogens.

DIRECTIONS FOR USE: Apply at planting time. The goal is to create physical contact between the roots and the Microbial Planting Powder. Prepare your planting hole as normal. Then apply 1 scoop (= 2 tablespoons) of granules to

GARDEN ORGANICS™ ALFALFA MEAL is used widely by rose gardeners as a natural soil amendment. It contains tricondant – a natural growth hormone that stimulates root growth. We sell Alfalfa Meal rather than pellets because pellets are made by steaming the meal so that it can be compressed. We feel this leaches a bit of the goodness out.

DIRECTIONS FOR USE: Apply 1 to 2 cups around the base of each rose plant several times each season. Work into the soil and water thoroughly. Make alfalfa tea by steeping 1 pound in 5 gallons of water for 24 - 48 hours and then drenching the roots of your plants

the bottom of the hole and place your rose plant directly on top. The roots will become inoculated when they begin to grow through the Microbial Planting Powder.

One pound treats approximately 22 shrubs.

ACTIVE BIOLOGICAL INGREDIENTS:

Glomus intraradicis, *G. aggregatum*, *G. mosseae* @ 10,000 propagules/lb. *Rhizopogon violaceus*, *R. luteolus*, *R. amyloporus*, *R. fulvipes* @ 5 million total spores/lb. *Phaethotheca lactiflora* @ 50 million total spores/lb. *Trichoderma koningii* and *Trichoderma harzianum* @ 75 million CFU/lb.

I have a few 5 lb. bags that I'll send out on Monday so that you can see how we packaged the Rose Granola.

Syl Arena

Sylix Creative
2070 Highway 46 West
Paso Robles, CA 93446

e: syl@sylix.com
o: 805 / 226-2794
m: 805 / 550-4514

www.sylix.com

On Feb 16, 2007, at 2:10 PM, steve bening wrote:

Syl,

Here are the products I think you should consider for possible distribution.

- Rose (and flower) Granola
- All Purpose Granola
- Lawn Granola
- Fruit and Vegetable Granola
- Azalea, Camellia Granola
- Fruit and Vegetable Granola
- Starter Fertilizer Granola

All followed (as in your label) with ORGANIC FERTILIZER.

As per our conversation, I think the ingredient list (plus being homogenized) in Rose Granola has some excellent selling points, and probably will out perform the competition, IE Dr. Earth and Whitney Farms. Please send me a sample box, and at some point I will need to use the fertilizer on my roses, and have a few customers test it to get their feedback as well.

With the right packaging and an aggressive distributor, I think this product line has potential.

Best regards,
Steve Bening

Star Roses

From: Syl Arena / SYLPIX <syl@sylix.com>
Subject:
Date: February 17, 2007 6:24:57 AM PST
To: Steve Bening <stbj@mail.com>

Steve:

Forgot to include the link to [BioFlora / Global Organics](#). They are located in Goodyear, AZ. Not too far from the vicinity of all the Phx rose growers.

My relationship with the company is through Mike Lindsey, their Director of Research & Product Development.

I will talk to Mike next week and ask which of their products would easily slide into the list that you sent.

S.

Syl Arena

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19. *All agreements pursuant to which persons, companies, or other entities are allowed by You to use "GARDEN ORGANICS".*

RESPONDENT replies that he has not entered into agreements pursuant to which persons, companies, or other entities are allowed to use "GARDEN ORGANICS" – outside of the current marketing by Edmunds' Roses as described elsewhere in these responses.

21. *Your articles of incorporation, if any, and any amendments thereto, if any.*

RESPONDENT replies that he is not an incorporated entity. As evidenced on his application for the mark (item 4), the Respondent is an individual and the mark is his personal property.

22. *Representative samples of Your advertising, promotional, and marketing materials sufficient to show every manner in which You use “GARDEN ORGANICS” and any mark, name, or other term incorporating “GARDEN ORGANICS”, including, without limitation, catalogs, circulars, leaflets, direct mail pieces, brochures, videotapes, point of sale pieces, newspaper and magazine advertisements and articles, and any other materials used by You or on Your behalf bearing or identified by the marks.*

RESPONDENT has provided the following with this response:

[Item 3] Respondent has provided a copy of the Arena Roses 2004 catalog in his response to #3 above.

[Item 8] Respondent has provided a copy of the Edmunds’ Roses catalog for spring 2008 in his response to #6 above.

[Item 17] Respondent is providing a copy of Arena Roses mailorder catalog for spring 2005 – published November 2004 and refers Petitioner to page 56 for the reference to “Garden Organics’ products.

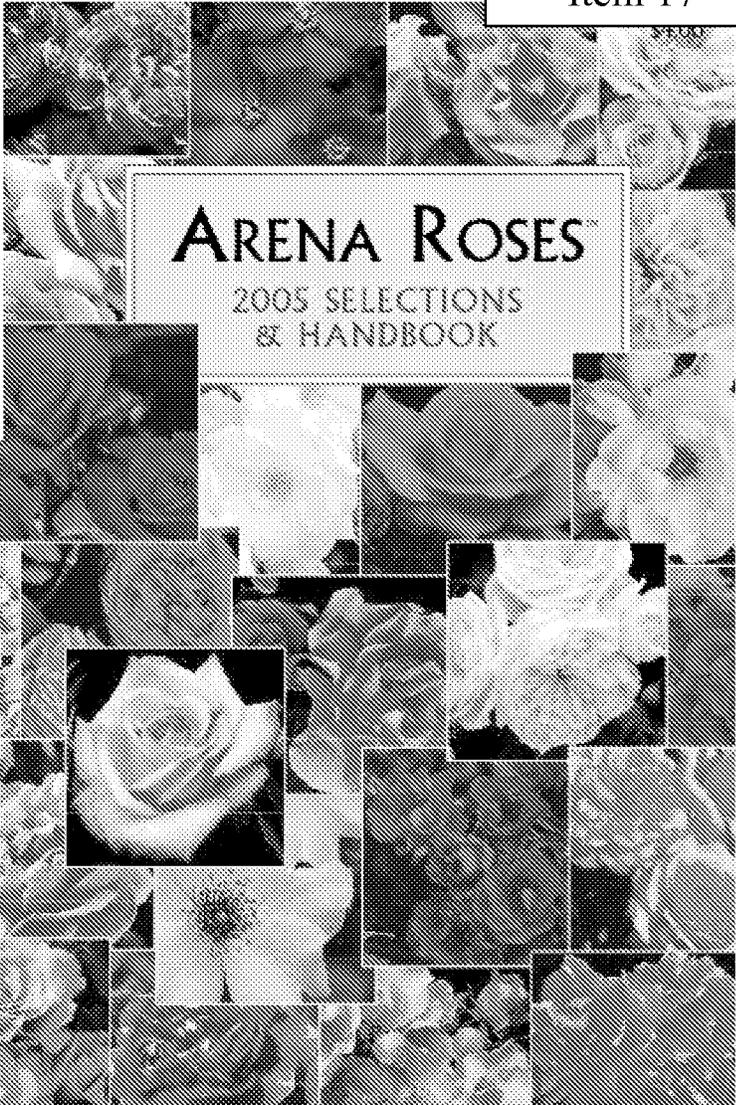
[Item 18] Respondent is providing a copy of the product sheet that was included with shipments of ‘Garden Organics’ products from Arena Roses

[Item 19] Respondent is providing copies of labels for various ‘Garden Organics’ products sold through Arena Roses

ARENA ROSES™
GARDEN LIVING CENTER™
1041 Paso Robles Street
Paso Robles, California 93446



Penny 1-800
U.S. POSTAGE
P A S T E
THE ARENA ROSES
2005



ARENA ROSES™
2005 SELECTIONS
& HANDBOOK

Toll-Free: 1.800.464.7434 Local: (805) 22-ROSES Internet: www.ArenaRoses.com





GARDEN ORGANICS™

"GROWING THE WAY NATURE CREATES"

Our Garden Organics™ line of products was created by Syd Arena with the philosophy of "growing the way nature intended". Since the health of your garden begins with the health of your soil, our Garden Organics™ line of fertilizers and soil amendments will help enhance the microbial population of your soil. Garden Organics™ delivers plant nutrition in natural forms that will feed your soil as well as your plants.

ORGANIC FERTILIZER 7-3-4 is a balanced formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic content, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your roses.

- Garden Organics™ Organic Fertilizer 7-3-4
- GORF05 - 5 lb. \$6 (1.0 ea)
- GORF20 - 20 lbs. \$20 (1.0 ea)
- GORF50 - 50 lbs. \$46 (1.0 ea)

MICROBIAL PLANTING POWDER is a beneficial blend of soil microbes in a mix of kelp and alfalfa meal. It contains three strains of aerobic mycorrhizal fungi that colonize rose roots and extend into the surrounding soil forming an essential link between the plant and the soil. It also contains *Trichoderma* fungi which have been shown to suppress root pathogens. Use 2 tablespoons per rose sprinkled in the hole on your rose planting to inoculate the roots.

