

ESTTA Tracking number: **ESTTA633044**

Filing date: **10/15/2014**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Bach Flower Remedies Limited
Granted to Date of previous extension	10/15/2014
Address	Nelsons House, 83 ParksideWimbledon London, SW19 5LP UNITED KINGDOM

Attorney information	Donna J. Bunton Nixon & Vanderhye P.C. 901 North Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com, djb@nixonvan.com Phone:7038164003
----------------------	---

Applicant Information

Application No	86138796	Publication date	06/17/2014
Opposition Filing Date	10/15/2014	Opposition Period Ends	10/15/2014
Applicant	Lam, Michael 11465 Orange Grove Street Loma Linda, CA 92354 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2013/11/28 First Use In Commerce: 2013/11/28 All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Enzyme food supplements; Herbal supplements; Vitamin and mineral supplements; all used to support adrenal system functions
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1237564	Application Date	11/17/1980
Registration Date	05/10/1983	Foreign Priority Date	NONE
Word Mark	RESCUE REMEDY		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1979/09/01 First Use In Commerce: 1979/09/01 an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers

U.S. Registration No.	1822260	Application Date	03/12/1993
Registration Date	02/22/1994	Foreign Priority Date	NONE

Word Mark	RESCUE REMEDY
-----------	---------------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 005. First use: First Use: 1951/00/00 First Use In Commerce: 1961/00/00 homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress
----------------	--

U.S. Registration No.	2517685	Application Date	07/07/1997
Registration Date	12/11/2001	Foreign Priority Date	NONE

Word Mark	RESCUE
-----------	--------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 005. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress Class 030. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers
----------------	---

U.S. Registration No.	4333322	Application Date	12/07/2011
Registration Date	05/14/2013	Foreign Priority Date	08/08/2011

Word Mark	RESCUE REMEDY
-----------	---------------

Design Mark	RESCUE REMEDY
-------------	----------------------

Description of Mark	NONE
---------------------	------

Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical, medicinal, veterinary, homeopathic, allopathic, remedial, dietetic and sanitary preparations and substances, namely, vitamins and nutritional supplements, food supplements, mineral supplements, medicinal drinks, medicated foodstuffs, namely, confectionery, gel capsules and chewing gum; all-purpose disinfectants and antiseptics; medicinal herbs and flower extracts; dietary supplements prepared from plants and flowers; medicinal drinks containing flower extracts; nutritional meal replacement bars containing flower extracts adapted for medical use; diagnostic preparations for medical purposes; food sup-
----------------	--

	<p>plements made from flowers and flower extracts; preparations made from plant and flower extracts for use in the treatment of emotional and psychological disorders and conditions</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0</p> <p>Tea and herbal tea for food purposes; tisanes; herbal infusions; food flavorings, namely, infused oils, not being essential oils; aromatic flavoring additives for non-nutritional purposes; dried and preserved herbs; chocolate; confectionery, namely, pastilles, sweets and chewinggum; snack foods, namely, grain based snack foods, granola snacks, chocolate based snack foods, snack mix consisting primarily of crackers, pretzels and/or popped popcorn; beverages, namely, grain-based beverages, coffee based beverages, tea based beverages, herbal food beverages; herbal flavorings for making beverages</p> <p>Class 031. First use: First Use: 0 First Use In Commerce: 0</p> <p>Unprocessed herbs; unprocessed edible seeds, foods and beverages for animals; foodstuff for animals containing botanical extracts; pet beverages made from infusions and tisanes</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0</p> <p>Mineral, spring, soda and aerated waters; non-alcoholic beverages, namely, energy drinks; fruit drinks and fruit juices; herbal juices; non-alcoholic beverages in the nature of herbal juices infused with plants, flowers and herbs; non-alcoholic energy drinks prepared from infusions of plants, flowers and herbs; syrups, powders and concentrates for making beverages; essences of natural origin for use in making non-alcoholic beverages not in the nature of essential oils; non-alcoholic fruit extracts used in the preparation of beverages; energy beverages enhanced with vitamins, minerals and nutrients; beverages, namely, fruit and vegetable drinks, fruit and vegetable juices, non-alcoholic beverages with tea flavor, coffee-flavored soft drinks, energy drinks, lemonades, ginger beers, fruit or vegetable nectars, soda water, mineral water and spring water all containing or made with plants, flowers and natural extracts</p> <p>Class 033. First use: First Use: 0 First Use In Commerce: 0</p> <p>Alcoholic beverages, except beers, infused with or containing flower remedies, plants, flowers and herbs; alcoholic beverages, except beers, prepared from infusions or extracts of plants, flowers and herbs</p>
--	--

