

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

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

76.594,946

Golden Vision Flower, Inc.

Registrant.

NOTICE OF RELIANCE

To: Tal Benschar, Esq.
Kalow & Springut
488 Madison Avenue
New York, NY 10022
tbenschar@creativity-law.com

PLEASE TAKE NOTICE that Registrant, pursuant to TBMP § 704, hereby files and relies upon the following attached hereto:

1. Discovery deposition of Alejandro Bayona taken June 3, 2010. Exhibits 8 and 9 to deposition omitted due to designation by Petitioner that documents are trade secrets and highly confidential, respectively. Registrant is not certain which portions of such documents should be obscured for filing of redacted copies, but will do so upon instruction by Petitioner.
2. Registration and status of "Golden Vision Flower, Inc."
3. Petitioner's Answers to First Interrogatories and counsel's supplement thereto.
4. Petitioner's Response to Registrant's First Request for Admissions.



12-29-2011

5. Fictitious name registration for "Golden Flowers" filed with Florida Secretary of State April 6, 1998.
6. Fictitious name registration for "Golden Flowers" filed with Florida Secretary of State September 3, 1999.
7. Exhibits to discovery deposition of Shih Wen Huang.
8. Exhibits to discovery deposition of Shun Chi Huang.
9. Exhibits to discovery deposition of Li Ying Chuang.

Documents 7, 8, and 9 should be accepted under a notice of reliance as they are the exhibits to the discovery depositions of Registrant's officers and agents. Petitioner conducted these depositions and has offered them in this proceeding through its notice of reliance. However, Petitioner failed to attach the exhibits to the depositions and has only separately offered two exhibits to the Board. While Registrant does not want to needlessly submit numerous documents, all documents that were part of the depositions should be before the Board to form a complete record and to insure that the testimony relied upon by Petitioner is not misleading.

Pursuant to 37 CFR § 2.120(j)(3)(i), a discovery deposition may be made of record via a notice of reliance by filing the "deposition or any part thereof with any exhibit to the part that is filed." Petitioner has filed the entire depositions of Shih Wen Huang, Shun Chi Huang, and Li Ying Chuang. Consequently, the exhibits to those depositions must be part of the record as well. Based on Petitioner's failure to file all exhibits, those portions of the notice of reliance should be stricken or the exhibits accepted through Registrant's notice of reliance.

The exhibits should also be required in order to insure that the testimony given is neither misleading nor misconstrued. All three witnesses were questioned about the exhibits attached to their depositions and the transcripts reflect those questions and refer to the documents about which counsel inquires. Submitting deposition testimony that refers to documents without the documents attached potentially deprives the Board of the ability to fully comprehend the testimony and creates an avenue for misconstruction of the testimony. It should be further noted that the depositions were conducted in English and neither Shun Chi Huang nor Li Ying Chuang speak English. There was dispute about the accuracy of the translations of the questions and answers given at those depositions which provides an additional basis for the Board to be able to review the documents about which those deponents were questioned.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail on December 28, 2011 to Tal Benschar, 488 Madison Avenue, New York, NY 10022.


Jeffrey S. Dawson
Fla Bar No: 980366
P.O. Box 1111
Winter Haven, Florida 33882
863.293.9600 Telephone
jdawson@jdawsonlaw.com

DOCUMENT 1

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD</p> <p style="text-align: center;">Cancellation No. 92050966</p> <p>ATLAS FLOWERS, INC., d/b/a GOLDEN FLOWERS, Petitioner, vs. GOLDEN VISION FLOWER, INC., Registrant. -----/</p> <p style="text-align: center;">DEPOSITION OF ALEJANDRO BAYONA June 3, 2010 10:00 a.m. - 11:30 a.m.</p> <p style="text-align: center;">1021 Ives Dairy Road North Miami, Florida</p> <p>Reported By: Kathy Schwab, Court Reporter Notary Public, State of Florida Esquire Deposition Services, LLC N. Miami Office Job #168351 Phone - 800-224-1268 305-651-0706</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p>NAME OF WITNESS DIRECT CROSS REDIRECT RECROSS</p> <p>ALEJANDRO BAYONA</p> <p>(By Mr. Dawson) 4</p> <p style="text-align: center;">EXHIBITS</p> <p style="text-align: center;">PAGE</p> <p>No. 1 5</p> <p>No. 2 7</p> <p>No. 3 7</p> <p>No. 4 9</p> <p>No. 5 12</p> <p>No. 6 14</p> <p>No. 7 26</p> <p>No. 8 29</p> <p>No. 9 32</p> <p>No. 10 35</p> <p>No. 11 36</p> <p>No. 12 37</p> <p>No. 13 53</p> <p>No. 14 59</p> <p>No. 15 60</p>
<p style="text-align: center;">2</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 Appearing on behalf of the Petitioner:</p> <p>5 KALOW & SPRINGUT</p> <p>6 488 Madison Avenue</p> <p>7 New York, New York 10022</p> <p>8 BY: MILTON SPRINGUT, ESQ.</p> <p>9</p> <p>10 Appearing on behalf of the Registrant:</p> <p>11 JEFFREY DAWSON, P.A.</p> <p>12 56 4th Street N.W., Suite 100</p> <p>13 Winter Haven, Florida 33881</p> <p>14 BY: JEFFREY S. DAWSON, ESQ.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">4</p> <p>1 Thereupon:</p> <p>2 ALEJANDRO BAYONA</p> <p>3 A witness named in the notice heretofore filed,</p> <p>4 and being first duly sworn in the above cause,</p> <p>5 testified as follows:</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MR. DAWSON:</p> <p>8 Q Would you please state your full name?</p> <p>9 A Alejandro Bayona.</p> <p>10 Q And, Mr. Bayona, have you ever had your</p> <p>11 deposition taken before?</p> <p>12 A A deposition taken? No.</p> <p>13 Q Okay. I'm assuming that your counsel,</p> <p>14 Mr. Springut, has gone over with you kind of what's</p> <p>15 going to happen here today. I'm going to ask you</p> <p>16 questions. And, you know, we're seeking what we</p> <p>17 call discovery, so as we always instruct the</p> <p>18 witnesses, it's a natural inclination of ours to</p> <p>19 either shake our head or say uh-uh.</p> <p>20 A We have to speak out.</p> <p>21 Q Yes or no and verbalize your response</p> <p>22 because the court reporter is typing this. And</p> <p>23 usually, I'll remind you, but sometimes, I'll</p> <p>24 forget.</p> <p>25 A Okay.</p>



5	<p>1 MR. DAWSON: Hopefully, we can work</p> <p>2 together.</p> <p>3 I'm going to go ahead and have you mark</p> <p>4 this.</p> <p>5 (Document was marked as Exhibit No. 1.)</p> <p>6 BY MR. DAWSON:</p> <p>7 Q Mr. Bayona, if you would take what we have</p> <p>8 marked as Exhibit 1. That is our amended -- my</p> <p>9 client's Amended Notice of Taking Deposition. And I</p> <p>10 just want to ask you if you're here pursuant to that</p> <p>11 notice this morning.</p> <p>12 A Yes.</p> <p>13 Q Okay. I'm not going to waste a whole</p> <p>14 bunch of time with you on preliminary stuff, but I'd</p> <p>15 like to go through just your current employment.</p> <p>16 Who is your current employer?</p> <p>17 A Golden Flowers.</p> <p>18 Q Is it Golden Flowers or Atlas Flowers?</p> <p>19 A It's Atlas Flowers doing business as</p> <p>20 Golden Flowers.</p> <p>21 Q Okay. And is Atlas flowers a Florida</p> <p>22 corporation?</p> <p>23 A Yes.</p> <p>24 Q Okay. Do you happen to recall when they</p> <p>25 were incorporated here in Florida?</p>	7	<p>1 Q Okay. Who are the shareholders of Atlas</p> <p>2 Flowers?</p> <p>3 A I don't know.</p> <p>4 Q You don't know?</p> <p>5 A It's a corporation.</p> <p>6 Q And you don't know who the owners of the</p> <p>7 corporation are?</p> <p>8 A I don't know.</p> <p>9 Q Okay. And other than the Golden Flowers</p> <p>10 name, does Atlas Flowers do business under any other</p> <p>11 name?</p> <p>12 A Not to my knowledge.</p> <p>13 MR. DAWSON: Okay. I'm going to try to</p> <p>14 get through some of these exhibits pretty quick</p> <p>15 here for you.</p> <p>16 Obviously, your company has sued my</p> <p>17 client -- well, not sued them, but petitioned</p> <p>18 for their U.S. trademark to be canceled based</p> <p>19 on your company's alleged use of the name</p> <p>20 Golden Flowers. So what I'm going to have the</p> <p>21 court reporter mark now -- I'm going to have</p> <p>22 her mark a few here in a row.</p> <p>23 (Document was marked as Exhibit No. 2.)</p> <p>24 (Document was marked as Exhibit No. 3.)</p> <p>25</p>
6	<p>1 A Not sure. Between 1989 or '91. 1990,</p> <p>2 around.</p> <p>3 Q Okay. And you say they are doing business</p> <p>4 as Golden Flowers, correct?</p> <p>5 A Yes.</p> <p>6 Q Did they have a fictitious name registered</p> <p>7 in the name of Florida for Golden Flowers?</p> <p>8 A Fictitious name other than doing business</p> <p>9 as Golden Flowers?</p> <p>10 Q What we call, when someone's doing</p> <p>11 business as, the d/b/a, is called a fictitious name.</p> <p>12 A Other than doing business as Golden</p> <p>13 Flowers, no.</p> <p>14 Q No.</p> <p>15 Do you know if Golden Flowers is</p> <p>16 registered with the State of Florida as a fictitious</p> <p>17 name?</p> <p>18 A Yes.</p> <p>19 Q It is?</p> <p>20 A It is.</p> <p>21 Q Do you know when that was registered with</p> <p>22 the State of Florida?</p> <p>23 A I don't.</p> <p>24 Q Okay. Is that registration still valid?</p> <p>25 A Yes.</p>	8	<p>1 BY MR. DAWSON:</p> <p>2 Q Mr. Bayona, if you would, take a look at</p> <p>3 what we've marked as Exhibit 2 and tell me if you</p> <p>4 recognize what that is.</p> <p>5 A I think this is registration of some sort.</p> <p>6 You were talking about --</p> <p>7 Q You know, I'll make it a little clearer</p> <p>8 for you. This mark here, Golden Flowers, under the</p> <p>9 word "mark" on Exhibit 2, is that the one of the</p> <p>10 trademarks your company has sought registration for?</p> <p>11 A Yes.</p> <p>12 Q And if you'll take a look at Exhibit 3,</p> <p>13 also, under mark, there are the words Golden Flower</p> <p>14 along with a logo. Is that another one of the</p> <p>15 trademarks that your company has sought to register?</p> <p>16 A Yes.</p> <p>17 Q Okay. And do you know if it's on the</p> <p>18 basis of those registrations or those applications</p> <p>19 to register those marks that your company has</p> <p>20 petitioned for my client's mark to be canceled?</p> <p>21 A Yes.</p> <p>22 MR. DAWSON: Okay. Let me give you one</p> <p>23 more here and then I'm going to come back to</p> <p>24 those.</p> <p>25 Mark that four.</p>



9

1 (Document was marked as Exhibit No. 4.)
 2 BY MR. JAMES:
 3 Q I'm now going to give you what's been
 4 marked as Exhibit 4 and that appears to be an email
 5 from you to Laura Smith. Is that correct?
 6 A Yes.
 7 Q And who is Laura Smith?
 8 A Laura Smith is an attorney at Kalow,
 9 Springut, who was an attorney at a company --
 10 attorney firm that was doing the registration of our
 11 trademark.
 12 Q Okay. Mr. Springut's firm?
 13 A I understand. I don't know if the
 14 company's changed name. It's the same one.
 15 MR. SPRINGUT: (Nods head.)
 16 THE WITNESS: Yes.
 17 BY MR. DAWSON:
 18 Q Okay. And if you'll look at page two of
 19 Exhibit 4, that appears to be the logo and words
 20 that were on Exhibit 3, is that correct?
 21 A Yes.
 22 Q Okay. And tell me what the purpose of
 23 this email to Miss Smith was.
 24 A This email to Mrs. Smith was -- the
 25 intention was for us to update and register the

10

1 trademark in the trade mark application. What is
 2 it, the office of --
 3 Q The Patent and Trademark Office?
 4 A (Nods head.) We had our logo revised in
 5 2002 with a part of a marketing plan.
 6 Q Okay.
 7 A And the new logo was this and this was the
 8 presentation to the attorneys so we can proceed or
 9 for the advice and the registration pursuant that we
 10 had already trademark registered and ours -- to
 11 update the information of our mark. It was after
 12 the renewal of the image, refreshing of the image.
 13 Q Okay. So, you were sending this to
 14 Miss Smith to let her know that we've changed our
 15 logo, this is what it looks like now?
 16 A To inform her that we have a new logo,
 17 yes.
 18 Q Okay. Was she supposed to take any action
 19 based on your email?
 20 A This is in 2003. That email was to inform
 21 and we talk about it. I don't recall the details of
 22 the conversation. And about the process. I do
 23 recall that we felt protected with trademark
 24 application that was in place already.
 25 Q The existing registration?

11

1 A The existing registration, given that it
 2 included the name Golden Flowers and the only
 3 thing -- the change was the image.
 4 Q The design of the flower?
 5 A The design of the logo. But not the
 6 registration of Golden Flowers within the category
 7 of flowers. And we understood that it might lead
 8 to -- that might protect us from any inconveniences.
 9 Q Okay. It says in here, the last line of
 10 her email on Exhibit 4, it says -- or your email
 11 says, I will talk with Gabriel about your comments.
 12 Is Gabriel Mr. Bacera (phonetic), the
 13 president?
 14 A Yes.
 15 Q And what were her comments that you were
 16 supposed to talk to him about?
 17 A I can't recall right now.
 18 Q Okay. So, at the time of this email in
 19 2003, was there any discussion that you would need
 20 to file a new application to register the mark after
 21 your logo design changed?
 22 A Could you ask that again, please?
 23 Q Absolutely. At any time you don't
 24 understand.
 25 At the time of this email, February of

12

1 2003, what we've marked as Exhibit 4, was there any
 2 discussion that you would need to file a new
 3 application with the trademark office based on the
 4 design of your logo changing?
 5 A There was discussions that, again, we had
 6 a registered trademark that was to last for -- I
 7 think the period is six years, the registration,
 8 five or six years. And that we would update at the
 9 renewal date, which is how we came to the situation.
 10 MR. DAWSON: Okay.
 11 (Document was marked as Exhibit No. 5.)
 12 BY MR. DAWSON:
 13 Q Now, I've given you what we've marked as
 14 Exhibit 5. If you look at the mark on the middle of
 15 that page, is that the old design that you've been
 16 discussing?
 17 A Yes.
 18 Q Okay. And when did you stop using that
 19 trademark?
 20 A Late 2002.
 21 Q Okay. And why did you stop using it?
 22 A It was -- why? Part of a marketing plan.
 23 The marketing plan was designed to refresh even the
 24 image of the company and the by-products of the
 25 marketing plan was a new design for the company



13	15
<p>1 logo, an image, a brochure, and the strategy for</p> <p>2 marketing. With that on hand, we focus all our</p> <p>3 energy on pushing the new image, along with the</p> <p>4 consent of the marketing plan.</p> <p>5 The other part of the marketing plan was</p> <p>6 to brand the product, itself. This image was not on</p> <p>7 the sleeves of the product. It was on the boxes</p> <p>8 that carry the product. The new image was going to</p> <p>9 be everywhere.</p> <p>10 Q Okay. Let's back up. On.</p> <p>11 Exhibit 5, the old logo, that was only on</p> <p>12 the boxes that carried the flowers?</p> <p>13 A Mm-hm.</p> <p>14 Q Yes?</p> <p>15 A Yes.</p> <p>16 Q All right. And tell me what sorts of</p> <p>17 items were the things, other than flowers, that you</p> <p>18 sold under this old logo. Did you sell items other</p> <p>19 than flowers?</p> <p>20 A We just sell flowers.</p> <p>21 Q Okay. And what types of flowers were sold</p> <p>22 under the old logo shown on Exhibit 5?</p> <p>23 A Over 25 families of products. Basically,</p> <p>24 the same products we still carry.</p> <p>25 Q Okay.</p>	<p>1 A Yes.</p> <p>2 Q Okay. What type of flower is that?</p> <p>3 Let me ask you this. Is it an orchid or</p> <p>4 not?</p> <p>5 A It's not an orchid.</p> <p>6 Q And the next one, aster. Did you sell</p> <p>7 that under the old mark?</p> <p>8 A Yes.</p> <p>9 Q And have you continued selling that under</p> <p>10 the new marks?</p> <p>11 A Yes.</p> <p>12 Q And that's not an orchid either?</p> <p>13 A No.</p> <p>14 Q You know what? In order to save a little</p> <p>15 time, if you want to read through these and then I</p> <p>16 will ask you those same questions as to whether you</p> <p>17 sold those under the old mark and whether you're</p> <p>18 selling them under the new marks.</p> <p>19 A We sold under the old mark all of them.</p> <p>20 Q Have you sold all of them under the new</p> <p>21 mark?</p> <p>22 A Yes.</p> <p>23 Q Is that from the date that you first</p> <p>24 adopted the new mark?</p> <p>25 A Yes.</p>
14	16
<p>1 A Roses. If you want details, I don't have</p> <p>2 a list.</p> <p>3 Q I'm going to go through a list.</p> <p>4 A From roses, carnations, aster.</p> <p>5 MR. DAWSON: You know what? Why don't we</p> <p>6 do that right now. Probably make it easier.</p> <p>7 (Document was marked as Exhibit No. 6.)</p> <p>8 BY MR. JAMES:</p> <p>9 Q I'm showing you what's been marked as</p> <p>10 Exhibit 6. And this is a letter that my colleague</p> <p>11 received from Tal Benschar, who is with Mr.</p> <p>12 Springut's firm. And this was pursuant to our</p> <p>13 request for your company to further identify the</p> <p>14 types of flowers that were sold.</p> <p>15 So if you'll look at number two in this</p> <p>16 letter, says you have asked us to identify the types</p> <p>17 of fresh cut flowers sold by our clients. The types</p> <p>18 are as follows: alstroemeria (phonetic). You see</p> <p>19 that?</p> <p>20 A Yes.</p> <p>21 Q Did you sell that under the old mark that</p> <p>22 appears on Exhibit 5?</p> <p>23 A Yes.</p> <p>24 Q And have you sold that continuously under</p> <p>25 the new marks that we had on Exhibits 3 and 4?</p>	<p>1 Q Is there anything in here or is there</p> <p>2 anything not listed here that was sold under the old</p> <p>3 mark that you no longer sell under the new mark?</p> <p>4 A I don't know.</p> <p>5 Q Okay. Are any of these items orchids?</p> <p>6 A No.</p> <p>7 Q Okay. Do you sell any orchids at all?</p> <p>8 A Not currently.</p> <p>9 Q Did you sell any orchids under the old</p> <p>10 mark?</p> <p>11 A I don't know.</p> <p>12 Q Okay. Do you recall specifically that you</p> <p>13 did or you just don't recall at all?</p> <p>14 A I can say that during the time that I been</p> <p>15 working with the company, we haven't sold orchids.</p> <p>16 Q And when did you begin working there?</p> <p>17 A 1999.</p> <p>18 Q Okay. So, since 1999, the company's not</p> <p>19 sold any orchids?</p> <p>20 A Not to my knowledge.</p> <p>21 Q Okay. Let me go back quickly to 3 and 4</p> <p>22 here. Actually, I'm sorry. 2 and 3.</p> <p>23 Let's take a look at Exhibit 2 first. And</p> <p>24 can you tell me on Exhibit 2, the Golden Flowers</p> <p>25 mark, when you first began using that mark in</p>



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an Alexander Gallo Company

Toll Free: 800.211.3376
Facsimile: 305.493.3322

Building 3, Suite 214
1021 Ives Dairy Road
North Miami Beach, FL 33179
www.esquiresolutions.com

17

1 commerce?
 2 A In commerce?
 3 MR. SPRINGUT: You want him to tell you
 4 from reviewing the document or his own
 5 knowledge?
 6 MR. DAWSON: His own knowledge.
 7 MR. SPRINGUT: So you don't want him to
 8 look at Exhibit 2?
 9 MR. JAMES: Well, I know it's on there,
 10 but I understand he can read that.
 11 MR. SPRINGUT: Sure.
 12 THE WITNESS: Can you explain what you
 13 mean by "in commerce"?
 14 BY MR. DAWSON:
 15 Q In trade. When did you first start using
 16 that mark in trade?
 17 A Golden Flowers?
 18 Q Yes.
 19 A Since the inception of the company, it's
 20 been doing business as Golden Flowers.
 21 Q I mean, when you adopted these two, what
 22 we -- when we looked at Exhibit 2 and 3, when you
 23 first started using the new marks, do you recall
 24 when you first started using those in commerce, in
 25 trade?

18

1 A The new marks?
 2 Q Yes.
 3 A Late 2002.
 4 MR. SPRINGUT: Let me just object. I
 5 don't think the record's clear. I think you
 6 need to identify what you mean by "new marks"
 7 because the new marks are also the old marks,
 8 so unless you've got some specific definition
 9 of new mark, I think you're going to have a
 10 very unclear record.
 11 BY MR. DAWSON:
 12 Q Do you understand what I mean by the new
 13 marks on Exhibits 2 and 3?
 14 A These two are different.
 15 Q I understand that.
 16 A And they're not associated -- is this from
 17 the same registration?
 18 Q We've gone over -- these are the two
 19 new -- the two applications that were filed after
 20 your mark changed.
 21 A Okay.
 22 Q Do you understand that to be the case?
 23 A This, for sure.
 24 Q Okay.
 25 A This is for the used on the box.

19

1 Q Okay.
 2 A So you're asking me --
 3 Q If I refer to these as the new marks, will
 4 you understand that to be these two marks in
 5 Exhibits 2 and 3 versus the old logo after -- or
 6 before it changed?
 7 A Compared to this one?
 8 Q Yes. So if I refer to these as the new
 9 marks, Exhibits 2 and 3, will you understand that
 10 I'm referring to these two?
 11 A I understand Exhibit 2 and 3.
 12 MR. SPRINGUT: If you want to use it as
 13 your definition, that's fine. I'm going to
 14 object because I think it totally
 15 mischaracterizes, you know, what the witness'
 16 testimony is. As long as we're using your
 17 definition, he can use that.
 18 THE WITNESS: I can refer to 2 and 3.
 19 BY MR. DAWSON:
 20 Q I mean, I can keep going back and
 21 referring to the exhibit number if you like, but for
 22 convenience sake, if I say "new mark," I'm referring
 23 to --
 24 A This one.
 25 Q -- after you changed the design.

20

1 A Okay.
 2 MR. SPRINGUT: Again, my objection,
 3 because to the extent you're referring to
 4 Exhibits 2 and 3 as new mark, in fact, if you
 5 want, 2 and 3 are applications for registration
 6 of new marks.
 7 MR. DAWSON: I'm referring to what's
 8 reflected in Exhibits 2 and 3.
 9 MR. SPRINGUT: Again, my objection is
 10 there. You can define it any way you want. As
 11 long as we understand it's your definition, no
 12 problem.
 13 MR. DAWSON: That's fine. I understand
 14 what you're saying. I know where you're going.
 15 I'm not implying anything other than a point of
 16 reference for him.
 17 MR. SPRINGUT: Okay.
 18 BY MR. DAWSON:
 19 Q When you changed from your old design to
 20 your new design, then, I just want to be able to
 21 refer to that. If you want, new design, new mark.
 22 A Yeah, new design is fine.
 23 Q You'll know what I'm referring to?
 24 A Yes.
 25 Q That I'm referring to these marks



<p>21</p> <p>1 reflected in Exhibits 2 and 3.</p> <p>2 A Yes.</p> <p>3 Q And where I was going with this was, the</p> <p>4 new designs, how did you first begin using those in</p> <p>5 commerce?</p> <p>6 A We developed advertising.</p> <p>7 Q What type of advertising?</p> <p>8 A Trade magazine advertising, trade</p> <p>9 newspapers. We develop a new packaging.</p> <p>10 Q What type of packaging?</p> <p>11 A Boxes, sleeves, we develop point of</p> <p>12 purchase materials, banners, we develop promotional</p> <p>13 materials, t-shirts, pens, rulers, temperature</p> <p>14 recorders, watches, clocks. We did workshops,</p> <p>15 introduced and invited customers to introduce the</p> <p>16 new image.</p> <p>17 We developed marketing materials for our</p> <p>18 customers, using their image and our image along</p> <p>19 with it. And I'm referring to the new image. And</p> <p>20 that was -- it was -- once the marketing plan was</p> <p>21 defined and the new image was developed, we started</p> <p>22 using it as long as production started running.</p> <p>23 It was a phasing. The same product was</p> <p>24 carrying when sleeve -- before started carrying the</p> <p>25 Golden Flower sleeve, as it started to come out.</p>	<p>22</p> <p>1 Q So, as the new sleeves were produced, you</p> <p>2 would phase those in?</p> <p>3 A Mm-hm. And phasing took less than two</p> <p>4 months.</p> <p>5 Q Okay.</p> <p>6 A To have all the identity of the company</p> <p>7 throughout, all imaging in the company.</p> <p>8 Q Okay. Now, you say you advertised the new</p> <p>9 image in magazines?</p> <p>10 A Yes.</p> <p>11 Q What magazines did you advertise in?</p> <p>12 A Florist Review. I forget the name now.</p> <p>13 ASF Magazine is floral management. There's --</p> <p>14 basically, those two were the main trade magazines</p> <p>15 that we used.</p> <p>16 Q You mentioned trade newspapers, as well?</p> <p>17 A Yes. Floral News. Floral News.</p> <p>18 Q And you also said point of purchase</p> <p>19 materials. What are those?</p> <p>20 A Yes. We did banners, small flyers for the</p> <p>21 wholesalers. When I say point of purchase, I refer</p> <p>22 to wholesalers whereas people go and buy our flowers</p> <p>23 so they could have flyers with our image.</p> <p>24 Q Probably a good point to actually go into</p> <p>25 that. Who are your customers?</p>	<p>23</p> <p>1 A Our customers are wholesalers across the</p> <p>2 United States and Canada. Fresh cut flower</p> <p>3 wholesalers. Floral wholesalers across the United</p> <p>4 States and Canada and retailers, retail outlets,</p> <p>5 like supermarkets and e-commerce companies, like the</p> <p>6 likes of pro flowers dot com.</p> <p>7 Q Okay. So the point of purchase material,</p> <p>8 those would be at a wholesaler's facility?</p> <p>9 A (Nods head.)</p> <p>10 Q And what type of facility would that be?</p> <p>11 A A building.</p> <p>12 Q Is it a distribution center?</p> <p>13 A A wholesaler house. The distribution?</p> <p>14 Could you please --</p> <p>15 Q What I'm wondering is, a wholesaler -- I'm</p> <p>16 trying to figure out what your wholesaler's business</p> <p>17 platform is. Is it a place where the public would</p> <p>18 come and buy from that wholesaler?</p> <p>19 A Yes.</p> <p>20 Q Does the wholesaler also distribute your</p> <p>21 products to flower shops, supermarkets, things of</p> <p>22 that sort, as you mentioned?</p> <p>23 A Yes.</p> <p>24 Q Okay. And for these wholesalers, or</p> <p>25 actually, strike that.</p>	<p>24</p> <p>1 For your products, who is the ultimate end</p> <p>2 user of your product?</p> <p>3 A Ultimate end user? Of flesh cut flowers?</p> <p>4 Q Correct. The ones that you sell.</p> <p>5 A The reason I'm confused a little bit is,</p> <p>6 ultimate user is the common public that buys flowers</p> <p>7 either at a florist or retail shop. I sell to the</p> <p>8 chain that help us distribute.</p> <p>9 We are importers and distributors. We</p> <p>10 grow the product in Colombia and import. We don't</p> <p>11 sell to the individuals. But we sell to wholesalers</p> <p>12 who then sell to wedding designers, florist shops,</p> <p>13 retail shops, like supermarkets, small supermarket</p> <p>14 chains. We sell to e-commerce shops that then sell</p> <p>15 to individuals.</p> <p>16 So the final user is individual who is</p> <p>17 taking flowers and giving them to their wife or</p> <p>18 spouse or significant other, for a sick person and</p> <p>19 they are using the flowers at their houses and</p> <p>20 homes.</p> <p>21 Q Okay. At the point that that end user, as</p> <p>22 I called it, buys those flowers, does it still have</p> <p>23 your flower sleeve around the flowers?</p> <p>24 A Not necessarily.</p> <p>25 Q Okay. Does it necessarily ever have the</p>
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25

1 flower sleeve around those flowers?
 2 A Again?
 3 Q You said "not necessarily."
 4 A Mm-hm.
 5 Q Do you know that it ever still has that
 6 flower sleeve around your flowers when the consumer
 7 buys them?
 8 A Retail, there's the possibility when
 9 supermarket carries, they can be -- they still carry
 10 sleeves. Not necessarily our sleeve, but sleeves
 11 produced by us.
 12 Q Okay. Do you know that in any instance,
 13 when that ultimate end user buys those flowers sold
 14 by you, that your sleeve with your new image on it
 15 is still around those flowers?
 16 A I wouldn't be able to tell right now.
 17 Q Okay. How about the box that you ship the
 18 flowers in, when that end user buys those flowers,
 19 do you know of any instance when that box still
 20 houses the flowers?
 21 A No.
 22 Q Okay. So let me be sure. You don't sell
 23 ever directly to the end user, individuals?
 24 A No.
 25 Q And your flowers, you said, are grown in

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1 Colombia and imported into the United States?
 2 A Yes.
 3 MR. DAWSON: Seven.
 4 (Document was marked as Exhibit No. 7.)
 5 BY MR. DAWSON:
 6 Q Mr. Bayona, what was marked as Exhibit 7
 7 is a letter dated April 3rd, 2009. And that is from
 8 your Counsel's firm to my client. And if you would
 9 like to read it, feel free. But I will tell you it
 10 is a letter alleging that my client has infringed
 11 your company's trademark and common law trademark
 12 rights.
 13 And if you would, take a look at that and
 14 let me know if that's what you understand that
 15 letter to be, as well.
 16 A Yes.
 17 Q Was this letter sent at your direction to
 18 my client?
 19 A Yes.
 20 Q Okay. Had you ever had any communication
 21 with my client, either personally or through another
 22 representative, prior to this letter?
 23 A We tried.
 24 Q You tried to contact my client?
 25 A (Nods head.)

27

1 Q You personally?
 2 A Yes, we made phone calls.
 3 Q Okay. How long before April 3rd of 2009
 4 was that?
 5 A Can't recall.
 6 Q Was it recently before that?
 7 A It was -- can't recall.
 8 Q Was it after the trademark office refused
 9 your applications for registration based on my
 10 client's registered mark?
 11 A Yes.
 12 Q Okay. Prior to the trademark office
 13 refusing your applications for registration, had you
 14 had any communications whatsoever with my client,
 15 Golden Vision Flowers?
 16 A No.
 17 Q Okay. And in fact, you had never heard of
 18 my client, Golden Vision Flowers?
 19 A No.
 20 Q Okay. So, at the time of this letter,
 21 April 3rd of 2009, you had not been using your old
 22 image for what, six, seven years, roughly?
 23 A Six years.
 24 Q Six years?
 25 A 2002, April, six and a half years.

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1 Q Okay. And prior to the trademark office
 2 refusing your applications for registration, which
 3 led you to discover the identity of my client, you
 4 were selling your flowers in the normal course of
 5 business, correct?
 6 A Yes.
 7 Q Are you aware of whether my client was
 8 selling their flowers in the normal course of
 9 business?
 10 A No.
 11 Q Okay. Had your paths ever crossed prior
 12 to that time?
 13 A Not to my knowledge.
 14 Q Okay. Is there anyone else in the company
 15 that would have been aware of my client?
 16 A In our company?
 17 Q Correct.
 18 A Hard to say.
 19 Q Okay. I assume, if someone had come
 20 across my client using the name Golden Vision
 21 Flowers, they would have brought it to your
 22 attention, correct?
 23 A Probably.
 24 MR. DAWSON: Okay.
 25 (Document was marked as Exhibit No. 8.)



<p style="text-align: center;">29</p> <p>1 MR. DAWSON: I'm going to give you now 2 what I marked as Exhibit 8. And these are some 3 documents that were produced by your lawyers to 4 me. I can tell you there are a lot of similar 5 items to these. 6 BY MR. DAWSON: 7 Q What are these? 8 A This includes price lists, product lists 9 that are faxed back then, 2001, mostly faxed to 10 customers. Some email to customers to promote our 11 products. 12 BY MR. JAMES: 13 Q Okay. 14 A And state our prices. 15 Let me see what else. From any specials. 16 Q I can tell you, I looked through all the 17 documents like this that your lawyers produced and 18 there appear to be documents like this for every 19 year from the first document that's on top of 20 Exhibit 8. 21 A Mm-hm. 22 Q Were you producing price lists and product 23 lists like this fairly consistently throughout the 24 years? 25 A Almost on a daily basis, we sent emails</p>	<p style="text-align: center;">31</p> <p>1 this was done because such a collection of 2 information was gathered. When we sent out this 3 forms, they don't have this information on them. 4 This is not part of the material that we ship. 5 Q Correct. I understand. And I should 6 represent to you that this has been a designation 7 made by your counsel in this case to protect this 8 information from being distributed. 9 A Okay. 10 Q I'm just wondering if it is information 11 that is distributed to your customers and then on to 12 their customers, is there some reason that it's 13 secret? 14 A Again, when we send to our customers, we 15 don't send as a trade secret. It's the gathering of 16 all information all together in one single package 17 that becomes sensitive. Because any competitor can 18 track and mark our points, our products, our 19 offering, see what we're doing overall, and 20 therefore, we don't want to give competitor -- 21 advantage to our competitors to have additional 22 information or more information that they are to 23 have about our company. 24 If you put them together, they give more 25 information than just a single sheet with pricing.</p>
<p style="text-align: center;">30</p> <p>1 and price lists to our customers. 2 Q Okay. And so, these were communicated to 3 your customers through email and -- 4 A Faxes. 5 Q -- fax. Okay. 6 A Printed material. Some of this is printed 7 material that was placed into their boxes and sent 8 to them so they could use. I see some marketing 9 materials used by our customers for their customers. 10 Used at their trade shows, open houses. 11 Q So these could be handed out by your 12 customers to their customers? 13 A Yes. 14 Q Correct? 15 A Some of them, yeah. 16 Q Okay. Let me ask if you look at the 17 bottom left hand corner of all these documents. 18 Except for, I think, maybe one of them, which may 19 have just been missed, or two of them. It says 20 "trade secret commercially sent." Do you see that? 21 A Mm-hm. 22 Q Do you know why that's designated as a 23 trade secret? 24 A Just because of the fact that it has 25 pricing included here and I guess -- I'm assuming</p>	<p style="text-align: center;">32</p> <p>1 Can our competitors get ahold of our price sheet 2 through our customers? They can. We do. It's a 3 very competitive industry. More the reason for 4 protecting the market. 5 Q Good answer. So your competitors could 6 select every single one of these sheets that you 7 distribute and compile them on their own, correct? 8 A Yes. 9 MR. DAWSON: Okay. 10 (Document was marked as Exhibit No. 9.) 11 BY MR. DAWSON: 12 Q Showing you now what's been marked as 13 Exhibit 9. And it is a collection of documents just 14 like Exhibit 8 was a collection of documents. 15 Can you look through those and tell me 16 what those documents are? 17 A They are invoices from different 18 customers, from different states, from different 19 times of the year. 20 Q These are invoices from -- 21 A Us to our customers. 22 Q From your company to your customers? 23 A Yes. Just a sample. 24 Q Can you look through there on those 25 invoice dates and tell me if there are any invoices</p>



33	35
<p>1 other than from the year 2010.</p> <p>2 A In this printout, there's only invoices</p> <p>3 from 2010.</p> <p>4 Q Do you have invoices similar to these</p> <p>5 listed in Exhibit 9 for years other than 2010?</p> <p>6 A Yes.</p> <p>7 Q Your company maintains those records?</p> <p>8 A Yes.</p> <p>9 Q Okay. Are you aware that none of those</p> <p>10 were produced to us?</p> <p>11 A We have over five hundred thousand</p> <p>12 invoices.</p> <p>13 Q I understand that.</p> <p>14 A Do you want five hundred thousand</p> <p>15 invoices?</p> <p>16 Q That's not the question.</p> <p>17 A I'm sorry.</p> <p>18 Q Okay.</p> <p>19 A I'm aware. I am aware that we produced a</p> <p>20 sample of invoices, as requested.</p> <p>21 Q Okay. Does this collection of documents</p> <p>22 marked as Exhibit 9 appear to be the invoices that</p> <p>23 you produced to your counsel to give to me?</p> <p>24 A Yes.</p> <p>25 Q Okay. Does it look like there are any</p>	<p>1 I would have to look to an original.</p> <p>2 Q Okay. And you have originals of these</p> <p>3 that would clearly reflect what that is?</p> <p>4 A Yes.</p> <p>5 Q Okay. I'm going to ask that those</p> <p>6 originals be produced for me to take a look at.</p> <p>7 A Okay.</p> <p>8 MR. DAWSON: So we can see it clearer,</p> <p>9 unless you can produce a copy that's clearer.</p> <p>10 Okay.</p> <p>11 (Document was marked as Exhibit No. 10.)</p> <p>12 BY MR. DAWSON:</p> <p>13 Q I'm going to now show you what we've</p> <p>14 marked as Exhibit 10. And this is a fictitious name</p> <p>15 registration in Florida, like we talked about</p> <p>16 earlier. The d/b/a.</p> <p>17 A Mm-hm.</p> <p>18 Q And this is a fictitious name registration</p> <p>19 for Golden Flowers. It was filed in 1998, expired</p> <p>20 in 2003. The owner's name is Carmen Clark.</p> <p>21 Do you recognize the name Carmen Clark?</p> <p>22 A No.</p> <p>23 Q Do you know if Carmen Clark is someone</p> <p>24 associated with Atlas Flowers?</p> <p>25 A No.</p>
34	36
<p>1 documents missing from Exhibit 9 that you produced</p> <p>2 to your counsel?</p> <p>3 A I don't know. Doesn't look like there's</p> <p>4 anything missing.</p> <p>5 Q Okay. Do you recall producing any</p> <p>6 invoices for any year other than 2010 to your</p> <p>7 counsel for production to me?</p> <p>8 A I can't recall. I produced him invoices.</p> <p>9 I'm not sure if I produced from other years.</p> <p>10 Q Okay.</p> <p>11 A I don't know.</p> <p>12 Q Okay. Let me now direct your attention to</p> <p>13 the logo in the top left hand corner. You see that?</p> <p>14 A Yes.</p> <p>15 Q That's what we've been calling the new</p> <p>16 image?</p> <p>17 A Yes.</p> <p>18 Q It looks to me like after the word</p> <p>19 "flowers," there is a little mark. Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And if you look through all those, it</p> <p>22 appears to be on every one.</p> <p>23 A Mm-hm.</p> <p>24 Q Do you know what that is?</p> <p>25 A That particular mark there is not clear.</p>	<p>1 Q Do you know if Carmen Clark has ever been</p> <p>2 associated with Atlas Flowers?</p> <p>3 A No.</p> <p>4 Q Have you ever seen this fictitious name</p> <p>5 registration before?</p> <p>6 A No.</p> <p>7 Q Have you ever made any effort, from the</p> <p>8 time this registration was filed in 1998, to direct</p> <p>9 Carmen Clark not to use the name Golden Flowers?</p> <p>10 A No.</p> <p>11 (Document was marked as Exhibit No. 11.)</p> <p>12 BY MR. DAWSON:</p> <p>13 Q Let me show you what we've marked as</p> <p>14 Exhibit 11. And this is another fictitious name</p> <p>15 registration here in the State of Florida. And it's</p> <p>16 for the name Golden Flowers. The owner information</p> <p>17 is listed as Adelaide Hernandez and Pedro Hernandez</p> <p>18 in Sarasota, Florida.</p> <p>19 Do you know who either one of those</p> <p>20 individuals are?</p> <p>21 A No.</p> <p>22 Q Are they associated with Atlas Flowers in</p> <p>23 any way?</p> <p>24 A No.</p> <p>25 Q Have you ever seen this fictitious name</p>