- Garden Organics™ Microbial Planting Powder
- GOMP05 - 5 lb. x 12 roses \$6 (1.0)
- GOMP10 - 1 lb. x 22 roses \$14 (1.0 ea)

NORTH ATLANTIC SEAWEED POWDER is derived from fresh *Ascophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters off Nova Scotia, Canada. It is a natural storehouse of over 80 naturally occurring major and minor nutrients, carbohydrates, amino acids and plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance vigor and minor nutrients, carbohydrates, amino acids and plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance vigor, nutrition and quality. Use 1.5 lbs/lb; broadcast over garden to seed beds/benches, or use a foliar GOSP05 Garden Organics™ Seaweed Powder 1.5 lb., makes 4 25 gal. \$10 (1.0)

HUMIC ACID SOIL CONDITIONER is a biologically enhanced product that contains humic substances and enzymes. These organic materials help build the soil profile, neutralize pH and increase the cation exchange capacity (CEC) of the soil. It also promotes soil aeration and water penetration by encouraging the flocculation of soil particles. Our Humic Acid may also be used as a fungal food in the treating of compost tea. Mix 2 tablespoons (1 ounce) per gallon.

- Garden Organics™ Humic Acid Soil Conditioner, GORHAP - 1 qt. \$6 (1.0 ea)
- GORH10 - 1 qt. \$9 (1.0 ea)
- GORH40 - 1 gal. \$39 (1.0 ea)

ANTI-TRANSPARENT is used to keep the moisture inside the canopy of newly planted bareroots. This organic product is derived from pine tops. Mix with 10 parts of water before spraying. Days 10-30.

- Garden Organics™ Anti-Transparent
- GORAT05 - 15 oz. concentrate \$12 (1.0 ea)
- GORAT02 - 50 oz. concentrate \$26 (1.0 ea)

AL FAL FA MEAL. Alfalfa is used widely by rose gardeners as a natural fertilizer. It contains bromelain - a natural growth hormone that stimulates root growth. We use Alfalfa Meal rather than pellets because pellets are made by steaming the meal so that it can be compressed. We feel this loses a lot of the goodness out of the meal. Apply 1 - 2 cups per plant around the base several times each season.

- GORAL05 - 5 lb. bag \$6 (1.0 ea)

- GORAL20 - 20 lb. bag \$17 (1.0 ea)
- GORAL50 - 50 lb. bag \$34 (1.0 ea)

OTHER ORGANICS

NEPTUNE'S HARVEST LIQUID FISH & SEAWEED FERTILIZER 2-3-1 Our favorite foliar fertilizer. We spray our entire nursery with it on a regular basis. Neptune's Harvest Fish & Seaweed 2-3-1 is an all purpose organic fertilizer made from the byproduct of the fishing industry in New England. It is made by a unique cold process that protects the vitamins, amino acids, enzymes and nutrients. Unlike fish emulsions, Neptune's Harvest retains the fish proteins and oils and has no urea/ammonia odor. Mix 2 tablespoons per gallon of water. May be used as a soil drench or as a foliar spray every 2 to 3 weeks, 3 times.

- NHF018 Neptune's Fish - 16 oz. \$7 (1.0 ea)
- NHF015 Neptune's Fish - 1 gal. \$25 (1.0 ea)
- NHF032 Neptune's Fish - 32 oz. \$11 (1.0 ea)

SAFERGRO™ MILDREW CURE Natural Powdery Mildew Fungicide. Safergro™ Mildew Cure contains powdery mildew active ingredients on 30% concentrate oil, 20% neem oil and 20% garlic extract. Safergro™ Mildew Cure is organic and is exempt from EPA registration. Use 1.5 oz. of concentrate per gallon of water. Made in California.

- MSMG16 Safergro™ Mildew Cure - 16 oz. concentrate, makes 100 gallons \$8.80 (1.0 ea)
- GSMG02 Safergro™ Mildew Cure - 32 oz. concentrate, makes 21 gallons \$12 (1.0 ea)
- GSMG05 Safergro™ Mildew Cure - 32 oz. Ready-to-Use Sprayer \$7.50 (1.0 ea)

SAFERGRO™ PEST OIL Natural Insectic / Miticide. Pest Oil controls mites, thrips and aphids. Active ingredients are 40% cottonseed oil, 20% neem oil and 10% garlic extract. Pest Oil is considered to be organic and is exempt from EPA registration. Use 1.5 oz. of Pest Oil concentrate per gallon of water. Made in California.

- GSGO15 Pest Oil - 16 oz. concentrate, makes 100 gallons \$9 (1.0 ea)
- GSP010 Pest Oil - 32 oz. concentrate, makes

- 21 gallons \$16 (1.0 ea)
- GSGP016 Pest Oil - 32 oz. Ready-to-Use Sprayer \$8 (1.0 ea)

SLUGGOS Sluggo Soil Trol's Safe Around Pets Sluggo is an environmentally friendly bait that kills snails and slugs without fluorinating them and harming. Rather than use metaldehyde which can be harmful, Sluggo uses 1% iron phosphate which occurs naturally in soils. To use, simply sprinkle the granules around the base of each plant. Apply 1 lb. per 1000 sq. ft. or about a 1/2 inch teaspoon per square yard. Reapply every 2 weeks.

- SLUGG05 Sluggo - 2.5 lbs. granules \$16

ROSE DEFENSE™ Natural Fungicide / Insecticide / Miticide. Rose Defense™ controls blackspot, powdery mildew, rust, spider mites, aphids, scale, whiteflies and other pests on roses. The active ingredient is an extract of neem oil. Spray 2 tablespoons per gallon of water every 7 to 14 days.

- RDFD05 Rose Defense - 8 oz. concentrate, makes 8 gallons \$11 (1.0 ea)
- RDFD10 Rose Defense - 16 oz. concentrate, makes 16 gallons \$16 (1.0 ea)
- RDFD20 Rose Defense - 32 oz. Ready-to-Use Sprayer \$11 (1.0 ea)

SUNSPRAY ULTRA-FINE OIL Fungicidal Oil with Fungicidal Effects. Ultra-Fine is a horticultural spray of the finest and most management it controls aphids, leafhoppers, mites, sawfly larvae, scales, thrips, whiteflies and many other insects during the growing season and works as a dormant spray during the winter. Mix 5.0 to 7.5 oz. per gallon for foliar applications. Mix 5.0 to 7.5 oz. per gallon for dormant spraying. Contains 98.8% paraffin oil and a bit of emulsifier.

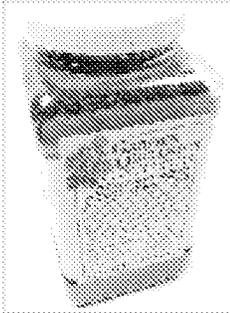
- SUF016 Ultra-Fine - 58 oz. concentrate, makes 2 to 60 gallons \$19 (1.0 ea)
- SUF020 Ultra-Fine - 32 oz. concentrate, makes 4 to 120 gallons \$15 (1.0 ea)

SAFER GARDEN FUNGICIDE For Powdery Mildew, Blackspot and Rust. Safer Garden Fungicide controls powdery mildew, black spot and rust. The active ingredient is 12% sulfur. Spray 2 - 4 oz. per gallon of water at 7 - 10 day intervals.

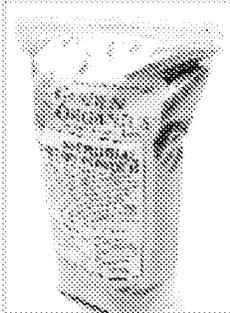
- SAGF16 Safer Garden Fungicide - 16 oz. concentrate, makes 4 to 6 gallons \$11 (1.0 ea)

WWW.ARENA.ROSES.COM
We stock a wide range of organic plant care products. Call or check the web.