U.S. Application No.	77485289	Application Date	05/28/2008
Registration Date	NONE	Foreign Priority Date	11/29/2007
Word Mark	RESCUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MED-</p>		

	ICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS
--	---

Attachments	79113270#TMSN.png(bytes) 77485289#TMSN.png(bytes) BFR v Lam Notice of Opposition.pdf(1567819 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Donna J. Bunton/
Name	Donna J. Bunton
Date	10/15/2014

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

In re Trademark Application of

Atty. Ref.: 5027-170

Lam, Michael, aka Dr. Michael Lam

Serial No.: 86/138,796

Filed: December 9, 2013

Mark: DR. LAM'S ADRENAL RESCUE

For: *Dietary and nutritional supplements; enzyme food supplements; herbal supplements; vitamin and mineral supplements; all used to support adrenal system functions, in Int. Class 5*

Published in the *Official Gazette* of June 17, 2014

Bach Flower Remedies Limited,)

Opposer,)

v.)

Lam, Michael, aka Dr. Michael Lam)

Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

Bach Flower Remedies Limited, a private limited company of the United Kingdom, having its principal place of business at Nelsons House, 83 Parkside, Wimbledon, London SW19 5LP, United Kingdom (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 86/138,796, filed December 9, 2013, and hereby opposes registration of the same.

The grounds are as follows:

(1) Application Serial No. 86/138,796 seeks registration of the mark DR. LAM'S ADRENAL RESCUE Class 5 for *dietary and nutritional supplements; enzyme food supplements; herbal supplements; vitamin and mineral supplements; all used to support adrenal system functions (hereafter "Applicant's goods")*. The application was filed on December 9, 2013, alleging a date of first use and first use in commerce of November 28, 2013.

(2) On information and belief, Applicant made no use of the mark DR. LAM'S ADRENAL RESCUE prior to November 28, 2013.

(3) Long prior to the November 28, 2013 date of first use alleged in the opposed application and the filing date of Application Serial No. 86/138,796 on December 9, 2013, Opposer adopted and began using in commerce the marks RESCUE and RESCUE REMEDY for *homeopathic pharmaceutical preparations; flower essence preparations; herbal food beverage concentrate made from flower essences, and related products (hereafter referred to collectively as "flower essence preparations")*. Further, on May 28, 2008, Opposer filed Application Serial No. 77/485,289 to register the mark RESCUE for a range of herbal preparations and related goods, including *dietary supplements prepared from plants and flowers, dietary and nutritionally fortified food products, medicated confectionery and other related goods in Class 5 (hereafter referred to collectively as "dietary supplements")*.

(4) Opposer is the owner of the trademarks RESCUE and RESCUE REMEDY, among others, having continuously used the mark RESCUE REMEDY for flower essence preparations in commerce since 1961 and the mark RESCUE for *flower essence preparations* in commerce since January 15, 2001 and having filed Application

Serial No. 77/485,289 to register the mark RESCUE on May 28, 2008 for *dietary supplements*.

(5) Opposer duly registered the marks RESCUE and RESCUE REMEDY as trademarks in the United States Patent and Trademark Office, Registration Nos. 1,237,564 (issued May 10, 1983), 1,822,260 (issued February 22, 1994), 2,517,685 (issued December 11, 2001) and 4,333,322 (issued May 14, 2013). Opposer filed Application Serial No. 77/485,289 to register the mark RESCUE on May 28, 2008. Printouts from the Patent and Trademark Office website, TSDR, evidencing the current status and ownership of Registration Nos. 1,237,564, 1,822,260, 2,517,685 and 4,333,322 and of Application Serial No. 77/485,289 are annexed hereto as collective Exhibit A.

