

Mark: BENJAMIN BRITTEN  
Reg. No.: 3064954  
Int'l Class No.: 31

**COMBINED DECLARATION UNDER SECTIONS 8 AND 15**

The undersigned declares that he is Managing Director of David Austin Roses Limited, a corporation organized under the laws of the United Kingdom, located and doing business at Bowling Green Lane, Albrighton, Wolverhampton, WV7 3HB, United Kingdom, and said corporation owns the above-identified registration issued March 7, 2006, as shown by the records in the U.S. Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from March 7, 2006 to the present on or in connection with each of the following , which are stated in the registration Certificate:

LIVE ROSE PLANTS

that such mark is still in use in interstate commerce as evidenced by the attached specimen showing the mark as currently used for Class 31; that there has been no final decision adverse to Registrant's claim of ownership of said mark for such, or to Registrant's right to register the same or to keep the same on the Register, and that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the Courts.

Registrant hereby revokes all prior Powers of Attorney, if any, given in connection with the subject registration and hereby appoints John W. Peck, Esq. and all other attorneys of the firm of KAUTH, POMEROY, PECK & BAILEY LLP, as its attorneys, to file this Declaration with full power of substitution and revocation, and to transact all business in the Patent and Trademark Office connected herewith.

Please direct all correspondence to John W. Peck, Esq., 2400 E. Katella Ave. Suite 1050, Anaheim, CA 92806, (telephone: 949-852-0000).

**DECLARATION**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Declaration or the registration to which it relates; declares: he is authorized to execute this instrument on behalf of the said corporation; the facts set forth in this Declaration are true; and that all statements made herein on information and belief are believed to be true.

**DAVID AUSTIN ROSES LIMITED**

Dated: 28 February 2012

By:   
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David J.C. Austin  
Managing Director

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