TOOLS & SUPPLIES FOR ROSE LOVERS



G.O. Organic Fertilizer



G. O. Microbial Powder



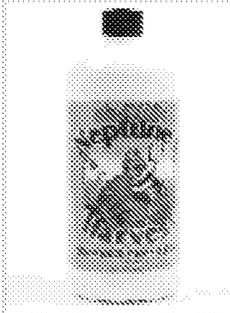
G.O. Seaweed Extract



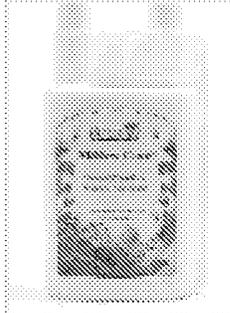
G.O. Humic Acid



G.O. Alfalfa Meal



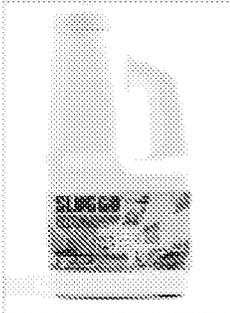
Neptune's Harvest



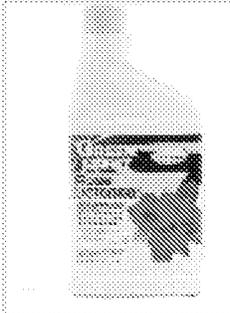
Mildew Cure



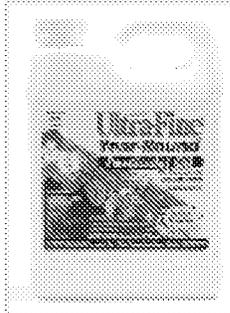
Pest Out



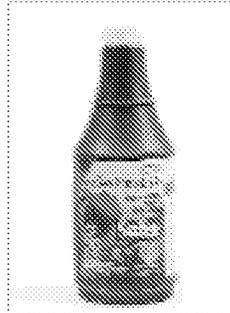
Sluggo



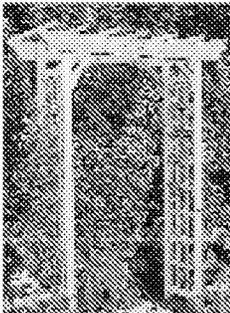
Rose Defense



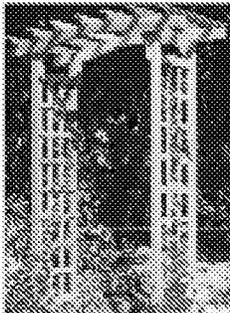
Ultra-Fine Oil



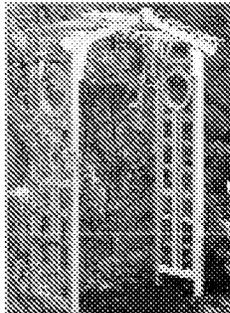
Safer Garden Fungicide



Roseadele Arbor



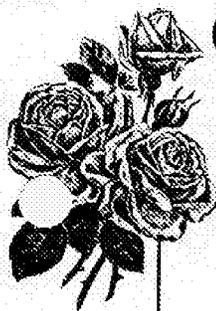
Astoria Arbor



Longevity Arbor



English Rose Arch



GARDEN ORGANICS™

Growing the way nature intended.™

Your Source: Arena Roses
Toll-free 1.888.466.7434
www.ArenaRoses.com

NORTH ATLANTIC SEAWEED EXTRACT

A natural storehouse of micronutrients, amino acids and growth promoting substances. Use as a soak for your bareroots before planting and as a foliar spray to increase vitality of plant foliage.

GARDEN ORGANICS™ SEAWEED EXTRACT is derived from fresh *Aspophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters of Nova Scotia, Canada. It is a natural storehouse of over 60 naturally occurring major and minor nutrients, carbohydrates, amino acids and naturally occurring plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance crop health, nutrition and quality.

DIRECTIONS FOR USE AS A PRE-PLANT SOAK: Mix 1 large scoop (= 1 tablespoon) of powder per gallon of water. Soak entire bareroot plant(s) in solution for 12 - 24 hours before planting. Then pour the soaking solution around the plant(s) after planting.

DIRECTIONS FOR USE AS A FOLIAR SPRAY: Mix 1 large scoop (= 1 tablespoon) of powder per gallon of water or 1 small scoop (= 1 teaspoon) per quart. Spray on foliage once or twice a month from pruning to end of summer.

One pound makes approximately 50 gallons of solution.

HUMIC ACID SOIL CONDITIONER

Helps open heavy soils, neutralize pH and increase the cation exchange capacity of soil. Promotes soil aeration and water penetration. Also used in brewing compost tea.

GARDEN ORGANICS™ HUMIC ACID SOIL CONDITIONER is a biologically enhanced product that contains humic substances and enzymes. These organic materials help build the soil profile, neutralize pH and increase the cation exchange capacity (CEC) of the soil. It also promotes soil aeration and water penetration by encouraging the flocculation of soil particles. Our Humic Acid may also be used as a fungal food in the brewing of compost tea.

DIRECTIONS FOR USE: For use as a soil drench mix 1 to 2 tablespoons (TBS) per gallon of water and apply liberally to the base of each plant at planting time. Thereafter, apply at the same rate twice yearly. For extremely poor soils, the rate may be increased up to 1 cup per gallon of water. For use in the brewing of compost tea, mix 1/4 cup (2 ounces) per 5 gallons of water.

One quart makes 32 gallons.

ALFALFA MEAL

Alfalfa Meal is a favorite of many rosarians. It's a good source of triconanol - a natural growth hormone that stimulates root growth.

GARDEN ORGANICS™ ALFALFA MEAL is used widely by rose gardeners as a natural soil amendment. It contains triconanol - a natural growth hormone that stimulates root growth. We sell Alfalfa Meal rather than pellets because pellets are made by steaming the meal so that it can be compressed. We feel this is a bit of the goodness out.

DIRECTIONS FOR USE: Apply 1 to 2 cups around the base of each rose plant several times each season. Work into the soil and water thoroughly. Make alfalfa tea by steeping 1 pound in 5 gallons of water for 24 - 48 hours and then drenching the roots of your plants.

ORGANIC ROSE FERTILIZER 7-8-4

An all-purpose organic fertilizer for your roses, vegetables, herbs, trees, lawn and everything else that grows in your garden.

GARDEN ORGANICS™ ORGANIC ROSE FERTILIZER is a balanced formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

DIRECTIONS FOR USE: For established rose bushes, apply 1 cup of granules around the base of each plant. Work into the soil and water thoroughly. Make your first application at winter pruning time and repeat once a month until early autumn. Use at rate of 1/2 to 3/4 cup for miniature roses. Apply at double rate for established climbers and very large shrub roses. For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month. Can be applied during planting - use half rate and mix thoroughly with soil in bottom of planting hole.

WATER-TITE™ ANTI-TRANSPIRANT

An organic anti-transpirant derived from pine resin that helps plants retain moisture in their canes and leaves. Greatly enhances plant survival during stressful growing conditions -- like dry winds during hot summers and cold winters. Very useful at planting time to help bareroot canes retain moisture before roots develop.

GARDEN ORGANICS™ WATER-TITE is an organic anti-transpirant that is derived from pine resin. It forms a microscopic polymer layer that keeps moisture inside of canes and leaves.

DIRECTIONS FOR USE: Mix this concentrate with water before application. For newly planted bareroots, mix 1 part Water-Tite to 5 parts water. For winter protection, mix 1 part Water-Tite to 10 parts water. For summer protection during excessively hot weather, mix 1 part Water-Tite to 20 parts water. Spray liberally on all canes and foliage - including the under side of the leaves. Mix only enough spray for immediate application. Clean your sprayer with hot water after application. Wash hands thoroughly.

MICROBIAL PLANTING POWDER™

Use at planting to inoculate roses and other plants with beneficial mycorrhizal fungi to form a symbiosis with the soil - increases water and nutrient uptake.

GARDEN ORGANICS™ MICROBIAL PLANTING POWDER is a blend of 10 carefully selected species of beneficial soil microbes in a mix of kelp and alfalfa meal. It contains three species of endo-mycorrhizal fungi and five species of ecto-mycorrhizal fungi that colonize roots and extend into the surrounding soil forming an essential link between the plant and the soil. It also contains *Tricoderma* fungi which have been shown to suppress pathogens.

DIRECTIONS FOR USE: Apply at planting time. The goal is to create physical contact between the roots and the Microbial Planting Powder. Prepare your planting hole as normal. Then apply 1 scoop (= 2 tablespoons) of granules to the bottom of the hole and place your rose plant directly on top. The roots will become inoculated when they begin to grow through the Microbial Planting Powder.

One pound treats approximately 22 shrubs.

ACTIVE BIOLOGICAL INGREDIENTS:

Glomus intraradices, G. aggregatum, G. mossea @ 10,000 propagules/lb. Rhizoglyphus villosus/lb, R. utecolus, R. amyloporus, R. fulvigleba @ 5 million total spores/lb. Pisolithus tinctorius @ 50 million total spores/lb. Tricoderma koningii and Tricoderma harzianum @ 75 million CFU/lb.



ROSE GRANOLA[™] ORGANIC FERTILIZER 7-8-4

An easy-to-use organic fertilizer that will help your garden soil feed your roses, vegetables, lawn & trees.

GARDEN ORGANICS[™] ROSE GRANOLA[™] is a balanced organic formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

DIRECTIONS FOR USE ON ROSES: Make your first application at winter pruning time and repeat every two weeks through mid-summer (mid-summer is soon obsolete). Work into the soil and water thoroughly. For established rose bushes, apply 1 cup of granules around the base of each plant. Use at rate of 2 to 3 cups for immature roses. Apply at double rate for unestablished climbers and very large shrub roses. Can be applied during planting - use half rate and mix thoroughly with soil in bottom of planting hole.

DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 linear feet of row twice monthly. For herbs and annual flowers apply 1 cup per 150 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. twice a month.

Net Wt. 5 lbs. 20 lbs. 50 lbs.
(about 13.5 cups) (about 50 cups) (about 135 cups)

Guaranteed Analysis

Total Nitrogen (N) 7.00%
0.80% Ammonia Nitrogen
0.50% Nitrate Nitrogen
5.70% Water Soluble Nitrogen
Available Phosphorus (P₂O₅) 4.00%
Soluble Potash (K₂O) 4.00%
Carbon (C) 1.00%

NUTRIENTS DERIVED FROM:
Fish meal, crab meal, mealbone meal, alfalfa meal, dry poultry manure, sulfate of potash and lime (potassium chloride)

ALSO CONTAINS NON-PLANT FOOD INGREDIENTS:
1.00% Humic Acid derived from seaweeds.

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN

Manufactured by: GIL, PHILIP ROSE LLC
P.O. Box 3637, Fresno, CA 93733

1-877-463-6373 ext. 1000
1-877-463-6373 ext. 1000
1-877-463-6373 ext. 1000



ROSE GRANOLA[™] ORGANIC FERTILIZER 7-8-4

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DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 linear feet of row twice monthly. For herbs and annual flowers apply 1 cup per 150 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. twice a month.