(6) Registration Nos. 1,237,564, 1,822,260, 2,517,685 and 4,333,322 are *prima facie* evidence of the validity thereof, Opposer's ownership and exclusive right to use the marks RESCUE and RESCUE REMEDY in commerce and are constructive notice of Opposer's ownership thereof, all as provided by §§ 7(b) and 22 of the Trademark Act of 1946. As Opposer's right to use the marks RESCUE and RESCUE REMEDY in commerce has become incontestable, Registration Nos. 1,237,564, 1,822,260 and 2,517,685 are conclusive evidence of Opposer's right to use said mark in commerce on the goods specified in the registrations, as provided by §§ 15 and 33(b) of the Trademark Act of 1946.

(7) By virtue of Opposer's long, continuous and substantial promotion and sale of goods covered by Registration Nos. 1,237,564, 1,822,260 and 2,517,685 and its use and bona fide intention to use the marks RESCUE and RESCUE REMEDY for the

goods covered by Application Serial No. 77/485,289 and Registration No. 4,333,322, and its maintenance of high quality standards relating thereto, purchasers, consumers and users of such products, and others, have come to recognize the marks RESCUE and RESCUE REMEDY as indications of origin in Opposer, as a consequence of which Opposer has established valuable goodwill and exclusive rights in the marks RESCUE and RESCUE REMEDY.

(8) Opposer's marks RESCUE and RESCUE REMEDY and Applicant's mark DR. LAM'S ADRENAL RESCUE are identical in part, each including the word "RESCUE." The word RESCUE is the dominant portion of Applicant's mark DR. LAM'S ADRENAL RESCUE and Applicant's mark incorporates Opposer's mark RESCUE in its entirety.

(9) Opposer's *flower essence preparations and dietary supplements* sold and intended to be sold under the marks RESCUE and RESCUE REMEDY and Applicant's goods sold or intended to be sold or offered under the mark DR. LAM'S ADRENAL RESCUE are identical or similar and closely related products which are or are likely to be offered through the same or overlapping channels of trade to the same or overlapping classes of purchasers so that purchasers, prospective purchasers, users and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's goods offered under the mark DR. LAM'S ADRENAL RESCUE emanate from and/or are in some way sponsored or approved by Opposer or are otherwise related to Opposer's RESCUE and RESCUE REMEDY *flower essence preparations and dietary supplements*, thereby damaging Opposer.

(10) Applicant is not lawfully entitled to the registration which it seeks for the reason, *inter alia*, that the mark DR. LAM'S ADRENAL RESCUE, as used or intended for use for Applicant's goods, so resembles Opposer's previously used and registered marks RESCUE and RESCUE REMEDY and its earlier-filed application to register the mark RESCUE as to be likely to cause confusion, to cause mistake or to deceive within the meaning of Section 2(d) of the Federal Trademark Act, thereby damaging Opposer.

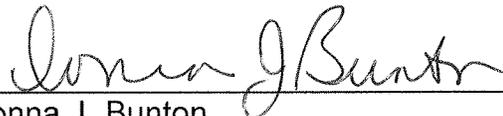
WHEREFORE, Opposer prays that the present opposition be sustained and the registration of DR. LAM'S ADRENAL RESCUE sought by Applicant be refused.

The requisite filing fee of \$300 is submitted herewith.

Bach Flower Remedies Limited

By its Attorneys

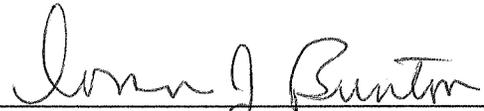
Date: October 15, 2014

By: 
Donna J. Bunton
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203
(703) 816-4003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was served on Applicant at the following address by deposit same in the United States mail, postage prepaid, this 15th day of October, 2014:

Dr. Michael Lam
11465 Orange Grove Street
Loma Linda, California 92354

A handwritten signature in cursive script, appearing to read "Donna J. Buntin", is written over a horizontal line.

Donna J. Buntin

EXHIBIT A

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-10-15 15:19:40 EDT

Mark: RESCUE REMEDY

No Image exists for this case.