37	39
<p>1 registration before?</p> <p>2 A No.</p> <p>3 Q Have you ever made any efforts to contact</p> <p>4 either of the Hernandezes to direct them to not use</p> <p>5 the name Golden Flowers?</p> <p>6 A No.</p> <p>7 (Document was marked as Exhibit No. 12.)</p> <p>8 BY MR. DAWSON:</p> <p>9 Q I'm going to show you now what I've marked</p> <p>10 as Exhibit 12. I just want to run through some of</p> <p>11 these -- these are the answers to my client's first</p> <p>12 set of interrogatories in this case. And if you'll</p> <p>13 look on the third page, in response to interrogatory</p> <p>14 number one, it identifies you as one of the people</p> <p>15 responding or assisting in the preparation of</p> <p>16 response to these.</p> <p>17 A Yes.</p> <p>18 Q Do you recall participating in the</p> <p>19 preparation of the response to these</p> <p>20 interrogatories?</p> <p>21 A Yes.</p> <p>22 Q Okay. I'm going to direct your attention</p> <p>23 now to page nine. And that's interrogatory 16. And</p> <p>24 that request that you described the typical</p> <p>25 distribution channels for each and every good and/or</p>	<p>1 sense to participate, we attend those trade shows.</p> <p>2 Q Okay. Let me ask you this. And you say</p> <p>3 this is for the cut flower business?</p> <p>4 A For florists.</p> <p>5 Q Florists?</p> <p>6 A There's hard goods, tropicals, orchids,</p> <p>7 fresh cut flowers, anything that a florist and</p> <p>8 designer might need at those trade shows we come</p> <p>9 across.</p> <p>10 Q Okay. So generally, the items that your</p> <p>11 company sells are flowers that you would find in a</p> <p>12 flower shop, is that accurate?</p> <p>13 A Yes.</p> <p>14 Q Okay. At any of these trade shows you</p> <p>15 attended, did you ever see the name Golden Vision</p> <p>16 Flowers, Inc.?</p> <p>17 A Not personally.</p> <p>18 Q Do you know if anyone from your company</p> <p>19 ever did?</p> <p>20 A Don't know.</p> <p>21 Q Okay. How familiar are you with the</p> <p>22 orchid industry?</p> <p>23 A Personally, very little.</p> <p>24 Q Okay. Would you consider that to be</p> <p>25 something that would be a separate specialized area</p>
38	40
<p>1 service rendered under petitioner's marks.</p> <p>2 And in response to that, it says,</p> <p>3 petitioner distributes its goods to virtually all</p> <p>4 wholesalers for fresh cut flowers, as well as to</p> <p>5 certain specialized online retailers. The business</p> <p>6 is generally conducted over the phone and also</p> <p>7 through trade shows.</p> <p>8 Did I read that correctly?</p> <p>9 A Yes.</p> <p>10 Q Okay. Which trade shows does your company</p> <p>11 routinely attend?</p> <p>12 A We attend association trade shows.</p> <p>13 There's associations like the Wholesaler Florist</p> <p>14 Association shows.</p> <p>15 Q There are names for those shows?</p> <p>16 A They have names. I don't have the details</p> <p>17 of the names. We've attended state shows of the</p> <p>18 Florist Associations for each state. Actually,</p> <p>19 we're going to attend, in July, the Texas State</p> <p>20 Association -- Florist Association. I participate</p> <p>21 in the Colorado. I know we've been to Michigan,</p> <p>22 Maine, Ohio.</p> <p>23 Whenever there's an association and</p> <p>24 there's an invitation for us to participate and we</p> <p>25 consider it's a good business -- makes good business</p>	<p>1 from the flower shop flowers area that you're in?</p> <p>2 A No.</p> <p>3 Q It's not?</p> <p>4 A No, because our customers carry orchids,</p> <p>5 as well.</p> <p>6 Q Okay. Let's go through that. Which</p> <p>7 customers of yours? Give me a sample of --</p> <p>8 A DWF Omaha.</p> <p>9 Q DWF Omaha. And who are they?</p> <p>10 A They are a wholesaler. There is -- it's a</p> <p>11 chain of wholesale houses. The main house is in</p> <p>12 Denver, Colorado. And they have locations</p> <p>13 throughout, I guess, twelve different states.</p> <p>14 Q Okay. And you say they carry orchids?</p> <p>15 A Yes.</p> <p>16 Q And they don't buy any orchids from Atlas</p> <p>17 Flowers, correct?</p> <p>18 A We don't sell orchids.</p> <p>19 Q Okay. Do you know where they get their</p> <p>20 orchids?</p> <p>21 A It's my understanding there's importers</p> <p>22 out of Miami that sell orchids.</p> <p>23 Q Okay. Has DWF Omaha ever confused you</p> <p>24 with Golden Vision Flower?</p> <p>25 A Not to my knowledge.</p>



41	43
<p>1 MR. DAWSON: Okay.</p> <p>2 MR. SPRINGUT: Let's take a break.</p> <p>3 Those documents have been Bates marked AFL</p> <p>4 931 through 949.</p> <p>5 (Recess.)</p> <p>6 BY MR. DAWSON:</p> <p>7 Q So, we were talking about your customers</p> <p>8 that sell orchids. You told me DWF Omaha.</p> <p>9 A Yes.</p> <p>10 Q Who else?</p> <p>11 A Green Leaf, the chain.</p> <p>12 Q And again, they don't get any orchids from</p> <p>13 you because you don't sell them, correct?</p> <p>14 A Correct.</p> <p>15 Q Do you know where they get their orchids?</p> <p>16 A I can -- there's a wholesaler in Miami.</p> <p>17 Amy's Flowers. Amy's Orchids. I'm sorry. They</p> <p>18 could get it from her.</p> <p>19 Q Okay.</p> <p>20 A Nurseries in their local regions.</p> <p>21 Q Now, does your company have a long</p> <p>22 standing relationship with Green Leaf?</p> <p>23 A Yes.</p> <p>24 Q How many years do you have?</p> <p>25 A We've been working with them for over --</p>	<p>1 shows, correct?</p> <p>2 A Correct.</p> <p>3 Q Okay. You hadn't seen my client in any</p> <p>4 advertisements, correct?</p> <p>5 A Correct.</p> <p>6 Q No one in your company had reported that</p> <p>7 they had seen my client in any advertisements,</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q None of your customers had ever said</p> <p>11 anything to you about being confused as to whether</p> <p>12 my client was associated with your company, correct?</p> <p>13 A Correct.</p> <p>14 Q And no one within your company had</p> <p>15 reported to you that any of your customers had been</p> <p>16 confused as to whether my client was associated with</p> <p>17 your company, correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. Now, if the U.S. PTO hadn't cited</p> <p>20 my client's registration against the registration of</p> <p>21 your application, there's a good chance you wouldn't</p> <p>22 know about my client today, correct?</p> <p>23 A Probably.</p> <p>24 Q Okay. You would have continued on in your</p> <p>25 course of business and they would have continued on</p>
42	44
<p>1 let's say more than five years now.</p> <p>2 Q How about DWF Omaha?</p> <p>3 A I could say the same thing.</p> <p>4 Q So, if DWF Omaha and Green Leaf are</p> <p>5 getting orchids from Golden Vision Flower, they</p> <p>6 would know that's not your company, correct?</p> <p>7 A I don't know.</p> <p>8 Q Have you ever heard either one of those,</p> <p>9 DWF Omaha or Green Leaf, mention Golden Vision</p> <p>10 Flower to you?</p> <p>11 A No.</p> <p>12 Q All right. Page ten of Exhibit 12,</p> <p>13 interrogatory nineteen. It says, state when and how</p> <p>14 you first became aware of registrant and its use of</p> <p>15 registrant's mark. Registrant is my client, Golden</p> <p>16 Vision Flower.</p> <p>17 And the response is, registrant's mark was</p> <p>18 cited by the U.S. PTO against petitioner's</p> <p>19 applications. Is that correct?</p> <p>20 A Yes.</p> <p>21 Q Okay. So, prior to that time, you had</p> <p>22 never seen my client at any trade shows, correct?</p> <p>23 A Not to my knowledge, yeah, correct.</p> <p>24 Q And no one within your company had</p> <p>25 reported that they had seen my client at any trade</p>	<p>1 in their course of business, correct?</p> <p>2 A Correct.</p> <p>3 Q Your paths probably would never cross?</p> <p>4 A Correct.</p> <p>5 Q Let me have you turn to the next page,</p> <p>6 page 11.</p> <p>7 A Can I go back to the previous question?</p> <p>8 Q Yes.</p> <p>9 A Because I don't know the extent of the</p> <p>10 business of Golden Vision Flowers and if they're</p> <p>11 going -- and I don't know the size of the company</p> <p>12 right now and if they're selling. So when you say</p> <p>13 that our paths might never cross, I cannot attest to</p> <p>14 that.</p> <p>15 Q Okay. If they continued --</p> <p>16 A If they continue to flow their business</p> <p>17 and start selling to my customers, it might lead to</p> <p>18 confusion. They might think -- they might think</p> <p>19 it's an extension of my business and we would have</p> <p>20 to clarify that.</p> <p>21 Q Okay. So you started using the Golden</p> <p>22 Vision name --</p> <p>23 A Vision, never.</p> <p>24 Q I mean Golden Flowers. Sorry. And you</p> <p>25 started using the Golden Flowers name under your new</p>



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1 image, at least in 2002?

2 A We've always used Golden Flowers name for

3 our trade. Our customers have known us always as

4 Golden Flowers and actually, when we say we're Atlas

5 Flowers, we have to clarify Atlas Flowers doing

6 business as Golden Flowers. So the known name for

7 our business is Golden flowers.

8 Prior to 2002, we started using Golden

9 Flowers in the boxes so people and our customers,

10 the customer base wholesalers receive most of the

11 product in boxes, so they differentiate different

12 vendors by the box and name on the box, so they

13 recognize Golden Flowers. And we started, in 2002,

14 using the name on the sleeves of the product.

15 They take the product out of the boxes and

16 put it in buckets with water so the bark starts to

17 drink water again and grow again. And in that

18 moment, now the sleeve also differentiates from

19 other product, from other vendors that are in those

20 coolers and buckets.

21 Actually, when you walk into a wholesaler,

22 they have coolers with the product inside. You can

23 recognize different vendors that carry fresh cut

24 flowers because of the sleeves they carry.

25 Q Okay. But you told me earlier, correct,

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1 that you're not sure that those sleeves remain on

2 the flowers when they get to the consumer, correct?

3 A To the consumer.

4 Q Okay.

5 A If I explain again --

6 Q No. I understand what you're saying with

7 the wholesaler. The wholesaler will leave them on

8 there until they get to the end user.

9 A And the florist will go in and the florist

10 or designer can choose -- let's say, use roses.

11 There could be four bunches of roses, four different

12 companies. And they can choose -- and they have a

13 recognition of the marks. They know which mark has

14 worked well for them and which mark hasn't worked

15 well for them, which has very opening or better

16 quality. So they choose according.

17 Q How do you know that?

18 A They tell us. It happens. It is actual.

19 The florist -- because we get requests. We get

20 requests from our customers for specific varieties,

21 same as when our customers are calling, they say

22 they want your product. Plus, part of the marketing

23 we do is to position our brand as a quality brand so

24 that retailers ask for the particular brand to the

25 wholesalers.

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1 We are -- that's why we advertise it at

2 florist -- at trade magazines. They also go to

3 florists. So they request for the mark, Golden

4 Flowers, not Queens Flowers, not whatever other

5 company. But just Golden Flowers to their

6 wholesalers.

7 Q Okay. I'm going to move to strike that

8 entire bit as nonresponsive to what my question was.

9 A Okay.

10 Q And that's just for the record.

11 A Okay.

12 MR. DAWSON: You're testifying and not

13 answering my questions.

14 MR. SPRINGUT: I think, quite frankly, he

15 is. I know you don't like his answer.

16 MR. DAWSON: State whatever you want. If

17 you've got an objection to how I've asked the

18 question, state it.

19 MR. SPRINGUT: Right now, it's not an

20 issue, but, you know, when and if.

21 MR. DAWSON: Fine.

22 MR. SPRINGUT: So, please.

23 THE WITNESS: But to your question --

24 MR. SPRINGUT: You can't shut a witness

25 up.

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1 BY MR. DAWSON:

2 Q If you're going to answer my question,

3 that's fine.

4 A You asked me if it wasn't for the U.S. PTO

5 opposition to the trademark, our path would never

6 cross. I cannot say correct.

7 Q Okay.

8 A My response to that is, it probably would

9 have and it probably would have created confusion in

10 the marketplace.

11 Q On what basis do you say those paths

12 probably would have crossed?

13 A Because they sell through the same chain.

14 Q What do you mean by that, through the same

15 chain?

16 A It's -- my wholesalers carry orchids. And

17 flowers. They're the same distribution channel we

18 both use. So I cannot attest that our paths could

19 have never crossed. To your question, I cannot say

20 no. I would have gone -- probably not now, but I

21 don't know in the future. And that's the answer to

22 your question.

23 Q Okay. Let me ask you this, if my client's

24 business had stayed the same, do you still think

25 that your paths might cross in the future?



49	51
1 A I don't know.	1 Q Okay. Is there someone else in the
2 Q Okay. But since my client started using	2 company that would recall?
3 its mark, your paths have not crossed, correct?	3 A I don't know.
4 A Correct.	4 Q Anyone other than Golden Farms?
5 Q Okay. Let me have you look at page 11,	5 A No.
6 interrogatory 21. And this asks what steps you take	6 Q What was your feeling about Golden Farms'
7 to monitor potential infringement of your marks. It	7 name? Did you think that was likely to be confused
8 says petitioner monitors advertising in trade	8 with Golden Flowers?
9 magazines for use of similar names and if they are	9 A Catch the attention. Just by the fact
10 found, the are tracked and investigated.	10 they had Golden in it. Just saw -- we want to
11 Have any similar flames ever been found?	11 clarify what it was, but nothing major afterward. I
12 A Yes.	12 don't recall very well.
13 Q Which ones?	13 Again, when you ask if it happened before,
14 A Golden Farms.	14 I can say that happened. It's in the back of the
15 Q Golden Farms?	15 memory, but nothing confusion there.
16 A Mm-hm.	16 Q Okay. And no one other than Golden Farms?
17 Q Do you recall when that was?	17 A Not to my knowledge.
18 A No.	18 Q Okay. Do you have anyone who monitors or
19 Q Where was Golden Farms located?	19 watches the official gazette for you where trade
20 A I don't know.	20 marks are published for opposition?
21 Q What sort of investigation did you do into	21 A Again.
22 Golden Farms?	22 Q When you asked for the trademark office to
23 A Tried to do -- understand what they did	23 register your trademarks, if they allow those, then
24 and where were they at and if they might lead to	24 they will do what's called publish them for
25 confusion.	25 opposition. And it's in a publication called the
50	52
1 Q Did you find them in a trade magazine?	1 Official Gazette.
2 A Yes.	2 Do you know if your company has anyone
3 Q Do you recall what magazine that was?	3 watching that Official Gazette for you to see if
4 A No.	4 there are any marks out there that have been
5 Q How long ago was this?	5 published that might potentially infringe yours?
6 A Far. I don't know. More than five years	6 A No.
7 probably.	7 Q Okay. I'm going to have you look at page
8 Q More than five years?	8 12 now. Interrogatory number 25. It's asking you
9 A (Nods head.)	9 to identify your principal competitors. Do you
10 Q Did you ever make contact with Golden	10 recognize those companies?
11 Farms?	11 A Yes.
12 A Don't recall.	12 Q Continental Flowers, what do they sell?
13 Q I'm assuming nothing ever came of it?	13 A They sell fresh cut flowers.
14 A No, nothing major.	14 Q Do they sell orchids?
15 Q Okay. Did you ever tell Golden Farms to	15 A I don't know.
16 stop using their name?	16 Q How about Continental Farms, do they sell
17 A No.	17 orchids?
18 Q Are they still using that name?	18 A I don't know.
19 A I don't know.	19 Q Do you know if any of these companies sell
20 Q Have you seen any further advertisements	20 orchids that are listed in your response to
21 from them?	21 interrogatory number 25?
22 A No.	22 A I don't know. I don't know if they carry
23 Q Were they in the fresh cut flower	23 orchids or not.
24 business?	24 Q So, you can't point to any one of these
25 A I don't recall.	25 companies specifically and say, yes, I know they



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1 carry orchids?
 2 A Exactly.
 3 Q Okay. Has your company ever sought
 4 permission from my client, Golden Vision Flower, to
 5 use the name Golden Flowers?
 6 A No.
 7 MR. DAWSON: Okay.
 8 (Document was marked as Exhibit No. 13.)
 9 BY MR. DAWSON:
 10 Q I'm going to show you now what has been
 11 marked as Exhibit 13. This is your company's
 12 amended petition for cancellation of my client's
 13 trademark. Take a look at that and tell me if
 14 you've seen it before.
 15 A Yes.
 16 Q Everything in their true and correct?
 17 A Yes.
 18 Q Let me have you look at page two,
 19 paragraph four. That says, further, given the
 20 similarity between the parties' respective marks and
 21 the great similarity in closeness of the goods, is
 22 there a high likelihood of confusion if registrant
 23 is permitted to continue use of the mark, as
 24 registered, for the goods listed therein. You see
 25 that?

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1 A Yes.
 2 Q What makes you believe there's a high
 3 likelihood of confusion?
 4 A What makes me believe there's a high
 5 likelihood of confusion if registrant is permitted
 6 to continue use of mark?
 7 Q Yes. What you told me earlier, you can't
 8 say for certain whether your mark would ever be
 9 confused with my client's mark. But what paragraph
 10 four is saying is, there is a high likelihood that
 11 those two marks will be confused.
 12 A If we're in the same market, I would say
 13 yes.
 14 Q On what basis do you say there is a high
 15 likelihood of confusion?
 16 A On what basis?
 17 Q Yes.
 18 A Do I say -- well, the image, for one, is
 19 similar. And I think is the basis why we're not
 20 allowed to register our new image.
 21 Secondly, they're in the fresh cut flower.
 22 They're in the ornamental flower business as much as
 23 ourself. There is imports from Colombia of orchids.
 24 Anyone can assume we're importing orchids, as well,
 25 and expanding our product line through a partnership

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1 with someone or an extension of our product line. I
 2 cannot allow for that confusion to be.
 3 At the same reason, I don't know if Golden
 4 Vision is just limited and only -- because our
 5 registration is for fresh cut flowers. I don't know
 6 if Golden Vision is also pursuing importing or
 7 distributing fresh cut flowers, as well. To the
 8 extent of this meaning, we don't know orchids -- I
 9 don't know if their growth is only through orchids,
 10 so I cannot allow there might be a confusion. I
 11 don't know if some day, they get a deal for roses
 12 and start selling roses. It might lead to
 13 confusion.
 14 Q It might?
 15 A And there's a high possibility.
 16 Q High possibility?
 17 A Yes.
 18 Q And you think a high possibility is the
 19 same as a high likelihood? I'm just trying to get
 20 your meaning.
 21 A Yes.
 22 Q Okay. But since the time that Golden
 23 Vision Flower began using their mark until today,
 24 there's not been any confusion in the marketplace at
 25 all, correct?

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1 A Correct.
 2 Q Okay. Let me ask you -- you've referred
 3 to the Golden Vision Flower mark there. Tell me why
 4 you think that's similar to yours.
 5 A Well, in the design?
 6 Q Anything.
 7 A In the design, the golden and flower
 8 follow the same pattern as Golden Flowers, golden
 9 being bold and bigger and flower being smaller and
 10 smaller font. So visually, the design has elements
 11 that are similar to our elements.
 12 Q So, the type of the font that the letters
 13 are printed in, is that what you're saying?
 14 A Similarities. And it's a visual
 15 similarity. I don't have color here, but if it is
 16 the blue, could be -- I think it's blue, also.
 17 Q Okay. So it's the appearance of it?
 18 A It's the appearance of it.
 19 Q Anything other than the appearance?
 20 A Well, the Golden Flower saying, the name.
 21 Q Because it has the term golden and flower?
 22 A Mm-hm.
 23 Q Anything else?
 24 A No.
 25 Q Okay. Look at paragraph six. And



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1 basically, says if my client's permitted to retain
 2 their registration, they'll be in a position to
 3 cause annoyance and harass petitioner in selling its
 4 said goods and raise doubts as to the right of
 5 petitioner to use its own marks. See that?
 6 A Let me read it because the wording.
 7 Registrant being?
 8 Q Golden Vision Flower. Golden Vision
 9 Flower's never done anything to harass you, have
 10 they?
 11 A No.
 12 Q Okay. They haven't tried to prevent you
 13 from using your marks, correct?
 14 A Well, I can't register my trademark.
 15 Q That's not what I asked. Golden Vision
 16 Flower hasn't done anything to try and prevent you
 17 from using your marks. The trademark office said,
 18 we're going to cite this registration as a reason
 19 not to register your mark?
 20 A Yes.
 21 Q But Golden Vision Flower hasn't done
 22 anything to try and prevent you?
 23 A I'm not sure. I can't answer because in
 24 the terms of the litigation, I mean, I'm not sure if
 25 all the correspondence we initially received --

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1 there was a letter saying that we should cease the
 2 use of -- I need to confirm that.
 3 Once the registration came with the
 4 situation and we approach -- I don't know if the
 5 first initial approach was that we should cease the
 6 use of Golden Flowers.
 7 Q You think you may have received a letter
 8 from Golden Vision Flowers?
 9 A Or their counsel.
 10 Q Or their lawyer saying stop using your own
 11 trademark?
 12 A Yeah.
 13 Q Stop using Golden Flowers?
 14 A Yeah. I need to verify that because there
 15 was correspondence. Once we approached and attempt
 16 to communicate, there was intent to communicate and
 17 there was correspondence back and forth. So at this
 18 moment, it's not clear to me. It may be. Probably
 19 not, but I don't know in the terms because legal
 20 terms might be there. And to that point, I relied
 21 on my counsel's advice.
 22 Q Okay. So, outside of you thinking you may
 23 have gotten a cease and desist letter from Golden
 24 Vision Flower saying stop using Golden Flowers, are
 25 you aware of any instances when Golden Vision Flower

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1 has tried to annoy or harass Atlas Flowers?
 2 A No.
 3 Q Okay. And do you have any reason to
 4 believe that they would do so in the future?
 5 A I don't know.
 6 MR. DAWSON: Okay. That's all I've got.
 7 MR. SPRINGUT: Thank you.
 8 MR. DAWSON: I wanted to ask about the
 9 documents you produced to me.
 10 (Document was marked as Exhibit No. 14.)
 11 BY MR. DAWSON:
 12 Q Mr. Bayona, if you would take a look at
 13 what's been marked as Exhibit 14. What is that?
 14 A This is a trademark magazine. Trade
 15 magazine.
 16 Q Okay.
 17 A A trade magazine. It's -- this is on the
 18 shelves of most florists and wholesalers.
 19 Q Okay. And your companies new image that
 20 we've been calling it, appears on the last page of
 21 that document, is that correct?
 22 A Correct.
 23 Q So, you're continuing to use the Golden
 24 Flowers new image, correct?
 25 A Correct.

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1 (Document was marked as Exhibit No. 15.)
 2 BY MR. DAWSON:
 3 Q Show you what we've marked as Exhibit 15.
 4 And this is another one of the items that your
 5 counsel produced to me this morning. What is this?
 6 A The USDA -- the Department of Agriculture
 7 produces a weekly report out of Washington in which
 8 they report the import and sale of fresh cut flowers
 9 and ornamentals. So here, you have a report of all
 10 the products that are coming into the country from
 11 their part -- place of origin and several dates and
 12 also, marks the quantity and marks the pricing.
 13 And I don't know if at the end, but
 14 Department of Agriculture guarantee the data of all
 15 product that's coming here. So you got on the same
 16 category, all the products that are denominated and
 17 that we track. We have all the products that were
 18 initiated before. Hydrangeas, Hypericum. It shows
 19 different countries of origins. Orchids. Coming
 20 from Colombia, Singapore, Thailand. Pom-poms, snap
 21 dragons.
 22 So all the flowers, all the products that
 23 fall in the same family of categories that could be
 24 sold through -- and this is produced by the
 25 government and shows the imports from different



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1 countries and, also, shows those -- the quantity
 2 sold.
 3 Q What is the reason for producing this to
 4 me today?
 5 A The reason is to show that I could carry
 6 any of these products and be selling them. And it's
 7 in my line of business. And within the same line of
 8 business, I have the aster and the orchids. And
 9 it's reported. So any other products in this could
 10 be sold by me or my competitors. It's our industry.
 11 This is what we sell.
 12 Q Okay. But you have -- you'd have to have
 13 a relationship with a supplier of orchids?
 14 A Yeah.
 15 Q And you've never had that?
 16 A But I can get that. I can produce.
 17 Q But you don't -- you don't have a
 18 relationship with a supplier?
 19 A Currently, no.
 20 Q And you never have?
 21 A I don't know.
 22 Q Well, Atlas Flowers, as long as you've
 23 been associated with them, has never imported
 24 orchids?
 25 A Never.

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1 Q Do you have any plans to do that?
 2 A Not in the near future.
 3 MR. DAWSON: Okay. Okay. That's all.
 4 THE WITNESS: Okay. And you want to know
 5 why this is produced to you?
 6 MR. DAWSON: I know that.
 7 Yes, we are ordering. He wants to read.
 8 MR. SPRINGUT: Yes, I want a copy.
 9 (Deposition was concluded at 11:30 a.m.)
 10
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1
 2 THE STATE OF FLORIDA)
 3 COUNTY OF BROWARD)
 4
 5
 6 I, the undersigned authority, certify that
 7 the aforementioned witness personally appeared before
 8 me and was duly sworn.
 9
 10 WITNESS my hand and official seal this
 11 13th day of June, 2010.
 12
 13
 14 *Kathy Schwab*
 15 Kathy Schwab
 16 Notary Public - State of Florida
 17 Commission No.: DD908419
 18 Commission Expires: 08/01/2013
 19
 20
 21
 22
 23
 24
 25

64

1
 2 CERTIFICATE
 3
 4 The State of Florida)
 5 County of Broward)
 6
 7 I, Kathy Schwab, Court Reporter, State
 8 of Florida at Large, do hereby certify that the
 9 aforementioned witness was by me first duly sworn to
 10 testify to the whole truth, that I was authorized to
 11 and did report said deposition in stenotype; and that
 12 the foregoing pages are a true and correct
 13 transcription of my shorthand notes of said
 14 deposition.
 15
 16 I further certify that said deposition was
 17 taken at the time and place hereinabove set forth and
 18 that the taking of said deposition was commenced and
 19 completed as hereinabove set out.
 20
 21 I further certify that I am not an attorney
 22 or counsel of any of the parties, nor am I a relative
 23 or employee of any attorney or counsel of a party
 24 connected with the action, nor am I financially
 25 interested in the action.
 The foregoing certification of this
 transcript does not apply to any reproduction of the
 same by any means unless under the direct control
 and/or direction of the certifying reporter.
 IN WITNESS WHEREOF, I have hereunto set my
 hand this 13th day of June, 2010.
Kathy Schwab 
 Kathy Schwab
 Notary Public - State of Florida
 Commission No.: DD908419
 Commission Expires: 08/01/2013



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

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

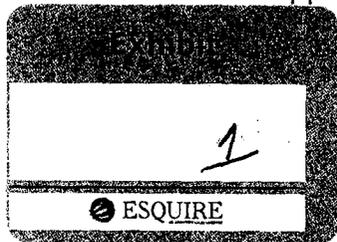
Golden Vision Flower, Inc.

Registrant.

AMENDED NOTICE OF TAKING DEPOSITION

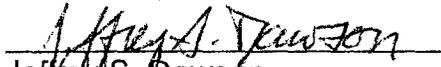
To: Tal Benschar, Esq.
Kalow & Springut
488 Madison Avenue
New York, NY 10022
tbenschar@creativity-law.com

PLEASE TAKE NOTICE that Registrant will take the deposition of Alejandro Bayona on June 3, 2010 at 10:00 a.m. at the offices of Esquire Deposition Services, Aventura Corp. Center I, 20801 Biscayne Blvd., Suite 202, Aventura, Florida 33180. The deposition shall continue from day to day until completion. The deposition is being taken for the purpose of discovery and for use at any hearing or trial or for such other purposes as are permitted under the applicable rules.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and electronic mail on June 1, 2010 to Tal Benschar, 488 Madison Avenue, New York, NY 10022.


Jeffrey S. Dawson
Fla. Bar No.: 980366
P.O. Box 1111
Winter Haven, Florida 33882
863.293.9600 Telephone
jdawson@jdawsonlaw.com

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-06-02 09:48:56 ET

Serial Number: 77571430 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

GOLDEN FLOWERS

(words only): GOLDEN FLOWERS

Standard Character claim: Yes

Current Status: Further action on the application has been suspended.

Date of Status: 2010-05-29

Filing Date: 2008-09-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

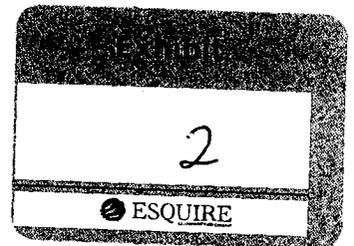
Register: Principal

Law Office Assigned: LAW OFFICE 107

Attorney Assigned:
KAJUBI ELIZABETH N

Current Location: L70 -TMEG Law Office 107

Date In Location: 2010-05-29



LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Atlas Flowers, Inc.

DBA/AKA/TA/Formerly: DBA Golden Flowers

Address:

Atlas Flowers, Inc.
2600 NW 79th Avenue
Miami, FL 33122
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 031

Class Status: Active

fresh cut flowers

Basis: 1(a)

First Use Date: 2000-12-31

First Use in Commerce Date: 2000-12-31

ADDITIONAL INFORMATION

Disclaimer: "FLOWERS"

Prior Registration Number(s):

2642650

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-29 - Report Completed Suspension Check Case Still Suspended

2010-05-29 - Assigned To LIE

2009-11-20 - Report Completed Suspension Check Case Still Suspended

2009-11-20 - Assigned To LIE

2009-05-20 - Notification Of Non-Final Action E-Mailed
2009-05-20 - Correspondence E-Mailed
2009-05-20 - Suspension Letter Written
2009-05-20 - Teas/Email Correspondence Entered
2009-05-20 - Communication received from applicant
2009-05-20 - TEAS Response to Office Action Received
2008-12-17 - Notification Of Non-Final Action E-Mailed
2008-12-17 - Non-final action e-mailed
2008-12-17 - Non-Final Action Written
2008-12-16 - Assigned To Examiner
2008-09-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Caroline G. Boehm

Correspondent

CAROLINE G. BOEHM
KALOW & SPRINGUT LLP
488 MADISON AVE
NEW YORK, NY 10022-5702
Phone Number: 212-813-1600
Fax Number: 212-813-9600

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Serial Number: 77571417 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): GOLDEN FLOWERS

Standard Character claim: No

Current Status: Further action on the application has been suspended.

Date of Status: 2010-05-29

Filing Date: 2008-09-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

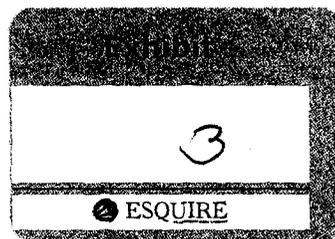
Register: Principal

Law Office Assigned: LAW OFFICE 107

Attorney Assigned:
KAJUBI ELIZABETH N

Current Location: L70 -TMEG Law Office 107

Date In Location: 2010-05-29



LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Atlas Flowers, Inc.

DBA/AKA/TA/Formerly: DBA Golden Flowers

Address:

Atlas Flowers, Inc.
2600 NW 79th Avenue
Miami, FL 33122
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 031

Class Status: Active

fresh cut flowers

Basis: 1(a)

First Use Date: 2003-02-01

First Use in Commerce Date: 2003-02-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "FLOWERS"

Description of Mark: The mark consists of a flower drawing enclosed in two circles above the stylized words GOLDEN FLOWERS.

Design Search Code(s):

05.05.01 - Lilies; Orchids; Tulips

26.01.02 - Circles, plain single line; Plain single line circles

26.01.09 - Circles having animals as a border; Circles having geometric figures as a border; Circles having humans as a border; Circles having objects as a border; Circles having plants as a border; Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle.

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Prior Registration Number(s):

2642650

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

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2009-05-20 - Communication received from applicant

2009-05-20 - TEAS Response to Office Action Received

2008-12-17 - Notification Of Non-Final Action E-Mailed

2008-12-17 - Non-final action e-mailed

2008-12-17 - Non-Final Action Written

2008-12-16 - Assigned To Examiner

2008-11-11 - TEAS Amendment Entered Before Attorney Assigned

2008-11-11 - TEAS Voluntary Amendment Received

2008-09-20 - Notice Of Design Search Code Mailed

2008-09-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Caroline G. Boehm

Correspondent

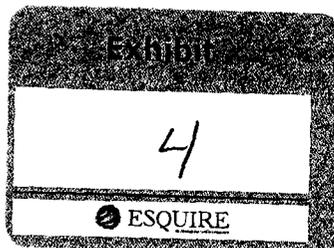
CAROLINE G. BOEHM
KALOW & SPRINGUT LLP
488 MADISON AVE
NEW YORK, NY 10022-5702
Phone Number: 212-813-1600
Fax Number: 212-813-9600

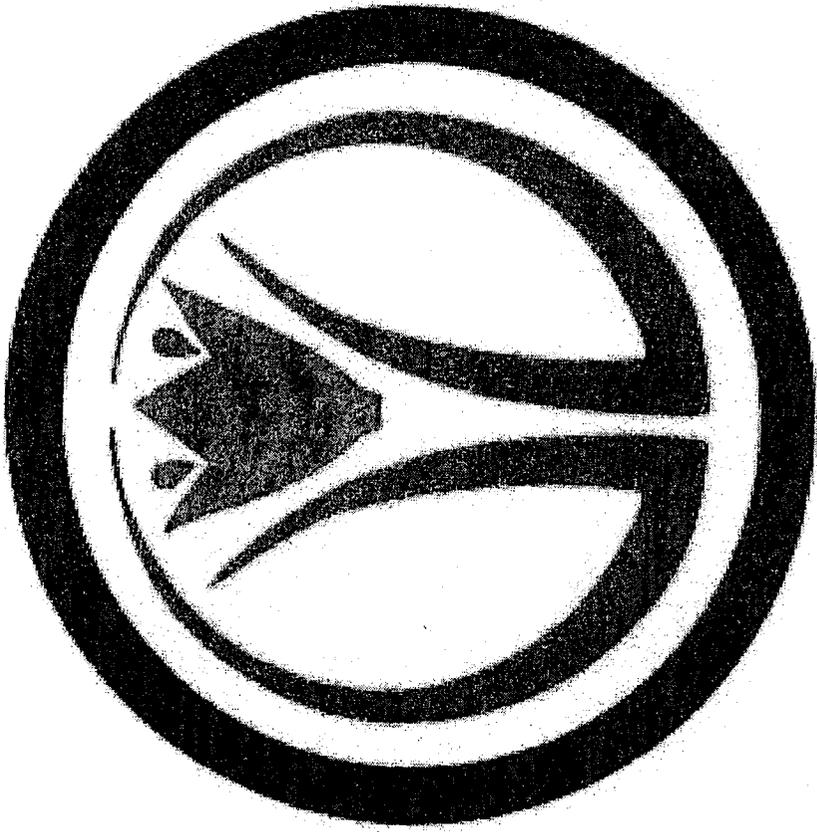
Alejandro Bayona

From: Alejandro Bayona [alejandro@goldenflowers.com]
Sent: Wednesday, February 19, 2003 3:19 PM
To: Laura Smith
Subject: Golden Flowers new logo
Attachments: Golden New Logo.jpg

Dear Ms. Smith,
Thank you for taking the time to talk to me. As per our conversation, attached you will find a .jpg image of our new logo.
I will talk with Gabriel about your comments.
Sincerely,

Alejandro Bayona
(305)599-0193 ext. 516





GOLDBEN FLOWERS

AFL 00080



United States Patent and Trademark Office

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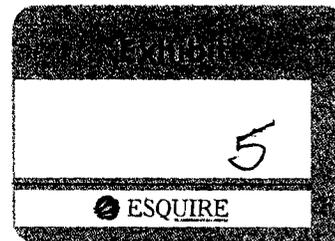
List At: OR to record: **Record 3 out of 4**

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Golden Flowers

Word Mark	GOLDEN FLOWERS
Goods and Services	(CANCELLED) IC 031. US 001 046. G & S: fresh cut flowers. FIRST USE: 19910100. FIRST USE IN COMMERCE: 19910100
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.05.01 - Lilies; Orchids; Tulips
Serial Number	76348703
Filing Date	December 13, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 6, 2002
Registration Number	2642650
Registration Date	October 29, 2002
Owner	(REGISTRANT) Atlas Flowers, Inc. DBA Golden Flowers CORPORATION FLORIDA 2750 W 79th Avenue Miami FLORIDA 33122



Attorney of Record LAURA E. SMITH, ESQ.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLOWERS" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Cancellation Date June 6, 2009

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KALOW & SPRINGUT LLP

ATTORNEYS AT LAW

VIA EMAIL
April 19, 2010

Lori T. Milvain, Esq.
Latham, Shuker, Eden & Beaudine, LLP
390 North Orange Avenue, Suite 600
Orlando, Florida 32801

Re: Atlas Flowers, Inc. d/b/a Golden Flowers v. Golden Vision Flower, Inc.
U.S.P.T.O. Cancellation No. 92050966 (Our Ref.: GOLDEN 0006)

Dear Ms. Milvain:

As previously agreed, we provide the following additional discovery:

1. Attached is a verification for our Interrogatory responses.
2. You have asked us to identify the types of fresh-cut flowers sold by our client. The types are as follows:

Alstroemeria, Aster, Bouquet Roses, Bouquets, Calla, Campanula, Carnations, Colored Roses, Consumer Bunches, Cremon (disbud), Delphinium, Gerbera, Godetia, Greens, Gypsophila, Hydrangea, Hypericum, Liatris, Lily, Limonium, Magic Roses, Matsumoto, Mini Carnation, Pompon, Red Roses, Snapdragon, Spider, Spray Roses, Statice, Stock, Stock Spray, Sunflower, Tulips, and Waxflower.