Net Wt. 5 lbs. 20 lbs. 50 lbs.
(about 13.5 cups) (about 50 cups) (about 135 cups)

Guaranteed Analysis

Total Nitrogen (N) 7.00%
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Available Phosphorus (P₂O₅) 4.00%
Soluble Potash (K₂O) 4.00%
Carbon (C) 1.00%

NUTRIENTS DERIVED FROM:
Fish meal, crab meal, mealbone meal, alfalfa meal, dry poultry manure, sulfate of potash and lime (potassium chloride)

ALSO CONTAINS NON-PLANT FOOD INGREDIENTS:
1.00% Humic Acid derived from seaweeds.

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN

Manufactured by: GIL, PHILIP ROSE LLC
P.O. Box 3637, Fresno, CA 93733

1-877-463-6373 ext. 1000
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GARDEN ORGANICS™
Growing the way nature intended.™

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GARDEN ORGANICS™ SEAWEED EXTRACT is derived from fresh *Ascophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters of Nova Scotia, Canada. It is a natural storehouse of over 80 naturally occurring major and minor nutrients, carbohydrates, amino acids and naturally occurring plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance crop health, nutrition and quality.

DIRECTIONS FOR USE AS A PRE-PLANT SOAK: Mix 1 tablespoon (1/2 ounce) of powder per gallon of water. Soak entire bareroot plants in solution for 12 - 24 hours before planting. Then pour the soaking solution around the plants after planting.

DIRECTIONS FOR USE AS A FOLIAR SPRAY: Mix 1 heaping teaspoon (1 1/2 tablespoons) of powder per gallon of water or 1 small scoop (1/2 tablespoon) per quart. Spray on foliage once or twice a month from planting to end of summer.

One pound makes approximately 50 gallons of solution.

Net Wt. [] 1/4 lb. [] 1 lb. [] 5 lbs.
KEEP VERY DRY • SEAL BAG TIGHTLY AFTER USE

DERIVED FROM: *Ascophyllum nodosum*

NON-TOXIC ORGANIC MATERIAL • KEEP AWAY FROM CHILDREN
NEAR TO DARK or MOIST SPOTS AFTER USE

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GARDEN ORGANICS™
Growing the way nature intended.™

NORTH ATLANTIC SEAWEED

A natural storehouse of micronutrients, amino acids and growth promoting substances. Use as a soak for your bareroots before planting and as a foliar spray to increase vitality of plant foliage.

GARDEN ORGANICS™ SEAWEED EXTRACT is derived from fresh *Ascophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters of Nova Scotia, Canada. It is a natural storehouse of over 80 naturally occurring major and minor nutrients, carbohydrates, amino acids and naturally occurring plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance crop health, nutrition and quality.

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GARDEN ORGANICS®
Growing the way nature intended.™

HUMIC ACID SOIL CONDITIONER

Helps open heavy soils, neutralize pH and increase the cation exchange capacity of soil. Promotes soil aeration and water penetration. Also used in brewing compost tea.

GARDEN ORGANICS™ HUMIC ACID SOIL CONDITIONER is a biologically orientated product that contains humic substances and enzymes. These organic molecules help build the soil profile, neutralize pH and increase the cation exchange capacity (CEC) of the soil. It also promotes soil aeration and water penetration by encouraging the flocculation of soil particles. Our Humic Acid may also be used as a fungal food in the brewing of compost tea.

DIRECTIONS PER USE: For use as a soil amendment mix 1 to 2 tablespoons (150g) per gallon of water and apply liberally to the base of each plant at planting time. Thereafter, apply at the same rate twice yearly. For extremely poor soils, the rate may be increased up to 1 cup per gallon of water. For use in the brewing of compost tea, mix 1/4 cup (2 ounces) per 5 gallons of water.

One quart makes 12 gallons.

Net Vol. 1 pint 1 quart 1 gallon

Guaranteed Analysis

Humic Acid	9.92%
------------	-------

NON-PLANT FOOD INGREDIENT:
8.50% Humic Acid (derived from humic acid)

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES or RESIST RUBBERS GLOVES - PHS # 87604 01/21/19642

Manufactured by: NPL ORGANIC PRODUCTS, L.L.C. 10011 17th Street, Lakewood, CO 80401
PO BOX 4076 • COLORADO SPRING, CO 80904



GARDEN ORGANICS®
Growing the way nature intended.™

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PO BOX 4076 • COLORADO SPRING, CO 80904



GARDEN ORGANICS™
Growing the way nature intended™

**WATER-TITE™
ANTI-TRANSPIRANT**

An organic anti-transpirant derived from pine resin that helps plants retain moisture in their canes and leaves. Greatly enhances plant survival during stressful growing conditions — like dry winds during hot summers and cold winters. Very useful at planting time to help bareroot canes retain moisture before roots develop.

GARDEN ORGANICS™ WATER-TITE is an organic anti-transpirant that is derived from pine resin. It forms a microscopic polymer layer that keeps moisture inside of canes and leaves.

DIRECTIONS FOR USE: Mix this concentrate with water before application. For newly planted bareroots, mix 1 part Water-Tite to 3 parts water. For winter protection, mix 1 part Water-Tite to 10 parts water. For summer protection during exceptionally hot weather, mix 1 part Water-Tite to 20 parts water. Spray liberally on all canes and foliage — including the under side of the leaves. Mix only enough spray for immediate application. Clean your sprayer with hot water after application. Wash hands thoroughly.

THIS IS A CONCENTRATE — SHAKE WELL THEN MIX WITH WATER BEFORE USE.

Net Vol. [] 1 pint [] 1 quart [] 1 gallon

INGREDIENTS: 100% of 4-o-Arthone, 51% Water Supplement

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES or RESIST HANDS AT DON USE - PHS 8780H 01213962

1-800-877-8777 FAX 800-877-8777
1-800-877-8777 FAX 800-877-8777



GARDEN ORGANICS™
Growing the way nature intended™

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ANTI-TRANSPIRANT**

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NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES or RESIST HANDS AT DON USE - PHS 8780H 01213962

1-800-877-8777 FAX 800-877-8777
1-800-877-8777 FAX 800-877-8777

Expires: Dec 31, 2006



GARDEN ORGANICS®

Growing the way nature intended.™

MICROBIAL PLANTING POWDER

Use at planting to inoculate roots and other plants with beneficial mycorrhizal fungi to form a symbiosis with the soil -- increase water and nutrient uptake.

GARDEN ORGANICS™ MICROBIAL PLANTING POWDER consists of 10 carefully selected species of beneficial soil microbes in a mix of help and really great. It contains three species of endo-mycorrhizal fungi and two species of ecto-mycorrhizal fungi that colonize roots and extend into the surrounding soil forming an essential link between the plant and the soil. It also contains Tricoderma fungi which have been shown to suppress pathogens.

DIRECTIONS FOR THE BEST RESULTS: The goal is to create physical contact between the roots and the Microbial Planting Powder. Prepare your planting hole as normal. Then apply 1 scoop (or 2 milligrams) of granules to the bottom of the hole and place your rose plant directly on top. The roots will become inoculated when they begin to grow through the Microbial Planting Powder.

One pound treats approximately 22 shrubs.

Net Wt. [] ¼ lb. [] 1 lb. [] 5 lbs.

ACTIVE BIOLOGICAL INGREDIENTS:
Glomus intraradices @ approximately 6 percent @ 10,000,000 spores/lb
Rhizoglyphus oligosporus @ 1 percent @ approximately 6 billion/lb
Fraxinus sporophora @ 1 percent @ 10 million spores/lb
Tricoderma reesei and Tricoderma harzianum @ 7% active CP-100.

NON-PLANT FOOD INGREDIENTS: Alfalfa Meal, Kelp Meal

**NON-TOXIC ORGANIC MATERIALS - KEEP AWAY FROM CHILDREN
WASH HANDS AFTER USE - STORE IN COOL & DARK PLACE**

Distributed by: THE GARDEN ORGANICS CO. P.O. BOX 10000 LAUREL, MD 20708
 1-800-877-7233 FAX: 410-279-7233 WWW.GARDENORGANICS.COM

Expires: Dec 31, 2006



GARDEN ORGANICS®

Growing the way nature intended.™

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**NON-TOXIC ORGANIC MATERIALS - KEEP AWAY FROM CHILDREN
WASH HANDS AFTER USE - STORE IN COOL & DARK PLACE**

Distributed by: THE GARDEN ORGANICS CO. P.O. BOX 10000 LAUREL, MD 20708
 1-800-877-7233 FAX: 410-279-7233 WWW.GARDENORGANICS.COM



GARDEN ORGANICS®
Growing the way nature intended.™

**EPSOM SALT
(MAGNESIUM SULFATE)**

Epsom Salt has long been used by top rose exhibitors to grow champion blooms.

GARDEN ORGANICS™ EPSOM SALT provides two important soil amendments -- magnesium and sulfur. Magnesium is the key of the chlorophyll molecule which is what makes plants green. Sulfur helps molecules absorb water and nutrients. Together they are like a hot glass of orange juice for your roses.