US Serial Number: 73286900

Application Filing Date: Nov. 17, 1980

US Registration Number: 1237564

Registration Date: May 10, 1983

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 20, 2013

Publication Date: Feb. 15, 1983

▼ Mark Information

Collapse All

Mark Literal Elements: RESCUE REMEDY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers

International Class(es): 032 - Primary Class

U.S Class(es): 045

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1979

Use in Commerce: Sep. 01, 1979

▲ Basis Information (Case Level)

▼ Current Owner(s) Information

Owner Name: BACH FLOWER REMEDIES LIMITED

Owner Address: 5 ENDEAVOUR WAY
WIMBLEDON LONDON SW 19 9UH
ENGLAND

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: DONNA J. BUNTON

Docket Number: DJB/5027-56

Attorney Primary Email nixonptomail@nixonvan.com
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent DONNA J. BUNTON

Name/Address: NIXON & VANDERHYE P.C.
901 North Glebe Road
11th Floor
ARLINGTON, VIRGINIA 22203
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nixonptomail@nixonvan.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative DONNA J. BUNTON
Name:

Phone: 703-816-4003

Fax: 703-816-4100

Domestic Representative e-mail: nixonptomail@nixonvan.com

Domestic Representative e-mail Authorized: Yes

▲ Prosecution History

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 10, 2013

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 20, 2013

▼ Assignment Abstract Of Title Information

Summary

▼ Conveyance Filter

Total Assignments: 4

Registrant: Kaslof, Leslie

▼ Assignment 1 of 4

▲ Collapse All

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0853/0924](#)

Pages: 2

Date Recorded: Mar. 27, 1992

Supporting Documents: No Supporting Documents Available

Assignor

Name: [KASLOF, LESLIE](#)

Execution Date: Mar. 16, 1992

Legal Entity Type: INDIVIDUAL

Citizenship: No Citizenship Found

Assignee

Name: ELLON BACH USA, INC.
 Legal Entity Type: CORPORATION State or Country Where Organized: NEW YORK
 Address: 644 MERRICK ROAD
 LYNBROOK, NEW YORK 11563

Correspondent

Correspondent Name: MYRON AMER, P.C.
 Correspondent Address: LEVER BUILDING, SUITE 310
 114 OLD COUNTRY ROAD
 MINEOLA, NY 11501-4477

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
 Reel/Frame: 0939/0315 Pages: 4
 Date Recorded: Mar. 16, 1993
 Supporting Documents: No Supporting Documents Available

Assignor

Name: ELLON (BACH USA) INC. Execution Date: Dec. 15, 1992
 Legal Entity Type: CORPORATION State or Country Where Organized: NEW YORK

Assignee

Name: BFR (MOUNT VERNON) LIMITED
 Legal Entity Type: U.K. PRIVATE COMPANY LIMITED State or Country Where Organized: No Place Where Organized Found
 Address: THE DR. EDWARD BACH CENTRE MOUNT VERNON, SOTWELL, WALLINGFORD OXON, UNITED KINGDOM OX10 OPZ

Correspondent

Correspondent Name: NIXON & VANDERHYE
 Correspondent Address: DONNA J. BUNTON
 1100 NORTH GLEBE ROAD, 8TH FL.
 ARLINGTON, VA 22201

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
 Reel/Frame: 1089/0444 Pages: 4
 Date Recorded: Jan. 12, 1994
 Supporting Documents: No Supporting Documents Available

Assignor

Name: BFR (MOUNT VERNON) LIMITED Execution Date: Nov. 11, 1993
 Legal Entity Type: UK PRIVATE LIMITED COMPANY State or Country Where Organized: No Place Where Organized Found

Assignee

Name: A. NELSON & CO. LIMITED
 Legal Entity Type: UK PRIVATE LIMITED COMPANY State or Country Where Organized: No Place Where Organized Found
 Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON ENGLAND SW19 9UH

Correspondent

Correspondent Name: NIXON & VANDERHYE P.C.

Correspondent Address: DONNA J. BUNTON
1100 NORTH GLEBE ROAD, 8TH FL.
ARLINGTON, VA 22201

Domestic Representative - Not Found

▼ **Assignment 4 of 4**

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [1217/0441](#)

Pages: 4

Date Recorded: Sep. 28, 1994

Supporting Documents: No Supporting Documents Available

Assignor

Name: [A. NELSON & CO. LIMITED](#)

Execution Date: Aug. 12, 1994

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where UNITED KINGDOM

Organized:

Assignee

Name: [BACH FLOWER REMEDIES LIMITED](#)

State or Country Where UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

Organized:

Address: 5 ENDEAVOUR WAY
WIMBLEDON LONDON SW19 9UH, ENGLAND

Correspondent

Correspondent Name: NIXON & VANDERHYE P.C.