3. Our client provides its own web-hosting services, in other words, the client maintains its own servers for its website.
4. You have asked for representative samples of invoices showing sales around the country. Copies of same are produced under Bates Nos. AFL 917-930. (Please note, they are marked HIGHLY CONFIDENTIAL).

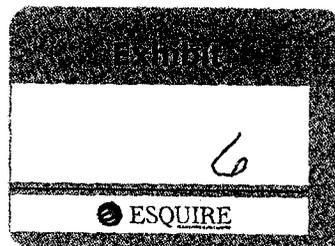
We are still awaiting to hear proposed dates for deposition of your clients, preferably in Florida, but if not, in Taiwan. Please advise.

Sincerely,

Tal S. Benschar

Encls.

cc: Jeffrey Dawson, Esq. (via email, w/ encls.)



Registrant's Exhibit
Canc. No. 92050966
Atlas Flowers Inc. v. Golden Vision Flower, Inc.

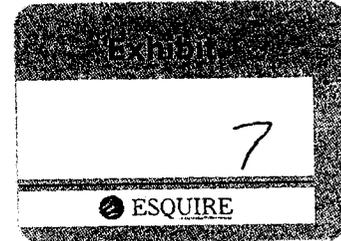


KALOW & SPRINGUT LLP
ATTORNEYS AT LAW

VIA FEDERAL EXPRESS

April 3, 2009

Ms. Amy Huang
Golden Vision Flower, Inc.
2809 West Kelly Park Road
Apopka, FL 3212



Re: Infringement of GOLDEN FLOWERS Trademark

Dear Ms. Huang:

We represent Golden Flowers of Miami, Florida. Our client is well known in Florida and throughout the United States for its cut flower products. Our client uses the name GOLDEN FLOWERS as a trademark for its goods and a trade name for its business; such use commenced as early as 1991. Golden Flowers has marketed and promoted its cut flower products under its GOLDEN FLOWERS mark, and the mark has thus become strongly associated with our client as a source for such items. Apart from its extensive common law rights in such mark, Golden Flowers is also the owner of U.S. Trademark Registration No. 2,642,650 for that mark.

It has recently come to our client's attention that you are using the name and mark GOLDEN VISION FLOWER INC. in connection with various flower products, including cut flowers, and that you own U.S. Trademark Registration No. 3,074,073 with respect to such mark.

The use by your company of such mark to identify flower items is confusingly similar to our client's GOLDEN FLOWERS mark and hence violates our client's rights under Sections 32 and 43 of the Trademark Act, 15 U.S.C. §§ 1114 and 1125, as well as the common law.

Accordingly, we have been instructed by Golden Flowers to demand you immediately send us a fax with the following representations:

1. Your agreement to cease using the GOLDEN VISION FLOWERS name and mark in connection with any flower items.
2. Your agreement to cancel U.S. Trademark Registration No. 3,074,073.

Unless our office receives the requested fax by the close of business, Friday, April 10, 2009, we have been instructed by Golden Flowers to commence more formal proceedings against your company.

488 MADISON AVENUE • NEW YORK, NY 10022
TEL 212.813.1600 • FAX 212.813.9600 • INFO@CREATIVITY-LAW.COM

Ms. Amy Huang
March 31, 2009
Page 2

We await an immediate response from you or your counsel.

Sincerely,

Milton Springut

Milton Springut

cc: Golden Flowers

196455.1



**EXHIBITS 8 AND 9
OMITTED AS DESIGNATED CONFIDENTIAL
BY PETITIONER**

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Fictitious Name Detail

Fictitious Name

GOLDEN FLOWERS

Filing Information

Registration Number G98096000190
Status EXPIRED
Filed Date 04/06/1998
Expiration Date 12/31/2003
Current Owners 1
County MIAMI-DADE
Total Pages 1
Events Filed NONE
FEI/EIN Number 56-7845998

Mailing Address

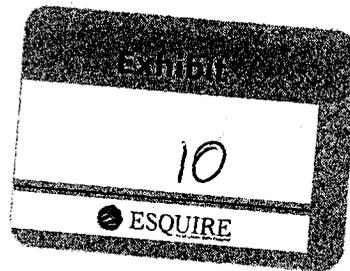
10966 S.W. 145 CT.
MIA, FL 33186

Owner Information

CLARK, CARMEN E
10966 S.W. 145 CT.
MIA, FL 33186
FEI/EIN Number: NONE
Document Number: NONE

Document Images

04/06/1998 -- REGISTRATION



Note: This is not official record. See documents if question or conflict.

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No Filing History

REGISTRATION OF FICTITIOUS NAME

1. Golden Flowers
Fictitious Name to be Registered

2. 10966 S.W. 145 Ct.
Mailing Address of Business

MIA. Fla. 33186
City State Zip Code

3. Florida County of principal place of business: Dade

4. FEI Number: _____

FILED
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA
04-06-98 0004 040 ***50.00
1578076000190

This space for office use only

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. Clark Carmen E 2. _____
Last First M.I. Last First M.I.

10966 S.W. 145 Ct. _____
Address Address

MIA FL 33186 _____
City State Zip Code City State Zip Code

SS# _____ SS# _____

B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):

1. _____ 2. _____
Entity Name Entity Name

_____ _____
Address Address

_____ _____
City State Zip Code City State Zip Code

Florida Registration Number _____ Florida Registration Number _____
FEI Number: _____ FEI Number: _____

Applied for Not Applicable Applied for Not Applicable

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Carmen Clark 4-2-98 _____
Signature of Owner Date Signature of Owner Date

Phone Number: (305) 385-2869 Phone Number: _____

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____
_____, which was registered on _____ and was assigned
registration number _____

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes Certificate of Status — \$10 Certified Copy — \$30

FILING FEE: \$50

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

CR4E-001 (12/97)

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No Filing History

Fictitious Name Detail

Fictitious Name

GOLDEN FLOWERS

Filing Information

Registration Number G99245900151
 Status EXPIRED
 Filed Date 09/03/1999
 Expiration Date 12/31/2004
 Current Owners 2
 County SARASOTA
 Total Pages 1
 Events Filed NONE
 FEI/EIN Number 59-2778100

Mailing Address

1227 BENEVA RD. SO.
SARASOTA, FL 34232

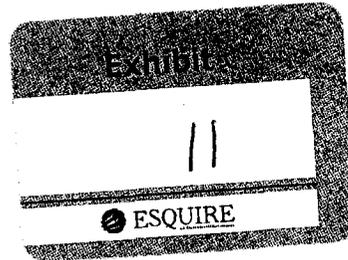
Owner Information

HERNANDEZ, ADELAIDA
 3917 WAKE AVE.
 SARASOTA, FL 34241
 FEI/EIN Number: NONE
 Document Number: NONE

HERNANDEZ, PEDRO R.
 3917 WAKE AVE.
 SARASOTA, FL 34241
 FEI/EIN Number: NONE
 Document Number: NONE

Document Images

09/03/1999 -- REGISTRATION



Note: This is not official record. See documents if question or conflict.

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REGISTRATION OF FICTITIOUS NAME

FILED

Sep 03 1999 8:00am
Secretary of State

Section 1

1. GOLDEN FLOWERS
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")

2. 1227 BENEVA RD SO.
Mailing Address of Business
SARASOTA FL. 34232
City State Zip Code

3. Florida County of principal place of business:
SARASOTA ✓

4. FEI Number: 59-2778100-221512

699245900151
~~09/02/99~~==01022--037
***50.00
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Section 2

A. Owner(s) of Fictitious Name if Individual(s): (Use an attachment if necessary):

1. <u>HERNANDEZ ADELAIDA</u> Last First M.I. <u>3917 WAKE AVE</u> Address <u>SARASOTA FL. 34241</u> City State Zip Code SS#	2. <u>HERNANDEZ PEDRO R.</u> Last First M.I. <u>3917 WAKE AVE</u> Address <u>SARASOTA FL. 34241</u> City State Zip Code SS#
---	---

B. Owner(s) of Fictitious Name if other than an individual: (Use attachment if necessary):

1. Entity Name _____ Address _____ City State Zip Code _____ Florida Registration Number _____ FEI Number: _____ <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	2. Entity Name _____ Address _____ City State Zip Code _____ Florida Registration Number _____ FEI Number: _____ <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
--	--

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

[Signature] 8.27.99
Signature of Owner Date
Phone Number: 941-365-6407

Signature of Owner Date
Phone Number: _____

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____
_____, which was registered on _____ and was assigned
registration number _____

Signature of Owner Date

Signature of Owner Date

ag/b

Mark the applicable boxes Certificate of Status -- \$10 Certified Copy -- \$30
FILING FEE: \$50

Note: Acknowledgements/certificates will be sent to the address in Section 1 only. CR4E-001 (12/98)

employees of Petitioner, Petitioner objects to any requirement of providing their addresses and other contact information. If appropriate, such persons will be produced for deposition.

2. Petitioner objects to the Interrogatories to the extent they purport to impose a duty beyond that required by Rules 26(b)(1) and 33 of the Federal Rules of Civil Procedure and of the TBMP § 400, etc.

3. Petitioner objects to the Interrogatories to the extent they purport to require information that is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege.

4. Petitioner objects to the Interrogatories to the extent they purport to require information not in the possession, custody or control of Plaintiffs.

5. Petitioner reserves all objections to the use or admissibility of any responses to the Interrogatories including at any hearing or trial or on any motion. Any response does not constitute an admission by Petitioner that such information is relevant in this action or admissible in evidence. Accordingly, Petitioner reserves the right to object to further inquiry with respect to any subject matter and reserve the right to make additional objections at any time and to move for an appropriate protective order.

6. Petitioner objects to the definitions of “you” or “yours” as inclusive of any entity other than the Petitioner named in the Petition for Cancellation.

7. Petitioner objects to any interrogatory that requires them to “identify” certain documents as overly broad and unduly burdensome. Where appropriate, such documents will be produced.

8. Petitioner hereby incorporates by reference its general objections into each and every one of the following interrogatory responses as though set forth fully therein.

Interrogatory No. 1

Identify all persons who are responding or assisting in the response to these Interrogatories on behalf of the Petitioner.

Response to Interrogatory No. 1

Alejandro Bayona, Director of Organizational Effectiveness, Atlas Flowers, Inc. With the assistance of Tal S. Benschar, Kalow & Springut LLP, counsel for petitioner.

Interrogatory No. 2

Identify all persons who are believed or known by you to have any knowledge concerning any of the facts and/or issues in this proceeding and specify the subject matter about which each such person has knowledge.

Response to Interrogatory No. 2

Alejandro Bayona has knowledge of Petitioner's use of its marks, the structure of its business and issues regarding likelihood of confusion. Gabriel Becerra, President, Atlas Flowers, Inc., has knowledge of Petitioner's use of its marks, the structure of its business and issues regarding likelihood of confusion.

Interrogatory No. 3

Identify each and every officer and director of Petitioner since the adoption of Petitioner's Marks, listing the position held and the period of time during which each person held such position.

Response to Interrogatory No. 3

Gabriel Becerra has been President and sole officer of Petitioner throughout the timeframe specified in the Interrogatory.

Interrogatory No. 4

State the date and manner of the first use of each of Petitioner's Marks.

Response to Interrogatory No. 4

<u>Mark</u>	<u>Appl./Reg.</u>	<u>First Use</u>	<u>Manner</u>
Golden Flowers	77/571430	At least as early as December 2000	Affixation to packaging containing goods
Golden Flowers with Design	77/571417	At least as early as the Fall of 2002	Affixation to packaging containing goods
Golden Flowers with Design	2,642,650	At least as early as December 2000	Affixation to packaging containing goods

Interrogatory No. 5

Specify all goods and/or services ever offered for sale under each of Petitioner's Marks including the date that each good and/or service began to be offered under each mark and the date that each good and/or service ceased to be offered under each mark.

Response to Interrogatory No. 5

Fresh-cut flowers including roses, pompoms, carnations, etc.

As to dates, *see* response to Interrogatory No. 4.

Interrogatory No. 6

State whether you have made continuous use of each of Petitioner's Marks since the dates identified in your response to Interrogatory 4 above.

Response to Interrogatory No. 6

Yes, as to marks which are the subject of Applications 77/571430 and 77/571417.

No, as to mark which was the subject of Registration No. 2,642,650.

Interrogatory No. 7

If your response to Interrogatory 6 above is in the affirmative, identify each document which reflects or pertains to such continuous use for each of Petitioner's Marks. Your response shall be categorized by mark and year from the year of first use to the present.

Response to Interrogatory No. 7

In accordance with Rule 33(d) of the Federal Rules of Civil Procedure, Petitioner refers Registrant to the documents produced herewith.

Interrogatory No. 8

If your response to Interrogatory 6 above is in the negative, state the dates during which use of each of Petitioner's Marks was interrupted and all reasons for such interruptions.

Response to Interrogatory No. 8

The mark which was the subject of Registration No. 2,642,650 was discontinued in the Fall of 2002.

Interrogatory No. 9

Identify each person involved in the conception and/or adoption of Petitioner's Marks stating specifically the role of each in said conception and/or adoption.

Response to Interrogatory No. 9

The mark which includes a design was created by a designer, Roger Gorman. Mr. Gorman works for Reinier Design, New York, New York. In or around 2002, Mr. Gorman produced several drafts of the design which were reviewed and commented on by Messrs. Alejandro Bayona, Gabriel Becerra and George Elias (then director of sales). The last three named individuals reviewed, commented upon and made suggestions to the design, which evolved to the design eventually adopted. Mr. Gorman's contact information is: Roger Gorman, Reiner Design, rdcnyc@rcn.com; (212) 673-1302, 123 Fifth Avenue, 4th Floor, New York, NY 10003, United States of America.

Interrogatory No. 10

Identify the designer of each and every version of any and all websites owned and/or utilized by Petitioner to advertise, market, sell or otherwise promote the goods and/or services offered for sale under Petitioner's Marks from the date of first use. Your response shall specify the dates during which each version of each website was utilized.

Response to Interrogatory No. 10

With respect to the current website (which has been used since 2007), Petitioner refers registrant to the documents produced herewith in accordance with Rule 33(d) of the Federal Rules of Civil Procedure. The prior version of the website, used from 2002 through 2007, was created by a designer named Antonio Montoya. Mr. Montoya's contact information is: Antonio Montoya,

ITE – Information Technology Exchange - Antonio@Monari.com; (954) 447-0726, 4931 SW 107th Avenue, Miramar, Florida 33027.

Interrogatory No. 11

Identify the host of each and every version of any and all websites owned and/or utilized by Petitioner to advertise, market, sell or otherwise promote the goods and/or services offered for sale under Petitioner's Marks from the date of first use. Your response shall specify the dates during which each version was hosted by each host.

Response to Interrogatory No. 11

Petitioner objects to this Interrogatory as not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 12

Identify each supplier of packaging material that bear Petitioner's Marks since the first use of said marks. Your response shall designate each mark separately and include the dates during which each supplier supplied its packaging.

Response to Interrogatory No. 12

Packaging is obtained from a company named Packaging Corporation of America – Miguel Paredes, Account Manager; www.packagingcorp.com; (305) 406-1664, 11350 NW 25th Street, Suite 116, Doral, Florida 33172.

Interrogatory No. 13

From the dates of first use identified in response to Interrogatory 4 above to the present, identify each employee and/or agent responsible for:

- a) ordering packaging material bearing Petitioner's Marks;
- b) maintaining websites to promote goods and/or services offered under each of Petitioner's Marks;
- c) marketing of goods and/or services offered under each of Petitioner's Marks;
- d) sales of goods and/or services offered under of each of Petitioner's Marks; and,
- e) registering and/or maintaining trademarks with the United States Patent and Trademark Office, and state of the United States, and/or any registrations outside of the United States.

Response to Interrogatory No. 13

- a) Alejandro Bayona
- b) Alejandro Bayona and Juliana Gutierrez, a marketing professional of Atlas Flowers, Inc.
- c) Bill Pemberton, sales director, Atlas Flowers, Inc.
- d) Bill Pemberton, sales director, Atlas Flowers, Inc.
- e) Alejandro Bayona and Milton Springut

Interrogatory No. 14

Identify each and every fictitious name registration ever owned by you containing the term "Golden Flowers," listing the registration number, date of registration, date of expiration, and state of registration.

Response to Interrogatory No. 14

A copy of same will be produced. *See* Fed.R.Civ.Proc. 33(d).

Interrogatory No. 15

Describe all forms of advertising employed by you to offer the goods and/or services offered for sale under Petitioner's Mark stating the name and address of each publisher of print, electronic, audio and video media employed by you along with the title of each form of media.

Response to Interrogatory No. 15

Petitioner refers Registrant to the documents produced pursuant to Rule 33(d) of the Federal Rules of Civil Procedure.

Interrogatory No. 16

Describe the typical distribution channels for each and every good and/or service offered under Petitioner's Marks.

Response to Interrogatory No. 16

Petitioner distributes its goods to virtually all wholesalers in the United States for fresh-cut flowers, as well as to certain specialized online retailers. The business is generally conducted over the phone and also through trade shows.

Interrogatory No. 17

Describe a typical customer for the goods and/or services offered for sale under Petitioner's Marks.

Response to Interrogatory No. 17

A typical customer carries a large variety of flower products, primarily fresh-cut flowers and may also carry tropical flowers including orchids, as well as hardware and accessories associated with the flower trade. The typical customer is a wholesaler who in turn supplies retail florists within 200 miles of such wholesaler. These wholesalers are spread throughout major metropolitan and suburban areas throughout the United States.

Interrogatory No. 18

Identify the geographic areas in which Petitioner currently offers for sale goods and/or services under each of Petitioner's Marks. Your response shall identify each state of the United States and province of Canada specifically.

Response to Interrogatory No. 18

Petitioner distributes flowers throughout the United States and Canada.

Interrogatory No. 19

State when and how you first became aware of Registrant and its use of Registrant's Mark.

Response to Interrogatory No. 19

Registrant's mark was cited by the USPTO against Petitioner's Applications.

Interrogatory No. 20

Identify all lawsuits, oppositions, and/or cancellation proceedings involving Petitioner's Marks.

Response to Interrogatory No. 20

Other than this proceeding, none.

Interrogatory No. 21

Specify all efforts taken by you to monitor potential infringement of Petitioner's Marks. Your response shall identify the individual responsible for each method of monitoring from the date of first use of Petitioner's Marks and shall state the dates during which each person was charged with such duties.

Response to Interrogatory No. 21

Petitioner monitors advertising in trade magazines for use of similar names, and if any are found they are tracked and investigated.

Interrogatory No. 22

Identify all other persons to whom you have communicated regarding their potential infringement of Petitioner's Marks. Your response shall include the substance of the alleged infringement, date and method of each communication, and the ultimate resolution of each matter.

Response to Interrogatory No. 22

None

Interrogatory No. 23

Identify all instances in which Petitioner's Marks have been confused with Registrant's Mark. Your response shall include the substance of such confusion, the date of such alleged confusion, the identity of the party allegedly confused, and whether the party allegedly confused was an existing customer of yours at the time of the alleged confusion.

Response to Interrogatory No. 23

None

Interrogatory No. 24

Identify each and every customer that you have in common with Registrant.

Response to Interrogatory No. 24

Inasmuch as Petitioner is not aware of the identity of Registrant's customers, it cannot respond to this Interrogatory.

Interrogatory No. 25

Identify your principal competitors in the sale of the goods and/or services offered under Petitioner's Marks.

Response to Interrogatory No. 25

Continental Flowers, Continental Farms, Esmeralda, Dole Fresh Cut Flowers – Sunburst, Fresca Farms, Equiflor – Rio Roses, Galleria Farms, Falcon Farms, Multiflora, Premium Flowers, Royal Flowers, Sole Farms, The Queens Flowers, Superior Floral, Euforia and Sun Valley Farms.

Interrogatory No. 26

For the goods and/or services offered for sale under Petitioner's Marks, specify:

- a) the percentage of annual revenue derived from the sale of goods and/or services in the United States; and,
- b) the percentage of annual revenue derived from the sale of goods and/or services outside of the United States.

Your response shall be categorized by each type of good or service for each and every year since the date of first use stated in response to Interrogatory 4 above.

Response to Interrogatory No. 26

- a) In excess of 95%.
- b) See response to the above sub-part.

Interrogatory No. 27

Identify all instances in which Petitioner's Marks, or any variation thereof, have been alleged to infringe on the rights of others not a party to this proceeding. Your response shall include the identity of the person who claimed their rights were being infringed, the date of your notification of the alleged infringement, the nature of the alleged infringement, and the ultimate resolution of the alleged infringement.

Response to Interrogatory No. 27

None

Interrogatory No. 28

Do you intend to call any expert witness at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

Response to Interrogatory No. 28

Petitioner has not yet determined if it will use expert witnesses in this proceeding.

Dated: New York, New York
January 7, 2010

Respectfully submitted,

KALOW & SPRINGUT LLP

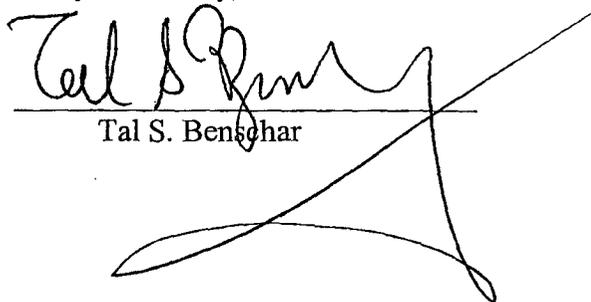
By: 

Milton Springut
Tal S. Bensch
Caroline G. Boehm
488 Madison Avenue
New York, NY 10022
(212) 813-1600

Attorneys for Petitioner

CERTIFICATE OF SERVICE

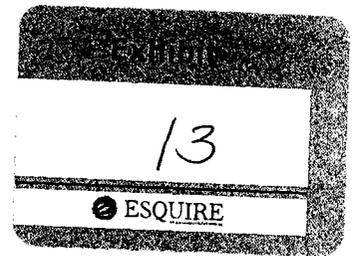
I hereby certify that a copy of the foregoing is being served by first class mail and electronic mail with consent, upon the attorneys for the Registrant, Jeffrey Dawson, Esq., 56 Fourth Street, NW Suite 100, Winter Haven, FL 33881, at jdawson@jdawsonlaw.com, and Lori T. Milvan, Esq., Latham, Shuker, Eden & Beaudine, LLP, 390 North Orange Avenue, Suite 600, Orlando, FL 32801, at lmilvain@lseblaw.com, this 7th day of January, 2010.



Tal S. Benschar

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

In re Registration No. 3,074,073
Mark:



-----X
ATLAS FLOWERS, INC. d/b/a GOLDEN FLOWERS, :
: :
: :
Petitioner, :
: :
- against - :
: :
GOLDEN VISION FLOWER, INC., :
: :
: :
Registrant. :
-----X

Cancellation No.: 92050966

AMENDED PETITION FOR CANCELLATION

In accordance with Rule 15, Federal Rules of Civil Procedure, and TBMP § 314, and the Stipulation executed by the parties filed herewith, Petitioner Atlas Flowers, Inc., located at 2600 NW 79th Avenue, Miami, Florida 33122, believes that it will be damaged by the continued registration of the mark GOLDEN VISION FLOWER INC. and Design of Registration No. 3,074,073 owned by Golden Vision Flower, Inc. ("Registrant"), and hereby amends its petition to cancel the same pursuant to Section 14(1, 3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(1, 3).

As grounds therefore, Petitioner alleges as follows:

1. Petitioner is the owner of a Section 1(a) application for the mark GOLDEN FLOWERS, Serial No. 77/571,430, filed on September 16, 2008, for fresh cut flowers in International Class 31; and a Section 1(a) Application for the mark GOLDEN FLOWERS with Design, Serial No. 77/571,417, filed on September 16, 2008 for fresh cut flowers in International Class 31 (collectively the "Applications").

2. In separate Office Actions, both dated December 17, 2008, Registrant's GOLDEN FLOWER VISION INC. and Design Mark, Registration No. 3,074,073 ("Registrant's Mark"), registered for various flowers and horticultural products in International Class 31, was cited under Section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner's respective marks in its Applications.

3. Upon information and belief, Petitioner's rights are superior and long prior in time to those of Registrant, Petitioner having commenced use of its mark at least as early as December 31, 2000, prior to the time Registrant began use of its mark in commerce or applied for registration of same.

4. Further, given the similarity between the parties' respective marks and the great similarity and closeness of the goods, there is a high likelihood of confusion if Registrant is permitted to continue use of its mark as registered for the goods listed therein.

5. Petitioner will be seriously injured if Registrant is permitted to have its certificate of registration remain of record, thereby obstructing the Applications for registration by Petitioner which already has been filed in the United States Patent and Trademark Office.

6. Registrant, if permitted to retain the registration herein sought to be cancelled and thereby retaining the prima facie exclusive right to the mark therein for the goods listed therein,

will be in a position to cause annoyance and to harass Petitioner in selling its said goods and raise doubts as to the right of Petitioner to use its own marks.

Lack of Use In Commerce

7. Registration No. 3,074,073 is for the following goods: “Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids.”

8. However, at deposition of Registrant by Ms. Shih Wen Huang, Registrant admitted that in fact it has *never* sold any of the products listed in its registration, apart from Live Orchids.

9. Further, even as to Live Orchids, upon information and belief there was no trademark use made by Registrant prior to January 19, 2006. (The instant registration began as an intent-to-use application under Section 1(b) of the Trademark Act. A Notice of Allowance issued on July 19, 2005, which required a Statement of Use to be filed within 6 months. Although one was filed on January 6, 2006, that Statement of Use was false and fraudulent, as set forth below. In fact, it appears that no “use in commerce” (as that term is defined in the Trademark Act) of the registered mark was ever made prior to January 19, 2006, the deadline under the Notice of Allowance.)

Fraud

10. On January 6, 2006, Registrant, filed a Statement of Use as required by the Trademark Act. (The underlying Statement of Use, however, was dated August 8, 2005) That document is of-record with the Trademark Office.

11. The Statement of Use was false in that it affirmed use of the subject mark for “Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids.”

However, Registrant has to date *never* used its mark (or indeed engaged in any commerce) with respect to any of the products listed other than Live Orchids.

12. The listing of these additional goods on the Statement of Use was material to the issuance of the registration. Had the Statement of Use only listed Live Orchids, then only a much more limited registration would have issued.

13. The circumstances of this submission strongly suggest that it was made with the intent to deceive, or at least with reckless disregard of the truth:

(a) As set forth above, Ms. Huang confirmed that Registrant has *never* in its entire corporate history since 2003 sold any products other than live orchids (and related packaging, such as pottery). She confirmed that the additional products listed in the Statement of Use and Registration were merely product categories which the company hoped to sell at some point in the future, but those plans have to date never materialized.

(b) Registrant is a small family owned company. Ms. Huang testified that her parents, who are based in Taiwan, own and manage the company. At most the company has had about a dozen employees, mostly low-level employees who work in its greenhouse. It is inconceivable that in 2005, when the Statement of Use was signed, that the signatory was not aware of what products the company was and was not selling.

(c) The Statement of Use appended as a specimen a tag which Ms. Huang was wholly unfamiliar and which she had no knowledge of the company ever using.

(d) That specimen lists all of the products listed in the Statement of Use and Registration. It appears that such Specimen was created solely for the purpose of the required filing with the Trademark Office and not actually used in Registrant's business.

(e) The Statement of Use is signed by a "Li Ying Chuang, President." At deposition, Ms. Huang confirmed that this was her mother, but that she was never President of the company (although she was and is a shareholder and director).

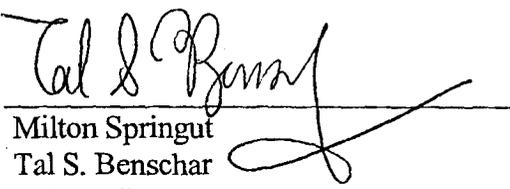
14. For all of the above reasons, the Statement of Use submitted was both false and fraudulent, and hence the Registration should be cancelled on the grounds that it was obtained by fraud.

WHEREFORE, Petitioner requests that this cancellation be sustained and that Registration No. 3,074,073 be cancelled.

Dated: New York, New York
February 16, 2010

Respectfully submitted,

KALOW & SPRINGUT LLP

By: 
Milton Springut
Tal S. Benschar
488 Madison Avenue
New York, NY 10022
(212) 813-1600

Attorneys for Petitioner

CERTIFICATE OF SERVICE

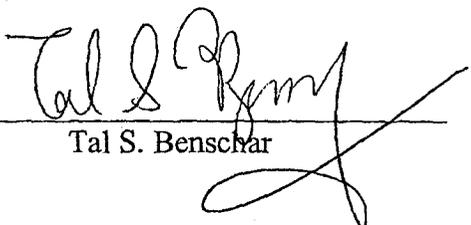
I hereby certify that a copy of the foregoing is being served by First Class mail upon the

Registrant's counsel at:

Jeffrey S. Dawson, Esq.
56 Fourth Street, NW
Suite 100
Winter Haven, FL 33881

Lori T. Milvan, Esq.
Latham, Shuker, Eden & Beaudine, LLP
390 North Orange Avenue, Suite 600
Orlando, FL 32801

this 16th day of February , 2010

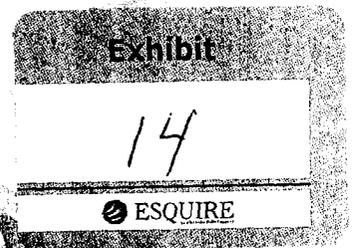

Tal S. Bensch

FLORISTS' REVIEW

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Retail Florist of the Year Winston Flowers

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2010-2011

sourcebook

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- Products
- Suppliers
- Associations
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#BXNRJMP *****CPR-RT LOT**C-055
 #D0FR601869#
 MY4 FLOR1 JUN10 0008
 #49 #11294
 ALEXANDRO BAYONA
 GOLDEN FLOWERS
 2600 NM 79TH AVE
 DORAL FL 33122-1035

Registrant's Exhibit
Canc. No. 92050966

AFL 931

features

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WINSTON FLOWERS**
This third-generation business cultivates relationships while offering five-star services for Boston's affluent residents and exclusive businesses plus affordable options for all.
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Properly handling your cut flowers will make them last longer—and build your business and reputation. Here's all the info you need to do it right.
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The popular education program is on the road in Dallas, Atlanta and Chicago this summer.

2010-2011 sourcebook

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DeLeon Springs, FL 32130
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mark@qualitygrowers.com / www.1800cutgreens.com
See ad on Page 137.

24Hour Florist, Inc.
577 Oak Villa Blvd.
Baton Rouge, LA 70815
225-296-7890 / 866-257-9504
FAX 225-296-7890
sales@24hourflorist.net / www.24hourflorist.net

AAA Glass
Houston, TX
281-865-0558
sales@aglassvase.com / www.aglassvase.com

Accent Décor, Inc.
6550-A Jimmy Carter Blvd.
Norcross, GA 30071
770-346-0707 / 800-385-5114
FAX 770-346-6888
mholland@accentdecor.com / www.accentdecor.com

Acolyte Technologies Corporation
Dist. by Pete Garcia Co.
44 E. 32nd St., 9th Fl.
New York, NY 10016
212-629-3239 / 888-226-5983
FAX 212-629-6931
mase.yarr.azaki@888acolyte.com / www.888acolyte.com
See ad on Page 49.

Action Lighting
P.O. Box 6428
Bazeman, MT 59718
406-586-5105 / 800-248-0076
FAX 406-585-3078
action@actionlighting.com / www.actionlighting.com

Airgas Retail Solutions
3542 Morris St. N.
St. Petersburg, FL 33713
727-576-0033 / 677-717-4545
FAX 727-341-8208
info@hellumsupplies.com / www.airgasretail.com
See ad on Page 96.

Alexandra Farms
1311 98th St.
Bay Harbor Islands, FL 33154
305-526-3657
joserazout@alexandrafarms.com
www.alexandrafarms.com
See ad on Page 100.



Allstate Floral & Craft, Inc.
14038 Park Pl.
Cerritos, CA 90703
562-926-2302 / 800-433-4056
FAX 562-926-8612
services@allstatefloral.com / www.allstatefloral.com

Allways for You Wholesale Flowers & Roses
32 33rd St., 4th Fl.
Brooklyn, NY 11232
846-203-9995 / 877-767-3779
www.allways4you.com

America-Asia Commerce, Inc.
P.O. Box 3642
Long Beach, CA 90803
323-780-9797 / FAX 323-780-9780
aac@aacglass.com / www.aacglass.com

American Best
3840 Distribution Dr.
Garland, TX 75041
214-342-9572 / 800-634-8848
info@americanbest.com / www.americanbest.com

American Floral Container, Inc.
14 American Way
Dawsonville, GA 30534
706-531-1580 / 800-448-0843
FAX 706-531-1585
afcont@windstream.net
www.americanfloralcontainer.com
See ad on Page 85.

American Floral Distributors
8382 Pines Blvd., #224
Pembroke Pines, FL 33024
305-671-3959
FAX 866-465-7542
www.americanfloraldistributors.com
See ad on Page 136.

Amy's Orchids
107 Phenix Farm Ln.
Phenix, VA 23959
434-376-6930 / FAX 434-376-6932
amy@amysorchids.com / www.amysorchids.com

Anagram International, Inc.
7700 Anagram Dr.
Minneapolis, MN 55344
952-949-5600 / 900-554-4711
FAX 952-949-5602
info@anagramintl.com / www.anagramballoons.com
See ad on Page 81.

Aqua Gems of Idaho LLC
P.O. Box 1899
Idaho Falls, ID 83403
208-542-1121 / FAX 208-542-1131
deorzh@aquaz-gems.com / www.aquaz-gems.com

Armellini Air Express
2033 N.W. 70th
Miami, FL 33122
305-468-8745 / 800-327-7837
FAX 305-507-7843
airexpress@armellini.com / www.armellini.com

ArtMesh (Earth-Deco, Inc.)
8305 Valley Blvd., Ste. H
La Puente, CA 91744
909-595-7044 / 800-815-8374
FAX 909-595-5802
info@artmesh.com / www.artmesh.com

At Once Wedding and Party Supply Ltd.
P.O. Box 9618
Canton, OH 44721
330-284-3718 / FAX 330-499-7017
steve.allensworth@prodigy.net
www.atonceweddingandparty.com

Aurora World, Inc.
8820 Mercury Lane
Pico Rivera, CA 90660
562-205-1222 / 888-AA-PLUSH (227-5874)
FAX 562-948-5567
info@auroragift.com / www.auroragift.com
See ad on Page 59.

Autograph Foliages
3631 Perkins Ave.
Cleveland, OH 44114
216-426-6151 / 800-659-6151
FAX 216-881-3624
sales@autofol.com / www.autofol.com
See ad on Page 36.



B&C Mortensen, Inc.
1238 E. Hwy. 2
Olcott, ID 83822
208-437-5665
gazbros@pov.com
www.weddingequipment.com
See ad on Page 93.



Ball SB
7270 N.W. 12th St., Ste. 335
Miami, FL 33126
305-471-6191 / FAX 305-471-6994
www.ballsb.com
See ad on Page 92.



Balloons Galore, LLC
423 Baker St.
Jamestown, NY 14701
716-483-0966 / 800-506-0271
FAX 716-483-0967
balloonsgalore@vincstream.net
www.39centballoon.com
See ad on Page 135.

Barr Refrigeration Inc.
1423 Planeview Dr.
Oshtemo, WI 54904
920-231-1711 / FAX 920-231-1701
info@barrinc.com / www.barrinc.com
See ad on Page 136.

Baystone Media
99 Jericho Turnpike, Ste. 203
Jericho, NY 11753
888-932-5560

Bemis Company, Inc.
30 Old Kings Hwy. S.
Darien, CT 06820
203-202-2109 / 800-558-6420
FAX 203-202-1600
michael.lemoult@bemis.com
www.flortape.com
See ad on Page 61.



Berwick Offray LLC
Dist. by Pete Garcia Co.
2015 W. Front St.
Berwick, PA 18603
570-752-5934 / 800-BERWICK (237-8425)
FAX 570-752-4264
custserv@berwickoffray.com
www.berwickindustries.com

Betallic, LLC
2326 Grissom Dr.
St. Louis, MO 63146
314-991-8800 / 800-325-0185
FAX 314-991-1943
sales@betallic.com / www.betallic.com

Biedermann & Sons, Inc.
190 Northfield Rd.
Northfield, IL 60093
847-448-8150 / 800-446-8150
FAX 847-446-8528
bisons@flash.net / www.biedermannandsons.com

Big Plush Corp.
4779 Boston Coast Rd., Ste. 200
Pelham, NY 10803
800-258-9481
www.bigplush.com

BloomNet, Inc.
One Old Country Rd., Ste. 500
Carle Place, NY 11514
866-256-6663 / FAX 516-237-4554
marketing@bloomnet.net / www.mybloomnet.net
See ad on Page 139.



