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

# Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

# **Petitioner Information**

Name	CBDMD, LLC		
Entity	Corporation	Citizenship	North Carolina
Address	4521 Sharon Road, Suite 450 Charlotte, NC 28211 UNITED STATES		

Attorney informa- tion	Blake E. Vande Garde Erickson Kernell IP, LLC 8900 State Line Road, Suite 500 Leawood, KS 66206 UNITED STATES ekdkdocket@kcpatentlaw.com, bvg@kcpatentlaw.com, debbied@kcpatentlaw.com 913-549-4700

# **Registration Subject to Cancellation**

Registration No.	5173264	Registration date	03/28/2017
Registrant	Majik Medecine, LLC 629 Village Lane South Mandeville, LA 70471 UNITED STATES		

# Goods/Services Subject to Cancellation

Class 003. First Use: 2016/02/21 First Use In Commerce: 2016/02/21 All goods and services in the class are subject to cancellation, namely: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD

Class 005. First Use: 2016/02/21 First Use In Commerce: 2016/02/21 All goods and services in the class are subject to cancellation, namely: Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; all of theaforementioned containing CBD

# Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
The mark is merely descriptive	Trademark Act Sections 14(1) and 2(e)(1)
The mark is deceptively misdescriptive	Trademark Act Sections 14(1) and 2(e)(1)
No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)

Failure to function as a mark	Trademark Act Sections 14(1) and 1,2 and 45
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
Dilution by tarnishment	Trademark Act Sections 14(1) and 43(c)
Registrant not rightful owner of mark for identi- fied goods or services	Trademark Act Sections 14(1) and 1
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

# Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	87613823	Application Date	09/19/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CBDMD SYNERGY		
Design Mark	CBDM	D SYNI	ERGY
Description of Mark	NONE		
Goods/Services	Class 005. First use: First	t Use: 0 First Use In Com	nmerce: 0
	in the form of tinctures, d analgesic creams, gels, s ated anti-inflammatory cr Topical moisturizing crea the foregoing containing	rops, capsules, oils, gum salves, sprays, powders, eams, gels, salves, spray ims, gels, salves, sprays, CBD	ry and nutritional supplements mies, and powders; Topical and ointments; Topical medic- vs, powders, and ointments; powders, and ointments; all of
		t Use: 0 First Use In Com	
	tronic cigarette liquid con	nprised of vegetable glyce avorings in liquid form, ot	ntaining CBD, namely, elec- erin; electronic cigarette liquid her than essential oils, used to
U.S. Application	87613850	Application Date	09/19/2017

U.S. Application No.	87613850	Application Date	09/19/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SYNERGY CBDMD		

**Design Mark** SYNERGY CBDMD Description of NONE Mark Goods/Services Class 005. First use: First Use: 0 First Use In Commerce: 0 Dietary and nutritional supplements forpets; Dietary and nutritional supplements in the form of tinctures, drops, capsules, oils, gummies, and powders; Topical analgesic creams, gels, salves, sprays, powders, and ointments; Topical antiinflammatory creams, gels, salves, sprays, powders, and ointments; Topical medicated moisturizing creams, gels, salves, sprays, powders, and ointments; all of the foregoing containing CBD Class 034. First use: First Use: 0 First Use In Commerce: 0 Electronic cigarettes; electronic cigarette liquid containing CBD, namely, electronic cigarette liquid comprised of vegetable glycerin; electronic cigarette liquid comprised of CBD and flavorings in liquid form, other than essential oils, used to refill electronic cigarette cartridges

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Attachments	87613823#TMSN.png( bytes ) 87613850#TMSN.png( bytes ) Petition_for_Cancellation_20190415.pdf(216824 bytes ) EXHIBIT_A_CBD_MD_20190207.pdf(122173 bytes ) EXHIBIT_B_LA_SOS_Report.pdf(176912 bytes ) EXHIBIT_D_ResponseToOA_20161214.pdf(33468 bytes ) EXHIBIT_E_AllegeUse.pdf(828861 bytes ) EXHIBIT_F_CBDAdvisoryNotice.pdf(388893 bytes ) EXHIBIT_G_ATCToCrackDownonCBDOilSalesinLouisiana.pdf(1396797 bytes ) EXHIBIT_G_ATCToCrackDownonCBDOilSalesinLouisiana.pdf(1396797 bytes ) EXHIBIT_H_CBD MD_louisianacream_lotion_Google Search.pdf(216528 bytes ) EXHIBIT_I_cbdmd_GoogleSearch.pdf(186566 bytes ) EXHIBIT_J_CBD_MD_Home_Facebook.pdf(706163 bytes ) EXHIBIT_K_CBDMDUSA_Home_Facebook.pdf(561775 bytes ) EXHIBIT_M_CBD_DISCLAIMED.pdf(336845 bytes ) EXHIBIT_N_MD_DISCLAIMED.pdf(400991 bytes ) Exhibit_L_cbdMD.pdf(67883 bytes ) Exhibit_C_Part_1.pdf(2865693 bytes ) Exhibit_C_Part_1.pdf(2865693 bytes )

