

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

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

DECLARATION OF DONNA J. BUNTON

I, Donna J. Bunton, declare as follows:

1. I am a member of Nixon & Vanderhye P.C., a member of the bar of the Commonwealth of Virginia and counsel of record for Bach Flower Remedies Limited (hereinafter "Opposer"). I make this declaration based on personal knowledge as to the matters set forth below, in support of Opposer's Opposition to the Summary Judgment Motion of Applicant, Absolutely Natural, Inc. in this proceeding.

2. I am familiar with Opposer's efforts to enforce its RESCUE trademark in the United States. Specific instances where Bach has taken steps in response to improper attempts to register or use its RESCUE Marks in the U.S. include, for example, its actions at the TTAB against numerous other marks, such as the following: RADIATION RESCUE (Ser. Nos. 85301189 and 85301189); ORGANIC RESCUE (Ser. No. 77878478); RESQWATER (Ser. No. 85000963); RESQNOL (Ser. No. 85034744); RESQGEL (Ser. No. 85034747); AQUA RESCUE (Ser. No. 77934593); IMMPOWER

RESCUE (Ser. No. 77749701); RESCUE ME (Ser. No. 77915828); RES-Q PRO (Ser. No. 77931682); ZHENA'S MOOD RESCUE (Ser. No. 77961083); ZHENA'S DETOX RESCUE (Ser. No. 77961104); ZHENA'S HAIR AND NAIL RESCUE (Ser. No. 77961149); ZHENA'S SKIN RESCUE (Ser. No. 77961163); ZHENA'S WEIGHT RESCUE (Ser. No. 77961180); ZHENA'S WRINKLE RESCUE (Ser. No. 77961260); ZHENA'S YOUTH RESCUE (Ser. No. 77961270); RESCUE (Ser. No. 77717046); BIO-RESCUE (Ser. No. 77477400); RESCUE BOTTLE (Ser. No. 77720243); LEAN-RESCUE (Ser. No. 77665871); RESCUE (Ser. No. 77082820); BACK RESCUE (Ser. No. 78363962); JOINT RESCUE (Ser. No. 78363834); ULCER RESCUE (Ser. No. 78406993); SHINGLES RESCUE (Ser. No. 78340080); TRAVEL RESCUE (Ser. No. 78340099); SCIATIC RESCUE (Ser. No. 78384272); ARTHRITIS RESCUE (Ser. No. 78384289); ARTHRITIS RESCUE (Ser. No. 78384289); MUSCLE RESCUE (Ser. No. 78363935); RASH RESCUE (Ser. No. 78387405); EMOTIONAL RESCUE (Ser. No. 78226962); SLEEP RESCUE (Ser. No. 78096771) and VOCAL RESCUE (Ser. No. 74236757).

3. On October 19, 2011 I printed the internet web pages at **Exhibit 1** (BF 00031-33). This is from the URL http://findarticles.com/p/articles/mi_m0FKA/is_7_69/ai_n27291052/ and displays an article with the title, "Summer guide safe fun in the sun: as you enjoy barefoot strolls along the beach and family camping trips, keep this summer handbook nearby for treating sunburn travel sickness and other summer-related conditions" by Victoria Dolby Toews from July 2007. It states:

If it's too late to protect your skin, and you're feeling the sting of sunburn, turn to some soothing herbs. Stram finds the topical application of aloe vera,

chamomile, bee propolis or Rescue Cream (containing Bach flower essences and made by Nelson Bach) to promote the healing of sun-irritated or –damaged skin. Any of these can be applied several times daily. (For more on sun care, see “Sunrise-to-Sunset Skin Protection” on p. 34.) (BF 00032).

4. On October 19, 2011, I printed the internet web pages from the [garmaonhealth.com](http://www.garmaonhealth.com) website attached at **Exhibit 2** (BF 00034-39). It has the URL <http://www.garmaonhealth.com/2010/07/soothe-your-july-4th-sunburn/> and the heading at the top “10 Ways to Soothe Sunburn/ Heal Your Sunburn/ Reduce Sunburn Inflammation.” It displays an article from July 2010, titled “Soothe Your July 4th Sunburn,” by Joe Garma. It states, *inter alia*:

IF YOU had the kind of Independence Day that I did, you had plenty of time in the sun. My Croatian skin can take it, but those with less brown pigment melanin might have ended the day with some sunburn.