Blossom Bucket, Inc.
13305 Wooster St. N.W.
N. Lawrence, OH 44666
330-834-2551 / 800-662-5923
FAX 330-634-2552
customerservice@blossombucket.com
www.blossombucket.com

Blue Crab Bay Co. / Bay Beyond Inc.
29368 Atlantic Dr.
Velfa, VA 23410
757-787-3602 / 800-221-2722
FAX 757-787-3430
sales@baybeyond.net / www.baybeyond.net

Blumebbox
25 N.W. 23rd Pl., #449, Ste. 6
Portland, OR 97210
503-468-5771 / 888-582-1094
info@blumebbox.com / www.blumebbox.com
See ad on Page 97.

Bonnett Wholesale Florist, Inc.
820 E. 1st Ave.
Milar, IL 61254
309-787-4401 / 800-383-4401
FAX 309-787-6755
kent@bonnettwholesale.com
www.bonnettwholesale.com

Botanical PaperWorks Inc.
111 Pacific Ave.
Winnipeg, MB R3B 0M1 Canada
204-956-7393 / 877-856-7393
FAX 204-956-6397
info@botanicalpaperworks.com
www.botanicalpaperworks.com

Botanique Preservation Equipment, Inc.
1515 W. Deer Valley Rd., Ste. A109
Phoenix, AZ 85027
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freeze@botaniquefrzdry.com
www.botaniquefrzdry.com
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Bouquet Jewels* by Flora Europa, Inc.
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Scottsdale, AZ 85260
480-292-7443 / 800-590-4970
FAX 480-832-4448
info@bouquetjewels.com / www.bouquetjewels.com
See ad on Page 107.

boutonnierebuddy
1100 Irvine Blvd., Ste. 676
Tustin, CA 92780
838-907-7735
FAX 714-339-5205
www.boutonnierebuddy.com

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325 Cleveland Rd.
Bogart, GA 30622
706-548-1588 / 800-241-2094
FAX 800-880-9759
balloons@burtonandburton.com
www.burtonandburton.com
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Bush Refrigeration, Inc.
1700 Admiral Wilson Blvd.
Camden, NJ 08109
856-963-1900 / 800-220-2874
FAX 856-963-0770
www.bushrefrigeration.com
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First & Main, Inc.
2400 E. Main St., Ste. 103-359
St. Charles, IL 60174
630-587-1000 / 800-726-1400
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customerservice@aplush.com / www.firstandmain.com



Fitz Design
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Cincinnati, OH 45244
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office@creationsbyfitzdesign.com
www.creationsbyfitzdesign.com

Flamingo Holland Inc.
1250 Avenida Chelsea
Vista, CA 92081
760-734-1033 / 800-550-5459
FAX 760-727-1173
info@flamingoholland.com / www.flamingoholland.com

Florabundance, Inc.
P.O. Box 1252
Carpinteria, CA 93014
805-566-6607 / 800-201-3597
FAX 805-566-1172
info@florabundance.com / www.florabundance.com

FloraCraft
One Longfellow Pl.
Ludington, MI 49431
231-845-5127 / 800-253-0409
FAX 231-845-0240
postmaster@floracraft.com / www.floracraft.com
See ad on Page 21.

Floracubes
12165 Sand Trap Row
San Diego, CA 92128
800-448-5679 / FAX 858-408-3520
kencoley7@aol.com / www.floracubes.com
See ad on Page 100.

FloralCreatives.com
904-321-6789
www.floralcreatives.com

Floralife, Inc.
751 Thunderbolt Dr.
Walterboro, SC 29488
843-538-3839 / 800-323-3689
FAX 843-538-3949
info@floralife.com / www.floralife.com
See ad on Page 93.



Floral Innovations
P.O. Box 70
Kellyton, AL 35089
205-542-0587
www.floralinnovations.biz

Flora-Lite Co.
P.O. Box 7007
Clearwater, FL 33758
727-443-0369 / 800-411-7381
FAX 727-447-0196
floralit@tampabay.rr.com / www.flora-lite.com
See ad on Page 113.

Floral Merchandising Systems
1325 American Blvd.
Minneapolis, MN 55425
952-854-875 / FAX 952-854-1324
customerservice@floralmerchandising.com
www.floralmerchandising.com

Floral-Pak Company (Dist. by Pete Garcia Co.)
5154 Peachtree Industrial Blvd.
Atlanta, GA 30341
770-458-8888 / 800-241-3733
FAX 770-458-1718
ggsales@floramart.com

FloralSource
International LLC
P.O. Box 810
Eagle Point, OR 97524
541-494-4041 / 877-231-2478
FAX 877-213-7820
sales@floralsourceinc.com / www.floralsourceinc.com



Floral Supply Syndicate
3800 Via Pescador
Camarillo, CA 93012
805-389-1141 / 800-347-9994
FAX 805-389-1048
camarillo@fss.com / www.fss.com
See ad on Page 101.

Floraltrims, Inc.
P.O. Box 277
Grand River, OH 44045
440-354-0666 / 800-589-1199
FAX 440-354-8266
jfkjames@aol.com / www.floraltrims.com

Floranext.com
4 Stratford Ln.
Ho-Ho-Kus, NJ 07423
201-661-3406 / FAX 201-447-2040
info@floranext.com / www.floranext.com
See ad on Page 135.

Flora Pacifica
P.O. Box 1104
Brookings, OR 97415
541-469-9741 / 800-877-9741
FAX 541-469-2278
info@florapacifica.com / www.florapacifica.com
See ad on Page 105.

Flores La Conchita Ltda.
Transversal 6 #27-10, Ste. 301
Bogota, Colombia
57-1-587-8201 / FAX 57-1-587-8202
sales@laconchita.com.co

Florigene Flowers
3350 S.W. 148th Ave., Ste. 110
Miramar, FL 33027
954-874-1647 / FAX 954-874-1699
csanchez@florigene.com / www.florigene.com

Florist Profits
P.O. Box 105
Livonia, NY 14487
585-738-9299 / 800-531-8705
mikepedaci@floristprofits.net / www.floristprofits.net

FloristWare
1087 - 1930 Yonge St.
Toronto, ON M4S 1Z4 Canada
888-531-3012
susanPage@floristware.com / www.floristware.com
See ad on Page 19.



Flot-Aire Refrigerators
5937 Hwy. O
Rolla, MO 65401
573-729-5964 / 800-729-5964
FAX 573-729-6023
flotaire@gmail.com / www.flotaire.com
See ad on Page 62.



FlowerBuyer.com
700 Dorval Dr., Ste. 405
Oakville, ON L6K 3V3 Canada
905-849-1343 / 877-625-3243
FAX 905-849-9545
makebid@flowerbuyer.com / www.flowerbuyer.com
See ad on Page 37.

Flower Card Company, The
392 Rindie Ct.
Kelowna, BC V1W 5G5 Canada
778-477-5500 / FAX 778-477-5503
flower.card@shaw.ca / www.flowercardco.com

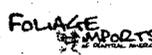
FlowerChat Community
250 The East Mall, Ste. 1264
Toronto, ON M9B 6L3 Canada
647-883-2479 / FAX 800-755-7032
webmaster@flowerchat.com / www.flowerchat.com

Flower Depot, The
P.O. Box 654
Tonganoxie, KS 66086
913-845-2099 / 800-678-2099
FAX 913-845-2136
thedept@sunflower.com / www.tfdepot.com
See ad on Page 135.

FlowerDiyvas
16601 Gothard Ave., Ste. F
Huntington Beach, CA 92647
714-632-6885
info@flowerdiyvas.com / www.flowerdiyvas.com

Flowers by Design
780 W. Army Trail Rd., Ste. 230
Carol Stream, IL 60188
800-833-7455 / FAX 800-833-7455
sales@flowers-by-design.com
www.flowers-by-design.com
See ad on Page 109.

Foliage Imports of Central America
P.O. Box 567
Astor, FL 32102
386-749-4186 / 877-546-2316
FAX 386-749-1636
info@foliageimports.com / www.foliageimports.com
See ad on Page 106.



Ford - Commercial Truck Division
16800 Executive Plaza Dr.
Dearborn, MI 48126
877-TRK-LINE (875-5463)
www.comtruck.ford.com
See ad on Page 67.

Fresca Farms
3095 N.W. 77th Ave.
Miami, FL 33122
305-591-1990 / 877-937-3722
FAX 305-591-1991
all@frescafarms.com / www.frescafarms.com
See ad on Page 75.

Frontier Imports, Inc.
12534 Raymer St.
North Hollywood, CA 91605
818-503-9300 / 800-522-2598
FAX 818-503-9323
frontierimports@sbcglobal.net / www.frontierimports.com

FS-USA
3843 N. Cypress Dr.
Wichita, KS 67212
316-636-1192 / 800-846-4228
FAX 316-636-1194
custserv@fs-usa.com / www.fs-usa.com/décor

FTD Group, Inc.
3113 Woodcreek Dr.
Downers Grove, IL 60515
630-719-7800 / 800-788-9000
prdept@ftdi.com / www.ftdi.com
See ads on Pages 6 and 7.

G & G Distributors
275 N. Midland Ave.
Saddlebrook, NJ 07663
201-791-1336 / FAX 201-791-9568
service@gandgwebstore.com
www.gandgwebstore.com
See ad on Page 135.

Galleria Farms
1500 N.W. 95th Ave.
Miami, FL 33172
305-591-0045 / 800-383-2939
FAX 305-591-0177
sales@galleriafarms.com / www.galleriafarms.com
See ad on Page 98.

Garcia Group Glass
Dist. by Pete Garcia Co.
5154 Peachtree Industrial Blvd.
Atlanta, GA 30341
770-458-8888 / 800-241-3733 / FAX 770-458-1718
floraglas@floramart.com / www.floramart.com
See ad on Page 57.

Georgetown Pottery
P.O. Box 151
Georgetown, ME 04548
207-371-2801 / 866-ZENPOTS (936-7687)
FAX 207-371-2933
gpottery@gwi.net / www.georgetownpottery.com

Gift Box Corporation of America
305 Veterans Blvd.
Carlstadt, NJ 07072
201-933-9777 / 800-443-8269
FAX 201-933-5316
info@800giftbox.com / www.800giftbox.com
See ad on Page 106.

Giftmart Wholesale Co., The
P.O. Box 116
Piggott, AR 72454
870-598-3480 / 800-884-2255
FAX 870-598-5970
giftmartwholesale@centurytel.net

Giftwares Company Inc.
Dist. by Pete Garcia Co.
436 First Ave.
Royersfield, PA 19468
610-948-1111 / 800-535-1300
FAX 610-948-6878
sales@giftwaresco.com / www.giftwaresco.com

Globalrose.com LLC
7225 N.W. 25th St., Ste. 113
Miami, FL 33158
305-594-0084 / 888-590-7673
info@globalrose.com / www.globalrose.com

Golden Flowers
2600 N.W. 79th Ave.
Miami, FL 33122
305-599-0193 / 800-333-9929
FAX 305-477-0616
sales@goldenflowers.com
www.goldenflowers.com



Green Glo Products Co.
Dist. by Pete Garcia Co.
P.O. Box 759
Lorena, TX 76655-0759
254-857-8084 / 800-700-2817
FAX 254-857-8089
See ad on Page 55.

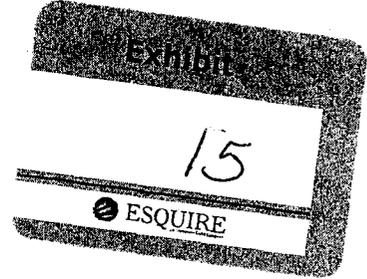


Alejandro Bayona

From: Bill Pemberton
Sent: Wednesday, June 02, 2010 3:06 PM
To: Alejandro Bayona
Subject: Fw: [WA_FV281] Weekly Ornamental Shipment (Movement) Report, All commodities

Best Regards

Bill Pemberton



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

From: WA_FV281 <USDA_ESMIS@usda.mannlib.cornell.edu>
To: WA_FV281 <USDA_ESMIS@usda.mannlib.cornell.edu>
Sent: Wed Jun 02 12:59:35 2010
Subject: [WA_FV281] Weekly Ornamental Shipment (Movement) Report, All commodities

Washington, DC Wednesday, June 2, 2010
WA_FV281
(202)720-9936
(202)720-7502-Fax

AVAILABLE DOMESTIC SHIPMENTS AND IMPORTS OF ORNAMENTAL CROPS
(AMOUNTS ARE SHOWN IN UNITS OF 1,000 STEM COUNT UNLESS OTHERWISE DESIGNATED)

COMMODITY	MAY 23 MAY 29	MAY 16 MAY 22	MAY 23 MAY 30	TOTAL THIS SEASON THRU	TOTAL LAST SEASON THRU
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ALSTROEMERIA

COLOMBIA	4857	4698	6773	104081	105343
230767					
CANADA	-	-	24	5	90
96					
ECUADOR	82	101	203	1847	2671
4728					
MEXICO	47	68	115	1573	1073
2202					
NETHERLANDS	-	1	8	41	32
62					
OTHER SECTIONS	-	-	-	4	21
40					
TOTAL	4986	4868	7123	107551	109230
237895					

ANTHURIUM

BRAZIL	-	1	2	28	35
72					
COLOMBIA	0	1	5	61	123
207					
COSTA RICA	14	14	35	392	327
770					
DOMINICAN REPUBLIC	-	-	2	39	83
153					
ECUADOR	1	1	1	31	29
79					
GUATEMALA	1	-	-	15	36
102					
MEXICO	2	2	2	44	62
145					
NETHERLANDS	-	4	8	44	71
170					
PERU	-	0	1	0	3
5					
SPAIN	-	-	6	8	29
63					
THAILAND	-	-	3	17	13
25					
TRINIDAD-TOBAGO	-	-	4	9	90
148					
ST VINCENT AND GRENADINES	-	-	1	-	28
34					
OTHER SECTIONS	-	-	-	32	15
99					
TOTAL	18	23	70	720	944
2072					

ASTER

COLOMBIA	711	439	617	11687	11874
27829					
CANADA	-	-	1	1	4
5					
COSTA RICA	29	23	14	614	616
1259					
DOMINICAN REPUBLIC	-	-	9	55	231
687					
ECUADOR	201	116	180	5326	8019
12556					
ISRAEL	-	0	30	38	52
99					
MEXICO	45	61	51	999	964
2336					
NETHERLANDS	-	2	1	7	11
30					
OTHER SECTIONS	-	-	-	2	-
0					
TOTAL	986	641	903	18729	21771
44801					

BELLS OF IRELAND (MOLUCELLA)

COLOMBIA	64	67	75	1326	1161
2814					
ECUADOR	161	109	187	3706	4134
8210					
MEXICO	54	65	68	1388	1920
2862					
OTHER SECTIONS	-	-	-	2	9
17					
TOTAL	279	241	330	6422	7224
13903					

BIRD OF PARADISE (STRELITZIA)

COLOMBIA	105	26	38	669	551
2074					
COSTA RICA	18	15	42	365	566
1129					
GUATEMALA	18	20	20	423	576
1063					
MEXICO	29	28	31	1027	846
2039					
OTHER SECTIONS	-	-	-	5	2
10					
TOTAL	170	89	131	2489	2541
6315					

BOUQUETS, MIXED

AUSTRALIA	20	23	61	560	61
835					
COLOMBIA	12921	12499	15544	351230	314128
663116					
CHILE	-	2	2	126	9
186					
COSTA RICA	47	102	134	1966	2228
6139					
ECUADOR	631	601	1129	18956	28005
55874					
GUATEMALA	-	-	6	322	12
41					
KENYA	5	5	-	28	31
126					
MALAYSIA	-	2	-	6	1
5					
MEXICO	71	152	179	2579	2778
7077					
NETHERLANDS	2	1	1	298	14
101					
PERU	19	7	16	145	191
590					
THAILAND	4	9	56	228	809
1427					
OTHER SECTIONS	-	-	-	9	5
88					
TOTAL	13720	13403	17128	376453	348272
735605					

BÔUQUETS, ROSE

COLOMBIA	3031	3162	5533	117789	110314
204796					
ECUADOR	1941	1305	3040	57481	61503
107909					
GUATEMALA	20	28	36	699	115
609					
MEXICO	33	37	126	2241	3427
4866					
OTHER SECTIONS	-	-	-	75	305
340					
TOTAL	5025	4532	8735	178285	175664
318520					

CALLA (ZANTEDESCHIA)

COLOMBIA	383	501	609	8719	8754
22073					
CANADA	-	-	1	0	3
3					
CHILE	-	-	3	33	22
64					
COSTA RICA	40	18	15	492	287
782					
ECUADOR	387	300	445	8045	6568
14391					
ISRAEL	-	-	2	1	9
10					
KENYA	1	3	2	42	52
200					
MEXICO	79	60	35	1071	1149
1975					
NETHERLANDS	2	27	129	275	617
2990					
NEW ZEALAND	-	-	12	105	165
371					
OTHER SECTIONS	-	-	-	20	12
40					
TOTAL	892	909	1253	18803	17638
42899					

CARNATIONS

COLOMBIA	6166	7275	6772	173145	150917
319545					
CANADA	-	-	3	0	8
8					
COSTA RICA	-	-	5	24	10
30					
ECUADOR	356	127	649	7215	8643
17701					
ISRAEL	-	4	0	118	52
100					
MEXICO	368	503	441	7344	6650
14147					

NETHERLANDS	0	4	17	87	98
277					
OTHER SECTIONS	-	-	-	107	1
31					
TOTAL	6890	7913	7887	188040	166379
351839					

CARNATIONS, MINIATURE

COLOMBIA	3612	3943	5313	97201	94617
195984					
ECUADOR	117	32	125	2032	2441
4603					
MEXICO	56	21	35	471	527
1091					
OTHER SECTIONS	-	-	-	-	6
24					
TOTAL	3785	3996	5473	99704	97591
201702					

CHAMAEDOREA

COSTA RICA	8	7	2	278	9
56					
GUATEMALA	60	305	152	5769	1215
5527					
MEXICO	2087	1231	1338	46042	50230
100960					
OTHER SECTIONS	-	-	-	2	2
25					
TOTAL	2155	1543	1492	52091	51456
106568					

CHRYSANTHEMUMS

COLOMBIA	2336	2132	3906	52517	53480
125056					
CANADA	-	0	12	6	43
48					
COSTA RICA	4	8	1	150	1591
1781					
ECUADOR	218	173	304	5159	4905
11241					
MEXICO	-	-	5	143	121
1024					
NETHERLANDS	-	2	-	11	3
25					
OTHER SECTIONS	-	-	-	0	12
15					
TOTAL	2558	2315	4228	57986	60155
139190					

DAISIES

MEXICO	-	-	41	757	1498
1733					

OTHER SECTIONS	-	-	-	-	-
48					
TOTAL	-	-	41	757	1498
1781					
DELPHINIUM					

COLOMBIA	26	31	47	961	1403
2407					
CANADA	-	-	2	0	2
2					
ECUADOR	234	208	427	6424	7840
16205					
ISRAEL	-	3	37	235	213
240					
MEXICO	290	457	215	9292	6412
7803					
NETHERLANDS	-	3	10	44	40
180					
PERU	0	1	1	26	19
49					
OTHER SECTIONS	-	-	-	0	27
41					
TOTAL	550	703	739	16982	15956
26927					
FREESIA					

COLOMBIA	5	3	1	79	188
391					
CANADA	-	-	13	4	43
48					
CHILE	-	17	9	141	21
145					
COSTA RICA	-	5	4	7	5
39					
ECUADOR	89	31	31	831	766
1496					
NETHERLANDS	5	70	121	1125	1220
2965					
OTHER SECTIONS	-	-	-	16	83
123					
TOTAL	99	126	179	2203	2326
5207					
GERBERA					

BRAZIL	-	-	9	81	143
322					
COLOMBIA	1002	902	1408	19514	20854
47256					
CANADA	-	-	207	128	754
888					
COSTA RICA	38	47	44	1190	798
1991					
ECUADOR	66	30	78	1013	1792
3666					

GUATEMALA	4	19	0	173	74
140					
ISRAEL	-	1	367	625	1499
2515					
MEXICO	87	91	84	1542	2433
5112					
NETHERLANDS	1	88	106	1269	2461
4254					
OTHER SECTIONS	-	-	-	9	29
34					
TOTAL	1198	1178	2303	25544	30837
66178					
GLADIOLA					

BRAZIL	-	-	3	157	275
370					
COLOMBIA	-	1	-	12	90
93					
COSTA RICA	-	0	3	195	208
208					
MEXICO	217	167	140	6320	4505
8886					
NETHERLANDS	-	-	1	9	3
20					
PERU	-	1	-	10	-
5					
OTHER SECTIONS	-	-	-	3	6
6					
TOTAL	217	169	147	6706	5087
9588					
GYPSOPHILA					

COLOMBIA	309	256	617	9074	10386
20651					
COSTA RICA	-	-	2	40	41
47					
ECUADOR	1357	982	3821	52158	54447
115208					
ISRAEL	-	-	18	32	67
98					
MEXICO	3	2	17	54	100
428					
PERU	28	17	10	593	280
587					
OTHER SECTIONS	-	-	-	26	15
26					
TOTAL	1697	1257	4485	61977	65336
137045					
HYDRANGAEA					

COLOMBIA	2214	2223	2241	35203	26921
67423					
ECUADOR	33	20	44	683	716
1308					

MEXICO	0	1	1	13	21
37					
NETHERLANDS	6	19	53	106	116
774					
NEW ZEALAND	-	-	17	236	269
294					
PERU	108	77	47	801	687
1578					
THAILAND	-	-	1	-	1
2					
OTHER SECTIONS	-	-	-	11	12
15					
TOTAL	2361	2340	2404	37053	28743
71431					

HYPERICUM

COLOMBIA	7	0	23	304	299
1407					
COSTA RICA	-	-	2	4	10
13					
ECUADOR	635	510	985	13451	14135
40773					
MEXICO	-	-	1	42	8
165					
NETHERLANDS	0	1	4	27	56
212					
PERU	31	2	1	875	425
663					
OTHER SECTIONS	-	-	-	17	8
83					
TOTAL	673	513	1016	14720	14941
43316					

IRIS

CANADA	-	-	27	7	117
119					
COSTA RICA	27	32	54	1034	1237
1969					
ECUADOR	7	2	0	209	165
366					
MEXICO	2	3	5	74	119
176					
NETHERLANDS	3	13	13	504	699
889					
OTHER SECTIONS	-	-	-	26	7
13					
TOTAL	39	50	99	1854	2344
3532					

LEATHERLEAF

COLOMBIA	-	-	148	345	287
513					
COSTA RICA	336	394	28	11900	2041
5369					

MEXICO	93	490	421	10231	7409
16046					
OTHER SECTIONS	-	-	-	473	486
1285					
TOTAL	429	884	597	22949	10223
23213					

LIATRIS

COLOMBIA	17	24	75	805	705
2228					
DOMINICAN REPUBLIC	141	185	78	3649	4117
8161					
ECUADOR	79	82	153	2518	3694
6195					
MEXICO	0	0	8	5	65
93					
PERU	9	30	151	1366	1716
2743					
OTHER SECTIONS	-	-	-	20	15
53					
TOTAL	246	321	465	8363	10312
19473					

LILIES

COLOMBIA	164	340	366	6342	4090
10797					
CANADA	-	-	38	5	164
170					
COSTA RICA	570	520	875	16199	15659
34682					
DOMINICAN REPUBLIC	11	12	4	393	154
554					
ECUADOR	230	766	239	6554	6069
11779					
GUATEMALA	3	0	2	3	2
4					
ISRAEL	-	2	0	30	50
50					
JAMAICA	-	-	1	3	1
3					
MEXICO	84	98	108	1601	2579
4337					
NETHERLANDS	5	131	176	1063	1639
3718					
THAILAND	-	-	1	0	1
2					
OTHER SECTIONS	-	-	-	13	227
276					
TOTAL	1067	1869	1810	32206	30635
66372					

LISIANTHUS (EUSTOMA)

COLOMBIA	30	32	25	636	702
1258					

CANADA	-	-	3	1	10
11					
ECUADOR	107	81	172	2537	3793
7071					
ISRAEL	-	13	125	541	613
1065					
MEXICO	40	47	65	299	191
792					
NETHERLANDS	0	10	27	163	170
434					
PERU	2	3	4	182	205
229					
OTHER SECTIONS	-	-	-	45	56
93					
TOTAL	179	186	421	4404	5740
10953					
MISC. GREENS					

AUSTRALIA	-	0	508	1587	2499
4671					
COLOMBIA	125	103	571	5918	5216
13433					
CANADA	-	-	10	922	180
303					
CHILE	-	0	1	9	4
33					
COSTA RICA	126	160	634	5056	5533
11362					
ECUADOR	31	17	43	569	620
1219					
FRANCE	-	-	7	32	96
165					
GUATEMALA	18	1	16	947	131
533					
ISRAEL	2	52	88	2404	3797
7170					
ITALY	36	46	168	1434	1741
4388					
JAPAN	-	1	0	13	6
16					
MALAYSIA	-	1	8	27	35
71					
MEXICO	115	120	44	2788	1603
4954					
NETHERLANDS	15	29	44	579	544
1577					
NEW ZEALAND	-	-	25	45	463
548					
PERU	3	4	47	138	197
359					
SOUTH AFRICA	-	1	1	27	43
92					
SINGAPORE	-	-	9	23	43
92					
THAILAND	2	3	54	231	304
756					

OTHER SECTIONS	-	-	-	82	15
159					
TOTAL	473	538	2278	22831	23070
51901					
ORCHID-CYMBIDIUM					

COLOMBIA	3	3	3	49	86
123					
NETHERLANDS	19	29	82	727	728
1106					
NEW ZEALAND	-	-	27	8	31
711					
OTHER SECTIONS	-	-	-	1	27
98					
TOTAL	22	32	112	785	872
2038					
ORCHID-DENDROBIUM					

COLOMBIA	14	0	-	18	8
127					
HAITI	0	-	1	3	4
12					
MALAYSIA	-	9	28	201	220
608					
NETHERLANDS	-	0	1	16	15
36					
PANAMA	1	-	1	8	32
48					
SINGAPORE	-	-	9	19	32
71					
THAILAND	308	669	3512	25832	18441
42336					
OTHER SECTIONS	-	-	-	36	49
155					
TOTAL	323	678	3552	26133	18801
43393					
ORCHID-OTHERS					

INDIA	-	3	-	6	-
-					
ISRAEL	-	-	1	0	1
1					
MALAYSIA	-	9	43	298	325
872					
NETHERLANDS	0	5	6	64	57
139					
SINGAPORE	-	-	15	44	61
146					
THAILAND	43	93	498	4840	3491
8551					
TAIWAN	-	2	2	39	60
114					
VIETNAM	0	2	0	33	17
51					

OTHER SECTIONS	-	-	-	18	38
85					
TOTAL	43	114	565	5342	4050
9959					
OTHERS					

AUSTRALIA	-	-	112	15	122
5902					
COLOMBIA	702	565	843	14146	14387
35317					
CANADA	-	-	13	887	1238
1265					
CHILE	-	1	2	230	45
994					
COSTA RICA	61	57	266	2494	2932
6486					
ECUADOR	809	473	1050	16558	21499
45649					
FRANCE	-	0	4	473	475
593					
GUATEMALA	185	0	5	316	8
16					
INDIA	72	628	447	2463	1453
3535					
ISRAEL	-	11	78	1342	1401
2023					
ITALY	0	0	8	574	618
862					
JAPAN	-	3	2	207	109
157					
KENYA	3	8	2	90	27
165					
MEXICO	2806	2739	1628	32757	30666
80758					
NETHERLANDS	29	203	680	12931	11184
16552					
NEW ZEALAND	-	-	167	118	330
870					
PERU	167	93	167	1293	1195
6255					
SOUTH AFRICA	2	5	1	76	19
428					
THAILAND	1	1	10	69	55
125					
TANZANIA	-	1	0	6	0
5					
ZIMBABWE	-	1	1	47	16
69					
OTHER SECTIONS	-	-	-	14729	12112
12178					
TOTAL	4837	4789	5486	101821	99891
220204					
POMPONS					

COLOMBIA	6640	6554	7649	155041	148282
342188					
CANADA	-	-	1	0	4
4					
COSTA RICA	26	19	15	381	371
652					
DOMINICAN REPUBLIC	-	-	73	0	150
925					
ECUADOR	38	0	17	173	330
697					
OTHER SECTIONS	-	-	-	1	-
38					
TOTAL	6704	6573	7755	155596	149137
344504					

ROSES

COLOMBIA	16305	16268	32376	505848	527282
1026031					
CANADA	-	-	45	19	142
149					
ECUADOR	11857	8909	27137	301486	345921
706084					
EL SALVADOR	-	-	2	-	5
5					
ETHIOPIA	-	8	10	94	61
123					
GUATEMALA	261	339	416	6528	5195
10867					
ISRAEL	-	1	3	22	72
115					
KENYA	156	169	428	5037	5501
11294					
MEXICO	426	601	331	11551	10284
17961					
NETHERLANDS	9	44	89	1163	1363
2330					
SOUTH AFRICA	-	10	68	344	1125
1635					
THAILAND	-	13	-	120	46
133					
OTHER SECTIONS	-	-	-	794	2430
3611					
TOTAL	29014	26362	60905	833006	899427
1780338					

SNAPDRAGON

COLOMBIA	287	283	407	6077	6908
16125					
CANADA	-	-	61	29	284
306					
COSTA RICA	-	1	4	25	49
71					
DOMINICAN REPUBLIC	-	3	-	5	6
13					

ECUADOR	15	11	20	337	461
802					
GUATEMALA	5	12	38	228	218
422					
MEXICO	65	84	96	1552	1686
3437					
OTHER SECTIONS	-	-	-	11	23
29					
TOTAL	372	394	626	8264	9635
21205					

SOLIDAGO

COLOMBIA	521	533	485	11368	9306
24613					
COSTA RICA	10	8	7	196	263
567					
DOMINICAN REPUBLIC	5	3	200	196	2612
3930					
ECUADOR	165	134	125	3410	3700
8119					
ISRAEL	-	2	34	79	97
301					
MEXICO	55	100	95	1770	1640
4072					
NETHERLANDS	-	-	1	0	12
17					
OTHER SECTIONS	-	-	-	0	0
7					
TOTAL	756	780	947	17019	17630
41626					

STATICE (LIMONIUM)

COLOMBIA	527	556	884	13383	14138
31086					
CANADA	-	-	1	0	3
4					
ECUADOR	368	283	567	9476	11325
22037					
ISRAEL	-	-	29	72	53
55					
KENYA	-	-	3	3	10
15					
MEXICO	295	210	211	6184	6407
9618					
NETHERLANDS	-	0	1	1	8
14					
PERU	16	19	14	269	226
420					
OTHER SECTIONS	-	-	-	5	3
8					
TOTAL	1206	1068	1710	29393	32173
63257					

TULIPS

CANADA	-	-	1130	1077	6442
6443					
FRANCE	-	2	2	278	250
305					
NETHERLANDS	24	407	2346	61667	70622
76297					
OTHER SECTIONS	-	-	-	120	205
268					
TOTAL	24	409	3478	63142	77519
83313					

GRAND TOTAL 93993 91806 156873 2606323 2615048
5348063

All Ornamental shipments are from Animal and Plant Health Inspection Service

DOCUMENT 2

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

United States Patent and Trademark Office

Reg. No. 3,074,073

Registered Mar. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**



GOLDEN VISION FLOWER INC. (FLORIDA CORPORATION)
2809 WEST KELLY PARK ROAD
APOPKA, FL 327125125

FIRST USE 6-1-2004; IN COMMERCE 12-1-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLOWER INC.", APART FROM THE MARK AS SHOWN.

SN 76-594,946, FILED 6-1-2004.

FOR: CUT FLOWERS, DRIED FLOWERS AND LIVE FLOWERS; FLOWER BULBS; FLOWER SEEDS; LIVE FLOWERING PLANTS; DRIED PLANTS AND LIVE PLANTS; GRASS AND GRASS SEEDS; FRESH HERBS AND RAW HERBS; LIVE ORCHIDS, IN CLASS 31 (U.S. CLS. 1 AND 46).

LAURA KOVAISKY, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-12-27 15:54:05 ET

Serial Number: 76594946 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3074073

Mark



(words only): GOLDEN VISION FLOWER INC.

Standard Character claim: No

Current Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: 2009-05-14

Filing Date: 2004-06-01

Transformed into a National Application: No

Registration Date: 2006-03-28

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-02-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Golden Vision Flower Inc.

Address:

Golden Vision Flower Inc.
2809 West Kelly Park Road
Apopka, FL 327125125
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 031

Class Status: Active

Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids

Basis: 1(a)

First Use Date: 2004-06-01

First Use in Commerce Date: 2004-12-01

ADDITIONAL INFORMATION

Disclaimer: "FLOWER INC."

Design Search Code(s):

05.03.25 - Leaf, single; Other leaves

05.05.25 - Daffodils; Iris (flower); Other flowers

26.01.26 - Coils; Spirals; Swirls

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-05-14 - Cancellation Instituted No. 999999

2006-03-28 - Registered - Principal Register

2006-02-15 - Law Office Registration Review Completed

2006-02-10 - Assigned To LIE
2006-02-06 - Allowed for Registration - Principal Register (SOU accepted)
2006-02-03 - Statement Of Use Processing Complete
2006-01-06 - Use Amendment Filed
2006-01-06 - PAPER RECEIVED
2005-07-19 - NOA Mailed - SOU Required From Applicant
2005-04-26 - Published for opposition
2005-04-06 - Notice of publication
2005-01-18 - Law Office Publication Review Completed
2005-01-14 - Assigned To LIE
2005-01-10 - Examiner's amendment mailed
2005-01-10 - Approved For Pub - Principal Register
2005-01-10 - Examiners Amendment -Written
2005-01-04 - Assigned To Examiner
2004-06-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Richard E. Fichter

Correspondent

JEFFREY S DAWSON
PO BOX 1111
WINDER HAVEN, FL 33881-4603
Phone Number: (703) 683-0500
Fax Number: 703-683-1080

Domestic Representative

BACON & THOMAS, PLLC
Phone Number: (703) 683-0500

Fax Number: 703-683-1080

DOCUMENT 3

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

In re Registration No. 3,074,073

Mark:



-----X	
ATLAS FLOWERS, INC. d/b/a GOLDEN FLOWERS,	:
	:
Petitioner,	:
	:
- against -	:
	:
GOLDEN VISION FLOWER, INC.,	:
	:
Registrant.	:
-----X	

Cancellation No.: 92050966

**PETITIONER’S RESPONSES TO REGISTRANT’S
FIRST SET OF INTERROGATORIES**

In accordance with Rule 33 of the Federal Rules of Civil Procedure and TBMP § 405, petitioner Atlas Flowers, Inc., d/b/a Golden Flowers hereby objects and responds to registrant Golden Vision Flower, Inc.’s First Set of Interrogatories.

GENERAL OBJECTIONS

Plaintiffs make the following General Objections to each and every Interrogatory, whether or not separately set forth in response to each Request:

1. To the extent these interrogatories require identification of persons who are

employees of Petitioner, Petitioner objects to any requirement of providing their addresses and other contact information. If appropriate, such persons will be produced for deposition.

2. Petitioner objects to the Interrogatories to the extent they purport to impose a duty beyond that required by Rules 26(b)(1) and 33 of the Federal Rules of Civil Procedure and of the TBMP § 400, etc.

3. Petitioner objects to the Interrogatories to the extent they purport to require information that is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege.

4. Petitioner objects to the Interrogatories to the extent they purport to require information not in the possession, custody or control of Plaintiffs.

5. Petitioner reserves all objections to the use or admissibility of any responses to the Interrogatories including at any hearing or trial or on any motion. Any response does not constitute an admission by Petitioner that such information is relevant in this action or admissible in evidence. Accordingly, Petitioner reserves the right to object to further inquiry with respect to any subject matter and reserve the right to make additional objections at any time and to move for an appropriate protective order.

6. Petitioner objects to the definitions of “you” or “yours” as inclusive of any entity other than the Petitioner named in the Petition for Cancellation.

7. Petitioner objects to any interrogatory that requires them to “identify” certain documents as overly broad and unduly burdensome. Where appropriate, such documents will be produced.

8. Petitioner hereby incorporates by reference its general objections into each and every one of the following interrogatory responses as though set forth fully therein.

Interrogatory No. 1

Identify all persons who are responding or assisting in the response to these Interrogatories on behalf of the Petitioner.

Response to Interrogatory No. 1

Alejandro Bayona, Director of Organizational Effectiveness, Atlas Flowers, Inc. With the assistance of Tal S. Benschar, Kalow & Springut LLP, counsel for petitioner.

Interrogatory No. 2

Identify all persons who are believed or known by you to have any knowledge concerning any of the facts and/or issues in this proceeding and specify the subject matter about which each such person has knowledge.

Response to Interrogatory No. 2

Alejandro Bayona has knowledge of Petitioner's use of its marks, the structure of its business and issues regarding likelihood of confusion. Gabriel Becerra, President, Atlas Flowers, Inc., has knowledge of Petitioner's use of its marks, the structure of its business and issues regarding likelihood of confusion.

Interrogatory No. 3

Identify each and every officer and director of Petitioner since the adoption of Petitioner's Marks, listing the position held and the period of time during which each person held such position.

Response to Interrogatory No. 3

Gabriel Becerra has been President and sole officer of Petitioner throughout the timeframe specified in the Interrogatory.

Interrogatory No. 4

State the date and manner of the first use of each of Petitioner's Marks.

Response to Interrogatory No. 4

<u>Mark</u>	<u>Appl./Reg.</u>	<u>First Use</u>	<u>Manner</u>
Golden Flowers	77/571430	At least as early as December 2000	Affixation to packaging containing goods
Golden Flowers with Design	77/571417	At least as early as the Fall of 2002	Affixation to packaging containing goods
Golden Flowers with Design	2,642,650	At least as early as December 2000	Affixation to packaging containing goods

Interrogatory No. 5

Specify all goods and/or services ever offered for sale under each of Petitioner's Marks including the date that each good and/or service began to be offered under each mark and the date that each good and/or service ceased to be offered under each mark.

Response to Interrogatory No. 5

Fresh-cut flowers including roses, pompoms, carnations, etc.

As to dates, *see* response to Interrogatory No. 4.

Interrogatory No. 6

State whether you have made continuous use of each of Petitioner's Marks since the dates identified in your response to Interrogatory 4 above.

Response to Interrogatory No. 6

Yes, as to marks which are the subject of Applications 77/571430 and 77/571417.

No, as to mark which was the subject of Registration No. 2,642,650.

Interrogatory No. 7

If your response to Interrogatory 6 above is in the affirmative, identify each document which reflects or pertains to such continuous use for each of Petitioner's Marks. Your response shall be categorized by mark and year from the year of first use to the present.

