

## Trademark/Service Mark Application, Principal Register

Serial Number: 77322290  
 Filing Date: 11/06/2007

The table below presents the data as entered.

| Input Field   | Entered   |
|---|---|
| <b>SERIAL NUMBER</b>  | 77322290  |
| <b>MARK INFORMATION</b>   |   |
| *MARK   | <a href="\\TICRS2\EXPORT14\773\222\77322290\xml1\APP0002.JPG">\\TICRS2\EXPORT14\773\222\77322290\xml1\APP0002.JPG</a> |
| SPECIAL FORM  | YES   |
| USPTO-GENERATED IMAGE   | NO  |
| COLOR MARK  | YES   |
| COLOR(S) CLAIMED<br>(If applicable)                             | The color(s) green is/are claimed as a feature of the mark.   |
| *DESCRIPTION OF THE MARK<br>(and Color Location, if applicable) | The mark consists of the color green.   |
| PIXEL COUNT ACCEPTABLE  | YES   |
| PIXEL COUNT   | 692 x 898   |
| REGISTER  | Principal   |
| <b>APPLICANT INFORMATION</b>                                    |   |
| *OWNER OF MARK  | Agrium Inc.   |
| *STREET   | 13131 Lake Fraser Drive, S.E.   |
| *CITY   | Calgary   |
| *COUNTRY  | Canada  |
| *ZIP/POSTAL CODE<br>(Required for U.S. applicants only)         | T2J7E8  |
| <b>LEGAL ENTITY INFORMATION</b>                                 |   |
| TYPE  | corporation   |
| STATE/COUNTRY OF INCORPORATION                                  | Canada  |
| <b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>              |   |
| *INTERNATIONAL CLASS  | 001   |
| *IDENTIFICATION   | Fertilizers   |
| FILING BASIS  | SECTION 1(a)  |
| FIRST USE ANYWHERE DATE   | At least as early as 04/00/1989   |
| FIRST USE IN COMMERCE DATE                                      | At least as early as 04/00/1989   |
| SPECIMEN<br>FILE NAME(S)  | <a href="\\TICRS2\EXPORT14\773\222\77322290\xml1\APP0003.JPG">\\TICRS2\EXPORT14\773\222\77322290\xml1\APP0003.JPG</a> |

|  |   |
|--|---|
| <b>SPECIMEN DESCRIPTION</b>                | product   |
| <b>ADDITIONAL STATEMENTS SECTION</b>       |   |
| <b>SECTION 2(f)</b>                        | The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement. |
| <b>ATTORNEY INFORMATION</b>                |   |
| <b>NAME</b>                                | Theodore A. Breiner   |
| <b>ATTORNEY DOCKET NUMBER</b>              | 7002/TM   |
| <b>FIRM NAME</b>                           | Breiner & Breiner, L.L.C.   |
| <b>STREET</b>                              | P.O. Box 320160   |
| <b>CITY</b>                                | Alexandria  |
| <b>STATE</b>                               | Virginia  |
| <b>COUNTRY</b>                             | United States   |
| <b>ZIP/POSTAL CODE</b>                     | 22320-0160  |
| <b>PHONE</b>                               | 703-684-6885  |
| <b>FAX</b>                                 | 703-684-8206  |
| <b>EMAIL ADDRESS</b>                       | tbreiner@bbpatlaw.com   |
| <b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b> | No  |
| <b>OTHER APPOINTED ATTORNEY</b>            | Mary J. Breiner and Jennifer A. Harchick  |
| <b>CORRESPONDENCE INFORMATION</b>          |   |
| <b>NAME</b>                                | Theodore A. Breiner   |
| <b>FIRM NAME</b>                           | Breiner & Breiner, L.L.C.   |
| <b>STREET</b>                              | P.O. Box 320160   |
| <b>CITY</b>                                | Alexandria  |
| <b>STATE</b>                               | Virginia  |
| <b>COUNTRY</b>                             | United States   |
| <b>ZIP/POSTAL CODE</b>                     | 22320-0160  |
| <b>PHONE</b>                               | 703-684-6885  |
| <b>FAX</b>                                 | 703-684-8206  |
| <b>EMAIL ADDRESS</b>                       | tbreiner@bbpatlaw.com   |
| <b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b> | No  |
| <b>FEE INFORMATION</b>                     |   |
| <b>NUMBER OF CLASSES</b>                   | 1   |
| <b>FEE PER CLASS</b>                       | 325   |
| <b>*TOTAL FEE DUE</b>                      | 325   |
| <b>*TOTAL FEE PAID</b>                     | 325   |
| <b>SIGNATURE INFORMATION</b>               |   |
| <b>SIGNATURE</b>                           | /Theodore A. Breiner/   |

|                             |                     |
|-----------------------------|---------------------|
| <b>SIGNATORY'S NAME</b>     | Theodore A. Breiner |
| <b>SIGNATORY'S POSITION</b> | Attorney            |
| <b>DATE SIGNED</b>          | 11/06/2007          |

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 77322290**

**Filing Date: 11/06/2007**

### To the Commissioner for Trademarks:

**MARK:** (Stylized and/or Design, see [mark](#))

The color(s) green is/are claimed as a feature of the mark. The mark consists of the color green.

The applicant, Agrium Inc., a corporation of Canada, having an address of

13131 Lake Fraser Drive, S.E.

Calgary T2J7E8

Canada

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 001: Fertilizers

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 001, the mark was first used at least as early as 04/00/1989, and first used in commerce at least as early as 04/00/1989, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) product.

[Specimen File1](#)

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

The applicant hereby appoints Theodore A. Breiner and Mary J. Breiner and Jennifer A. Harchick of Breiner & Breiner, L.L.C.

P.O. Box 320160

Alexandria, Virginia 22320-0160

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 7002/TM.

Correspondence Information: Theodore A. Breiner

P.O. Box 320160

Alexandria, Virginia 22320-0160

703-684-6885(phone)

703-684-8206(fax)

tbreiner@bbpatlaw.com (not authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the 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; and that all

statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Theodore A. Breiner/ Date Signed: 11/06/2007

Signatory's Name: Theodore A. Breiner

Signatory's Position: Attorney

RAM Sale Number: 5810

RAM Accounting Date: 11/06/2007

Serial Number: 77322290

Internet Transmission Date: Tue Nov 06 11:51:21 EST 2007

TEAS Stamp: USPTO/BAS-XX.XX.XX.XXX-20071106115121446

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db3-DA-5810-20071106110202785155

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