If so, take a look at Barbara Brody's **10 Ways to Soothe Sunburn**, which I summarize thus:

8. Lock in moisture with Burt's Bees Aloe & Linden After Sun Soother or Bach Rescue Cream. (BF 00035)

5. On October 19, 2011, I also printed the internet web pages from the www.pharmaca.com website attached at **Exhibit 3** (BF 00040-41). This has the URL www.pharmaca.com/Bach-Rescue-Cream-30-g/521932/product. This Exhibit states:

“For your home medicine chest, or traveling herbal first aid kit – Rescue Remedy in a homeopathic cream base that can be effectively applied. **Rescue Remedy Cream is especially beneficial** for external traumas and conditions, such as, blows, bruises, sprains, diaper rash, burns, razor burns, cuts, insect bits, **sunburn** – even chapped lips. A first aid kit in a tube!” (BF 00040) (emphasis added)

6. Also, attached hereto at **Exhibit 4** is a true and correct copy of internet web pages that I printed on October 19, 2011 (BF 00042-43). It has the URL <http://www.dooyou.co.uk/discussion/bach-flower-remedies/51214/> and the heading at

the top "Bach Flower Remedies – Review – Bach Rescue Cream & Rescue Remedy."

It includes a product review titled "Bach Rescue Cream & Rescue Remedy Bach Flower Remedies," which states:

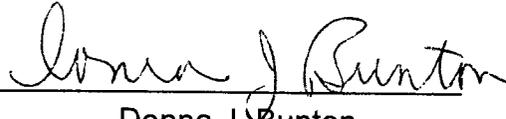
"Rescue Cream & Rescue Remedy are the most useful of any complimentary therapies that I have tried. Everyone should have some in their first aid box & handbag/ pocket as both products can be used in many situations. My family & friends are all Rescue Remedy converts now. Here are some of the situations we have found them beneficial:

...
Cream- on . . . dry skin patches . . . burns . . . **For sunburn**, dry lips . . . this helps really well with any itch skin problem"? (BF 00042) (emphasis added)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on

June 21, 2012



Donna J. Bunton

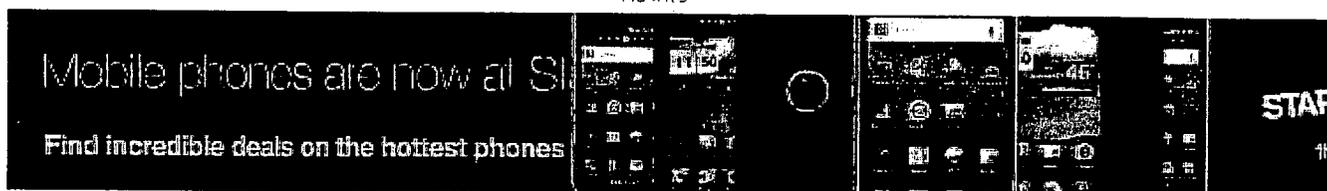
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EXHIBIT 1

TO

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FindArticles / Better Nutrition / July, 2007

Summer guide safe fun in the sun: as you enjoy barefoot strolls along the beach and family camping trips, keep this summer handbook nearby for treating sunburn travel sickness and other summer-related conditions

by Victoria Dolby Toews

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Summer is in full bloom. The warm weather and sunny skies might lure you outdoors for swimming, boating, playing sports or simply enjoying a backyard barbecue. But along with the fun comes increased risk of sunburns, seasonal allergies and travel-related illnesses. These tips and quick remedies for common summer problems will help keep you feeling your best for maximum fun in the sun.

FRESH FACE FORWARD

For healthy skin today, and especially in future years, make sure to safeguard your skin against sun damage with dedicated daily application of a broad-spectrum natural sunscreen (e.g., titanium and zinc oxides). In addition, an antioxidant-rich diet and supplement plan can provide further skin protection, says Ronald Stram, MD, director and founder of the Center for Integrative Health and Healing in Delmar, NY. He recommends the antioxidants beta-carotene, lycopene, green tea and selenium to counteract the free radicals generated by the sun's ultraviolet (UV) rays; UV damage sets the stage for everything from sunburn and wrinkles to skin cancer.