Response to Interrogatory No. 7

In accordance with Rule 33(d) of the Federal Rules of Civil Procedure, Petitioner refers Registrant to the documents produced herewith.

Interrogatory No. 8

If your response to Interrogatory 6 above is in the negative, state the dates during which use of each of Petitioner's Marks was interrupted and all reasons for such interruptions.

Response to Interrogatory No. 8

The mark which was the subject of Registration No. 2,642,650 was discontinued in the Fall of 2002.

Interrogatory No. 9

Identify each person involved in the conception and/or adoption of Petitioner's Marks stating specifically the role of each in said conception and/or adoption.

Response to Interrogatory No. 9

The mark which includes a design was created by a designer, Roger Gorman. Mr. Gorman works for Reinier Design, New York, New York. In or around 2002, Mr. Gorman produced several drafts of the design which were reviewed and commented on by Messrs. Alejandro Bayona, Gabriel Becerra and George Elias (then director of sales). The last three named individuals reviewed, commented upon and made suggestions to the design, which evolved to the design eventually adopted. Mr. Gorman's contact information is: Roger Gorman, Reiner Design, rdcnyc@rcn.com; (212) 673-1302, 123 Fifth Avenue, 4th Floor, New York, NY 10003, United States of America.

Interrogatory No. 10

Identify the designer of each and every version of any and all websites owned and/or utilized by Petitioner to advertise, market, sell or otherwise promote the goods and/or services offered for sale under Petitioner's Marks from the date of first use. Your response shall specify the dates during which each version of each website was utilized.

Response to Interrogatory No. 10

With respect to the current website (which has been used since 2007), Petitioner refers registrant to the documents produced herewith in accordance with Rule 33(d) of the Federal Rules of Civil Procedure. The prior version of the website, used from 2002 through 2007, was created by a designer named Antonio Montoya. Mr. Montoya's contact information is: Antonio Montoya,

ITE – Information Technology Exchange - Antonio@Monari.com; (954) 447-0726, 4931 SW 107th Avenue, Miramar, Florida 33027.

Interrogatory No. 11

Identify the host of each and every version of any and all websites owned and/or utilized by Petitioner to advertise, market, sell or otherwise promote the goods and/or services offered for sale under Petitioner’s Marks from the date of first use. Your response shall specify the dates during which each version was hosted by each host.

Response to Interrogatory No. 11

Petitioner objects to this Interrogatory as not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 12

Identify each supplier of packaging material that bear Petitioner’s Marks since the first use of said marks. Your response shall designate each mark separately and include the dates during which each supplier supplied its packaging.

Response to Interrogatory No. 12

Packaging is obtained from a company named Packaging Corporation of America – Miguel Paredes, Account Manager; www.packagingcorp.com; (305) 406-1664, 11350 NW 25th Street, Suite 116, Doral, Florida 33172.

Interrogatory No. 13

From the dates of first use identified in response to Interrogatory 4 above to the present, identify each employee and/or agent responsible for:

- a) ordering packaging material bearing Petitioner's Marks;
- b) maintaining websites to promote goods and/or services offered under each of Petitioner's Marks;
- c) marketing of goods and/or services offered under each of Petitioner's Marks;
- d) sales of goods and/or services offered under of each of Petitioner's Marks; and,
- e) registering and/or maintaining trademarks with the United States Patent and Trademark Office, and state of the United States, and/or any registrations outside of the United States.

Response to Interrogatory No. 13

- a) Alejandro Bayona
- b) Alejandro Bayona and Juliana Gutierrez, a marketing professional of Atlas Flowers, Inc.
- c) Bill Pemberton, sales director, Atlas Flowers, Inc.
- d) Bill Pemberton, sales director, Atlas Flowers, Inc.
- e) Alejandro Bayona and Milton Springut

Interrogatory No. 14

Identify each and every fictitious name registration ever owned by you containing the term "Golden Flowers," listing the registration number, date of registration, date of expiration, and state of registration.

Response to Interrogatory No. 14

A copy of same will be produced. *See* Fed.R.Civ.Proc. 33(d).

Interrogatory No. 15

Describe all forms of advertising employed by you to offer the goods and/or services offered for sale under Petitioner's Mark stating the name and address of each publisher of print, electronic, audio and video media employed by you along with the title of each form of media.

Response to Interrogatory No. 15

Petitioner refers Registrant to the documents produced pursuant to Rule 33(d) of the Federal Rules of Civil Procedure.

Interrogatory No. 16

Describe the typical distribution channels for each and every good and/or service offered under Petitioner's Marks.

Response to Interrogatory No. 16

Petitioner distributes its goods to virtually all wholesalers in the United States for fresh-cut flowers, as well as to certain specialized online retailers. The business is generally conducted over the phone and also through trade shows.

Interrogatory No. 17

Describe a typical customer for the goods and/or services offered for sale under Petitioner's Marks.

Response to Interrogatory No. 17

A typical customer carries a large variety of flower products, primarily fresh-cut flowers and may also carry tropical flowers including orchids, as well as hardware and accessories associated with the flower trade. The typical customer is a wholesaler who in turn supplies retail florists within 200 miles of such wholesaler. These wholesalers are spread throughout major metropolitan and suburban areas throughout the United States.

Interrogatory No. 18

Identify the geographic areas in which Petitioner currently offers for sale goods and/or services under each of Petitioner's Marks. Your response shall identify each state of the United States and province of Canada specifically.

Response to Interrogatory No. 18

Petitioner distributes flowers throughout the United States and Canada.

Interrogatory No. 19

State when and how you first became aware of Registrant and its use of Registrant's Mark.

Response to Interrogatory No. 19

Registrant's mark was cited by the USPTO against Petitioner's Applications.

Interrogatory No. 20

Identify all lawsuits, oppositions, and/or cancellation proceedings involving Petitioner's Marks.

Response to Interrogatory No. 20

Other than this proceeding, none.

Interrogatory No. 21

Specify all efforts taken by you to monitor potential infringement of Petitioner's Marks. Your response shall identify the individual responsible for each method of monitoring from the date of first use of Petitioner's Marks and shall state the dates during which each person was charged with such duties.

Response to Interrogatory No. 21

Petitioner monitors advertising in trade magazines for use of similar names, and if any are found they are tracked and investigated.

Interrogatory No. 22

Identify all other persons to whom you have communicated regarding their potential infringement of Petitioner's Marks. Your response shall include the substance of the alleged infringement, date and method of each communication, and the ultimate resolution of each matter.

Response to Interrogatory No. 22

None

Interrogatory No. 23

Identify all instances in which Petitioner's Marks have been confused with Registrant's Mark. Your response shall include the substance of such confusion, the date of such alleged confusion, the identity of the party allegedly confused, and whether the party allegedly confused was an existing customer of yours at the time of the alleged confusion.

Response to Interrogatory No. 23

None

Interrogatory No. 24

Identify each and every customer that you have in common with Registrant.

Response to Interrogatory No. 24

Inasmuch as Petitioner is not aware of the identity of Registrant's customers, it cannot respond to this Interrogatory.

Interrogatory No. 25

Identify your principal competitors in the sale of the goods and/or services offered under Petitioner's Marks.

Response to Interrogatory No. 25

Continental Flowers, Continental Farms, Esmeralda, Dole Fresh Cut Flowers – Sunburst, Fresca Farms, Equiflor – Rio Roses, Galleria Farms, Falcon Farms, Multiflora, Premium Flowers, Royal Flowers, Sole Farms, The Queens Flowers, Superior Floral, Eufloria and Sun Valley Farms.

Interrogatory No. 26

For the goods and/or services offered for sale under Petitioner's Marks, specify:

- a) the percentage of annual revenue derived from the sale of goods and/or services in the United States; and,
- b) the percentage of annual revenue derived from the sale of goods and/or services outside of the United States.

Your response shall be categorized by each type of good or service for each and every year since the date of first use stated in response to Interrogatory 4 above.

Response to Interrogatory No. 26

- a) In excess of 95%.
- b) *See* response to the above sub-part.

Interrogatory No. 27

Identify all instances in which Petitioner's Marks, or any variation thereof, have been alleged to infringe on the rights of others not a party to this proceeding. Your response shall include the identity of the person who claimed their rights were being infringed, the date of your notification of the alleged infringement, the nature of the alleged infringement, and the ultimate resolution of the alleged infringement.

Response to Interrogatory No. 27

None

Interrogatory No. 28

Do you intend to call any expert witness at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

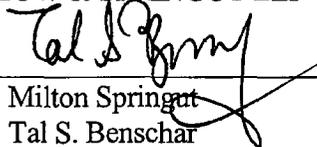
Response to Interrogatory No. 28

Petitioner has not yet determined if it will use expert witnesses in this proceeding.

Dated: New York, New York
January 7, 2010

Respectfully submitted,

KALOW & SPRINGUT LLP

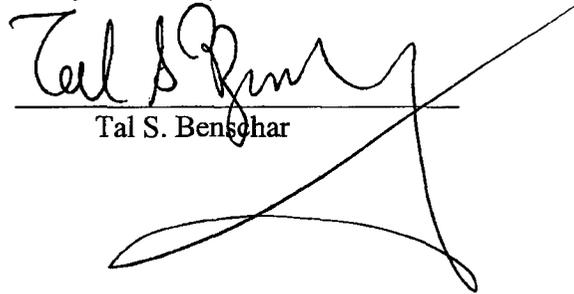
By: 

Milton Springut
Tal S. Benschar
Caroline G. Boehm
488 Madison Avenue
New York, NY 10022
(212) 813-1600

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served by first class mail and electronic mail with consent, upon the attorneys for the Registrant, Jeffrey Dawson, Esq., 56 Fourth Street, NW Suite 100, Winter Haven, FL 33881, at jdawson@jdawsonlaw.com, and Lori T. Milvan, Esq., Latham, Shuker, Eden & Beaudine, LLP, 390 North Orange Avenue, Suite 600, Orlando, FL 32801, at lmilvain@lseblaw.com, this 7th day of January, 2010.


Tal S. Benschar



KALOW & SPRINGUT LLP
ATTORNEYS AT LAW

VIA EMAIL
April 19, 2010

Lori T. Milvain, Esq.
Latham, Shuker, Eden & Beaudine, LLP
390 North Orange Avenue, Suite 600
Orlando, Florida 32801

Re: Atlas Flowers, Inc. d/b/a Golden Flowers v. Golden Vision Flower, Inc.
U.S.P.T.O. Cancellation No. 92050966 (Our Ref.: GOLDEN 0006)

Dear Ms. Milvain:

As previously agreed, we provide the following additional discovery:

1. Attached is a verification for our Interrogatory responses.
2. You have asked us to identify the types of fresh-cut flowers sold by our client. The types are as follows:

Alstroemeria, Aster, Bouquet Roses, Bouquets, Calla, Campanula, Carnations, Colored Roses, Consumer Bunches, Cremon (disbud), Delphinium, Gerbera, Godetia, Greens, Gypsophila, Hydrangea, Hypericum, Liatris, Lily, Limonium, Magic Roses, Matsumoto, Mini Carnation, Pompon, Red Roses, Snapdragon, Spider, Spray Roses, Statice, Stock, Stock Spray, Sunflower, Tulips, and Waxflower.
3. Our client provides its own web-hosting services, in other words, the client maintains its own servers for its website.
4. You have asked for representative samples of invoices showing sales around the country. Copies of same are produced under Bates Nos. AFL 917-930. (Please note, they are marked HIGHLY CONFIDENTIAL).

We are still awaiting to hear proposed dates for deposition of your clients, preferably in Florida, but if not, in Taiwan. Please advise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tal S. Benschar', written over a large, stylized 'X' mark.

Tal S. Benschar

Encls.

cc: Jeffrey Dawson, Esq. (via email, w/ encls.)

VERIFICATION

Alejandro Bayona declares that he is the Director of Organizational Effectiveness of Petitioner Atlas Flowers, Inc; that he has read

(1) PETITIONER'S RESPONSES TO REGISTRANT'S FIRST SET OF INTERROGATORIES; and

(2) PETITIONER'S RESPONSES TO REGISTRANT'S SECOND SET OF INTERROGATORIES;

that he knows the answers set forth therein; and that he believes them to be true to the best of his knowledge and belief.

I declare the foregoing is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746.

Dated: February ____, 2010


Alejandro Bayona

DOCUMENT 4

216037.1

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

In re Registration No. 3,074,073
Mark:



-----X	:	
ATLAS FLOWERS, INC. d/b/a GOLDEN	:	
FLOWERS,	:	
	:	
Petitioner,	:	Cancellation No.: 92050966
	:	
- against -	:	
	:	
GOLDEN VISION FLOWER, INC.,	:	
	:	
Registrant.	:	
-----X	:	

**PETITIONER'S RESPONSES TO REGISTRANT'S
FIRST REQUEST FOR ADMISSIONS**

In accordance with Fed.R.Civ.P. 36 and TBMP § 407, Petitioner hereby objects and responds to registrant Golden Vision Flowers, Inc.'s First Set of Requests for Admission.

GENERAL OBJECTIONS

Petitioner makes the following General Objections to each and every Request for Admission, whether or not separately set forth in response to each Request:

1. Petitioner objects to the Requests for Admission to the extent they seek to impose a duty or obligation to produce documents greater than that required by the Federal Rules of Civil Procedure and the Trademark Board Manual of Procedure.

2. Petitioner objects to the definition of “you” or “yours” as inclusive of any entity other than the Petitioner named in the Petition for Cancellation.

3. Petitioner, by responding to the Requests for Admission and producing documents, does not waive or intend to waive any objections set forth herein and expressly preserves and intends to preserve the following objections:

- a. All objections to relevancy, materiality and admissibility of the responses to the Requests for Admission;
- b. All objections as to vagueness or ambiguity of any of the Requests for Admission; and
- c. As discovery and investigation are ongoing, Petitioner reserves the right to amend or supplement its responses to the Requests for Admission.

4. Petitioner repeats and reincorporates all objections stated in response to Registrant’s Interrogatories that are pertinent to these Requests for Admission and Petitioner’s responses thereto.

5. Petitioner expressly incorporates each of the General Objections set forth herein into each Response to the specific Requests for Admission set forth below as if fully set forth herein. Each of Petitioner’s Responses is subject to the General Objections set forth herein.

Admission Request No. 1

U.S. Registration No. 3,074, 073 is a federally registered trademark owned by Registrant for use on “cut flowers, dried flowers and live flowers; flower bulbs; flower seeds; live flowering plants; dried plants and live plants; grass and grass seeds; fresh herbs and raw herbs; live orchids.”

Response to Admission Request No. 1

Petitioner admits that Registrant purports to be the owner of the referenced registration. As for the terms of such registration, the terms and scope of such registration are set forth therein.

Admission Request No. 2

The date of first use in commerce of the mark, specified in Registration No. 3,074,073 is December 1, 2004.

Response to Admission Request No. 2

See Response to Request for Admission No. 1, incorporated herein.

Admission Request No. 3

The documents produced by Petitioner in response to Registrant’s First Request for Production of Documents and Second Set of Interrogatories are authentic, original documents, or true and correct copies of authentic, original documents.

Response to Admission Request No. 3

Petitioner is without knowledge sufficient to answer this Request.

Admission Request No. 4

The documents produced by Petitioner in response to Registrant's Second Request for Production of Documents and Second Set of Interrogatories are authentic, original documents, or true and correct copies of authentic, original documents.

Response to Admission Request No. 4

Petitioner is without knowledge sufficient to answer this Request.

Admission Request No. 5

Petitioner was the owner of U.S. Trademark Registration Number 2,642,650 for the mark GOLDEN FLOWERS and Design until said registration was canceled under Section 8 for lack of renewal.

Response to Admission Request No. 5

Admitted.

Admission Request No. 6

Petitioner was required by the U.S. Patent and Trademark Office to disclaim the descriptive word "FLOWERS" apart from the mark as shown to obtain former U.S. Trademark Registration Number 2,642,650.

Response to Admission Request No. 6

Admitted.

Admission Request No. 7

Petitioner did not object to the use and registration of GOLDEN VISION FLOWER, INC. and Design by Registrant prior to April 3, 2009.

Response to Admission Request No. 7

Admitted.

Admission Request No. 8

Petitioner is not aware of any instances of confusion between Petitioner and Registrant due to use by Registrant of its Trademark, GOLDEN VISION FLOWER INC. and Design.

Response to Admission Request No. 8

Petitioner will reasonably construe the reference to “confusion” to mean “actual confusion.” As so construed, the request is Admitted.

Admission Request No. 9

Petitioner’s use of the mark GOLDEN FLOWERS and Design as well as the mark GOLDEN FLOWERS have been without the consent of Registrant.

Response to Admission Request No. 9

Petitioner objects on the ground that Registrant has failed to proffer any foundation that Petitioner’s use requires any consent of Registrant.

Dated: New York, New York
January 18, 2010

Respectfully submitted,

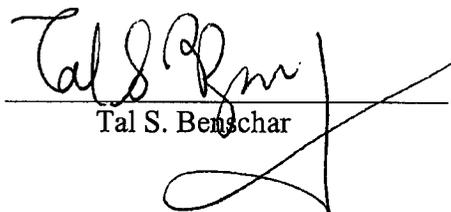
KALOW & SPRINGUT LLP

By: 

Milton Springut
Tal S. Benschar
488 Madison Avenue
New York, NY 10022
(212) 813-1600
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served by first class mail and electronic mail with consent, upon the attorneys for the Registrant, Jeffrey Dawson, Esq., 56 Fourth Street, NW Suite 100, Winter Haven, FL 33881, at jdawson@jdawsonlaw.com, and Lori T. Milvan, Esq., Latham, Shuker, Eden & Beaudine, LLP, 390 North Orange Avenue, Suite 600, Orlando, FL 32801, at lmilvain@lseblaw.com, this 18th day of January, 2010.


Tal S. Benschar

DOCUMENT 5

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



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No Filing History

Fictitious Name Detail

Fictitious Name

GOLDEN FLOWERS

Filing Information

Registration Number	G98096000190
Status	EXPIRED
Filed Date	04/06/1998
Expiration Date	12/31/2003
Current Owners	1
County	MIAMI-DADE
Total Pages	1
Events Filed	NONE
FEI/EIN Number	56-7845998

Mailing Address

10966 S.W. 145 CT.
MIA, FL 33186

Owner Information

CLARK, CARMEN E
10966 S.W. 145 CT.
MIA, FL 33186
FEI/EIN Number: NONE
Document Number: NONE

Document Images

[04/06/1998 -- REGISTRATION](#)

Note: This is not official record. See documents if question or conflict.

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No Filing History

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

1. Golden Flowers
Fictitious Name to be Registered

2. 10966 S.W. 145 Ct.
Mailing Address of Business
MIA. FLA. 33186
City State Zip Code

3. Florida County of principal place of business: Dade

4. FEI Number: _____

FILED
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA
04-06-98 0004 040 ***50.00
098092000190

This space for office use only

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. CLARK CARMEN E
Last First M.I.
10966 S.W. 145 Ct.
Address
MIA FL. 33186
City State Zip Code
SS# _____

2. _____
Last First M.I.

Address

City State Zip Code
SS# _____

B. Owner(s) of Fictitious Name If other than an Individual: (Use attachment if necessary):

1. _____
Entity Name

Address

City State Zip Code
Florida Registration Number _____
FEI Number: _____
 Applied for Not Applicable

2. _____
Entity Name

Address

City State Zip Code
Florida Registration Number _____
FEI Number: _____
 Applied for Not Applicable

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Carmen Clark 4-2-98
Signature of Owner Date
Phone Number: (305) 385-2869

Signature of Owner Date
Phone Number: _____

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____
_____, which was registered on _____ and was assigned
registration number _____

Signature of Owner Date

Signature of Owner Date

Mark the applicable boxes Certificate of Status — \$10 Certified Copy — \$30

FILING FEE: \$50

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

CR4E-001 (12/97)

DOCUMENT 6

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



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No Filing History

Fictitious Name Detail

Fictitious Name

GOLDEN FLOWERS

Filing Information

Registration Number	G99245900151
Status	EXPIRED
Filed Date	09/03/1999
Expiration Date	12/31/2004
Current Owners	2
County	SARASOTA
Total Pages	1
Events Filed	NONE
FEI/EIN Number	59-2778100

Mailing Address

1227 BENEVA RD. SO.
SARASOTA, FL 34232

Owner Information

HERNANDEZ, ADELAIDA
3917 WAKE AVE.
SARASOTA, FL 34241
FEI/EIN Number: NONE
Document Number: NONE

HERNANDEZ, PEDRO R.
3917 WAKE AVE.
SARASOTA, FL 34241
FEI/EIN Number: NONE
Document Number: NONE

Document Images

[09/03/1999 -- REGISTRATION](#)

Note: This is not official record. See documents if question or conflict.

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NO Filing History

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State of Florida, Department of State

**APPLICATION FOR
REGISTRATION OF FICTITIOUS NAME**

FILED
Sep 03 1999 8:00am
Secretary of State

Section 1

1. GOLDEN FLOWERS
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")

2. 1227 GENEVA RD SO.
Mailing Address of Business

SARASOTA FL. 34232
City State Zip Code

3. Florida County of principal place of business: SARASOTA ✓

4. FEI Number: 59-2778100-221512

99245900151
-09/02/99--01022--037

***50.00
This space for office use only

Section 2

A. Owner(s) of Fictitious Name if Individual(s): (Use an attachment if necessary):

1. HERNANDEZ ADELAIDA 2. HERNANDEZ PEDRO R.
Last First M.I. Last First M.I.

3917 WAKE AVE 3917 WAKE AVE
Address Address

SARASOTA FL. 34241 ✓ SARASOTA FL. 34241
City State Zip Code City State Zip Code

SS# SS#

B. Owner(s) of Fictitious Name if other than an individual: (Use attachment if necessary):

1. Entity Name _____ Address _____
City State Zip Code Florida Registration Number _____ FEI Number: _____
 Applied for Not Applicable

2. Entity Name _____ Address _____
City State Zip Code Florida Registration Number _____ FEI Number: _____
 Applied for Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

[Signature] 8-27-99 [Signature]
Signature of Owner Date Signature of Owner Date

Phone Number: 941-365-6407 Phone Number: _____

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

i (we) the undersigned, hereby cancel the fictitious name _____
_____, which was registered on _____ and was assigned
registration number _____

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes Certificate of Status — \$10 Certified Copy — \$30
FILING FEE: \$50

Note: Acknowledgements/certificates will be sent to the address in Section 1 only. CR4E-001 (12/98)

DOCUMENT 7

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

In re Registration No. 3,074,073

Mark:

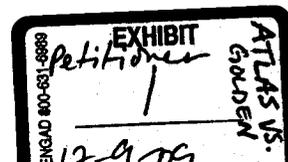


-----X
ATLAS FLOWERS, INC. d/b/a GOLDEN :
FLOWERS, :
 :
Petitioner, :
 :
- against - :
 :
GOLDEN VISION FLOWER, INC., :
 :
Registrant. :
-----X

AMENDED NOTICE TO TAKE DEPOSITIONS

To: Jeffrey S. Dawson, Esq.
56 Fourth Street, NW, Suite 100
Winter Haven, Florida 33881
jdawson@jdawsonlaw.com

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure and TBMP § 404, on December 9, 2009 at 9:30 am at the offices of Esquire Deposition Services, 200 East Robinson St., Suite 725, Orlando, Florida 32801, the undersigned



will take the deposition upon oral examination of Shih Wen Huang, and immediately thereafter the deposition of Chiung Ying Huang, both before an officer authorized by law to administer

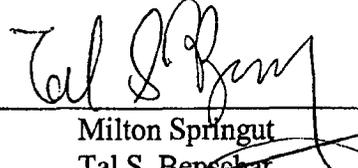
oaths. The deposition will be recorded by sound, sound-and-visual and/or stenographic means.

You are invited to attend and cross-examine.

KALOW & SPRINGUT LLP

Dated: November 19, 2009

By: _____



Milton Springut
Tal S. Bensehar

DECLARATION OF SERVICE

LAUREN NOVAK declares that:

1. I am an assistant with **KALOW & SPRINGUT LLP**, attorneys for the Opposer in the captioned proceeding, and that on the execution date which appears below, a true copy of the annexed **AMENDED NOTICE TO TAKE DEPOSITIONS** was served via email and U.S. Mail upon the following addressee:

Jeffrey S. Dawson, Esq.
56 Fourth Street, NW, Suite 100
Winter Haven, Florida 33881
jdawson@jdawsonlaw.com

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on November 19, 2009
New York, New York

By: Lauren Novak
Lauren Novak

BECOME A BETTER ORCHID GROWER

ORCHIDS

AMERICAN
ORCHID
SOCIETY

NOVEMBER 2005

ORCHIDS IN MADAGASCAR

RAINFOREST Window

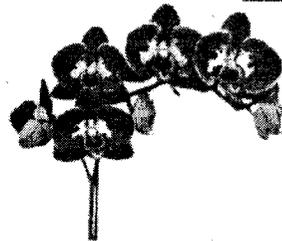
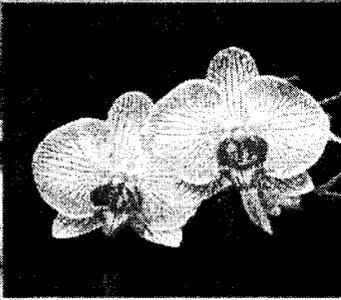
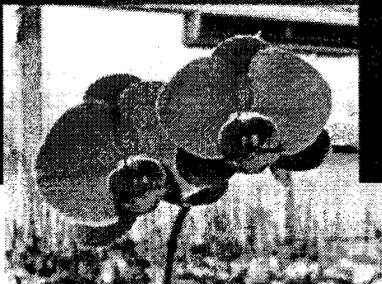
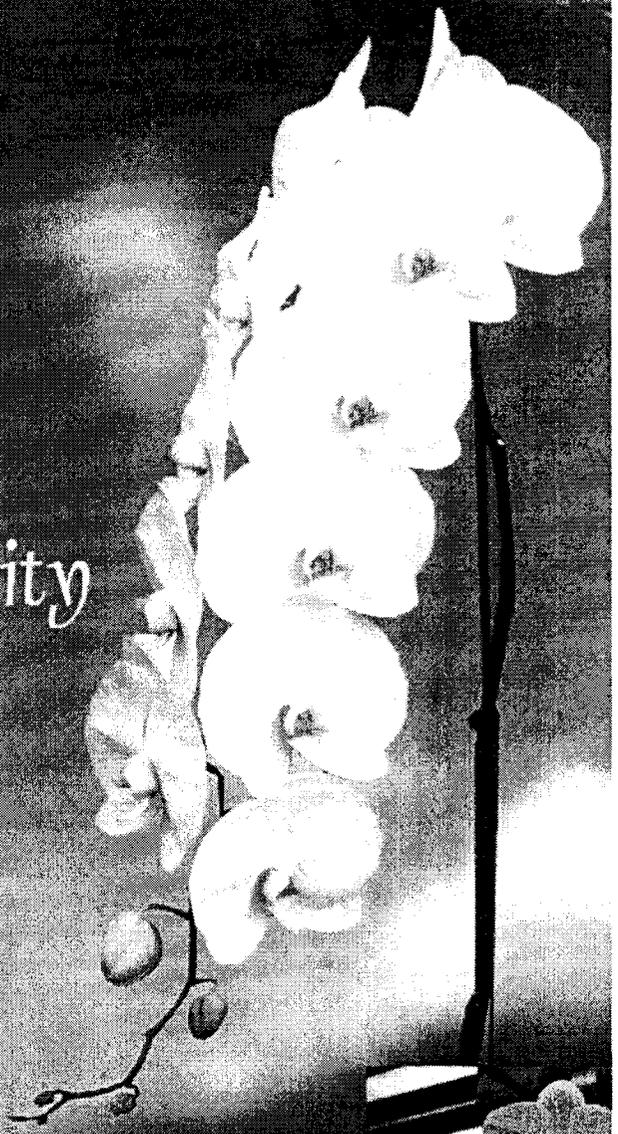


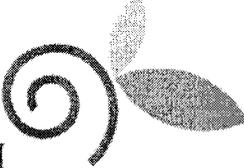
EXHIBIT
Petitiana
ATLAS V
GOLDEN
11/1/05
FENGAD 800-531-8999

Various Colors

Year-Round Supply

Superior Quality




GOLDEN
VISION FLOWER INC.



(407) 884-8989



(407) 884-5889



2809 W. Kelly Park Rd., Apopka, FL 32712



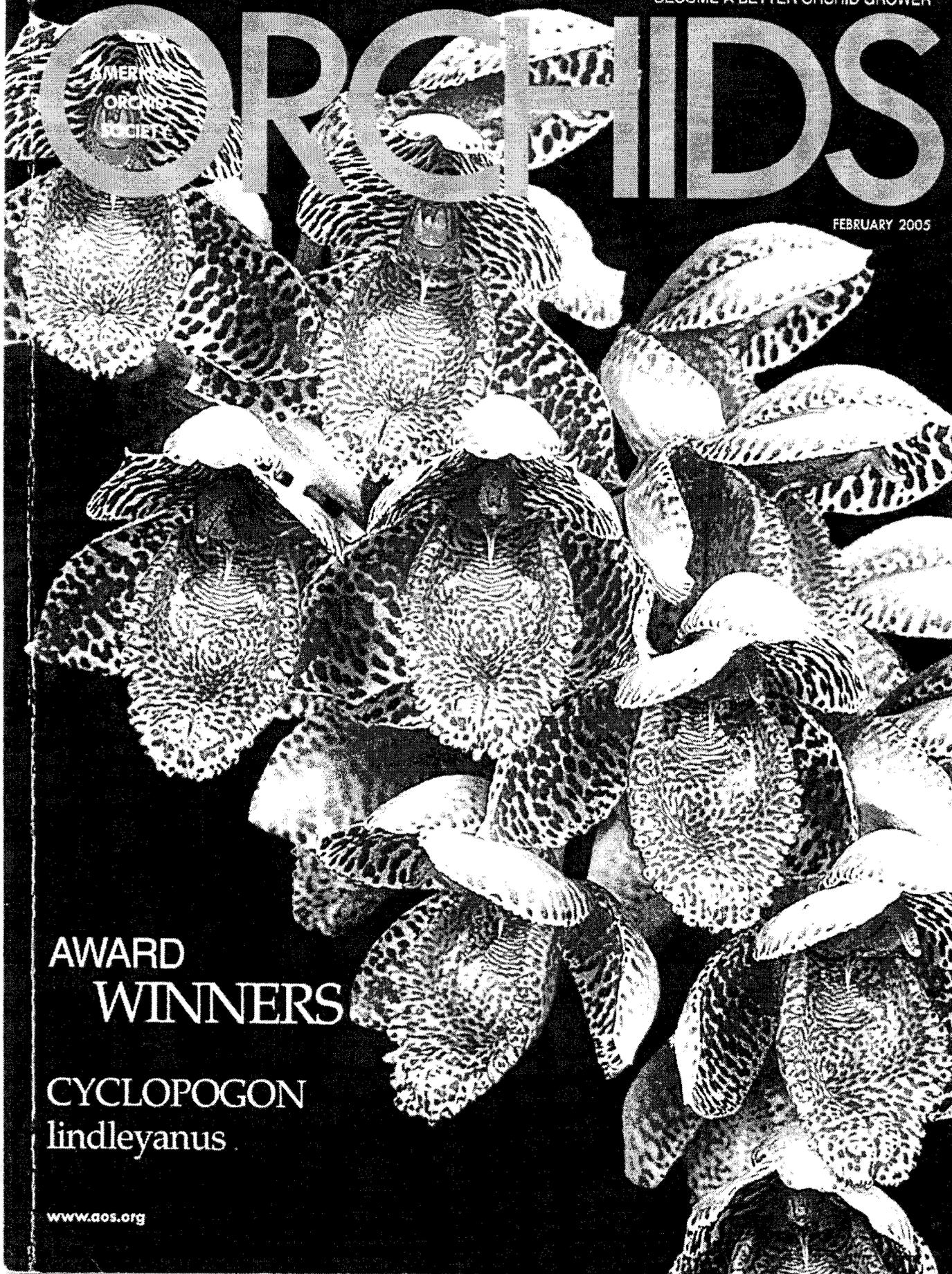
www.gvfi.com



info@gvfi.com

BECOME A BETTER ORCHID GROWER

ORCHIDS



AMERICAN
ORCHID
SOCIETY

FEBRUARY 2005

AWARD
WINNERS

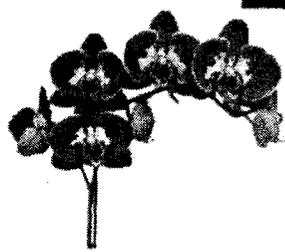
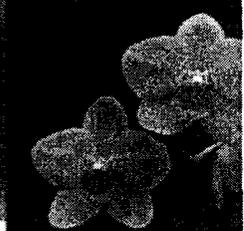
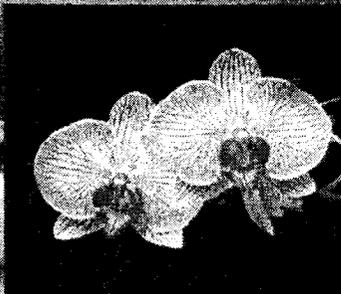
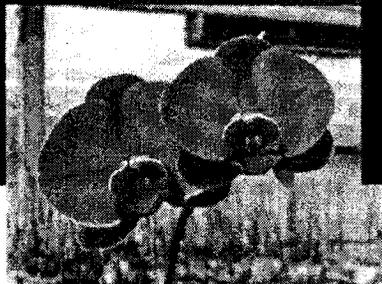
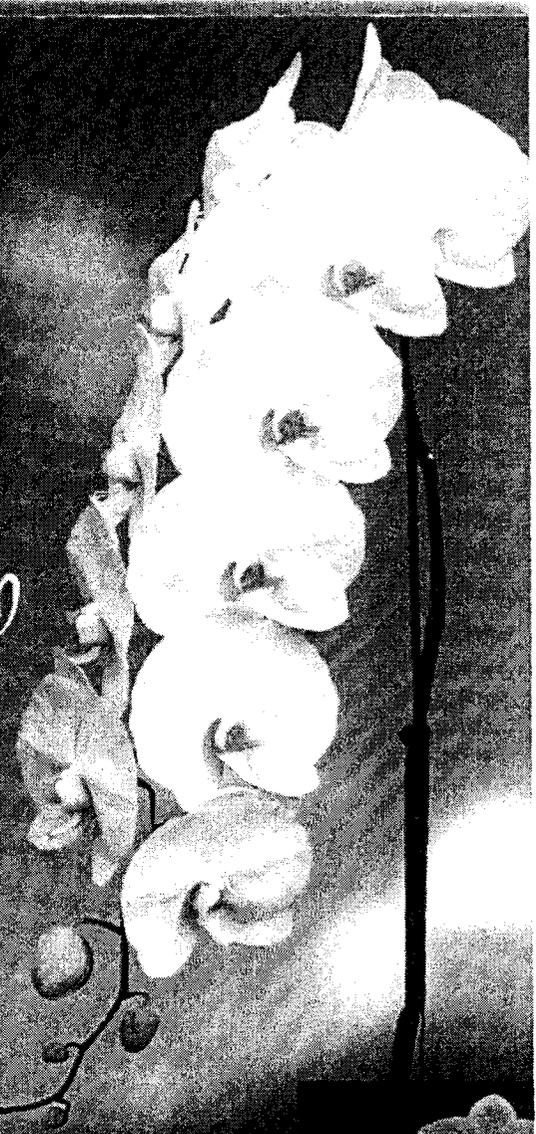
CYCLOPOGON
lindleyanus

www.aos.org

Various Colors

Year-Round Supply

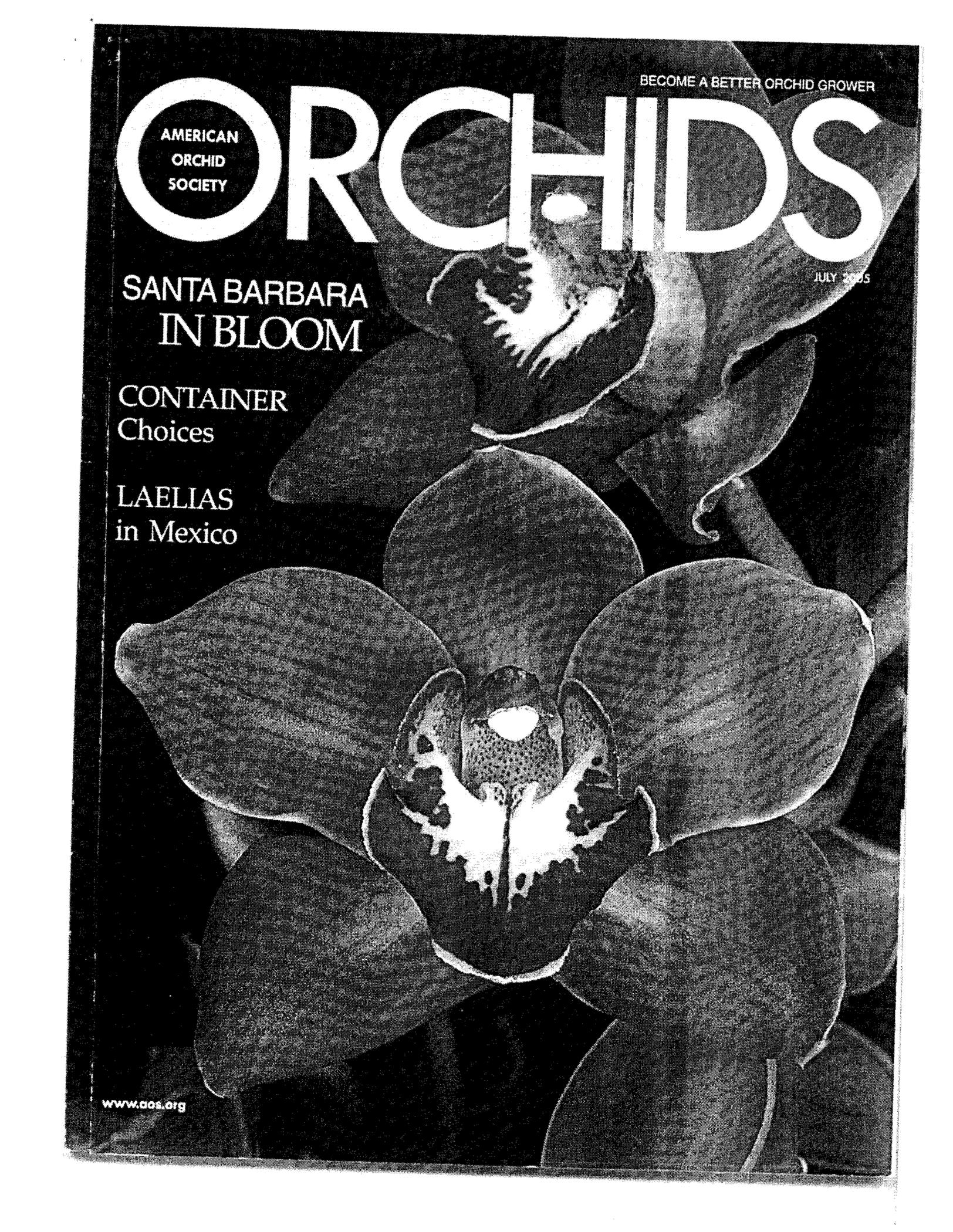
Superior Quality



GOLDEN
VISION FLOWER INC



 (407) 884-8989  (407) 884-5889
 2809 W. Kelly Park Rd., Apopka, FL 32712
 www.gvfi.com  info@gvfi.com



BECOME A BETTER ORCHID GROWER

ORCHIDS

AMERICAN
ORCHID
SOCIETY

JULY 2005

SANTA BARBARA
IN BLOOM

CONTAINER
Choices

LAELIAS
in Mexico

www.aos.org

GOLDEN
VISION

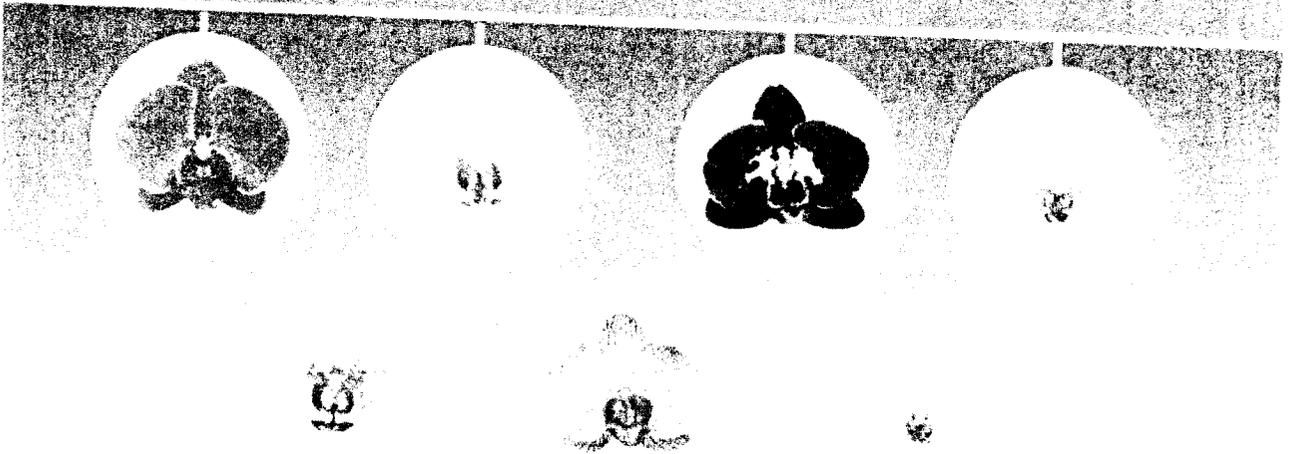
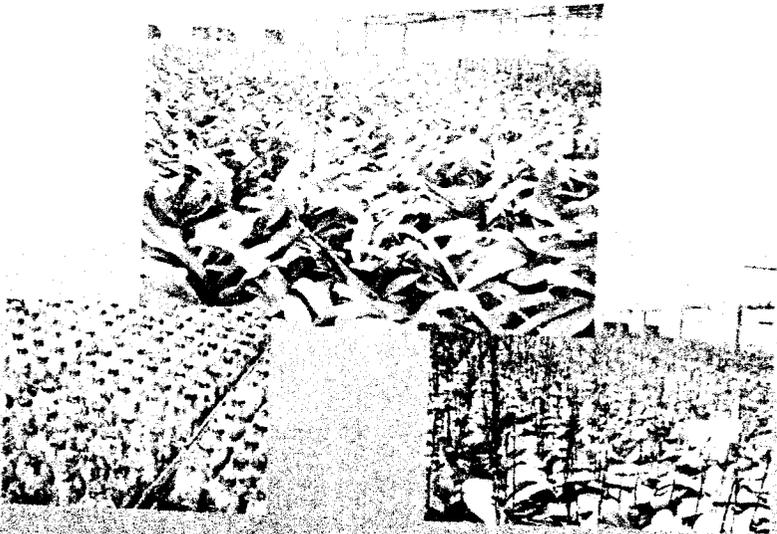


EXHIBIT
ATLAS
GOLDEN
VISION
FEDICAD 270-631-6889



Founded in 1986, Golden Vision has grown to be Taiwan's premier horticulture company. Creativity in all its aspects forms the basis of the company philosophy. We are built on team of horticulturists and in collaboration with several agricultural research centers on ornamental plants. The team succeeds in developing new products and acquiring more knowledge about the cultivation of existing products.