DIRECTIONS FOR USE: Apply 1/2 to 1 cup around the base of each established rose plant at planting time and again after the first flush of blooms. Work into the soil and water thoroughly. For cut-flowers and young plants, use 2 tablespoons to 1/8 cup per plant. For big shrubs and blooms, use 1 to 2 cups per plant.

Use as a supplement to regular fertilizer, not as a substitute.

Net Wt. [] 5 lbs. [] 20 lbs. [] 50 lbs.
(about 14.5 cups) (about 58 cups) (about 135 cups)

DERIVED FROM:
Magnesium sulfate.

**NON-TOXIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES & WASH HANDS AFTER USE**

Distributed by: WFL AGROFERTILIZERS, L.L.C. P.O. BOX 10000, TAMPA, FL 33610-0000
407-835-4000 1-800-368-3344 WWW.WFLAGROFERTILIZERS.COM



GARDEN ORGANICS®
Growing the way nature intended.™

**EPSOM SALT
(MAGNESIUM SULFATE)**

DERIVED FROM:
Magnesium sulfate.

**NON-TOXIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES & WASH HANDS AFTER USE**

Distributed by: WFL AGROFERTILIZERS, L.L.C. P.O. BOX 10000, TAMPA, FL 33610-0000
407-835-4000 1-800-368-3344 WWW.WFLAGROFERTILIZERS.COM



GARDEN ORGANICS™
Growing the way nature intended™

ALFALFA MEAL

Alfalfa Meal is a favorite of many rosarians. It's a good source of inositolol - a natural growth hormone that stimulates root growth.

GARDEN ORGANICS™ ALFALFA MEAL is used widely by rose gardeners as a natural soil amendment. It contains inositolol - a natural growth hormone that stimulates root growth. We sell Alfalfa Meal rather than pellets because pellets are made by compressing the meal so that it can be compressed. We feel this leaches a bit of the goodness out.

DIRECTIONS FOR USE: Apply 1 to 2 cups around the base of each rose plant several times each season. Work into the soil and water thoroughly. Make alfalfa tea by steeping 1 pound in 5 gallons of water for 24 - 48 hours and then drenching the roots of your plants.

Net Wt. 5 lbs. 20 lbs. 50 lbs.

DERIVED FROM:
Alfalfa meal

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES & WASH HANDS AFTER USE



GARDEN ORGANICS™
Growing the way nature intended™

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Net Wt. 5 lbs. 20 lbs. 50 lbs.

DERIVED FROM:
Alfalfa meal

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES & WASH HANDS AFTER USE



GARDEN ORGANICS™
Growing the way nature intended.™

ROSE MEAL
(ALFALFA + EPSOM SALT)

This special blend of alfalfa and epsom salt will help energize your roses.

GARDEN ORGANICS™ ROSE MEAL combines two secret weapons of the rose gardener – alfalfa and epsom salt. Alfalfa meal is an organic soil amendment that contains trehalose – a natural growth hormone that stimulates root growth. This epsom salt provides two important soil amendments – magnesium and sulfur. Magnesium is the hub of the chlorophyll molecule (which is what makes plants green). Sulfur helps metabolize essential amino acids. Together they are like a tall glass of orange juice for your roses.

DIRECTIONS FOR USE: Apply 1 to 2 cups around the base of each established rose plant at pruning time and again after the first flush of bloom. Work into the soil and water thoroughly. For new plants and young plants, use 1/4 to 1/2 cup per plant. For big climbers and shrubs, use 2 to 4 cups per plant.

Use as a supplement to regular fertilizer, not as a substitute.

Net Wt. 5 lbs. 20 lbs. 50 lbs.
(about 13.5 cups) (about 54 cups) (about 135 cups)

DERIVED FROM:
Alfalfa Meal and Magnesium sulfate.

NON-TOXIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES & WASH HANDS AFTER USE

Manufactured by GPO, 10000 Highway 111, P.O. Box 10000, Dallas, TX 75220
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GARDEN ORGANICS™
Growing the way nature intended.™

SOIL WONDER
(COMBINE FOR SOIL MICROBES)

This special blend of alfalfa, kelp meal, humic acid and mineralized compost.

GARDEN ORGANICS™ SOIL WONDER combines four of the most potent natural soil amendments – alfalfa meal, kelp meal, humic acid and mineralized compost – in a one convenient mix. When tilled into your garden soil, they will help stimulate soil microbes and restore the natural ecology of your soil.

DIRECTIONS FOR USE: Apply 1 to 2 cups around the base of each established rose plant at pruning time and again after the first flush of bloom. Work into the soil and water thoroughly. For new plants and young plants, use 1/4 to 1/2 cup per plant. For big climbers and shrubs, use 2 to 4 cups per plant.

Use as a supplement to regular fertilizer, not as a substitute.

Net Wt. 5 lbs. 20 lbs. 50 lbs.
(about 13.5 cups) (about 54 cups) (about 135 cups)

DERIVED FROM:
Alfalfa Meal, Kelp Meal (Ascophyllum nodosum), Humic Acid (L-extract) and Mineralized Compost.

NON-TOXIC MATERIAL - KEEP AWAY FROM CHILDREN
WEAR GLOVES & WASH HANDS AFTER USE

Manufactured by GPO, 10000 Highway 111, P.O. Box 10000, Dallas, TX 75220
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31. *Documents sufficient to show the identity of Your wholesale customers of each year for the last five years.*

RESPONDENT replies that he has provided these documents as part of his response to requests #22 above and #40 below. Namely, Arena Roses for 2003-2006 and Edmunds' Roses for 2007-present.

39. *All documents or contracts relating to the closing of operations of your former business conducted under the name "Arena Roses".*

RESPONDENT replies that he has previously acknowledged that Arena Roses ceased operations on or about May 31, 2006. There is no formal documentation that relates to the closing of the business. The landlord found a tenant (who wanted to expend his operation from next door). Respondent liquidated the inventory during the final weeks of operation. He vacated the premises and had the utilities turned off. It was not an elaborate affair.

[Item 22] Respondent is providing the mailer sent out in May, 2006 advertising the closing of the garden center.

HUGE ROSE SALE

LANDSCAPERS - This is your chance to stock up on great roses for your jobs this summer.

WINERIES - This is your chance to surround your tasting room or line your vineyard with beautiful roses.

3- and 5-gal. now just \$12

15-gal. Climbers (8' staked) now \$40

36" Tree Roses now \$25

Cascading Tree Roses

48" now \$30

60" now \$40

Thanks to our cool, wet spring these roses are just now coming into bloom. This is the best crop of roses we've ever had.

ARENA ROSES WILL CLOSE ITS GARDEN CENTER ON MAY 31ST. ARENAROSSES.COM WILL REMAIN OPEN.

LOVELY GARDEN ROSES AT WHOLESALE PRICES

100s of Varieties - Now Coming Into Bloom

Garden Roses 3- and 5-gal. • now \$12 (reg \$18-\$24)

Tree Roses 36" Staked • now \$25 (reg \$35)

Jumbo Climbers (staked to 8') • now \$40 (reg \$80)

COME IN SOON FOR BEST SELECTION!

ARENA ROSES®
GARDEN CENTER & GIFT SHOP

1041 PASO ROBLES ST.

PASO ROBLES, CA 93446

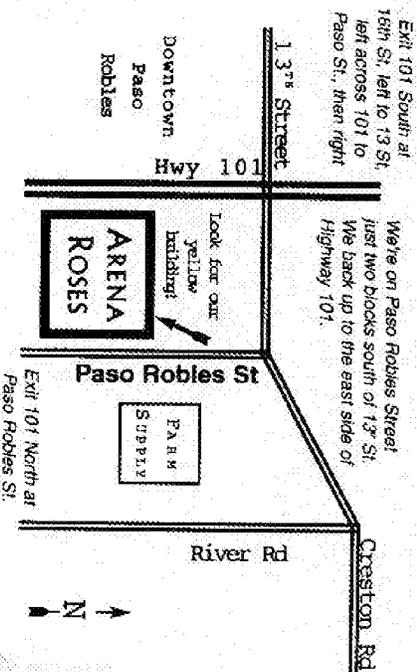
TOLL-FREE 1.888.466.7434

LOCAL: (805) 22-ROSES

OPEN: 9-5, MON-SAT

**ROSE LOVER'S YARD SALE
MEMORIAL DAY WEEKEND
SAT 27TH • SUN 28TH • MON 29TH
(SAT & MON 9-5, SUN 12-5)**

WE DON'T KNOW WHAT WE'LL HAVE LEFT - BUT ANYTHING WE DO WILL BE MARKED DOWN TO YARD SALE PRICES. WE'LL ALSO BE SELLING STORE FIXTURES, FURNITURE, USED TOOLS & MORE!