BF 00031

If it's too late to protect your skin, and you're feeling the sting of sunburn, turn to some soothing herbs. Stram finds the topical application of aloe vera, chamomile, bee propolis or Rescue Cream (containing Bach flower essences and made by Nelson Bach) to promote the healing of sun-irritated or -damaged skin. Any of these can be applied several times daily. (For more on sun care, see "Sunrise-to-Sunset Skin Protection" on p. 34.)

Buzzing and stinging insects patrol the yard in full force during summer months. These annoyances can turn serious if West Nile virus or Lyme disease rear their heads. Insect repellents containing citronella or citrus essential oils (applied to either skin or clothing) help dissuade insects from getting near. For comfort after a sting, slather on soothing calendula cream or apply a drop or two of tea tree oil.

ON THE GO

Summer is the time to hit the road and enjoy a vacation. If you tend to feel sick traveling by car, plane, train or boat, plan ahead by bringing some natural remedies for motion sickness. Roberta Lee, MD, medical director of the Continuum Center for Health and Healing in New York, advises ginger tea for travel-related nausea. Another option: Dried ginger powder (500mg, in capsule form, about an hour before travel and another 500mg every few hours) fits the bill when it's inconvenient to brew a cup of tea. Traveler's diarrhea, due to contaminated food or drink or simply the anxiety and changes associated with a journey, puts a damper on any trip. "Acidophilus taken every day on an empty stomach can really help prevent travel-related diarrhea," says Lee. And if you do get a case of diarrhea, probiotic bacteria may help shorten the duration. Travelers should take 1-10 billion "live" organisms daily of acidophilus or other probiotic bacteria, and it's a good idea to choose a probiotic product that doesn't need to be refrigerated.

RECOVERING FROM TOO MUCH FUN

Active fun goes hand in hand with summer, with the longer days and sunny skies beckoning us out to play. The downside? All this outdoor recreation comes with a higher risk for scrapes, bruises, sprains and strains. Stocking your first aid kit with a few natural healing products can get you back to the fun faster. For cuts and abrasions Stram is a fan of calendula ointment with a beeswax or olive oil base, as well as arnica for sprains and bruises. He says it's also nice to have Rescue Remedy on hand to help reduce emotional stress associated with injury and trauma. Made by the same company as Rescue Cream (mentioned above), Rescue Remedy spray contains Bach flower essences that can be spritzed in the air or even on your skin or tongue.

For garden-variety scrapes, you have many herbal options. Gotu kola extract applied to a wound facilitates healing, and can prevent and treat scars. Other topical herbs to stock for summer boo-boos include tea tree oil, chamomile, comfrey, arnica and echinacea. A cream containing hyaluronic acid can also be handy in a first aid kit because this compound improves healing when used to dress a wound. If you don't have any herbs on hand, grab a jar of honey from the kitchen and start spreading (a light layer inhibits the growth of bacteria and speeds healing) or tear off a leaf from an aloe plant and squeeze out the gel from inside to ease inflammation and encourage healing.

Been on the losing end of a run-in with a hot barbecue? A great option for minor burns, says Lee, is "two drops of lavender oil added to 1 tsp. of a carrier oil (either almond or sesame oil), and then applied to a burn." If great weather inspired you to start a sport, but you've

BF 00032

overdone it, turn to the enzymes bromelain and papain to reduce inflammation and aid the repair of injured tissues.

For more information on bromelain, see "Pineapple Power" on p. 20. Another option: Drinking tart cherry juice lessens postexercise pains and muscle soreness, and curtails recovery time after a strenuous bout of exercise.

BREATHE EASIER

Seasonal allergies hit at different times of year, depending on which tree, grass or weed pollens persuade your immune system to go haywire. Summer grasses set off about half of all hay fever sufferers, causing the body to pump out itchy, sneezy histamine.

For allergies set off by grass pollen, you might assume that bee pollen (the pollen gathered by bees from plants, mixed with plant nectar and bee saliva) would also be off limits, but it actually helps fight hay fever. Much in the same way that allergy shots work, taking bee pollen regularly desensitizes the body to pollens of all kinds. Start out with just 3-4 granules or part of a tablet/capsule each day and work up to 1-3 tsp. of granules or 500-1000mg tablets/capsules daily. Anyone who develops hives, wheezing, itchy throat, etc., should discontinue.

Stram likes butterbur, an herb long used in Europe, for seasonal allergies. Butterbur went head-to-head in a randomized, double-blind trial with the prescription antihistamine Zyrtec (cetirizine) and performed as well for relieving symptoms (without the side effects). Try 50-100mg of butterbur twice daily.