Correspondent Address: DONNA J. BUNTON
1100 NORTH GLEBE ROAD, 8TH FLOOR
ARLINGTON, VIRGINIA 22201

Domestic Representative - Not Found

▼ **Proceedings - Click to Load**



ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS	DOCUMENTS	Back to Search	Print
Generated on: This page was generated by TSDR on 2014-10-15 15:21:34 EDT			
Mark: RESCUE REMEDY		No Image exists for this case.	
US Serial Number: 74367508	Application Filing Date: Mar. 12, 1993		
US Registration Number: 1822260	Registration Date: Feb. 22, 1994		
Register: Principal			
Mark Type: Trademark			
Status: The registration has been renewed.			
Status Date: Dec. 02, 2013			
Publication Date: Nov. 30, 1993			
▼ Mark Information Collapse All			
Mark Literal Elements: RESCUE REMEDY			
Standard Character Claim: No			
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)			
▼ Related Properties Information			
Claimed Ownership of US 1237564			
Registrations:			
▼ Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • Brackets [.] indicate deleted goods/services; • Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks "*" identify additional (new) wording in the goods/services. 			
For: homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress			
International Class(es): 005 - Primary Class	U.S Class(es): 018		
Class Status: ACTIVE			
Basis: 1(a)			
First Use: 1951	Use in Commerce: 1961		
▲ Basis Information (Case Level)			
▼ Current Owner(s) Information			
Owner Name: BACH FLOWER REMEDIES LIMITED			

Owner Address: 5 Endeavor Way
 WIMBLEDON, LONDON SW19 9UH
 UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ **Attorney/Correspondence Information**

Attorney of Record

Attorney Name: Donna J. Bunton

Docket Number: DJB/5027-57

Attorney Primary Email Address: nixonptomail@nixonvan.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Donna J. Bunton
 NIXON & VANDERHYE PC
 901 North Glebe Road
 11th Floor
 ARLINGTON, VIRGINIA 22203
 UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nixonptomail@nixonvan.com
djb@nixonvan.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Donna J. Bunton

Phone: 703-816-4003

Fax: 703-816-4100

Domestic Representative e-mail: nixonptomail@nixonvan.com

Domestic Representative e-mail Authorized: Yes

▲ **Prosecution History**

▼ **Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 22, 2014

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 02, 2013

▼ **Assignment Abstract Of Title Information**

Summary

Total Assignments: 2

▼ **Conveyance Filter**

Registrant: A. Nelson & Co. Limited

▼ **Assignment 1 of 2**

▲ [Collapse All](#)

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [1089/0448](#)

Pages: 4

Date Recorded: Jan. 12, 1994

Supporting Documents: No Supporting Documents Available

Assignor

Name: BFR(MOUNT VERNON) LIMITED
 Legal Entity Type: UK PRIVATE LIMITED COMPANY

Execution Date: Nov. 11, 1993
 State or Country Where Organized: No Place Where Organized Found
 Organized:

Assignee

Name: A. NELSON & CO. LIMITED
 Legal Entity Type: UK PRIVATE LIMITED COMPANY

State or Country Where Organized: No Place Where Organized Found
 Organized:

Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON ENGLAND SW19 9UH

Correspondent

Correspondent Name: NIXON & VANDERHYE P.C.
 Correspondent Address: DONNA J. BUNTON
 1100 NORTH GLEBE ROAD, 8TH FL.
 ARLINGTON, VA 22201

Domestic Representative - Not Found

▼ **Assignment 2 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 1217/0441

Pages: 4

Date Recorded: Sep. 28, 1994

Supporting Documents: No Supporting Documents Available

Assignor

Name: A. NELSON & CO. LIMITED
 Legal Entity Type: PRIVATE LIMITED COMPANY

Execution Date: Aug. 12, 1994
 State or Country Where Organized: UNITED KINGDOM
 Organized:

Assignee

Name: BACH FLOWER REMEDIES LIMITED
 Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM
 Organized:

Address: 5 ENDEAVOUR WAY
 WIMBLEDON LONDON SW19 9UH, ENGLAND

Correspondent

Correspondent Name: NIXON & VANDERHYE P.C.
 Correspondent Address: DONNA J. BUNTON
 1100 NORTH GLEBE ROAD, 8TH FLOOR
 ARLINGTON, VIRGINIA 22201

Domestic Representative - Not Found

▼ **Proceedings - Click to Load**

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmg.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS

DOCUMENTS

[Back to Search](#)



Print

Generated on: This page was generated by TSDR on 2014-10-15 15:22:38 EDT

Mark: RESCUE

No Image exists for this case.