40. *All documents that relate to the manner in which You may present the name of your business, including all correspondence and contracts with Edmunds' Roses, 335 S. High Street, Randolph, WI 53956.*

RESPONDENT has provided the following with this response:

[Item 23] Respondent is providing a copy of the September 20, 2007 email to Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"A few years ago I developed an organic fertilizer line under the label Garden Organics® (which is now a federally registered trademark that I own)."*

[Item 24] Respondent is providing a copy of the September 20, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I love your Rose Granola idea. I wish I had known about it a week ago as I would have jumped at the idea..."*

[Item 25] Respondent is providing a copy of the September 24, 2007 email to Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I'd like to pitch my Rose Granola one last time..."*

[Item 26] Respondent is providing a copy of the September 24, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I talked to Dick about this and we think it will be fine to offer the Rose Granola in the catalog..."*

[Item 27] Respondent is providing a copy of the September 25, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"If this goes as well as I think it will, maybe we can consider offering it in 2009 as a bonus with the purchase of 12 roses..."*

[Item 28] Respondent is providing a copy of the November 5, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I was asked by our hard goods buyer for the pricing and shipping details on the Rose Granola. I tried to find it among the myriad email we had back and forth, but it's well hidden. Could you work directly with Tom McAnly on this?"*

[Item 29] Respondent is providing a copy of the November 26, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"Could you email our buyer, Tom McAnly, pricing information, etc. on the Rose Granola or give him a call? We'll have rose trucks coming in soon so would like to get some product lined up to include on one of them"*

[Item 30] Respondent is providing a copy of the November 26, 2007 email to Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"The pricing that I quoted her on Oct. 1 is..."*

[Item 31] Respondent is providing a copy of the November 26, 2007 email from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"Please send 96 – 5 pound bags on the Star Rose Truk..."*

[Item 32] Respondent is providing a copy of the January 9, 2008 email from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"Our roses from Star Roses are being picked up this week. Please send our Rose Granola with this shipment."*

[Item 33] Respondent is providing a copy of the January 22, 2008 mail from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"The star roses arrived today without the Rose Granola included with the shipment. Please let me know the status of our order."*

[Item 34] Respondent is providing a copy of the January 30, 2008 mail to Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part "*I apologize for missing the first truck. I confirmed with Star that the backordered portion of your rose order will ship next week. I will see that the Rose Granola is loaded onto that shipment.*"

[Item 35] Respondent is providing a copy of the February 12, 2008 invoice from Syl Arena to JW Jung Seed Co. for the shipment of 96 6lb. bags of Garden Organics® Rose Granola™.

[Item 36] Respondent is providing a copy of the March 5, 2008 mail from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part "*Please Ship 100 each 5 pound bags of Rose Granola Organic Fertilizer...*" Respondent wishes to confirm that this is the second order from Edmunds' Roses.

From: Syl Arena <syl@sylix.com>
 Subject: Rose Granola -- could be an Edmunds' mailorder exclusive
 Date: September 20, 2007 7:49:29 AM PDT
 To: Dotti Schultz <dotti@jungseed.com>
 2 Attachments, 372 KB Save

Dotti -

A few years ago, I developed an organic fertilizer line under the label Garden Organics® (which is now a federally registered trademark that I own).

The most popular product in the line was our Rose Granola™. I wish to propose that it be included in the Edmunds 2008 catalog (in addition to or instead of Espoma).

Rose Granola™ is a very complete organic fertilizer that also contains calcium (to facilitate nitrogen uptake) and humic acid (to feed soil microbes). You'll find the details on the attached PDF of the label.

Unlike most organic fertilizers, Rose Granola™ is a homogenized product. (It got its name because it looks like Grape Nuts cereal.) The benefit to the consumer is that there is very little dust and every scoop contains the same amount of nutrition.

If you are open to the idea of including Rose Granola™, we could present it as an Edmunds' mailorder exclusive.

In a PDF that I'll send in a few minutes, I've dropped Rose Granola™ into the spread where Espoma was to be, so that you could see how it would look in the catalog. Of course, I can pull it out in a few seconds and place Espoma if you are not interested.

Wholesale pricing would be in the range of \$3.75 per 5 lb. bag. We could load the product onto a truck bringing bareroots out of California so that there would not be much (if any) freight.

My long term goal is to find an East and a West coast distributor to take it to the independent garden center trade.

I can also express a bag out so that you can inspect it yourself.

I've also attached a PDF of the back cover of my 2004 catalog so that you can read about some of the other Garden Organics® products. But, Rose Granola™ (listed in 2004 by the boring moniker "Organic Rose Fertilizer") has always been the most successful item in the program.



GARDEN ORGANICS®
Growing the way nature intended.™

ROSE GRANOLA™
 ORGANIC FERTILIZER 7-8-4

An easy-to-use organic fertilizer that will help your garden soil feed your roses, vegetables, lawn & trees.

GARDEN ORGANICS™ ROSE GRANOLA™ is a balanced organic formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your plants.

DIRECTIONS FOR USE ON ROSES: Make your first application at winter pruning time and repeat every six weeks through mid-summer (mid-autumn in warm climates). Work into the soil and water thoroughly. For established rose bushes, apply 1 cup of granules around the base of each plant. Use at rate of 1/2 to 3/4 cup for miniature roses. Apply at double rate for established climbers and very large shrub roses. Can be applied during planting - use half rate and mix thoroughly with soil in bottom of planting hole.

DIRECTIONS FOR USE ON LAWNS, VEGETABLES & TREES: For vegetables, apply 1 cup to every 15 lineal feet of row twice monthly. For herbs and annual flowers apply 1 cup per 100 square feet twice monthly. For trees apply 1 cup per 1" of trunk diameter around the drip line every 2 months. For lawns apply 7 to 14 pounds per 1,000 sq. ft. once a month.

Net Wt. [] 5 lbs. [] 20 lbs. [] 50 lbs.
 (about 13.5 cups) (about 54 cups) (about 135 cups)

Guaranteed Analysis

Total Nitrogen (N)	7.00%
0.65% Ammonia Nitrogen	
0.56% Nitrate Nitrogen	
2.58% Water Soluble Nitrogen	
3.21% Water Insoluble Nitrogen	
Available Phosphate (P ₂ O ₅)	8.00%
Soluble Potash (K ₂ O)	4.00%
Calcium (Ca)	4.00%

NUTRIENTS DERIVED FROM:
Fish meal, crab meal, roast/bone meal, alfalfa meal, dry poultry waste, sulfate of potash and kelp (*Ascophyllum nodosum*).

ALSO CONTAINS NON-PLANT FOOD INGREDIENT:
3.00% Humic Acid derived from leonardite

NON-TOXIC ORGANIC MATERIAL - KEEP AWAY FROM CHILDREN

Form Generated from 07/02/00 09:05

9/26/07 7:18:33 AM



Created especially for our customers.

GARDEN ORGANICS®
BY SYL ARENA ROSES

"We believe in growing roses naturally."

Our GARDEN ORGANICS™ line of products was created by Syl Arena with this philosophy in mind. Since the health of your garden begins with the health of your soil, our GARDEN ORGANICS™ line of fertilizers and soil amendments will help enhance the microbial population of your soil. GARDEN ORGANICS™ delivers plant nutrition in natural forms that will feed your soil as well as your plants.

GARDEN ORGANICS™ - GROWING THE WAY NATURE INTENDED™

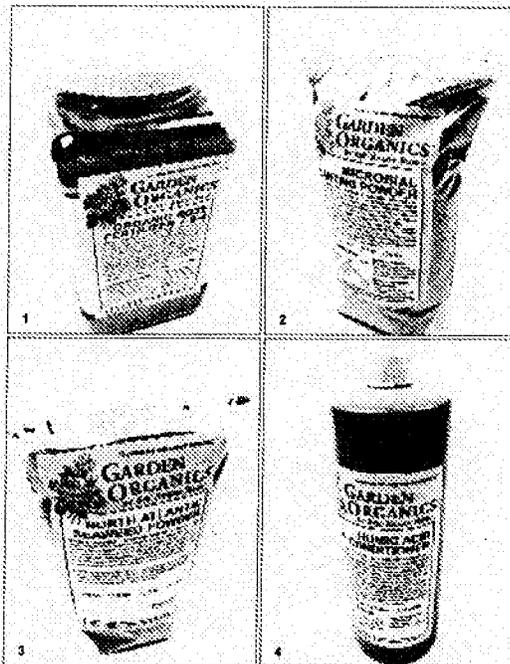
1. GARDEN ORGANICS™ ORGANIC ROSE FERTILIZER 7-8-4 is a balanced formula that is high in natural NPK (nitrogen, phosphorus and potassium) and secondary nutrients such as calcium and iron. It also contains many trace minerals and natural growth stimulants derived from organic seaweed, humic and fulvic acids, fish emulsions and other natural materials. The end result is an organic fertilizer that will help improve your soil's beneficial microbial population and enhance the growth of your roses.

- GORF05 Garden Organics™ Organic Rose Fertilizer 7-8-4, 5 lbs. \$6 (9 lbs)
- GORF20 Garden Organics™ Organic Rose Fertilizer 7-8-4, 20 lbs. \$20 (22 lbs)
- GORF50 Garden Organics™ Organic Rose Fertilizer 7-8-4, 50 lbs. \$48 (55 lbs)

2. GARDEN ORGANICS™ MICROBIAL PLANTING POWDER is a beneficial blend of soil microbes in a mix of kelp and alfalfa meal. It contains three strains of endomycorrhizal fungi that colonize rose roots and extend into the surrounding soil forming an essential link between the plant and the soil. It also contains Tricoderma fungi which have been shown to suppress root pathogens. Use 2 tablespoons per rose sprinkled in the hole as you are planting to inoculate the roots.