Victoria Dolby Toews, MPH

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EXHIBIT 2

TO

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Garma On Health

An Average Joe's Quest

Take a Few Steps toward Living Longer and Stronger!

- **Barbara Walters: Slow Down Aging! (Watch)**: What we eat, think, and do can trump genetics.
- **Superfoods, Anyone?**: Make your home a Blue Zone.
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Soothe Your July 4th Sunburn

2 comments

Written by Joe Garma

Topics: Inflammation, Skin

10 ways to soothe your sunburn



BF 00034

IF YOU had the kind of Independence Day that I did, you had plenty of time in the sun. My Croatian skin can take it, but those with less brown pigment melanin might have ended the day with some sunburn.

If so, take a look at Barbara Brody's 10 Ways to Soothe Sunburn, which I summarize thus:

1. Slop on aloe. It's soothing and healing. I get it from the source — a plant in my house.
2. Apply milk for 20 minutes.
3. Dissolve baking soda with water and apply generously.
4. Vinegar may help reduce pain.
5. The herbs comfrey and calendula promote tissue healing and have anti-inflammatory properties.
6. Drink pure water.
7. Raw honey can reduce inflammation.
8. Lock in moisture with Burt's Bees Aloe & Linden After Sun Soother or Bach Rescue Cream.
9. Get more vitamins. (Go to the article for specifics.)
10. Eat fish or take omega-3 fatty acids to reduce inflammation.

So, there's 10 ways to go... hope your skin cools down!

You might also like:



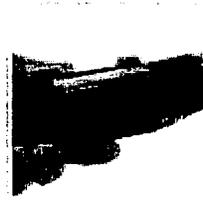
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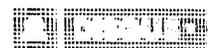


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Published on July 4, 2010



BF 00035

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Boswellia 3 months ago

Thanks to you author for sharing these 10 ways to fight against the sunburn problem... These 10 things are sounds like a useful ones to get the relief from the sunburn problem...I will surely try one of these..

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Joe 3 months ago [in reply to Boswellia](#)

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EXHIBIT 3

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Description | Supplement & Drug Facts

Bach Rescue Remedy Cream Flower Essence Cream contains the same five remedies as the liquid Rescue Remedy, with the addition of Crab Apple, added for its cleansing qualities. It provides a convenient and natural way of applying Rescue Remedy externally.

For your home medicine chest, or traveling herbal first aid kit - Rescue Remedy in a homeopathic cream base that can be effectively applied. Rescue Remedy Cream is especially beneficial for external traumas and conditions, such as, blows, bruises, sprains, diaper rash, burns, razor burns, cuts, insect bites, sunburn - even chapped lips. A first aid kit in a tube!

The Bach Flower Essences are 100% safe and natural, also in conjunction with herbs, homeopathy and medications; safe for everyone, also children, pregnant women, pets, elderly and even plants.

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Supplement Facts

Directions for Use: Clean affected area, then apply cream to area thoroughly. Cover with a bandage if necessary.

Active Ingredients

5x of combined Malus Pumila HPUS, Helianthemum Nummularium HPUS, Clematis Vitalba HPUS, Impatiens Glandulifera HPUS, Prunus Cerasifera HPUS, Ornithogalum Umbellatum HPUS.

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EXHIBIT 4

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Bach Flower Remedies



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Product: Bach Flower Remedies
Date: 17/07/00, updated on 17/07/00 (277 review reads)
Rating: ★★★★★

Advantages: handy, many uses
Disadvantages: none

Rescue Cream & Rescue Remedy are the most useful of any complimentary therapies that I have tried. Everyone should have some in their first aid box & handbag/ pocket as both products can be used in many situations. My family & friends are all Rescue Remedy converts now. Here are some of the situations we have found them beneficial :
Remedy- when anxious, stressed, upset, in shock, in labour-- Fantastic!!!!, pre exams & interviews, when the kids are driving you crazy, for infant colic, when a child is very whingy- it calms them down very quickly.

Cream- on eczema, spots, impetigo, thrush, dry skin patches, cuts, bruises & burns, on nappy rash, cracked nipples when breastfeeding, 'down below' after birth :For sunburn, dry lips, to heal up chicken pox scabs- this helps really well with any Itch skin problem.

They can really be used in any situation .

Summary:

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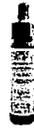
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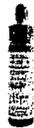


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