US Serial Number: 75320219

Application Filing Date: Jul. 07, 1997

US Registration Number: 2517685

Registration Date: Dec. 11, 2001

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 10, 2012

Publication Date: May 12, 1998

Notice of Allowance Date: Aug. 04, 1998

▼ Mark Information

[▲ Collapse All](#)

Mark Literal Elements: RESCUE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ Related Properties Information

Claimed Ownership of US [1237564](#), [1822260](#)

Registrations:

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2001

Use in Commerce: Jan. 15, 2001

For: herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2001

Use in Commerce: Jan. 15, 2001

▲ **Basis Information (Case Level)**

▼ **Current Owner(s) Information**

Owner Name: Bach Flower Remedies Limited
Owner Address: 83 Parkside
 Nelsons House
 Wimbledon, London SW195LP
 UNITED KINGDOM
Legal Entity Type: PRIVATE LIMITED COMPANY
State or Country Where Organized: UNITED KINGDOM

▼ **Attorney/Correspondence Information**

Attorney of Record

Attorney Name: DONNA J BUNTON
Docket Number: 141.146

Correspondent

Correspondent Name/Address: DONNA J. BUNTON
 NIXON & VANDERHYE
 901 N. GLEBE ROAD
 11TH FLOOR
 ARLINGTON, VIRGINIA 22203-1808
 UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nixonoptomail@nixonvan.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: NIXON & VANDERHYE PC

▲ **Prosecution History**

▼ **Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 11, 2011

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 10, 2012

▲ **Assignment Abstract Of Title Information - None recorded**

▼ **Proceedings - Click to Load**

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmg.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS DOCUMENTS

[Back to Search](#)



Print

Generated on: This page was generated by TSDR on 2014-10-15 15:23:58 EDT

Mark: RESCUE REMEDY

RESCUE REMEDY

US Serial Number: 79113270

Application Filing Date: Dec. 07, 2011

US Registration Number: 4333322

Registration Date: May 14, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 14, 2013

Publication Date: Feb. 26, 2013

▼ Mark Information

[▲ Collapse All](#)

Mark Literal Elements: RESCUE REMEDY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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

Disclaimer: "REMEDY"

▼ Related Properties Information

International Registration [1116927](#)
Number:

International Registration Dec. 07, 2011
Date:

Claimed Ownership of US [1237564](#), [1822260](#)
Registrations:

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Pharmaceutical, medicinal, veterinary, homeopathic, allopathic, remedial, dietetic and sanitary preparations and substances, namely, vitamins and nutritional supplements, food supplements, mineral supplements, medicinal drinks, medicated foodstuffs, namely, confectionery, gel capsules and chewing gum; all-purpose disinfectants and antiseptics; medicinal herbs and flower extracts; dietary supplements prepared from plants and flowers; medicinal drinks containing flower extracts; nutritional meal replacement bars containing flower extracts adapted for medical use; diagnostic preparations for medical purposes; food supplements made from flowers and flower extracts; preparations made from plant and flower extracts for use in the treatment of emotional and psychological disorders and conditions

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Tea and herbal tea for food purposes; tisanes; herbal infusions; food flavorings, namely, infused oils, not being essential oils; aromatic flavoring additives for non-nutritional purposes; dried and preserved herbs; chocolate; confectionery, namely, pastilles, sweets and chewing gum; snack foods, namely, grain based snack foods, granola snacks, chocolate based snack foods, snack mix consisting primarily of crackers, pretzels and/or popped popcorn; beverages, namely, grain-based beverages, coffee based beverages, tea based beverages, herbal food beverages; herbal flavorings for making beverages

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 66(a)

For: Unprocessed herbs; unprocessed edible seeds, foods and beverages for animals; foodstuff for animals containing botanical extracts; pet beverages made from infusions and tisanes

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 66(a)