Advanced greenhouse systems designs to provide customers with year round high-quality orchids.

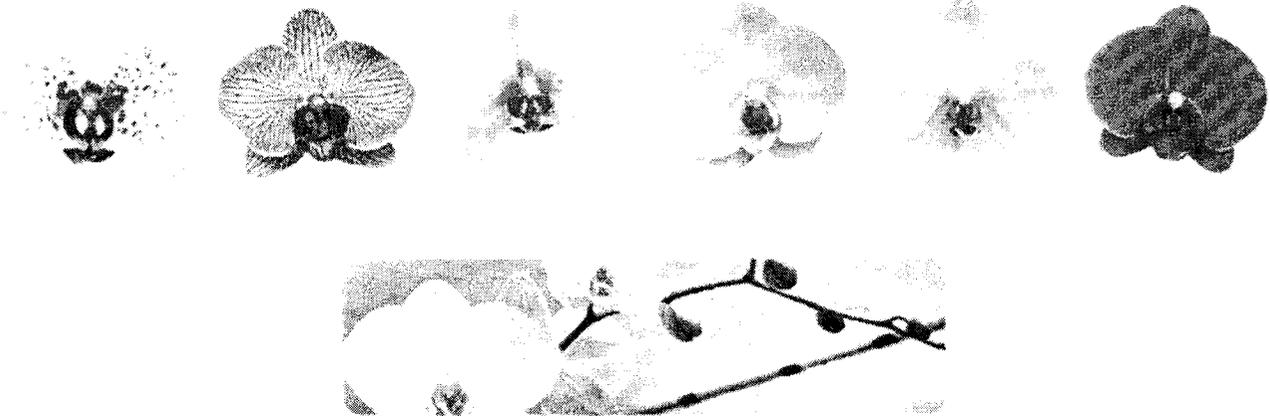
A wide range variety of Phalaenopsis, Dendrobium, Oncidium, Paphiopedilum and zz plant

Over 40 acres orchid greenhouse for the client needs

A close collaboration between the clients and our professional teams achieves win-win situation

Golden Vision has grown to be a prominent international enterprise as one of the major players in the worldwide orchid market. The subsidiary company in Apopka, Florida (USA) concentrates on the production of a wide range of Phalaenopsis, Dendrobium, Oncidium and Paphiopedilum with over 40 acres of greenhouses. Advanced greenhouse system provides year round high quality orchid.

By means of innovative techniques, Golden Vision strives to develop the perfect ornamental plants and also seeks to establish a close partnership with each client. We achieve this through regular contacts, the exchange of experience, and reliable delivery. Golden Vision is there when you need us.



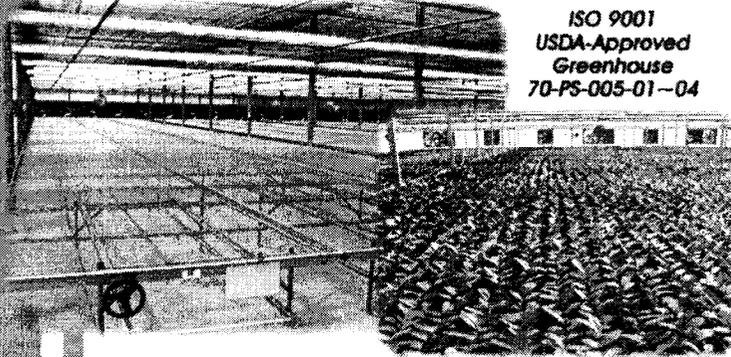
 **GOLDEN VISION FLOWER INC.**

A 2809 West Kelly Park Rd., Apopka, FL 32712

T (407)884.8989 **F** (407)884.5889

W <http://www.gvfi.com> **E** info@gvfi.com

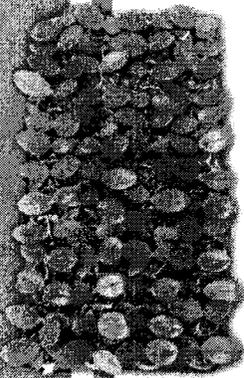
Nature Green World



ISO 9001
USDA-Approved
Greenhouse
70-PS-005-01-04

Viruses-Free Healthy Mericlone
We give viruses-free test to our plants annually. We strike to minimize the chance of mutations and eliminate virus problems. For best quality, we only use RO water for watering our plants.

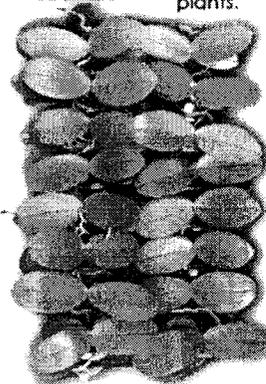
All our plants carry a bar code, a system that enables us to follow each plant from start to finish. Therefore, we are able to make good quality control possible and ensuring that we turn them into high-quality end-product. By the know-how acquired and the years of experience, the company has grown in the last decades to become one of the Taiwanese market leaders in the trade in young orchid plants.



- Duration of growth : 16+ weeks
- Viruses-Free Health Plants
- Minimum 3 leaves;
leaves length > 4"
- Well-rooting system



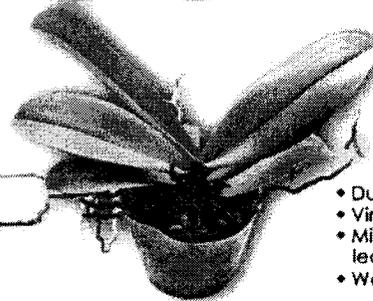
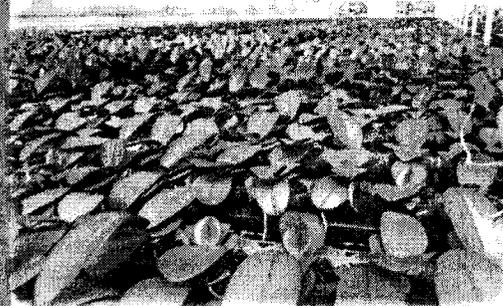
2" pot



- Duration of growth : 36+ weeks
- Viruses-Free Health Plants
- Minimum 4 leaves;
leaves length > 7"
- Well-rooting system



3.5" pot



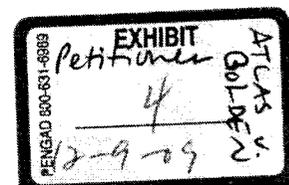
- Duration of growth : 60+ weeks
- Viruses-Free Health Plants
- Minimum 5 leaves;
leaves length > 10"
- Well-rooting system

4.5" pot



圖片僅供參考，實際規格依現貨為準

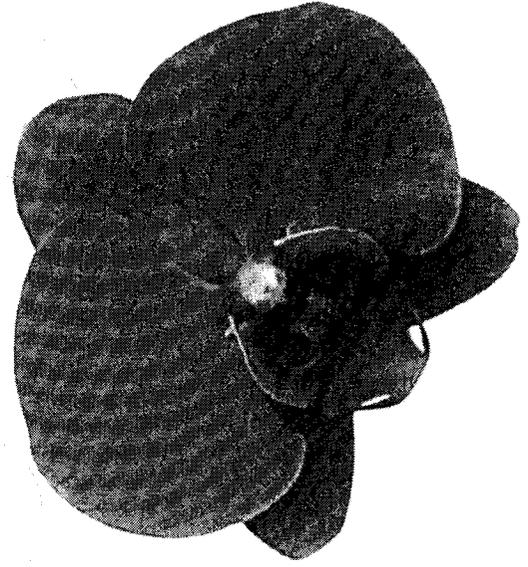
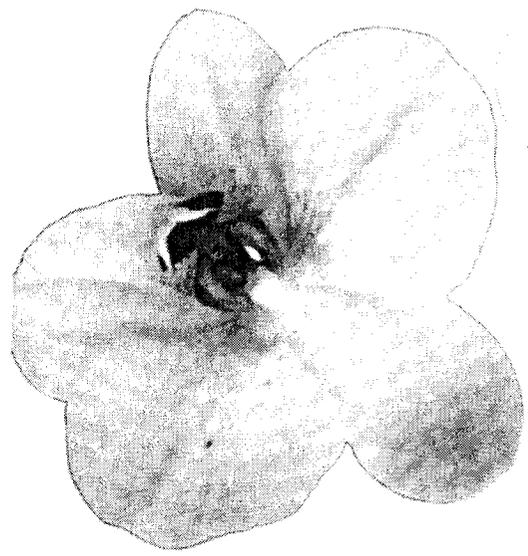
Golden Vision Flower Inc.
2809 West Kelly Park Rd. Apopka, FL 32712-5125
TEL : +1-407-8848989
FAX : +1-407-8845889
Email : amy@gvfi.com



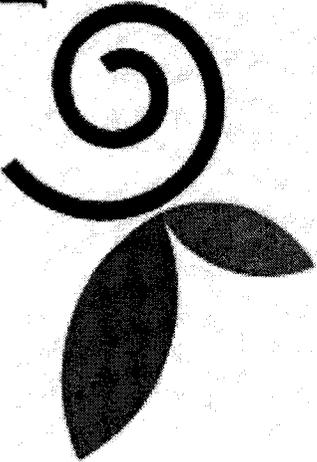
Logos

Phalaenopsis Orchid
HOME CARE INSTRUCTIONS
WATER: Water should be applied at least once a week. Use distilled or filtered water.
TEMPERATURE: The orchid should be kept in a warm, bright location.
LIGHT: The orchid should be kept in a bright, indirect light.
FLOWER SEASON: The orchid should be kept in a warm, bright location.
SOFTING MEDIA: The orchid should be kept in a warm, bright location.
FEED: The orchid should be kept in a warm, bright location.

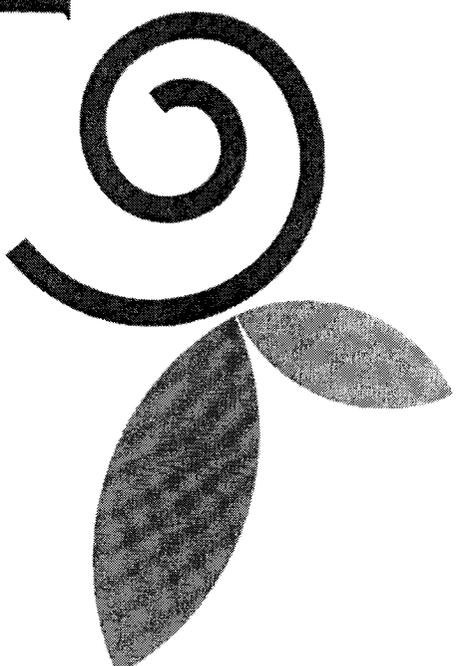
Phalaenopsis Orchid
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SOFTING MEDIA: The orchid should be kept in a warm, bright location.
FEED: The orchid should be kept in a warm, bright location.



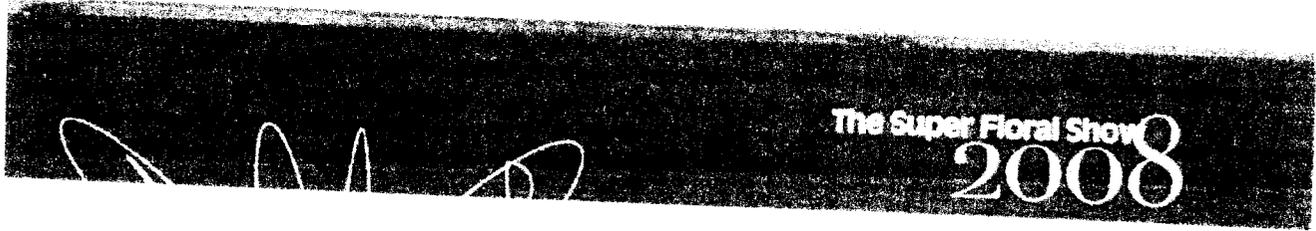
PENGAD 800-531-9999
 EXHIBIT
 Petitioner
 5
 12-9-09
 ATLAS W
 GARDEN



GOLDEN
VISION FLOWER INC.



GOLDEN
VISION FLOWER INC.

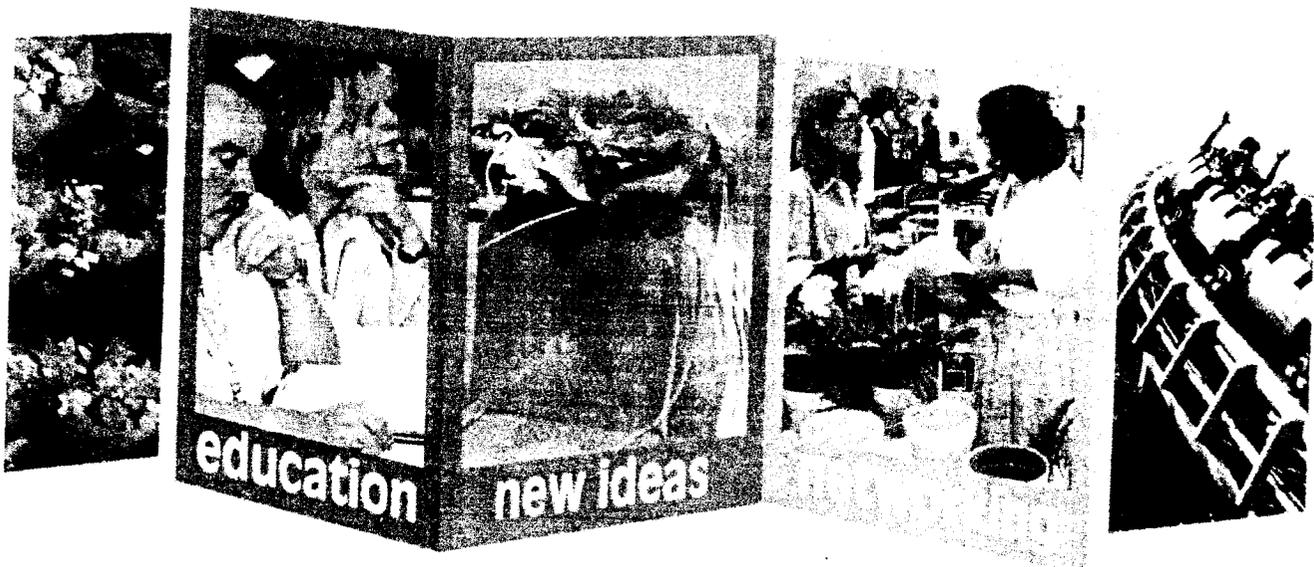


The Super Floral Show
2008

2008 SFS Show Guide

Think Sales. Think Profits. Think Big Picture.

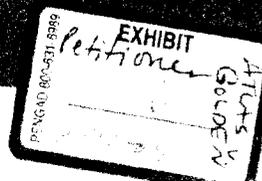
Join the industry's leading experts in floral design, business, and technology to learn how to grow your business and increase your profits.



SFS The Super
Floral Show
October 14-17, 2008

1-800-flowers.com
www.superfloralshow.com

www.superfloralshow.com





Exhibitors

Gay's Wreaths..... 1943

P.O. Box 458
Machias ME 04654 United States
T: 905-685-1120 F: 905-685-1092
Email: wreathmel@wmeaconnect.com

Christmas Trees & Greens, Christmas Décor
& Iron-A-Tree, Other Home Décor, Other
Lawn & Garden

Manufacturer of balsam fir evergreen wreaths
and related products as well as mini stream
holes for Fall decorating.

GIC Floral 164

1293 3rd Street
St. Catharines ON L2R 6P9 Canada
T: 905-937-9993 F: 905-937-5554
Email: info@gicfloral.com
Web: www.gicfloral.com

Blooming Potted Plants, Dish Gardens,
Orchids, New Products

GIC Floral is a leading producer of high
quality Phalaenopsis Orchids with distribution
throughout North America. We work with
customers to provide innovative new product
"looks" and merchandising programs that
we refer to as today's consumers. Our
modern production facility allows precise
environmental control, which results in the
highest quality orchids year-round.

Giftwares Company Inc..... 2144

436 First Avenue
Roverston PA 19468 United States
T: 800-535-1300 F: 610-948-6878
Email: steve@giftwares.com
Web: www.giftwares.com

Containers & Vases, Pot Covers, Baskets
& Accessories, Gift Baskets & Accessories,
Other Giftware, Other Home Décor, Vases &
Containers, Garden Décor, Planters
Innovative and Well-Known Importer
Distributing Glass, Metal & Ceramic
Containers, Baskets, & Home Décor
Products to the Floral Trade. Please stop by
and preview our new "Harmony" Container
Collection!

Glamos Wire Products..... 1972

P.O. Box 46
Hugo MN 55038 United States
T: 820-328-5062 F: 800-995-2253
Web: www.glamoswire.com

First Time Exhibitors, Hanging Baskets,
Baskets & Accessories, Garden Décor, Other
Lawn & Garden, Planters, New Products

Manufacturer of wire tomato supports, folding
wire fence, baskets, plant hangers, colorful
supports.

Golden Vision Flower Inc 1952

2809 West Kelly Park Road
Apopka FL 32712 United States
T: 407-884-8989 F: 407-884-5889
Email: info@gvfh.com
Web: www.gvfh.com

Orchids

We have a wide range variety of Phalaenopsis,
Dendrobium, Oncidium, and 77 plants.
By means of innovative techniques,
Golden Vision strives to develop the perfect
ornamental plants and also seeks to establish a
close partnership with each client.

Great Lakes Floral..... 1863

1396 South Service Road
St. Catharines ON L2R 6P9 Canada
T: 888-681-6267 F: 905-641-4534
Email: rvs@greatlakesfloral.com
Web: www.greatlakesfloral.com

Bedding Plants, Blooming Potted Plants,
Cacti & Succulents, Dish Gardens, Hanging
Baskets, Herbs & Vegetables, Indoor Tropical
Foliage, Orchids, Other Foliage & Potted
Plants, Poinsettias

Great Lakes Floral is a wholesale distributor of
quality indoor flowering plants. Located in the
fertile Niagara Region of Ontario, our modern
expansive, growing and shipping facilities
provide our clients with exceptional products,
service and delivery across the Eastern USA
and Canada. Our primary customer base
include wholesale florists, mass markets,
interior landscapers and garden centers.
Great Lakes Floral operates as the sales arm of
Schreck Farms and Greenhouses.

Great Lakes Glads Inc..... 1477

652 S Carham Road
Bronson MI 49028 United States
T: 517-369-7353 F: 517-369-8775
Email: sales@greatlakesglads.com
Web: www.greatlakesglads.com

Great Lakes Glads has been a premier
producer of fresh cut flowers for more than 35
years, serving the mass market and wholesale
floral industries throughout the US and
Canada. Known as the largest producer of
fresh cut gladiolus in the US, Great Lakes
Glads is committed to providing maximum
value by offering the most dependable service,
best quality flowers, and most economical
prices in the market.

Green Leaf Nursery Inc 2052

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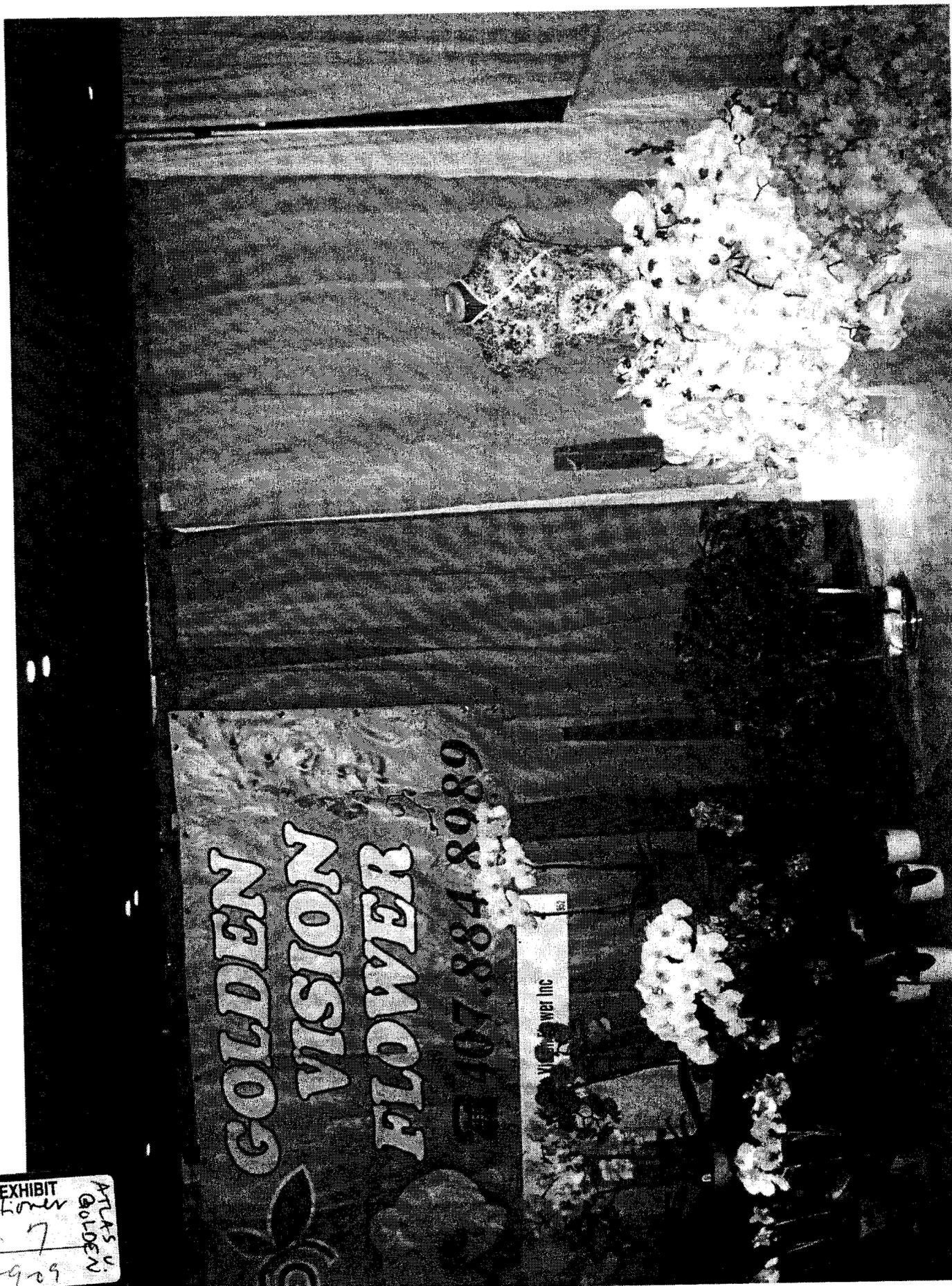


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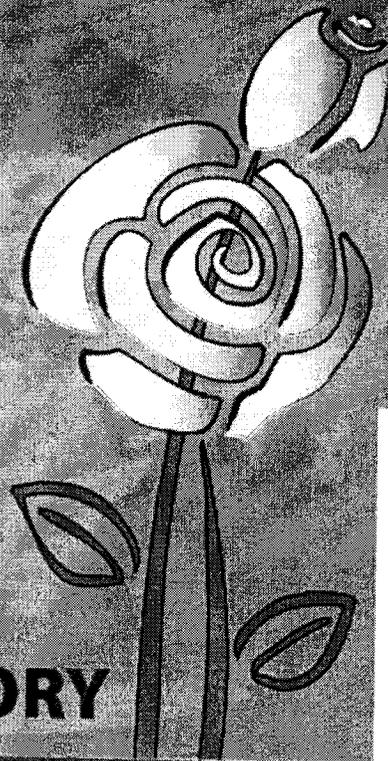
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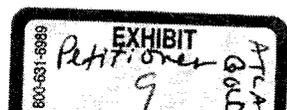
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Fax : +1-831-4768143
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Address : 5040 Wilder Drive
City : Soquel
State : CA
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Phone : +1-831-8189163
Fax : +1-831-4768143
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Address : Progreso # 3
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Country : Mexico
Phone : +52-173-93953440
Email : gladiolastorres@yahoo.com.mx

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Phone : +1-407-8848989
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Contact : Amy Huang
Address : 2809 W. Kelly Park Road
City : Apopka
State : FL
Zip Code : 32712
Country : USA
Phone : +1-407-8848989
Fax : +1-407-8845889
Email : amy@gvfi.com

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Thomas J. McMacken, Jr. ☐
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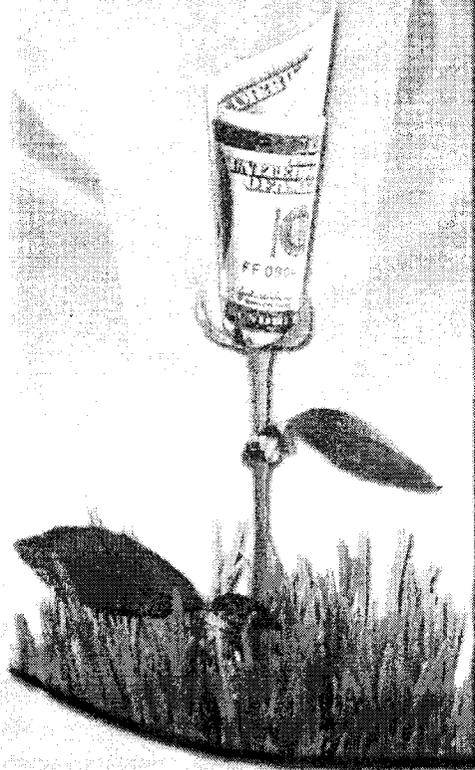
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www.greatlakeslabel.com

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mgranger@greatlakeslabel.com

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6000 York Rd
Yorkport, NY 14022
Tel: 518-227-1110
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GC, GRNHS, NSRY
Joe Edmond
joe@greenacrefarm.com

Green Circle Growers Inc

3100 Steeles St E
Edina, MN 55434
Tel: 612-727-1411
Fax: 612-727-1741
green@greencircle.com

GRNHS
John Van Wingerden
jvw@greencircle.com
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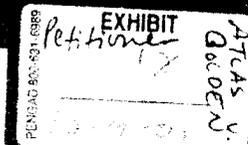


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 Fax: (717) 840-6443
 Email: info@greenskeeper.com
 Eric Greenskeeper
 Eric Greenskeeper, President
 Eric Greenskeeper, Vice President
 Eric Greenskeeper, Secretary

Deer Greentree Nurseries

4000 Cedarbrook Road
 Allentown, PA 18104
 Phone: (610) 393-8200
 Toll Free: (800) 806-9929
 Fax: (610) 393-8100
 Website: www.greentree.com
 Email: info@greentree.com
 Dick Murphy, Alexander Lamerik,
 Gerald H. Nussman
 Robert E. S.

Deer Greenwood Nursery

111 Greenway Lane
 Newport, PA 17057
 Phone: (717) 438-4358
 Fax: (717) 438-4377
 Charles L. Knoke, Bob Knoke,
 Christopher S. Knoke
 Peter C. J.
 Retail Garden Center, Nursery
 Landscape Services
 Rick O'Neil, General

Membership



GOLDEN VISION FLOWER

☎ 407.884.8989

JUN 13 2007

EXHIBIT
Petitioner
13
ATLAS U.
GOLDEN
PENGAD 300-631-8899
2-9-09

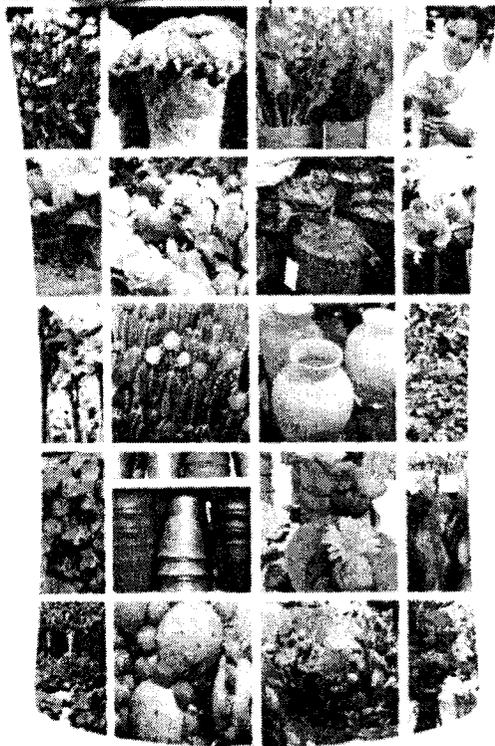
Misc Tradeshow 2009

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EXHIBITION JUNE 23-25, 2005 • EDUCATION/CONFERENCE JUNE 22-25, 2005 • GEORGE R. BROWN CONVENTION CENTER, HOUSTON, TX

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SHOW GUIDE



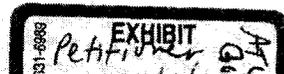
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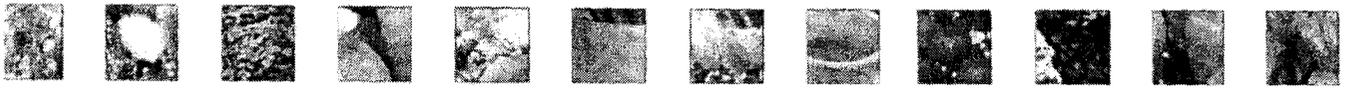


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 Phone: 800-295-7570 • Fax: 315-548-8004
 E-mail: gardengalleries@lynnnet.com
 Web: www.garden-galleries.com

Garden Galleries is a wholesale nursery displaying over 6000 Floral Sales Power, featuring self-selling, self-displaying, no maintenance packaged plant options. Programs are offered containing evergreens, small trees, Roses, and flowering shrubs. We manufacture a quality line of color and leafleters and houses. Special Early Order discounts for all programs will be available to S&S members only.

Site:

Gemini Floral Partners 343
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 Miami, FL 33122
 Phone: 305-591-1079
 Fax: 305-591-1303
 E-mail: mitchell@gemini-floral.com
 Web: www.gemini-floral.com



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 Phone: 866-776-0774 • Fax: 503-640-8013
 E-mail: info@gwnursery.com
 Web: www.gwnursery.com

Glenn Walters Nursery (Value - Selection - Size - Capacity) Specializing in woody ornamentals: Japanese Maples, Grafted Conifers, Rhododendrons, Boxwoods, Broad leaved evergreens and Oregon live goods.

Notes:

Golden Vision Flower Inc. 311
 2809 West Kelly Park Road
 Apopka, FL 32712
 Phone: 407-884-8989 • Fax: 407-884-5889
 E-mail: info@gvfi.com
 Web: www.gvfi.com

Founded in 1986, Golden Vision has grown to be Taiwan's premier horticulture company. The subsidiary company in Apopka, FL concentrates on the products of a wide range of Phalaenopsis, Dendrobium, Oncidium and Papilionidiflorum and ZZ plant with over 40 acres of greenhouse. Advanced greenhouse system provides year round high quality Orchid.

Notes:

Grand Products Inc. 2707
 18855 East San Jose Avenue
 City of Industry, CA 91748
 Phone: 626-810-8338 • Fax: 626-810-8433
 E-mail: tamara@snoogp.com
 Web: www.snoogp.com

Grand Products is a leading manufacturer and importer of Silk Orchids, Lucky Bamboo, and ceramic vases. We have factories in China with the highest quality control standards. As a manufacturer and direct importer, we are able to offer the highest qualities at the lowest prices.

Notes:

Green Profit Magazine/ Ball Publishing 2025
 P.O. Box 9
 Batavia, IL 60510
 Phone: 630-208-9080 • Fax: 630-208-9350
 E-mail: info@ballpublishing.com
 Web: www.greenprofit.com

Green Profit Magazine covers plants, flowers, hard goods and the people who buy them. Readership consists of supermarkets, garden centers, mass merchants and wholesalers, all looking for the latest in hard and live good merchandising and display ideas, consumer trend tracking, sourced columns from industry insiders and retail inspiration.

Notes:

Green World 773
 1003-A Atascocita Road
 Humble, TX 77396
 Phone: 281-446-0405 • Fax: 281-446-0085
 E-mail: frankhuevo@aol.com

Direct importer of fresh cut flowers and floral bouquet and arrangements manufacturer.

Notes:

Grupo Capiro 957
 Carrera 65 No. 39-47
 Medellin, Antioquia
 Colombia
 Phone: +574 386 9100 • Fax: +574 386 0288
 E-mail: emuribe@grupocapiro.com
 Web: www.grupocapiro.com

Capiro is a group formed by 4 companies located on the Andean mountains of Colombia. Each company produces and exports good, fresh quality flowers that are sold under the brand name "Capiro". More than 20 years of experience guarantee service, quality and efficiency.