- GOMP08 Garden Organics™ Microbial Planting Powder, 5 lb. = 11 roses \$8 (11 lb)
- GOMP08 Garden Organics™ Microbial Planting Powder, 1 lb. = 22 roses \$14 (1.5 lbs)

3. GARDEN ORGANICS™ NORTH ATLANTIC SEAWEED POWDER is derived from fresh *Ascophyllum nodosum* marine plants harvested by hand from the North Atlantic coastal waters off Nova Scotia, Canada. It is a natural storehouse of over 80 naturally occurring major and minor nutrients, carbohydrates, amino acids and plant growth promoting substances (cytokinins, auxins, gibberellins) which enhance crop health, nutrition and quality. Use 1 tablespoon per gallon to soak bare roots or as a



4. GARDEN ORGANICS™ HUMIC ACID SOIL CONDITIONER is a biologically enhanced product that contains humic substances and enzymes. These organic materials help build the soil profile, neutralize pH and increase the cation exchange capacity (CEC) of the soil. It also promotes soil aeration and water penetration by encouraging the flocculation of soil particles. Our Humic Acid may also be used as a fungal food in the brewing of compost tea. Mix 2 tablespoons per gallon.

- GOHA1P Garden Organics™ Humic Acid Soil Conditioner, 1 pt \$6 (1.5 lbs)
- GOHA1Q Garden Organics™ Humic Acid Soil Conditioner, 1 qt \$18 (2.5 lbs)
- GOHA1G Garden Organics™ Humic Acid Soil Conditioner, 1 gal \$30 (10 lbs)

ARENA ROSES™
GARDEN LIVING CENTER™
1041 Paso Robles Street
Paso Robles, California 93446

PRRRT STD
U.S. POSTAGE
PAID

Please deliver to:

Visit our Garden Shop & Nursery
in Paso Robles - see page 2.

You'll find hundreds of items not listed in this catalog - including a wide selection of garden gifts, outdoor furniture and organics. We're halfway between Los Angeles and San Francisco on Highway 101 - in the heart of the Central Coast wine region. Come for a visit! You'll discover great wine, delicious food, quaint lodgings, antique shops, spas and

Customer Number

Store Code

more. See a list of our favorites on page 2.

Enjoy Paso Robles Wine & Roses!

Toll-free Tel: 1 888 466 7434 Local Tel: (805) 22-ROSES Internet: www.ArenaRoses.com

linked 3 4

9/26/07 7:17:29 AM

Syl Arena
Syl Arena Photography / Sulpix
2070 West Highway 46
Paso Robles, CA 93446

syl@sulpix.com
studio: 805 / 226-2794
mobile: 805 / 550-4514
www.sulpix.com

From: "Dotti Schultz" <dotti@jungseed.com>
 Subject: **Rose Granola**
 Date: September 20, 2007 9:53:05 AM PDT
 To: "Syl Arena" <syl@sylpix.com>
 1 Attachment, 2.9 MB Save ▾

I love your Rose Granola idea. I wish I had known about it a week ago as I would have jumped at the idea. As it is, just yesterday I sent off the order form where we endorse Mills Magic Rose Mix and BloomKote timed release fertilizer. I'm attaching a PDF with the copy and pictures we used. This also was rather last minute, but it was something the Edmunds catalog offered in the past and the Mills Magic Rose Mix is endorsed by the American Rose Society. For a detailed analysis of these products you can look at www.millsmix.com. We planned on having these products drop shipped for us. That way we avoid any state registration issues. It is also an organic product.

Your Rose Granola actually sounds better overall. I could probably still change the order form. Dick is out of the office this morning, but I'll discuss it with him when he gets back. Is the product readily available and does it have to be licensed in states where we sell it?

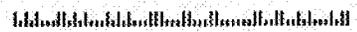
I've attached a PDF of the copy on the Mills Magic and BloomKote.

From _____



PLACE
STAMP
HERE


Edmunds roses
 335 S. High St.
 Randolph, WI 53956



BLOOMKOTE SLOW RELEASE FERTILIZER

Save time and money using this terrific encapsulated fertilizer, an analysis of 16-18-14 and fortified with micronutrients and iron. Mills Magic Rose Mix and BloomKote Slow Release Fertilizer make an unbeatable combination for rose growers. Mills Magic feeds the soil micro-organisms that make nutrients available to the roses and BloomKote controlled release fertilizer will provide a steady supply of these nutrients for three to four months. This is all you will need to grow healthy, prolific roses because they are fertilized every time you water. Shipped in a handy resealable tub.

4 lb. tub	\$21.99	Item #51130A
10 lb. tub	\$39.99	Item #51130B
20 lb. tub	\$69.99	Item #51130C



Edmunds roses
recommends this winning fertilizer combination for optimum performance from your roses.



MILLS MAGIC ROSE MIX
Natural Fertilizer for Roses!

After experimenting with several types of plant foods, the ingredients in Mills Magic Rose Mix are perfect for an all-natural formula to get the best growth from your roses. When planting new roses, thoroughly mix just one cup of Mills Magic Rose Mix with the planting soil. When the plant starts to break dormancy, another cup should be spread on top of the soil and lightly cultivated in. Another 2 to 3 cups may be applied midseason for show quality blooms. 5 lbs. will feed 6 to 7 roses. Available in handy resealable tubs or economical bags.

5 lb. tub	\$19.99	Item #51135A
10 lb. tub	\$34.99	Item #51135B
20 lb. bag	\$54.99	Item #51135C
4 lb. bag	\$19.99	Item #51136A
20 lb. bag	\$39.99	Item #51136B

From: Syl Arena <syl@syipix.com>
Subject: **Re: Rose Granola**
Date: September 24, 2007 9:32:20 AM PDT
To: Dotti Schultz <dotti@jungseed.com>

Dotti --

I know that time is very short and we have loads of other details to worry about. But, I'd like to pitch my Rose Granola one last time (especially since it's already sitting on a page).

If drop shipping makes a difference, we could handle that from here. We still have our Arena Roses shipping workstation and software here.

The price point would be comparable to the prices listed for Mills on the order form. We offer it in 5 lb. bags and 20 lb bags. I'll have a sample delivered to you tomorrow.

As I mentioned before, I'm looking to find wholesale distributors on the east and west coasts for sales to the independent garden center trade. So, we'll have to handle the licensing issue anyway.

Perhaps Mills could remain on the order form and Rose Granola could be in the catalog? I'm still willing to position Rose Granola as a mail order exclusive for the Edmunds' 2008 catalog.

As for availability, BioFlora makes several hundred tons of our source material each year for their commercial growers. We can buy it in on a year-around basis.

I know from three years in the market with it, that Rose Granola does wonders for roses.

I don't know much about the "sludge issue". But, I just noted that the Espoma copy from last year's catalog says "Does not contain sludge..." Again, the site for Mills Magic says that it contains "Activated Sludge."

One last thought is that the offering of both BloomKote / Mills Magic and Rose Granola would provide your customers with two options: a conventional and a truly organic approach to feeding their roses.

Please let me know if there is any additional information that I can provide in order to help you make this decision.

Syl Arena
Syl Arena Photography / Syipix
2070 West Highway 46
Paso Robles, CA 93446

syl@syipix.com
studio: 805 / 226-2794
mobile: 805 / 550-4514
www.syipix.com

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I've attached a PDF of the copy on the Mills Magic and BloomKote.

<EDM envelope.pdf>

From: "Dotti Schultz" <dotti@jungseed.com>
Subject: **RE: Rose Granola**
Date: September 24, 2007 9:49:33 AM PDT
To: "Syl Arena" <syl@sylpix.com>
Cc: "Tom McAnly" <tom@jungseed.com>

I talked to Dick about this and we think it will be fine to offer the Rose Granola in the catalog and the other 2 products on the envelope. We think the Rose Granola is an excellent idea and sounds like a better product. We'll be happy to sell it and thank you for offering it. We'll work out the details as to whether to have it drop shipped or sent from here, but if nothing prohibits us from shipping it from here, that's the way we'll go with it. Give us the details again on cost of 5# and 20# bags so we can figure in shipping costs (which probably costs more than the product.) We usually double the price and add an average cost for shipping the product if you would like to make suggested retails, please do so. The Mills Magic is priced very high - hopefully we can be a little more economical on the Rose Granola. There may be other areas in the catalog where you can pitch it also. I'm looking at the tree rose page right now and would just as soon not have to make an offer on tree roses. Maybe you can give it a spot there.

Also remember to watch for a space where the copy I wrote on Hardiness and Rootstock might fit. Perhaps page 47 where we have collections scheduled. I'll work on putting some offers together for page 47 this afternoon. You can include as many or as few as you want. Consider them space fillers. I'll also get going on Dick's letter on page 2. We can maybe reference the hardiness, rootstock thing next to the zone map. Did you decide whether the zone map is going on page 2 or on page 47?

-----Original Message-----

From: Syl Arena [mailto:syl@sylpix.com]
Sent: Monday, September 24, 2007 10:32 AM
To: Dotti Schultz
Subject: Re: Rose Granola

Dotti --

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Syl Arena
Syl Arena Photography / Sylpix
2070 West Highway 46
Paso Robles, CA 93446

syl@sylpix.com
studio: 805 / 226-2794
mobile: 805 / 550-4514
www.sylpix.com

From: "Dotti Schultz" <dotti@jungseed.com>
Subject: **Rose Granola**
Date: September 25, 2007 6:05:52 AM PDT
To: "Syl Arena" <syl@sylpix.com>
1 Attachment, 5.5 KB Save Slideshow

Something else for your "to do" list. We need costs on the 5# and 20# Rose Granola so we can figure retails.