For: Mineral, spring, soda and aerated waters; non-alcoholic beverages, namely, energy drinks; fruit drinks and fruit juices; herbal juices; non-alcoholic beverages in the nature of herbal juices infused with plants, flowers and herbs; non-alcoholic energy drinks prepared from infusions of plants, flowers and herbs; syrups, powders and concentrates for making beverages; essences of natural origin for use in making non-alcoholic beverages not in the nature of essential oils; non-alcoholic fruit extracts used in the preparation of beverages; energy beverages enhanced with vitamins, minerals and nutrients; beverages, namely, fruit and vegetable drinks, fruit and vegetable juices, non-alcoholic beverages with tea flavor, coffee-flavored soft drinks, energy drinks, lemonades, ginger beers, fruit or vegetable nectars, soda water, mineral water and spring water all containing or made with plants, flowers and natural extracts

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 66(a)

For: Alcoholic beverages, except beers, infused with or containing flower remedies, plants, flowers and herbs; alcoholic beverages, except beers, prepared from infusions or extracts of plants, flowers and herbs

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 66(a)

▲ **Basis Information (Case Level)**

▼ **Current Owner(s) Information**

Owner Name: Bach Flower Remedies Limited

Owner Address: 83 Parkside
Wimbledon, London SW19 5LP
UNITED KINGDOM

Legal Entity Type: Limited Company

State or Country Where Organized: UNITED KINGDOM

▼ **Attorney/Correspondence Information**

Attorney of Record - None

Correspondent

Correspondent Name/Address: Donna J. Bunton
Nixon & Vanderhye P.C.
901 N. Glebe Road
11th Floor
Arlington, VIRGINIA 22203
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nixontpomail@nixonvan.com
djb@nixonvan.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

▲ Prosecution History

▼ International Registration Information (Section 66a)

International Registration Number: 1116927

International Registration Date: Dec. 07, 2011

Priority Claimed Flag: Yes

Date of Section 67 Priority Claim: Aug. 08, 2011

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Date of International Registration Status: Jun. 22, 2012

Notification of Designation Date: Jun. 21, 2012

Date of Automatic Protection: Dec. 21, 2013

International Registration Renewal Date: Dec. 07, 2021

First Refusal Flag: Yes

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 14, 2013

▲ Assignment Abstract Of Title Information - None recorded

▼ Proceedings - Click to Load

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS

DOCUMENTS

[Back to Search](#)



Print

Generated on: This page was generated by TSDR on 2014-10-15 15:25:53 EDT

Mark: RESCUE

RESCUE

US Serial Number: 77485289

Application Filing Date: May 28, 2008

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Mar. 26, 2012

Publication Date: Sep. 27, 2011

▼ Mark Information

▲ Collapse All

Mark Literal Elements: RESCUE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

▼ Related Properties Information

Claimed Ownership of US [1822260](#), [2517685](#), [3147761](#), [77981555](#), [77983503](#) and others Registrations:

Parent Of: [77983503](#), [77981555](#)

▼ Foreign Information

Priority Claimed: Yes

Foreign Application Number: 2473704

Foreign Application Filing Date: Nov. 29, 2007

Foreign Registration Number: 6473755

Foreign Registration Date: Apr. 12, 2008

Foreign Application/Registration Country: UNITED KINGDOM

Foreign Expiration Date: Nov. 29, 2017

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MEDICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING

FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

▲ Basis Information (Case Level)

▼ Current Owner(s) Information

Owner Name: Bach Flower Remedies Limited

Owner Address: Nelsons House
83 Parkside
Wimbledon, London
UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna J. Bunton

Docket Number: 141-548

Attorney Primary Email nixonptomail@nixonvan.com
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DONNA J BUNTON
NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD
11TH FLOOR
ARLINGTON, VIRGINIA 22203-1853
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nixonptomail@nixonvan.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Donna J. Bunton

Phone: 703-816-4003

Fax: 703-816-4100

Domestic Representative e-mail: nixonptomail@nixonvan.com

Domestic Representative e-mail Authorized: Yes

▲ Prosecution History

▼ TM Staff and Location Information

TM Staff Information

TM Attorney: HAYES, GINA CLARK

Law Office Assigned: LAW OFFICE 103

File Location

Current Location: DIVISIONAL UNIT

Date in Location: Dec. 28, 2012

▲ Assignment Abstract Of Title Information - None recorded

▼ Proceedings - Click to Load