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EXPO



2005 Program

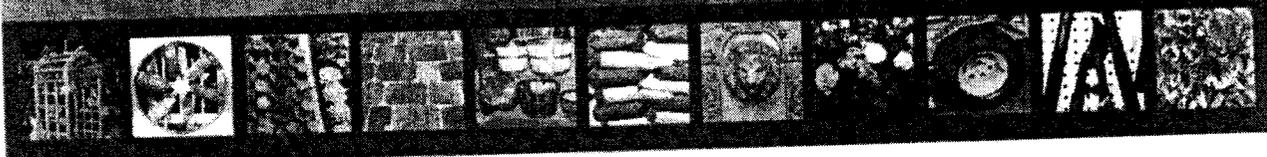


EXHIBIT
Petitioner
40-831-6989
Att. 49
Gill

Alphabetical Exhibitors Listing

G

G&C Nursery 3840
3217 Hwy 112
Lacombe, LA 71146
Phone: (318) 775-4947
Fax: (318) 776-9513

GALUKUamerica 1240
6873 Meadowcrest #909
Richland Hills, TX 76180
Phone: (866) 858-9738
Toll Free: (254) 716-2544
Website: www.galukuamerica.com

Garden Accents, Inc. ... 1913, 2102
1907 Treichel Rd
Yomball, TX 77377-6136
Phone: (281) 351-4804
Fax: (281) 255-9171
Website: www.gardenaccentsinc.com
Waterfalls, Fountains, Statuary, Fiberglass
Garden Plants, Water Garden Products, Bio
Filters

Garden-Ville 1550
14090 Macagoches Rd PMB 314
San Antonio, TX 78247-1944
Phone: (210) 651-6115
Fax: (210) 651-9231
Website: www.garden-ville.com
Organic Soil Blends; Liquid Products, Soil
Amendments; Organic Fertilizers; Natural
Weed Control; Orange Oil; Compost; Lawn
Dressing & Mixtures; Raised Bed Grandscape
app

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Nursery** 2805
848 Highway 117
Gretna Hill, LA 71430-9645
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Elms; October Glory Maple

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Newport, LA 71334-4305
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Fax: (318) 865-0982
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Imagery Cypress Trellises; Wooden Plant
Stands; Bonsai Pottery; Wrought Iron Plant
Stands; Arbors; Plastic Pots & Saucers; Clay
Vases

**Gold Forest Wholesale
Nursery, Inc.** 1215
14 Forrest LeBlanc Rd
Lafayette, LA 70506
Phone: (337) 365-4858
Fax: (337) 364-6520
Website: www.growit.com/gold
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Gerald's Tree Farm 3819
PO Box 51285
Lafayette, LA 70505
Phone: (337) 856-5770
Fax: (337) 856-0019

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Cedar Rapids, IA 52404
Phone: (515) 450-8310
Fax: (319) 396-9139

Website: www.hughesnurseryequipment.com
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P.O. Box 143
Glen Flora, TX 77443
Phone: (979) 677-3342
Fax: (979) 677-3341
Website: www.glenflorafarms.com
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Trees, etc.; Deciduous Trees; Evergreen Trees;
Ornamental Trees; Shade Trees;

Glory Dynasty Group 1341
100 N Barranca St Ste 224
West Covina, CA 91791
Phone: (626) 858-2026
Fax: (626) 856-5989
Website: www.glorydynasty.com

Glueck Tree Farm 2609
1098 Tree Farm Rd
Cat Spring, TX 78933-5394
Phone: (979) 752-5477
Fax: (979) 752-3402
Website: www.gluecktreefarm.com
*Glueck Tree Farm was founded in 1996 on
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Family Farm. We specialize in container
grown landscape trees - 5 gal. to 200 gal
and currently have approximately 100 acres
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MC 482-A23-B36
Detroit, MI 48265-1000
Phone: (800) 353-3867
Toll Free: (800) 353-3867
Fax: (313) 667-2863
Website: www.gmfleet.com
Chevrolet Trucks, GMC Trucks

GMICT 3808
225 E Carpenter Fwy Ste 1200
Irving, TX 75062
Phone: (972) 443-2946
Fax: (972) 443-3446
Website: isuzucv.com
Trucks
Brands: Isuzu

Gold Coast Nursery 3324
PO Box 1754
Bay City, TX 77404-1754
Phone: (979) 245-3731
Fax: (979) 245-1576
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Gold Nugget 718
PO Box 2519
Canyon Lake, TX 78133-0012
Phone: (830) 899-3188
Fax: (830) 899-3168

**Golden Roots Trees,
L.L.C.** 4001
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Mexico, TX 76667
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Toll Free: (800) 725-5582
Fax: (254) 562-7592
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Cypress; Bur Oak; Cedar Elm; Chinese Elm;
Drake Elm; Chinese Pistache; Chinkapin
Oak; Crapemyrtle; Mexican Oak; Redbud;
Sawtooth Oak; Sweetgum; Liners-Container*

Golden Vision Flower Inc. ... 3330
2809 W Kelly Park Rd
Apopka, FL 32712
Phone: (407) 884-8989
Fax: (407) 884-5888
Website: www.gvf.com

Goldleaf Farms 541
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Pontotoc, MS 38863
Phone: (770) 265-9633
Fax: (770) 517-2324
Website: www.goldleafarms.com
*Goldleaf Farms specializes in field grown
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Associates, Inc.** 727, 931
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Baton Rouge, LA 70808-4151
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Toll Free: (800) 624-1339
Fax: (225) 769-0902

REP COMPANIES: Henri Studio; Lakeland
Mills; M. M. Inc.; Whiskey Barrel Planters;
Five B Enterprises; Artisan Glass Art
Designs; Green Piece Wire Art; Accents
International; International Pottery
Alliance; Kintel USA, LLC; Pacific Home &
Garden; Roto Plastic Unidad, Ltd.
Bird Feeders; Containers-Decorative;
Fountains; Landscape Accessories; Ponds;
Statuary; Water Gardens Products

Grand River Nursery, Inc. ... 1020
PO Box 520
Fort Gibson, OK 74434-0520
Phone: (918) 478-3964
Fax: (918) 478-2448

Website: www.grandrivernursery.com
*Field Grown Shade Trees; Field Grown
Ornamental Trees; Field Grown Shrubs; in
Ground Container Grown Trees & Shrubs*

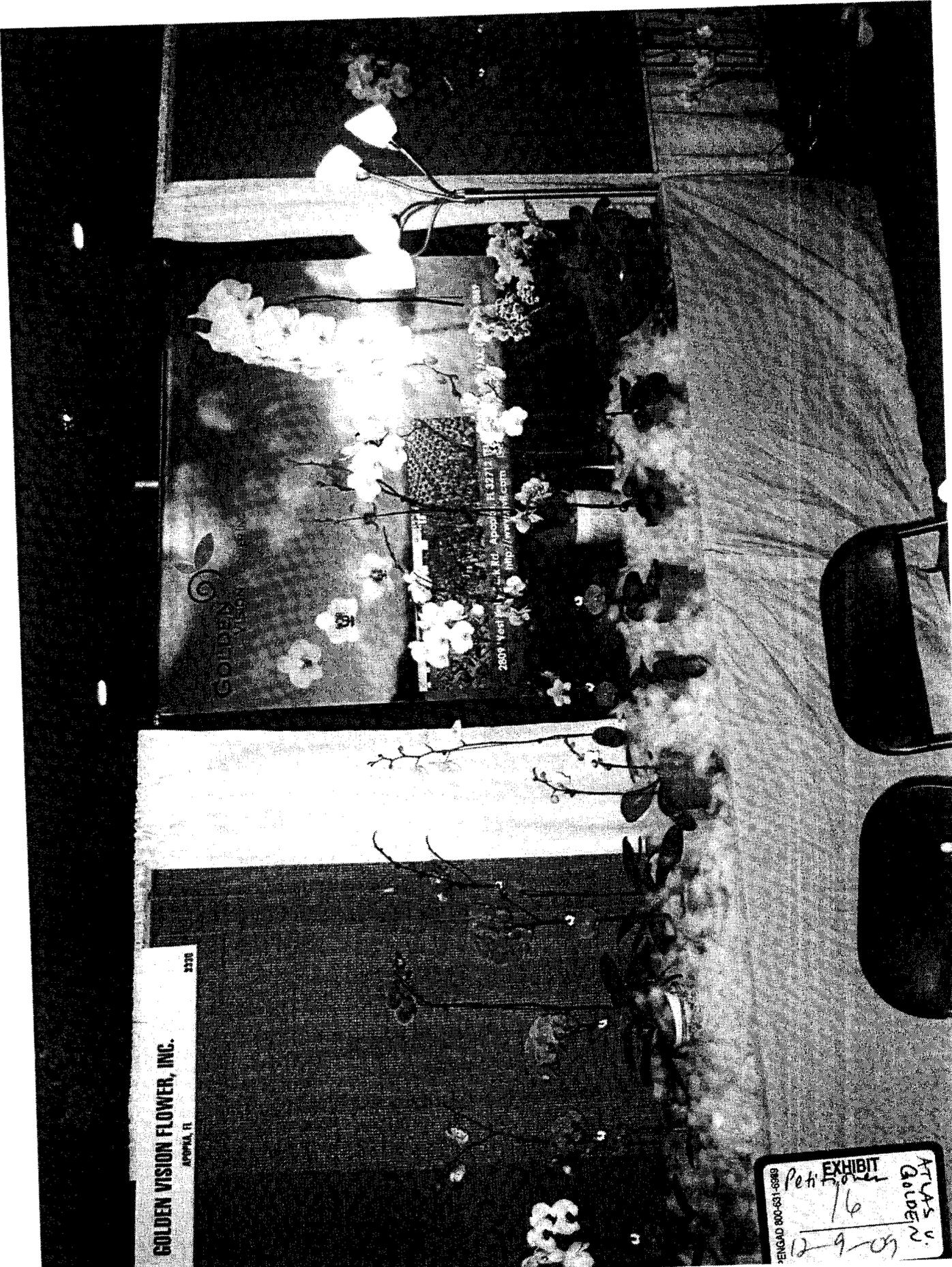
Grasshopper Company 934
PO Box 637
Maunbridge, KS 67107-0637
Phone: (620) 345-8621
Fax: (620) 345-2301
Website: www.grasshoppermower.com
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Attachment System for Year Round
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Phone: (254) 968-2227
Toll Free: (800) 447-4769
Website: www.greencreek.com
*Container Grown Shade Trees - 5, 15, 30 & 45
gallon; Container Grown Grape Myrtles - 3,
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45 gallon; Ornamental Grasses 1 & 3 gallon;
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GOLDEN VISION FLOWER, INC.
APOPKA, FL 32118

GOLDEN VISION FLORIST
2809 West Hill - Lakeland, FL 32713
Phone: 813-522-1111
jwilcain@goldenvisionfl.com

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PetalPower
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Golden Vision Flower, Inc.
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Roy Hadeka
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516.282.9746
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w:hadekastone.com
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Exhibitor Directory by Company



2006 Member Directory & Resource Guide



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HARRISBURG, PENNSYLVANIA 17104-3100

PHONE: 717.238.1673

800.898.3411

FAX: 717.238.1675

E-MAIL: PLNA@PLNA.COM

WEB SITE: WWW.PLNA.COM



ACTIVE AND ASSOCIATE MEMBERS

Gasper Landscapes, Inc.

4137 Grand Blvd.
 Philadelphia, PA 19154-1005
 Phone: (215) 399-2880
 Fax: (215) 399-5005
 Website: www.gasper.net
 Email: gasper@landscapes.com
 Gasper Landscapes, Inc. is a member of
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 Nursery &
 Landscapes Services
*Royal Garden Center, Napa Valley
 Nursery &
 Landscapes*

Grissler Tree Farms, Inc.

PO Box 590
 1050 Lewis Keys Road
 Lewisport, PA 16054-0590
 Phone: (814) 926-1200
 Fax: (814) 926-1274
 Email: grissler@treefarms.com
 Jack S. Grissler, Jeff Grissler
 Belknap

Gerz Nurseries

142 West Main Street
 Lewisport, PA 16054-0108
 Phone: (814) 926-5218
 Fax: (814) 926-5218
 E-mail: Gerz
 Belknap

Giles & Ransome, Inc.

2775 Collinsville Road
 Roseland, PA 19026-2327
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 Toll Free: (800) 999-5510
 Fax: (215) 217-2811
 Website: www.giles.com
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 Mike Kirsch
 Belknap
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Girvins Evergreen Plantation

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 Hircsville, PA 17534-0001
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Wholesale/retailer

Glen Rock Green

4216 Shafter Church Road
 Glen Rock, PA 17327-7021
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 John Brown
 York Co.

Glenmar Nursery & Garden Center

7961 Condit Road
 John, PA 18041-9750
 Phone: (610) 756-2551
 Fax: (610) 756-9911
 Website: www.glenmar-nursery.com
 Email: info@glenmar-nursery.com
 Glenn Schoemaker
 Northampton Co.
*South Lancaster
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Godshalls Landscaping & Hydroseeding, Inc.

8038 Centerville Road
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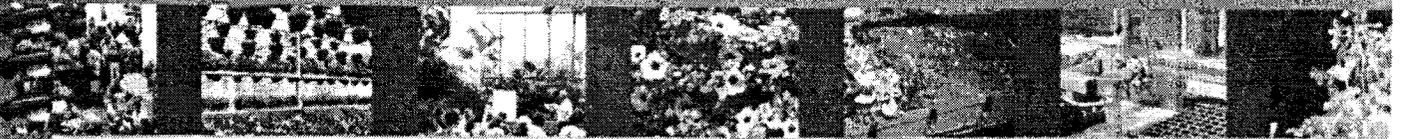
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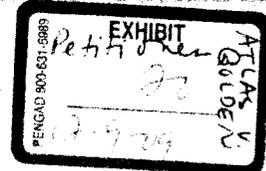
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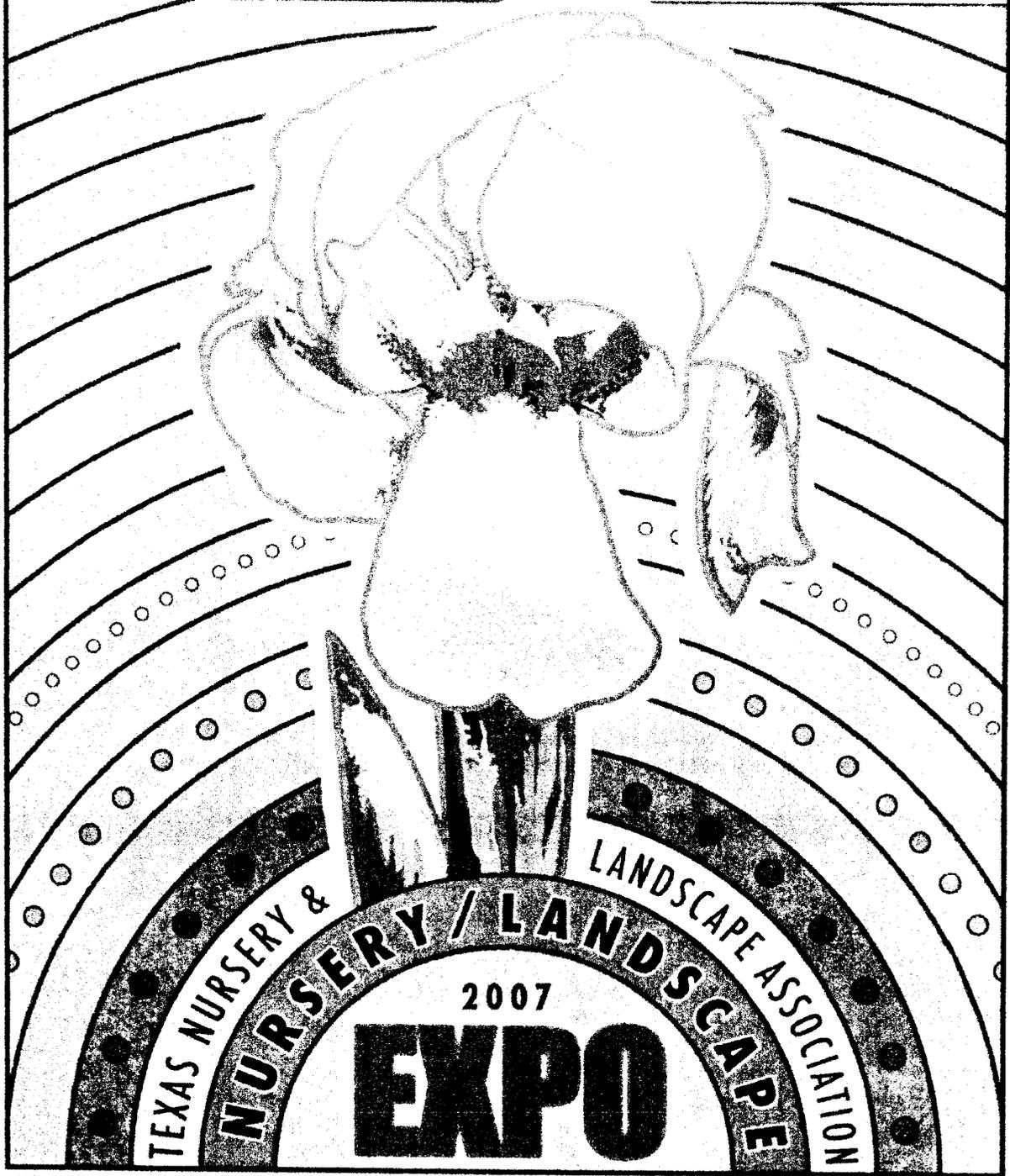
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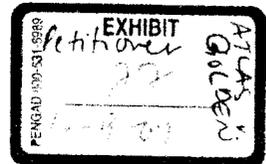
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Phone: 337-748-6715
Toll Free: 888-755-5653
Fax: 337-748-6893
Website: www.growit.com/georgejohnny

Container Grown Ornamental Shrubs, Container Grown Trees, 4 Material Also Available: Perennials, Ornamental Grasses, Palms, Outdoor Clay Mopie

George Peters Wholesale Pottery, Inc. 944

PO Box 44305
Shreveport, LA 71134-4305
Phone: 337-673-1184
Toll Free: 800-256-3915
Fax: 337-673-1185

Red Clay Pottery, Poly Planters, Wind Chimes, Cypress, Prunus, Wooded Plant Caddies, Bonsai Pottery, Broughton Plant Stands, Arbors, Plastic Pots & Scares, Clay Bowls

Gerald Foret Wholesale Nursery, Inc. 715

4214 Forrest Leblanc Rd
New Iberia, LA 70560
Phone: 337-363-4858
Fax: 337-364-6520
Website: www.growit.com/foret
Shade & Ornamental Trees

Gintex Shade, Inc. 1922

RR #1
Windham Centre, OH 43082
Phone: 614-443-4749
Toll Free: 877-443-4743
Fax: 614-443-8120
Website: www.gintexshade.com

Knitted and Woven Shade Cloth, Weed Barriers, Insect Screens, Thermal Screens, Frost Blankets, Retractable Greenhouse Systems, Shade Houses

Glen Flora Farms, Inc. 1721, 1725

7226 FM 102
P.O. Box 143
Glen Flora, TX 77443
Phone: 979-677-3342
Fax: 979-677-3341
Website: www.glenflorafarms.com

Container Grown Trees, 15 gal to 22 Box Trees, etc., Deciduous Trees, Evergreen Trees, Ornamental Trees, Shade Trees

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1098 Tree Farm Rd
Cot Spring, TX 78933-5394
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Fax: 979-732-3402
Website: www.glucocktreefarm.com

Glucock Tree Farm was founded in 1996 on the principles and integrity of the Glucock Family Farm. We specialize in container grown landscape trees - 5 gal. to 200 gal. and currently have approximately 100 acres of trees in production.

GM Fleet & Commercial 4016

100 Renaissance Ctr
MC 482-A25 D35
Detroit, MI 48265-1000
Phone: 313-665-1665
Toll Free: 800-353-3867
Fax: 313-667-5001
Website: www.gmfleet.com
Chevrolet Trucks; GMC Trucks

GMICT 3827

225 E Carpenter Hwy Ste 1200
Irving, TX 75062
Phone: 972-447-2946
Fax: 972-443-3446
Website: isuzucv.com
Brands: Isuzu Trucks

Golden Roots Trees, L.L.C. 4001

PO Box 829
Mena, TX 76867
Phone: 254-472-9877
Toll Free: 800-725-5582
Fax: 254-472-9876
Elms; Natives Trees; RB&B Trees, Gold Crown Trees, Trees-Liners, Shade Trees, Field Cypress, Bur Oak, Cedar Elm, Chinese Elm, Drake Elm, Chinese Pistache, Chinkapin Oak, Crapemyrtle, Mexican Oak, Redbud, Sawtooth Oak, Sweetgum, Liners, Container

Golden Vision Flower Inc. 1537

2639 W Kelly Park Rd
Apopka, FL 32712
Phone: 407-884-8989
Fax: 407-884-5888
Website: www.gvfi.com

Gordon Barney & Associates, Inc. 1324, 1420

7547 Town South Ave
Baton Rouge, LA 70808-4151
Phone: 225-766-9378
Toll Free: 800-624-1539
Fax: 225-769-0902

REP COMPANIES: Meas Studio, Lakeland Mills; M-A, Inc.; Whiskey Barrel Planters; Five B Enterprises; Artisan Glass Art Designs; Green Piece Wire Art. Access International, International Pottery Alliance, Kuster USA, LLC, Pacific Home & Garden, Roto Plastic Trimold, Ltd, Bird Feeders, Containers-Denatured, Swatons, Landscape Accessories, Ponds, Statuary, Water Garden Products

Grand River Nursery, Inc. 3108

PO Box 520
Fort Gibson, OK 74434-0520
Phone: 918-478-3064
Fax: 918-478-2448
Website: www.grandriversnursery.com
Field Grown Shade Trees, Field Grown Ornamental Trees, Field Grown Shrubs, In Ground Container Grown Trees & Shrubs

Grandview Nursery, Inc. 3630

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Toll Free: 800-447-4769
Website: www.greencreek.com
Container Grown Shade Trees 3, 7.5, 10 & 45 gallon; Container Grown Cedar Myrtles 1, 7.5, & 30 gallon; Shrubs 1, 3, 5, 7, 15, 30 & 45 gallon; Ornamental Grasses 1 & 1 1/2 gallon; Ground Covers 4 & 7 gallon

Green Light Company 1907

PO Box 17985
San Antonio, TX 78217-0985
Phone: 210-494-3481
Toll Free: 800-777-5700
Fax: 210-494-5234
Website: www.greenlightco.com

Green Tree Nursery 331

4450 Sparta Hwy
McNemmelie, TN 37110
Phone: 931-815-3275
Fax: 931-815-3519
Grower of quality trees and shrubs.

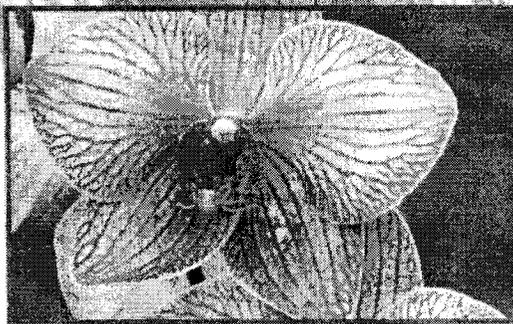
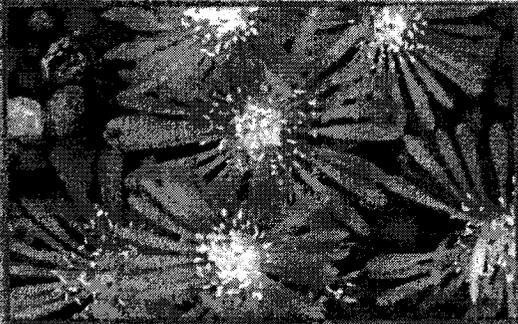
Green Valley Growers 3616, 38

16821 FM 1097 E
Willis, TX 75378
Phone: 936-890-4900
Toll Free: 936-581-0119
Website: www.greenvalleygrowers.net
Located in the Piney Woods, east of Willis, we produce high quality landscape and potted plants that are in greatest demand by today's consumers. Our customers enjoy our variety of blooming shrubs, palms, grasses, perennials, and landscape shrubs available year-round from our premier growing location.

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Perkinston, MS 39373-5847
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Fax: 601-928-5008
Website: www.greenforestnursery.com
Container Size 15, 20, 25 & 60; Magnolia cultivars, Holly, Wax Myrtle, Palms, Crap Myrtle, Oaks, Leyland Cypress, Cherry, Live Maple Cultivars

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THE 2007 TROPICAL PLANT INDUSTRY EXHIBIT

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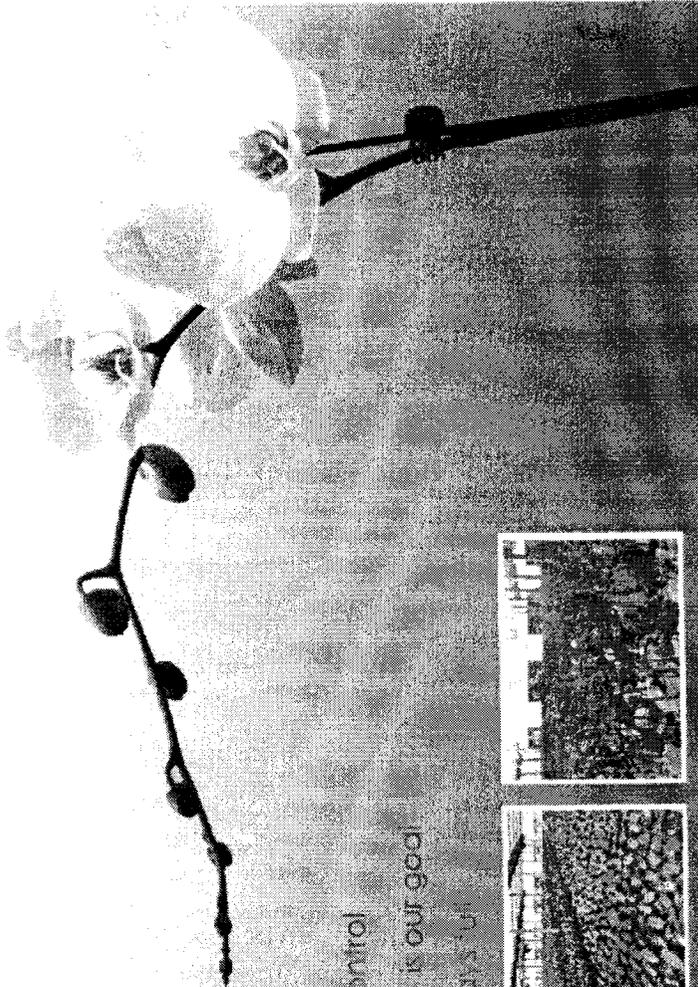
WWW.TPIE.ORG



2007 TPIE EXHIBITORS

EXHIBITOR NAME & INFO <small> * Indicates Florida Exhibitor ** Indicates Florida Member </small>	BOOTH #	EXHIBITOR NAME & INFO <small> * Indicates Florida Exhibitor ** Indicates Florida Member </small>	BOOTH #	EXHIBITOR NAME & INFO <small> * Indicates Florida Exhibitor ** Indicates Florida Member </small>	BOOTH #
FLORIKAN E.S.A. CORP. ☐ Eric Rosenthal 1579 Barber Rd Sarasota, FL 34240 941-377-8666; 800-322-8666; Fax: 941-377-3633 Email: contactus@florikan.com Web: www.florikan.com	1603	GARDEN CENTERS OF AMERICA, INC. Mike Fisher 147 SE 102nd Ave Portland, OR 97216 706-298-0287; 888-648-6463; Fax: 706-883-8215 Email: info@gardencentersofamerica.org Web: www.gardencentersofamerica.org	15	GREEN GIANT FOLIAGE, INC. ☐ Ed Mayr PO Box 540986 Lake Worth, FL 33454-0986 561-722-0931; Fax: 561-963-7775 Email: edmayrGG@aol.com	903
FLO-TEC AUTOMATION ASSOCIATES, INC. ☐ 1515 John Thomas 2151 34th Way Largo, FL 33771-3952 727-531-8796; 800-335-6832; Fax: 727-530-0208 Email: info@flo-tecinc.com Web: www.flo-tecinc.com	1515	GARDENSTONE * Bob Naymie 12211 Vulcan Way Richmond, B.C. V6V 1S7 Canada 727-518-9387; Fax: 604-278-0141 Email: gardenstone@showcable.com Web: www.gardenstonestatuary.com	8202	GREEN LEAF NURSERY, INC. ☐ 1720 Gus Pena 19355 SW 104th St Homestead, FL 33030-3616 305-245-2262; 800-327-7078; Fax: 305-245-5290 Email: penagus@aol.com	1720
FLY-TRAP FARM ☐ Joseph Wood 1930 Civietown Rd SW Supply, NC 28462-3175 910-754-4470; 866-838-3276; Fax: 866-838-3276 Email: flytrapfarm@yahoo.com Web: www.flytrapfarm.com	334	GARDINO NURSERY CORP. ☐ 1908 Sid Gardino PO Box 83 2024 Delray Beach, FL 33483-0083 561-272-1416; Fax: 561-495-7383 Email: info@rareflora.com Web: www.rareflora.com	1908	THE GREEN MACHINE, INC. ☐ 2109 C.W. Abell 16363 Davenport Rd Winter Garden, FL 34778-1036 407-656-7515; Fax: 407-656-7727 Email: cwabell@greenmachinenursery.com Web: www.greenmachinenursery.com	2109
FOLIAGE FACTORY TOO ☐ 2310 Tangie Faria PO Box 747 Zellwood, FL 32798-0747 407-889-2777; Fax: 407-889-9824 Email: foliagefactory@aol.com	2310	GENESIS PRODUCTS & SERVICES, INC. ☐ 2948 Bob Osting 13250 SW 128th St #118 Miami, FL 33186-6271 407-855-3909; 800-637-0587; Fax: 407-855-3015 Email: bob@genesisproducts.com Web: www.genesisproducts.com	2948	GREENDALE NURSERY, INC. ☐ 2403 Peter & Mark Wilson 28300 SW 177th Ave Homestead, FL 33030-1911 305-248-7070; 800-771-7071; Fax: 105-247-4558 Email: sales@greendalenursery.com Web: www.greendalenursery.com	2403
FOLIAGE FOREST, INC. ☐ 1435 Ted & Don Chin 17350 SW 248th St Homestead, FL 33031-1935 305-247-5525; 800-237-4094; Fax: 305-247-5533	1435	GINTEC SHADE TECHNOLOGIES ☐ 2614 Bill Christopher PO Box 1242 Tavares, FL 32778-1242 352-343-7300; 877-443-4743; Fax: 352-343-4346 Email: gintec@gintec-shade.com Web: http://gintec-shade.com	2614	GREENEX UNITED STATES, INC. ☐ 2711 Candice Cipparone 4696 Bartlett Rd Beamsville, Ontario L0R 1B1 Canada 905-563-9400; Fax: 905-563-9200 Email: info@greenex.com Web: www.greenex.com	2711
FOLIAGE TRANSPORT NETWORK, INC. ☐ 312 Richard Burks PO Box 4068 Apopka, FL 32704-4068 407-889-5535; 866-337-5535; Fax: 407-889-4925 Email: rburks@ftninc.com	312	GOLD MEDAL GROWERS ☐ 1206 Carlos Sarria 16901 SW 256th St Homestead, FL 33011-1927 305-248-1779; 888-278-6220; Fax: 305-248-3239 Email: carlossarria@goldmedalgrowers.com Web: www.goldmedalgrowers.com	1206	GREGORY FLORAL * 8402 Tiffany Embleton 1464 Gregory Rd Saint Catharines, ONT L2R 5P9 Canada 905-682-9812; Fax: 905-682-8148 Email: tiffany.gregoryfloral@on.aibn.com	8402
FOREMOSTCO, INC. * ☐ 1520 Rosie Batista 8457 NW 66th St Miami, FL 33166-2630 305-592-8986; 800-421-8986; Fax: 305-599-7362 Email: rosie@foremostco.com Web: www.foremostco.com	1520	GOLDEN VISION FLOWER, INC. ☐ 1637 Amy Huang 2809 W Kelly Park Rd Apopka, FL 32712-5125 407-884-8989; Fax: 407-884-5889 Email: amy@gvfi.com Web: www.gvfi.com	1637	GROLINK LTD. ☐ 116 Walt King 10121 Lake Louisa Rd Clermont, FL 34771 352-243-1667; Fax: 352-243-1147 Email: walt@grolink.com	116
FRIENDSHIP'S GARDEN, INC. * ☐ 8403 Nancy Shelton PO Box 1977 Kyle, TX 78640 800-682-9272; Fax: 800-682-9272 Email: friendgarden@aol.com Web: www.friendshipgarden.com	8403	GOLDMIST ENTERPRISE * ☐ 8502 Charles Chen 1305 Central Ave S Ste F Kent, WA 98032 253-854-2256; Fax: 253-854-2310 Email: anewspring@msn.com Web: www.goldmist.net	8502	GROWERTALKS & GREEN PROFIT MAGAZINE 434 Michelle Mazza PO Box 9 Batavia, IL 60510-0009 630-208-9080; Fax: 630-208-9350 Email: mmazza@ballpublishing.com Web: www.ballpublishing.com	434
GAINNEY CERAMICS ☐ 2309 Jody Jackson 1200 Arrow Hwy La Verne, CA 91750 909-591-3533; Fax: 909-596-9337 Web: www.gainneyceramics.com	2309	GRAY'S ORNAMENTALS, INC. ☐ 1110 Lionel Gray 15321 One Mile Rd Delray Beach, FL 33446-9784 561-496-6442; Fax: 561-496-0804 Email: office@graysornamentals.com Web: www.graysornamentals.com	1110	GROWING SYSTEMS, INC. ☐ 1003 Constance M. Gratz 2950 N Weil St Milwaukee, WI 53212-2696 414-263-3331; Fax: 414-263-2454 Email: email@growing-systemsinc.com	1003
GARDEN ACCENTS, INC. 2630 Jeanne Folger 14907 Treichel Rd Tomball, TX 77377-6136 281-351-4804; 800-256-0393; Fax: 281-255-9121 Email: info@gardenaccentsinc.com Web: www.gardenaccentsinc.com	2630	GROWTH PRODUCTS, LTD. ☐ 2608 Trish Miller PO Box 1252 White Plains, NY 10602 914-428-1316; 800-648-7626; Fax: 914-428-2780 Email: questions@growthproducts.com Web: www.growthproducts.com	2608		

Old Brochure



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Satisfaction is our goal
Supply is always up

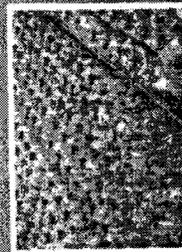
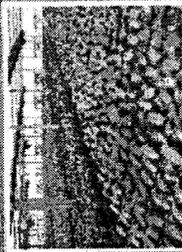
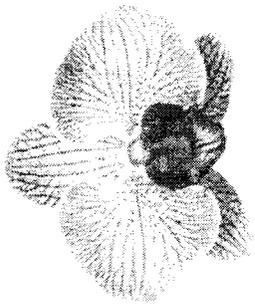


EXHIBIT
Petitioner
2/1/11
D-631-6988



Founded in 1986, Golden Vision has grown to be Taryn's premier horticulture company. Creativity in all its aspects forms the basis of the company philosophy. We are built on a team of horticulturists and in collaboration with several agricultural research centers on ornamental plants. The team succeeds in developing new products and acquiring more knowledge about the cultivation of existing products.

Golden Vision has grown to be a prominent international enterprise as one of the major players in the worldwide orchid market. The subsidiary company in Apopka, Florida (USA) concentrates on the production of a wide range of Phalaenopsis, Dendrobium, Oncidium and Papilionellum with over 40 acres of greenhouses. Advanced greenhouse system provides year round high quality orchid.

By means of innovative techniques, Golden Vision strives to develop the perfect ornamental plants and also seeks to establish a close partnership with each client. We achieve this through regular contacts, the exchange of experience, and reliable delivery. Golden Vision is there when you need us.

 **GOLDEN VISION FLOWER INC.**

 2809 West Kelly Park Rd., Apopka, FL 32712
 (407)884.8989
 sales@mail.gvfl.com
 http://www.gvfl.com



Our advanced greenhouse systems designs to provide customers with year round high-quality orchids.

Specialty orchids available
 of Phalaenopsis, Dendrobium
 Oncidium, Papilionellum
 and ZZ plant

100000 to
 1000000+ acres orchid
 greenhouse for the client needs

A successful partnership between
 between the clients and our
 professional teams achieves win-win situation



2809 West Kelly Park Rd.
 Apopka, FL 32712
TEL: (407)884.8989
FAX: (407)884.5889

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

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.

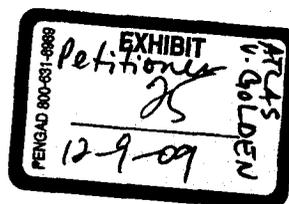
ANSWER AND AFFIRMATIVE DEFENSES

Registrant, Golden Vision Flower, Inc., answers Petitioner's Petition for Cancellation, and states:

1. Registrant is without sufficient information to admit or deny the allegation.
2. Registrant is without sufficient information to admit or deny the allegation.
3. Registrant is without sufficient information to admit or deny the allegation.
4. Denied.
5. Denied.
6. Denied.

First Affirmative Defense

7. If Petitioner has any rights in the mark Golden Flowers such rights are narrow in scope in view of third party uses and registrations directed to marks which include the names Golden and Flowers.



Second Affirmative Defense

8. The inclusion of the term Vision in Registrant's mark creates a distinctly different impression and meaning on the public thereby reducing or eliminating any reasonable likelihood of confusion.

Third Affirmative Defense

9. The parties' historical use of their respective marks confirms that there is no reasonable likelihood of confusion as the parties have harmoniously used their marks simultaneously.

Fourth Affirmative Defense

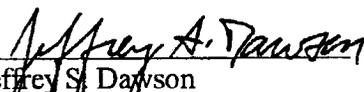
10. Petitioner's request for cancellation should be denied as it was constructively aware of Registrant's registration and use of its marks and failed to take any action to prevent said use. Accordingly, Registrant continued to use its marks and has developed substantial goodwill with its mark. Cancellation of its mark would cause damage to Registrant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on June 23, 2009 to Caroline G. Boehm, 488 Madison Avenue, New York, NY 10022.

CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing Answer is being filed with the Trademark Trial and Appeal Board through the ESTTA system on June 23, 2009.


Jeffrey S. Dawson
Fla. Bar No. 980366
5728 Major Blvd., Suite 309
Orlando, Florida 32819
(407) 363-4545 Telephone
jdawson@jdawsonlaw.com

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

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.

REGISTRANT'S ANSWERS TO INTERROGATORIES

Registrant, Golden Vision Flower, Inc., hereby responds to Petitioner's First Set of Interrogatories, and states:

General Objections

Registrant objects to Petitioner's definition of "identify" as it relates to documents, acts and company. Said definition dramatically expands the scope of each interrogatory thereby making them overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Answers and Specific Objections

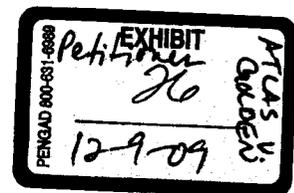
1. Identify the nature of Registrant's organization.

Golden Vision Flower, Inc., a Florida corporation. 2809 W. Kelly Park Rd., Apopka, Florida, 32712.

2. State when Registrant first adopted Registrant's Mark.

2003.

3. Identify each of Registrant's officers since Registrant first adopted Registrant's Mark.



Registrant has attached State of Florida filings which list the requested information.