If this goes as well as I think it will, maybe we can consider offering it in 2009 as a bonus with the purchase of 12 roses. This year we are going to go with the West County Gardeners Rose Gloves with the purchase of 12 roses. So these will come off the back cover and go in place of the Barnet pruner on page 2.

As for the back cover, I think the ARS winners would be good choices. That should keep Tom happy at Weeks and will balance things as we are giving front cover to Star and back cover to Weeks & JP. Since we are co-mailing our catalog with others to save postage, the address area has to be moved to the bottom of the back cover. If we need an item to go on the lower left hand corner of the back cover, we could consider the new long-handled bypass pruner from Fiskars. I wrote the copy - just waiting for the picture. Tom has been having trouble getting hold of the right person at Fiskars.

Dotti

JYU JUNG SEED CO
335 S High St
Randolph WI 53956
Phone: 920/326-3121, Ext. 4124
Fax: 920/326-5799

From: "Dotti Schultz" <dotti@jungseed.com>
Subject: **Rose Granola**
Date: November 5, 2007 7:30:58 AM PST
To: "Syl Arena" <syl@sylpix.com>
Cc: "Tom McAnly" <tom@jungseed.com>
1 Attachment, 5.5 KB Save Slideshow

Hi Syl,

I was asked by our hard goods buyer for the pricing and shipping details on the Rose Granola. I tried to find it among the myriad emails we had back and forth, but it's well hidden. Could you work directly with Tom McAnly on this? His email is tom@jungseed.com

Thanks! Hope all is going well for you. By the way, I was able to get some additional shots of Pink Double Knock Out from the Conard-Pyle office.

Dotti

J W JUNG SEED CO
535 S High St
Randolph WI 53956

Phone: 608/226-3121 Ext: 4124
Fax: 608/226-5769

From: "Dotti Schultz" <dotti@jungseed.com>
Subject: **Rose Granola**
Date: November 26, 2007 8:53:58 AM PST
To: "Syl Arena" <syl@sylix.com>
1 Attachment, 5.5 KB Save Slideshow

Hi Syl,
Hope you had a great Thanksgiving!

Could you email our buyer, Tom McAnly, pricing information, etc. on the Rose Granola or give him a call? We'll have rose trucks coming in soon so would like to get some product lined up to include on one of them.

His email address is tom@jungseed.com and the phone number is 1-800-247-5884, Ext. 4139.

Thanks!
Dotti

J W JUNG SEED CO
530 G High Ct
Randolph VA 23068

Phone: 820/328-3121, Ext. 4124
Fax: 820/328-6769

From: Syl Arena <syl@sylpix.com>
Subject: **Rose Granola pricing**
Date: November 26, 2007 8:04:40 AM PST
To: Tom McAnly <tom@jungseed.com>
Cc: Dotti Schultz <dotti@jungseed.com>

Tom --

Dotti has asked me to get in touch with you on an order for Rose Granola.

The pricing that I quoted to her on Oct. 1 is: 5# bag = \$3.50/ea., 20# bag = \$12.50/ea. (fob: Paso Robles or Wasco, CA)

It would be easiest for me to get this onto a truck originating at Star Roses. I'm at their offices in Cutler, CA about every ten days.

Let me know what you need for a starter order.

All the best. Syl

Syl Arena
Syl Arena Photography
2070 West Highway 48
Paso Robles, CA 93446

syl@sylarenaphoto.com
studio: 805 / 226-2794
cell: 805 / 550-4514
www.SylArenaPhoto.com

On Nov 26, 2007, at 6:53 AM, Dotti Schultz wrote:

Hi Syl,

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His email address is tom@jungseed.com and the phone number is 1-800-247-5864, Ext. 4139

Thanks!
Dotti

JUNJUNG SEED CO
330 E High St
Randolph VA 22890

Phone: 800/247-5864, Ext. 4139
Fax: 520/326-3793

From: "Tom McAnly" <tom@jungseed.com>
Subject: **RE: Rose Granola pricing**
Date: November 26, 2007 9:18:13 AM PST
To: "Syl Arena" <syl@sylpix.com>

Syl

Thanks for the information on the Rose Granola.

Please send 96 - 5 pound bags on the Star Rose Truck.

Please invoice J.W. Jung Seed Company, 335 South High Street, Randolph WI 53957

Thanks for your assistance.

Tom

From: Syl Arena [mailto:syl@sylpix.com]
Sent: Monday, November 26, 2007 10:05 AM
To: Tom McAnly
Cc: Dotti Schultz
Subject: Rose Granola pricing

Tom --

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syl@sylarenaphoto.com
studio: 805 / 226-2794
cell: 805 / 550-4514
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Thanks!

Dotti

J.W. JUNG SEED CO
335 S. High St
Randolph WI 53957

Phone: 202326-2121; Fax: 4124
Fax: 608709-3703

From: "Tom McAnly" <tom@jungseed.com>
Subject: **RE: Rose Granola**
Date: January 9, 2008 7:17:00 AM PST
To: <syl@sylpix.com>

Syl

Our roses from Star Roses are being picked up this week.

Please send our Rose Granola with this shipment.

Thanks

Tom McAnly

From: Tom McAnly [mailto:tom@jungseed.com]
Sent: Monday, November 26, 2007 11:18 AM
To: 'Syl Arena'
Subject: RE: Rose Granola pricing

Syl

Thanks for the information on the Rose Granola.

Please send 96 - 5 pound bags on the Star Rose Truck.

Please invoice J.W. Jung Seed Company, 335 South High Street, Randolph WI 53857

Thanks for your assistance.

Tom

From: Syl Arena [mailto:syl@sylpix.com]
Sent: Monday, November 26, 2007 10:05 AM
To: Tom McAnly
Cc: Dotti Schultz
Subject: Rose Granola pricing

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Syl Arena
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syl@sylarenaphoto.com
studio: 805 / 226-2794
cell: 805 / 550-4514
www.SylArenaPhoto.com

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His email address is tom@jungseed.com and the phone number is 1-800-247-5854, Ext. 4139.

Thanks!

Dotti

From: "Tom McAnly" <tom@jungseed.com>
Subject: **Rose Granola**
Date: January 22, 2008 1:09:45 PM PST
To: <syl@sylpix.com>

Syl,

The star roses arrived today without the Rose Granola included with the shipment.

Please let me know the status of our order.

Thanks

Tom McAnly

From: Syl Arena <syl@sylarenaphoto.com>
Subject: **Re: Rose Granola**
Date: January 30, 2008 12:14:37 PM PST
To: Tom McAnly <tom@jungseed.com>

Tom -- I apologize for missing the first truck. I confirmed with Star that the backordered portion of your rose order will ship next week. I will see that the 'Rose Granola' is loaded onto that shipment. All the best. Syl

Syl Arena
Syl Arena Photography
2070 West Highway 46
Paso Robles, CA 93446

syl@sylarenaphoto.com
studio: 805 / 226-2794
cell: 805 / 550-4514
www.SylArenaPhoto.com

On Jan 22, 2008, at 1:09 PM, Tom McAnly wrote:

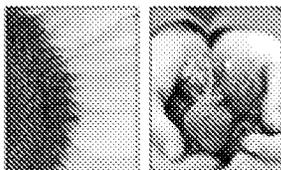
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Thanks

Tom McAnly



SYL ARENA PHOTO + DESIGN

2070 West Highway 46 • PASO ROBLES, CALIFORNIA 93446
STUDIO. 805 / 226-2794 • SYLARENAPHOTO.COM



INVOICE

No. JS-080212

Date: February 12, 2008

Client: JW Jung Seed Co. / Edmunds's Roses
335 South High Street
Randolph, WI 53956

Project: Garden Organics Fertilizer

Your PO: email - November 26, 2007

Item: 96 Rose Granola - 5 lb. bags / \$3.50 ea. \$336.00
delivered to Star Roses 1/31/08

Please Remit: **\$336.00**

Terms: upon presentation

Payable To: Syl Arena Photo+Design (FEIN: 20-5992628)

From: "Tom McAnly" <tom@jungseed.com>
Subject: **Rose Granola**
Date: March 5, 2008 8:32:14 AM PST
To: "Syl Arena" <syl@sylarenaphoto.com>

Syl

Please Ship 100 each 5 pound bags of Rose Granola Organic Fertilizer
as soon as possible.

Our Purchase Order Number is 71677.

Thanks

Tom McAnly
J.W. Jung Seed Company
335 South High Street
Randolph, WI 53957

920-326-3121 ext 4139
tom@jungseed.com

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing ANSWER TO PETITIONER'S FIRST SET OF INTERROGATORIES is being deposited with the United States Postal Service, first-class postage prepaid, in an envelope addressed to:

Don Thornburgh Law Corporation
Don Thornburgh, Esq.
466 Foothill Boulevard, Suite 220
La Cañada Flintridge, California 91011

Executed this 28th day of March, 2008, at Paso Robles, California.

A handwritten signature in black ink, appearing to read 'Sylvester Arena', followed by a horizontal line.

Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446

END OF EXHIBITS