4. Identify each person who participated in the adoption of Registrant's Mark.

Shun-Chi Huang and Li-Ying Chuang.

5. State when Registrant made first use of Registrant's Mark.

June 1, 2004.

6. Identify all goods and/or services sold or offered for sale under Registrant's Mark.

Orchids. Phalaenopsis, Cattleya, and Dendrobium.

7. Identify all media channels in which Registrant advertises for the goods and/or services provided under Registrant's Mark, e.g., newspaper, magazine, radio, television, mailers, fliers, brochures, programs, pamphlets, etc.

Magazine, brochures and nursery members. Samples of those documents are being produced simultaneously herewith.

8. Identify the geographic area in which Registrant has sold or offered for sale the goods and/or services sold under Registrant's Mark.

United States and Canada.

9. Describe a typical customer of the goods and/or services sold or offered for sale under Registrant's Mark.

Wholesale distributors and floral designers.

10. Identify all searches conducted by Registrant regarding Registrant's Mark.

Registrant's counsel in Taiwan conducted searches on its behalf and Registrant believes a full search and knock out search were conducted.

11. State when and how Registrant first became aware of Petitioner and identify all documents and electronic data evidencing or referring to such awareness.

Letter from Petitioner's counsel dated April 3, 2009.

12. Identify all persons responsible for marketing or intended marketing of the goods and/or services provided under Registrant's Mark.

Shih-Wen Huang and Chiung-Ying Huang.

13. Identify all of Registrant's registrations or currently pending applications for Registrant's Mark, or a mark incorporating the words "GOLDEN FLOWERS," in the United States Patent and Trademark Office, in any of the States of the United States or in the Trademark Office of any foreign country.

Registration number 3074073 in the USPTO. Registrant objects to the interrogatory to the extent it seeks information outside of the mark at issue as it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

14. Identify all trademarks and trade names used by Registrant including the words "GOLDEN FLOWERS."

None.

15. With respect to each trade name or trademark identified in response to the preceding interrogatory, identify each product and service sold by Registrant under the trademark or trade name, and state when Registrant began such use.

None.

16. Identify Registrant's three largest customers for flower-related items under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Evergreen Bonsai Nursery, 20815 2nd Concession Rd., Newmarket, Ontario, Canada.
Owens Orchids, 18 Orchid Heights Dr., Pisgah Forest, NC, and Remarkable Homes and Gardens, 20990 SW 147 Av., Miami, Florida.

17. Identify Registrant's annual sales of flower-related items, in units and dollars, under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Registrant objects to the interrogatory on the basis it is not reasonably calculated to lead to the discovery of admissible evidence.

18. Identify all persons providing packaging to Registrant for Registrant's goods sold by Registrant under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Packaging Corporation of America, 3785 Bryn Mawr Street, Orlando, Florida, and Pratt Industries, PO Box 933949, Atlanta, Georgia.

19. Identify any expert witness and the substance of the expected testimony of such witness that Registrant intends to obtain testimony from in this proceeding.

Unknown at this time.

20. Identify each fact witness and the substance of the testimony expected from each such witness that Registrant plans to call as a witness in this proceeding.

Unknown at this time.

21. In relation to each person identified in response to Interrogatory No. 19 and Interrogatory 21, identify all communications with each such person concerning Registrant or this proceeding.

Registrant objects to this interrogatory to the extent it seeks to invade the attorney client privilege and the work product privilege. Subject to that objection Registrant states that are no persons requested to be identified in interrogatory 21 and that there have been no expert witnesses yet identified in response to interrogatory 19.

22. Identify any communications with any person, other than employees of Registrant or attorneys for Registrant, concerning Petitioner or this proceeding.

None.

23. Identify each application filed by Registrant for registration of Registrant's Mark outside of the United States.

Registrant objects to this interrogatory as not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection Registrant states there are none.

24. Identify each Registration of Registrant's Mark obtained by Registrant outside of the United States.

Registrant objects to this interrogatory as not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection Registrant states there are none.

25. Identify each of Registrant's principal competitors in the sale or other disposal of the Registrant's goods and/or services.

Deleon's Bromeliads, 13745 SW 216 St., Goulds, Florida.

26. For each "affirmative defense" set forth in the Answer to Petition for Cancellation, set forth the basis for such defenses by:

- a) stating all facts and evidence which support each such defense;
- b) identify all witnesses who may have knowledge used to support or refute each such defense; and,
- c) identify all documents which may support or refute each such defense.

Registrant objects to this interrogatory to the extent it seeks to invade the work product privilege by requiring counsel for Registrant to divulge information created through his own thought process about information and evidence relevant to the stated defenses. Without waiving that privilege Registrant states:

First Affirmative Defense. There are numerous federal and state registrations containing the term Golden in relation to wholesale flower supply. Registrant does not yet know which documents and witnesses relate to this defense.

Second Affirmative Defense. Registrant believes that the term Vision in its mark creates a distinct impression from Petitioner's mark. Registrant does not yet know which documents and

witnesses relate to this defense.

Third Affirmative Defense. Registrant believes that the defense speaks for itself but further states that it has never been confused with Petitioner and believes that Petitioner has never been confused with Registrant. Registrant further believes that the parties' respective distribution chains and customers are distinct and well-established further enforcing this lack of confusion. Registrant does not yet know which documents and witnesses relate to this defense except to the extent that Shih-Wen Huang and Chiung-Ying Huang have knowledge of the lack of confusion.

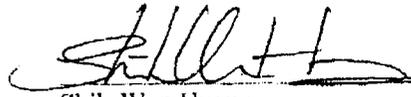
Fourth Affirmative Defense. By law, Petitioner has been constructively aware of Registrant's registration and use of its mark without objecting. Registrant has used its mark in accordance therewith and built up substantial goodwill. Registrant does not yet know which documents and witnesses relate to this defense except to the extent that Shih-Wen Huang and Chiung-Ying Huang have knowledge of the use of Registrant's Mark without objection from Petitioner, the goodwill related to Registrant's Mark and the damage to Registrant if its Mark is cancelled.

27. Identify by name, address and title each person who furnished information respecting the answers to the foregoing interrogatories.

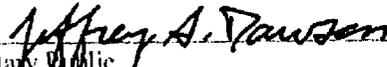
Shih-Wen Huang and Chiung-Ying Huang. Address c/o Registrant's counsel.

State of Florida

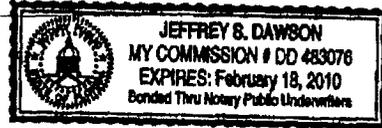
County of Orange

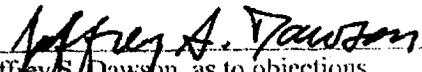

Shih-Wen Huang

Before me personally appeared Shih-Wen Huang who has sworn to and subscribed before me this 22 day of October 2009 that the foregoing answers are true and correct to the best of her knowledge and who who is personally known to me or [] who produced _____ as identification and who did take an oath.


Notary Public.

Print Name: _____




Jeffrey S. Dawson, as to objections

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on October 22, 2009 to Caroline G. Boehm, 488 Madison Avenue, New York, NY 10022.


Jeffrey S. Dawson
Fla. Bar No. 980366
P.O. Box 1111
Winter Haven, Florida 33882
863.293.9600
jdawson@jdawsonlaw.com



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sat Dec 5 03:55:56 EST 2009

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List At: OR to record: **Record 7 out of 13**

(Use the "Back" button of the Internet Browser to return to TESS)

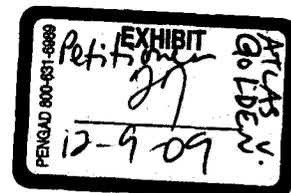


Word Mark GOLDEN VISION FLOWER INC.

Goods and Services IC 031. US 001 046. G & S: Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids. FIRST USE: 20040601. FIRST USE IN COMMERCE: 20041201

Mark
 Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
 Design 05.03.25 - Leaf, single; Other leaves
 Search Code 05.05.25 - Daffodils; Iris (flower); Other flowers
 26.01.26 - Coils; Spirals; Swirls

Serial Number 76594946
 Filing Date June 1, 2004
 Current Filing Basis 1A
 Original Filing Basis 1B
 Published for April 26, 2005
 Opposition
 Registration Number 3074073
 Registration



12/7/2009

Trademark Electronic Search System (T...

Registration Date March 28, 2006

Owner (REGISTRANT) Golden Vision Flower Inc. CORPORATION FLORIDA 2809 West Kelly Park Road Apopka FLORIDA 327125125

Attorney of Record Richard E. Fichter

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLOWER INC." APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DIET	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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06-01-2004

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #87

DRAWING

Applicant's Name:	Golden Vision Flower Inc.
Applicant's Address:	2809 West Kelley Park Road, Apopka, Florida 32712-5125
Goods/Services:	Flowers, cut; flowers, dried; flowers, live; flower bulbs; flower seeds; flowering plants, live; plants, dried; plants, live; grass; grass seeds; herb, fresh; herb, raw; orchids, live in class 31.

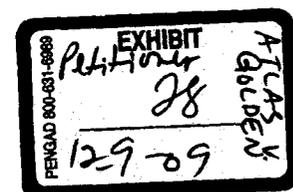
Mark:



U.S. Patent & TM Ofc/TM



76594946



76594946

TRADEMARK APPLICATION SERIAL NO.

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/04/2004 WILSONI 00000121 76594946

01 FC:6001

335.00 DP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark:	GOLDEN VISION Flower Inc. & Design
Class:	31
Attorney's Reference:	GOLD6004/REF

COVER LETTER
FOR FILING A NEW TRADEMARK APPLICATION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Madam:

1. Submitted herewith are the following:
 - a. An application and a Drawing of the mark.
 - b. An EARLY NOTIFICATION OF SERIAL NUMBER postcard.
 - c. A *duplicate copy* of this document. The Commissioner is authorized to charge any U.S. government fees that are required for the present application to receive a filing date, to deposit account no. 02-0200.
 - d. A check in the amount of **\$335.00** to cover the \$335.00 per Int. Class U.S. government fee for at least one Class; 37 C.F.R. §2.21(a)(5).
2. The official filing receipt should state as follows:
FILING BASIS Sect. 1(b) (Intent to Use)

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: June 1, 2004

S:\Producer\re\LEADER\TRADEMARKS\GOLD VISION FLOWER INC.
6004\Cover Letter for New TM Application.wpd

Respectfully submitted,



Richard E. Fichter

cc: Main Docketing; Trademark Docketing

TRADEMARK FEE PROCESS
RECEIVED
JUN - 1 P 3:39
US PATENT &
TRADEMARK OFFICE

~TRADEMARK/SERVICE MARK APPLICATION (15 U.S.C. §§1051, 1126(d)&(e))~

~To the Commissioner for Trademarks~

<APPLICANT INFORMATION>

<Name> Golden Vision Flower Inc.
<Street> 2809 West Kelly Park Road
<City> Apopka
<State> Florida
<Country> U. S. A.
<Zip/Postal Code> FL 32712-5125
<Telephone Number>
<Fax Number>
<e-mail Address>

<APPLICANT ENTITY INFORMATION>~Select only ONE~

<Individual: Country of Citizenship>
<Corporation: State/Country of Incorporation> Florida, U.S.A.
<Partnership: State/Country under which Organized>
<Name(s) of General Partners & Citizenship/Incorporation>
<Other Entity Type: Specific Nature of Entity>
<State/Country under which Organized>

<TRADEMARK/SERVICE MARK INFORMATION>

<Mark> GOLDEN VISION Flower Inc. & Device
<Typed Form>~Enter YES, if appropriate~
~DISPLAY THE MARK that you want to register on a separate piece of paper.~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<Use in Commerce: Section 1(a)>~Applicant is using the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. §1051(a)).~
<International Class Number(s)>
<Listing of Goods and/or Services>~List in ascending numerical class order.~

<Date of First Use Anywhere>
<Date of First Use in Commerce>
~Submit one SPECIMEN for each international class showing the mark as used in commerce.~

<Intent to Use: Section 1(b)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. §1051(b)).~

<International Class Number(s)> 31

<Listing of Goods and/or Services>~List in ascending numerical class order.~

flowers (cut), flowers (dried), flowers (live), flower bulbs, flower seeds, flowering plants (live), plants (dried), plants (live), grass, grass seeds , herb (fresh), herb (raw), orchids (live)

<Foreign Priority: Section 44(d)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. §1126(d).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order.~

<Country of Foreign Filing>

<Foreign Application Number>

<Date of Foreign Filing>

<Foreign Registration: Section 44(e)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services based upon a registration of the mark in applicant's country of origin in accordance with 15 U.S.C. §1126(e).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order.~

<Country of Foreign Registration>

<Foreign Registration Number>

<Foreign Registration Date>

<Foreign Registration Renewal Date>

<Foreign Registration Expiration Date>

~ Submit foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 U.S.C. §1126(e).~

<FEE INFORMATION>

\$335.00 x <Number of Classes> = <Total Filing Fee Paid> \$

<SIGNATURE INFORMATION>

~Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq.) for the above-identified goods and/or services.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that: I am properly authorized to execute this application on behalf of applicant; I believe applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), I believe applicant to be entitled to use the mark in commerce; no other person, firm, corporation or association, to the best of my knowledge and belief, has the right to use such mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; all statements made herein of my own knowledge are true; and all statements made on information and belief are believed to be true.

Applicant hereby appoints J. Ernest Kenney, Eugene Mar, Richard E. Fichter, and Thomas J. Moore, all with Bacon & Thomas, PLLC as applicant's attorneys with full powers of association, substitution and revocation, to transact all business in the U.S. Patent and Trademark Office associated with the present application, to prosecute the present application, and to receive the certificate of registration. Please address all correspondence as stated below.

Applicant instructs Bacon & Thomas, PLLC to take instructions regarding the mark from applicant's agent, who transmits this application to Bacon & Thomas, PLLC.~

~ Signature~

<Name> Li Ying CHUANG

<Title> Manager General

<Date> May 1, 2004

<CONTACT INFORMATION>

<Name>

<Company/Firm Name> BACON & THOMAS, PLLC

<Street> 625 Slaters Lane, Fourth Floor

<City> Alexandria

<State> VA

<Country> USA

<Zip/Postal Code> 22314-1176

<Telephone Number> 703-683-0500

<Fax Number> 703-683-1080

<e-mail Address> mail@baconthomas.com

<DOMESTIC REPRESENTATIVE>

<Name> BACON & THOMAS, PLLC

~Is hereby appointed Applicant's representative upon whom notice or process in proceedings affecting the mark may be served.~

<Street> 625 Slaters Lane, Fourth Floor

<City> Alexandria

<State> VA

<Zip/Postal Code> 22314-1176



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	76/594946
Application Filing Date:	June 1, 2004
Notice of Allowance Date:	July 19, 2005
Mark:	GOLDEN VISION FLOWER INC. (and design)
Applicant:	Golden Vision Flower Inc.
Attorney's Reference:	GOLD6004/REF

**COVER LETTER
FOR A STATEMENT OF USE**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Madam:

1. Submitted herewith are the following:
 - a. A **check** in the amount of **\$100.00**.
 - b. **STATEMENT OF USE** that recites **all** of the goods/services, **2** specimens and payment of the \$100.00 per class U.S. government fee.
2. The Commissioner is authorized to charge to deposit account no. 02-0200 any fees required to prevent the abandonment of the application and any fees authorized by the undersigned by telephone. A duplicate copy of this document is attached.

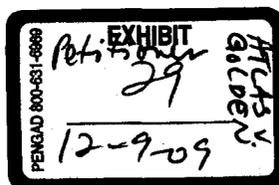
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: January 6, 2006

Respectfully submitted,

Richard E. Fichter
Applicant's Attorney

S:\Producer\ref\LEADER\TRADEMARKS\GOLD VISION FLOWER INC.
6004\Cover Letter for SOU.wpd



01-06-2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	76/594,946
Application Filing Date:	June 1, 2004
Notice of Allowance Date:	July 19, 2005
Mark:	GOLDEN VISION FLOWER INC. (AND DESIGN)
Applicant:	Golden Vision Flower Inc.

STATEMENT OF USE
UNDER 37 C.F.R. §2.88

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Applicant requests registration of the mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 *et seq.*, as amended).

1. Applicant has adopted and is using the mark in commerce in the United States on or in connection with each of the following, in accord with Section 1(a) of the Lanham Act, as amended, 15 U.S.C. §1051(a) [list goods/services]: cut flowers, dried flowers and live flowers; flower bulbs; flowers seeds; live flowering plants; dried plants and live plants; grass and grass seeds; fresh herbs and raw herbs; live orchids.
2. The mark was first used on a date at least as early as [date]: June 1, 2004
3. The mark was first used in *commerce* on a date at least as early as [date]: December 1, 2004

STATEMENT OF USE

U.S. Application No. 76/594,946

4. The current use of the mark on or in connection with the foregoing in *commerce* is shown by the attached specimen(s).

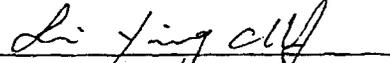
DECLARATION

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that: I am properly authorized to execute this declaration on behalf of applicant; I believe applicant to be the owner of the mark sought to be registered; the mark is in use in such commerce, as described above; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Respectfully signed,

Date: August 8, 2005

(08Nov2001)


Name and Title: Li Ying CHUANG
President

SPECIMEN





GOLDEN
VISION FLOWER INC.

- Cut flowers
- Dried flowers and live flowers
- Flower bulbs
- Flower seeds
- Live flowering plants
- Dried plants and live plants
- Grass and grain seeds
- Fresh herbs and raw herbs
- Live orchids

Golden Vision Flower Inc.

2809 West Kelly Park Road, Apopka
FLORIDA 32712-3122

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

Reg. No. 3,074,073

United States Patent and Trademark Office

Registered Mar. 28, 2006

TRADEMARK
PRINCIPAL REGISTER



GOLDEN VISION FLOWER INC. (FLORIDA CORPORATION)
2809 WEST KELLY PARK ROAD
APOPKA, FL 327125125

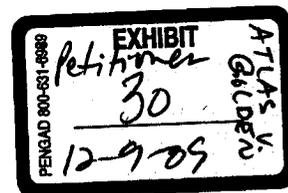
FIRST USE 6-1-2004; IN COMMERCE 12-1-2004.

FOR: CUT FLOWERS, DRIED FLOWERS AND LIVE FLOWERS; FLOWER BULBS; FLOWER SEEDS; LIVE FLOWERING PLANTS; DRIED PLANTS AND LIVE PLANTS; GRASS AND GRASS SEEDS; FRESH HERBS AND RAW HERBS; LIVE ORCHIDS, IN CLASS 31 (U.S. CLS. 1 AND 46).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLOWER INC.", APART FROM THE MARK AS SHOWN.

SN 76-594,946, FILED 6-1-2004.

LAURA KOVAISKY, EXAMINING ATTORNEY



DOCUMENT 8

223514.1

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

In re Registration No. 3,074,073

Mark:



-----X
 ATLAS FLOWERS, INC. d/b/a GOLDEN :
 FLOWERS, :
 :
 Petitioner, :
 :
 - against - :
 :
 GOLDEN VISION FLOWER, INC., :
 :
 Registrant. :
 -----X

NOTICE TO TAKE DEPOSITIONS

To: Jeffrey S. Dawson, Esq.
56 Fourth Street, NW, Suite 100
Winter Haven, Florida 33881
jdawson@jdawsonlaw.com

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure and TBMP § 404, on May 14, 2010 at 10:30 am at the offices of Esquire Deposition Services, 200 East Robinson St., Suite 725, Orlando, Florida 32801, the undersigned will take

Plaintiff's Exhibit 5-14-10
 S. H. [unclear] 31
 In Re Registration No. 3,074,073
 Atlas Flowers d/b/a Golden Flowers

the deposition upon oral examination of Shun-Chi Huang (father of Shih-Wen Huang), and immediately thereafter the deposition of Li-Ying Chuong (mother of Shih-Wen Huang), both before an officer authorized by law to administer oaths. The deposition will be recorded by sound, sound-and-visual and/or stenographic means.

You are invited to attend and cross-examine.

KALOW & SPRINGUT LLP

Dated: May 4, 2010

By:



Milton Springut
Tal S. Benschar

DECLARATION OF SERVICE

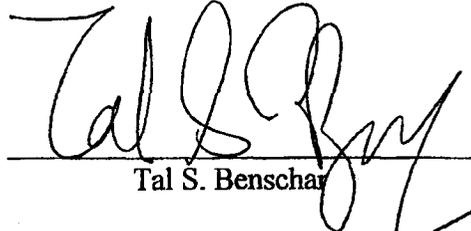
TAL S. BENSCHAR declares that:

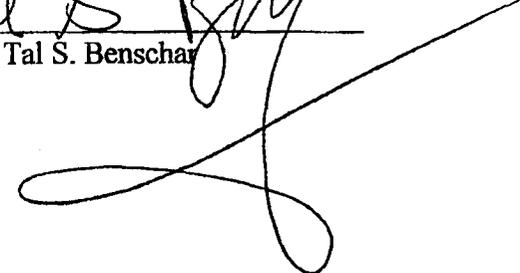
1. I am an assistant with KALOW & SPRINGUT LLP, attorneys for the Opposer in the captioned proceeding, and that on the execution date which appears below, a true copy of the annexed **NOTICE TO TAKE DEPOSITIONS** was served via email and U.S. Mail upon the following addressee:

Jeffrey S. Dawson, Esq.
56 Fourth Street, NW, Suite 100
Winter Haven, Florida 33881
jdawson@jdawsonlaw.com

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on May 4, 2010
New York, New York

By: 
Tal S. Benschar





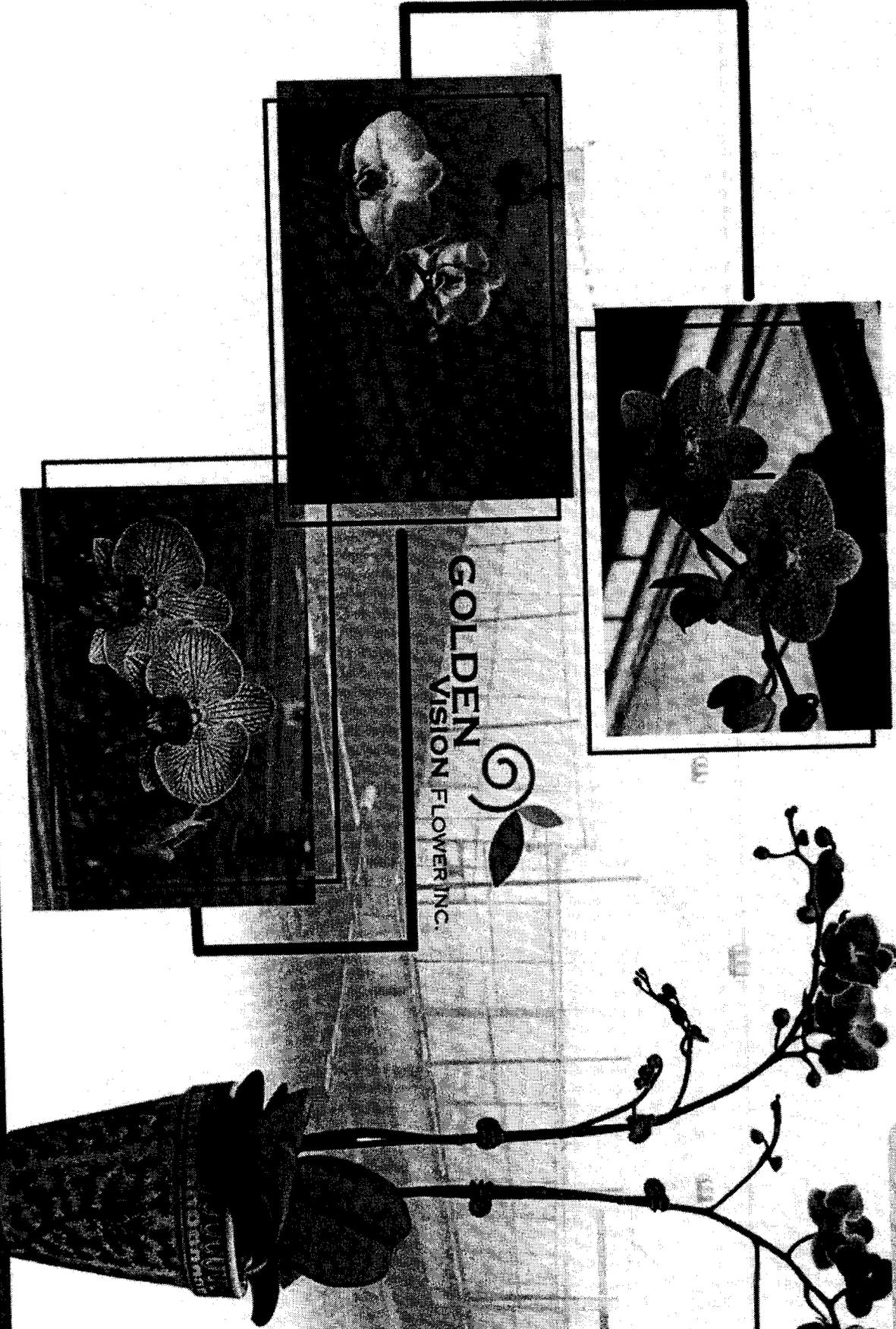
GOLDEN
VISION FLOWER INC.

A 2809 West Kelly Park Road. Apopka, FL32712
T +1.407.884.8989
F +1.407.884.5889
W www.gvfi.com
E elff.evi@msa.hinet.net



168
5-14-10
Plaintiff's Exhibit
S. Huang 32A
In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs Golden Vision Flower Inc.

2809 West Kelly Park Road, Apopka, FL 32712 Tel: +1.407.884.898 Fax: +1.407.884.5889 www.gvfi.com E-mail: eiff.evj@msa.hinet.net



Plaintiff's Exhibit

S. Huang 32B

In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers
Petitioner Atlas Flower/Springut

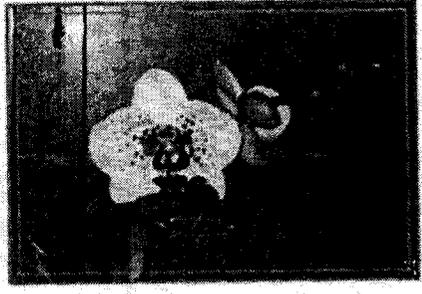
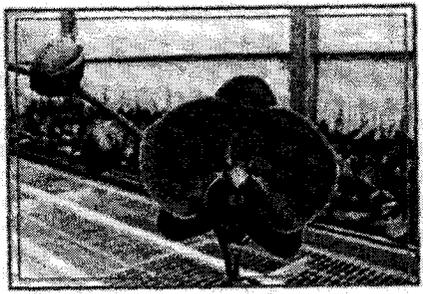
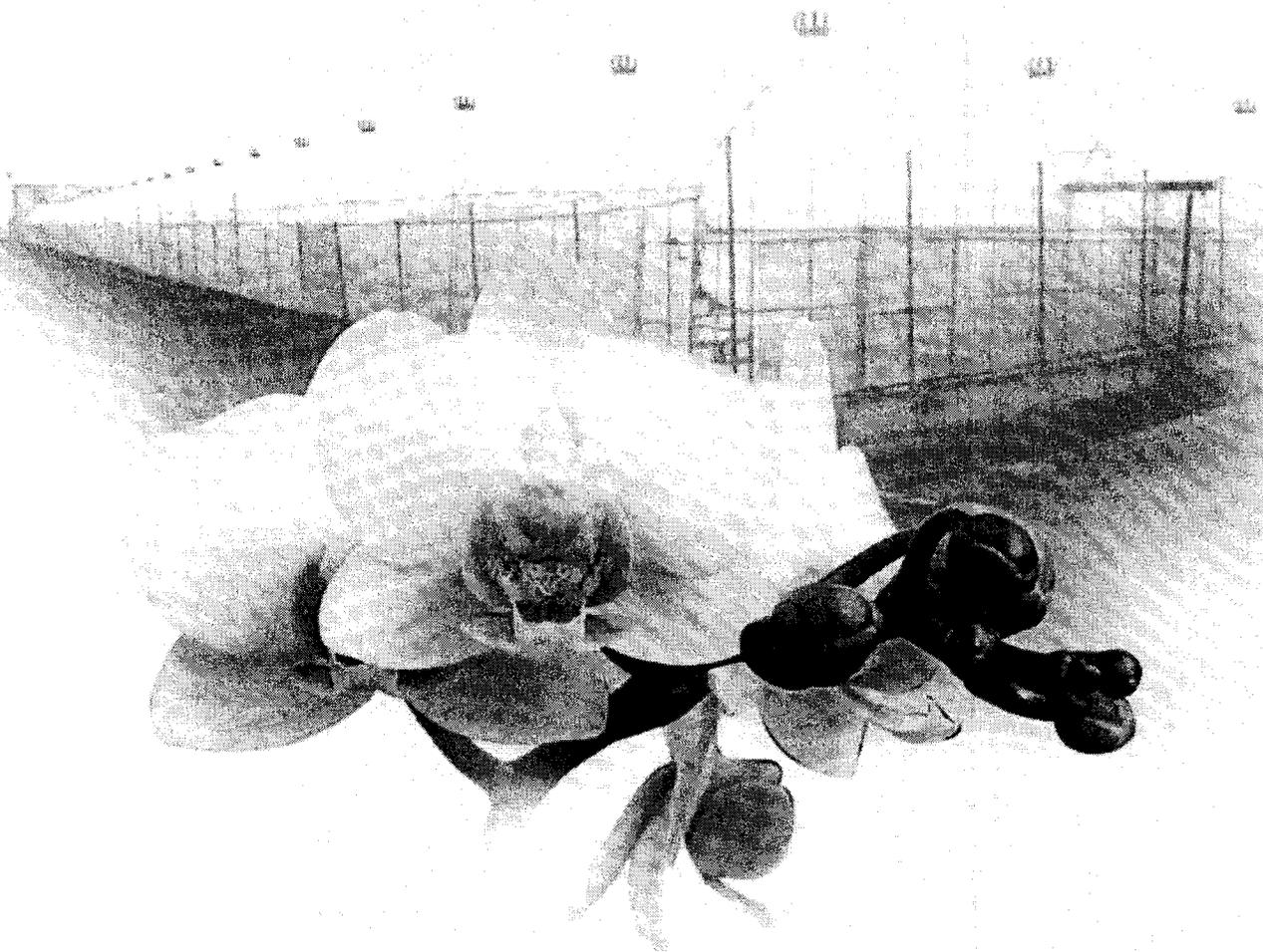
S. Huang 32C

In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers
Petitioner Atlas Flower/Springut



GOLDEN VISION FLOWER INC.

- A** 2809 West Kelly Park Road, Apopka, FL32712
- T** +1.407.884.8989
- F** +1.407.884.5889
- W** www.gvfi.com
- E** elff.evl@msa.hinet.net





GOLDEN VISION FLOWER INC.

2809 West Kelly Park Road. Apopka. FL32712



Tel:+1.407.884.8989
Fax:+1.407.884.5889
www.gvfi.com
E-mail:eliff.evl@msa.hinet.net

Plaintiff's Exhibit 5-19-05

S. Huang 32D

In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers
Petitioner Atlas Flower/Springut



KP

5-14-10

Plaintiff's Exhibit

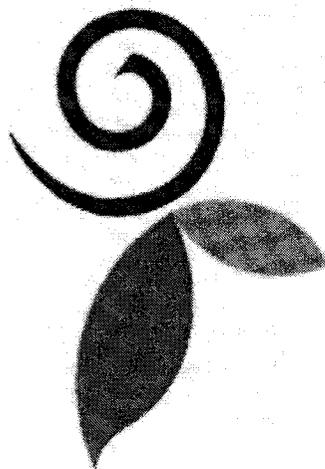
S. Huang

32 E

In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers



KP
Plaintiff's Exhibit 514-10
S. Huang 32F
In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers



Golden Vision
Flower Inc.

KP
Plaintiff's Exhibit 5/14/10
S. Huang 326
In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers

DOCUMENT 9



台南中林森路一段10號10樓之9
力得國際智慧財產權事務所
力得國際專利商標事務所

Attorneys at Law
Patent and Trademark Agents
Leader International Services

No. 149, (Room 9, 10/F.) Lin Sen Road
Sec. 1, Tainan, Taiwan.

Telephone:
886-6-2356383

Facsimile:
886-6-2374041

Correspondence:
P.O. Box 1032
Tainan, Taiwan.

E-mail:
leader@seed.net.tw

Bacon & Thomas
625 Slaters Lane, 4/F
Alexandria, VA 22314-1176
U. S. A.

Date: May 12, 2004
Our Ref.: TEJ-606USB

Dear Sirs,

Please file an application in accordance with the following instructions and mail us the filing certificate & your debit note in due course. It is requested that this application must be kept in force under all circumstances unless you have instructions from us to the contrary.

By return airmail/telecopier, please kindly confirm your safe receipt of this order letter.

- (1) Application for: U.S. (Intent-to-Use) Trademark Registration
- (2) Applicant/
 - A) Name: Golden Vision Flower Inc.
 - B) Address: 2809 West Kelly Park Road, Apopka, FL 32712-5125
 - C) Nationality: A Company of Florida, U.S.A.,
(organized and existing under the laws of Florida, U.S.A.)
- (3) Name of Trademark: GOLDEN VISION Flower Inc & Device
- (4) Class of Goods: International Class 31
- (5) Designated Goods: (Please see the attached application information form)
- (6) Priority Claimed: (Nil)
- (7) Enclosures/
 - A) Application Information (signed)

GOLD004

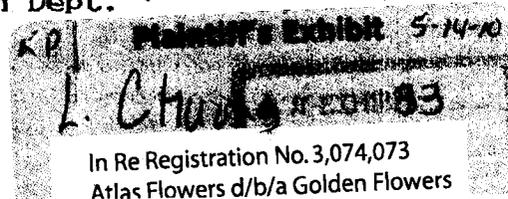
Date 5-25-04 Atty FJM REF
Action Due TM Appl
Deadline CNE 5-27-04
Final Deadline DFA 6-01-04
Based on _____



Sincerely,

Yang Kuen-Tsang
Yang Kuen-Tsang
Foreign Dept.

Encls:



LAW OFFICES

BACON & THOMAS

A Professional Limited Liability Company

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625 SLATERS LANE-FOURTH FLOOR

ALEXANDRIA, VIRGINIA 22314-1176

WWW.BACONTHOMAS.COM

J. ERNEST KENNEY
EUGENE MAR
RICHARD E. FICHTER
THOMAS J. MOORE
ERIC S. SPECTOR
FELIX J. D'AMBROSIO
BENJAMIN E. URZIA *
JUSTIN J. CASSELL
JOHN R. SCHAEFER

TELEPHONE
(703) 683-0500

FACSIMILE
(703) 683-1080
(703) 683-0884

E-MAIL
mail@baconthomas.com

GEORGE CHUNG CHIN CHEN :

August 1, 2005

*BAR OTHER THAN VA
†REGISTERED PATENT AGENT

Mr. Kuen-Tsang Yang
LEADER INTERNATIONAL SERVICES
No 149, (Room 9, 10/F.)
Lin Sen Road, Sec. 1
Tainan, TAIWAN, R.O.C.

Re: Mark: GOLDEN VISION Flower Inc. & Design
U.S. Application No. 76/594,946 in class 31
Owner/Applicant: Golden Vision Flower Inc.
Our Ref: GOLD6004/REF
Your Ref: TEJ-606USB

Dear Mr. Yang:

We are pleased to report the Notice of Allowance, two copies enclosed. A registration should be granted after we file a Statement of Use. We would be pleased to prepare a Statement of Use at your request. In order to file a Statement of Use, we need (1) a list of the goods from the application that are currently sold in the United States (any goods that are not currently sold must be either deleted, or transferred to a child application), and (2) a specimen (such as a box or label) that shows the trademark as currently used in the United States for any of the goods, and (3) the date (or approximate date) of the first use of the trademark in the U.S. for any of the goods.

Please send us your instructions by December 19, 2005. The deadline is **January 19, 2006**. This deadline is subject to five extensions of six months each and we would be happy to prepare and file a First Request for Extension at your request. The application will lapse if appropriate action is not taken by the deadline.

KP
Plaintiff's Exhibit
L. Chung 34
5-14-10
In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers

Mr. Kuen-Tsang Yang
LEADER INTERNATIONAL SERVICES
August 1, 2005
Page 2

The only alternative to filing a Statement of Use may be to file a certified copy of a registration of the mark in applicant's home country. This would require re-publication.

Yours sincerely,

BACON & THOMAS, PLLC

By _____
Richard E. Fichter

P.S. The cost estimates are as follows: \$210 for reporting the publication in the *Official Gazette*, and the Notice of Allowance; \$460* for a Request for Extension; \$1,055* to file a child application; \$460* for a Statement of Use; and \$455* to file a copy of an English language certificate (* includes the U.S. government fee, but not other expenses).

REF/snr
Enclosure
L07.wpd



台南市林森路一段10號之9
力得國際智慧財產權事務所
力得國際專利商標事務所

Attorneys at Law
Patent and Trademark Agents
Leader International Services

No. 149, (Room 9, 10/F.) Lin Sen Road
Sec. 1, Tainan, Taiwan.

Telephone:
886-6-2356383

Facsimile:
886-6-2374041

Correspondence:
P.O. Box 1032
Tainan, Taiwan.

E-mail:
leader@seed.net.tw

Bacon & Thomas
625 Slaters Lane, 4/F
Alexandria, VA 22314
U. S. A.

Attention: Mr. George CHEN

RE: U.S. Trademark Application Nr. 76/594,946
Mark "GOLDEN VISION Flower Inc. & Design" in class 31
Your Ref.: GOLD6004/REF
Our Ref.: TEJ-606USB

陳先生惠鑒:

貴所2005.08.01函轉USPTO關於本案Notice of Allowance敬悉。

隨函附上本件商標使用資料(吊牌、產品照片)及STATEMENT OF USE,
請代為向USPTO提出;此外,客戶Web Site <http://www.gvfi.com>亦標示
有本案商標之使用,請檢視,如可,請取用。文件資料如欠缺,請示下。

本件商標相關事項從所附文件當可知悉,請代為審視,如有不當或
錯誤,於提出前請告知。

收到本信函,請即傳真確認。

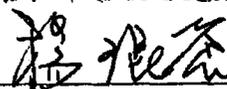
謝謝你的協助!!

謹 此 順 頌

時 祺



力得國際智慧財產權事務所
Leader International Services
國外部(Foreign Department)

 楊麗蓉 敬啟

Our new e-mail address:
leader.patent@msa.hinet.net

2005年8月24日