Signature	/Blake E. Vande Garde/
Name	Blake E. Vande Garde
Date	04/16/2019

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

In the matter of Registration No. 5,173,264 Date of Issue: March 28, 2017

CBDMD, LLC.,

٧.

Cancellation No.\_\_\_\_\_

MAJIK MEDICINE, LLC,

Registrant.

Petitioner,

# **PETITION FOR CANCELLATION**

CBDMD, LLC ("Petitioner"), a North Carolina limited liability company having a principal place of business at 4521 Sharon Road, Suite 450, Charlotte, NC 28211, believes that it has been and will continue to be damaged by U. S. Trademark Reg. No. 5,173,264 (the "CBD MD Registration") for the mark CBD MD in Classes 003 for skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD, and 005 for medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes; all of the aforementioned containing CBD, and hereby petitions to cancel the same.

As grounds of opposition, it is alleged that:

1. Daniel Sinclair ("Sinclair") is an individual who, on information and

belief, resides at 629 Village Lane South, Mandeville, Louisiana, 70471.

2. Brenda N. Kraft ("Kraft") is an individual who, on information and belief, resides at 3873 HWY 17, Delhi, Louisiana, 71232.

3. Christy Peachey ("Peachey") is an individual who, on information and belief, resides at 312 Independence Dr., Mandeville, Louisiana, 70471.

4. MM, LLC is limited liability company which, on information and belief, is domiciled at 629 Village Lane South, Mandeville, Louisiana, 70471.

5. The CBD MD Registration issued to MM, LLC on March 28, 2017. A printout of the current status and title of the CBD MD Registration from the USPTO's Trademark Status & Document Retrieval ("TSDR") database is attached as Exhibit A. the mark is not incontestable.

6. On December 21, 2011, Sinclair, Kraft and Peachey formed a limited liability company under the laws of Louisiana named Majik Medicine, LLC. Sinclair is the manager of MM, LLC, Kraft is a member of MM, LLC, and Peachey is a member of MM, LLC. Attached as Exhibit B is a true and correct copy of the Business Summary page for MM, LLC taken from the Louisiana Secretary of State website.

7. As of April 5, 2019, MM, LLC is not in good standing for failing to file an annual report with the Louisiana Secretary of State.

8. On February 21, 2016, MAJIK MEDICINE, LLC ("MM, LLC" or "Registrant") applied for the CBD MD registration under 15 U.S.C.§ 1051(b) as an intent-to-use application and it was labeled as U.S. Trademark Application No 86914580. 9. On June 14, 2016, an Office Action was issued for the CBD MD application. Attached as Exhibit C is a true and correct copy of the Office Action taken from the TSDR database.

10. On December 14, 2016 a Response to Office Action was filed for the CBD MD application. Attached as Exhibit D is a true and correct copy of the Response to Office Action taken from the TSDR database.

11. On December 14, 2016 an Amendment to Allege Use was filed under 15 U.S.C. 1051(c) along with a specimen. MM, LLC amended its date of first use to February 21, 2016. Attached as Exhibit E is a true and correct copy of the Amendment to Allege Use taken from the TSDR database.

12. Petitioner started selling products including topical lotions, topical creams, topical oils, medicinal lotions, medicinal creams and medicinal oils under the CBDMD mark at least as early as May 16, 2017.

13. On information and belief, MM, LLC abandoned and/or never used the CBD MD mark in interstate commerce.

14. All cannabinoids, including Cannabidiol (CBD) are illegal in Louisiana, (See attached Exhibit F is a true and correct copy of the CBD ADVISORY NOTICE dated March 21, 2019 from the State of Louisiana Office of Alcohol and Tobacco Control and attached Exhibit G is a true and correct copy of an article entitled *ATC to Crack Down on CBD Sales in Louisiana*) and therefore MM, LLC never had a bona fide intention to use or ability to use the mark.

15. Because MM, LLC abandoned and/or never used the CBD MD mark in interstate commerce, yet they filed amendments and declarations at the USPTO claiming use of the mark in interstate commerce, they fraudulently obtained and maintained the CBD MD Registration.

### Fraudulent Procurement and Maintenance of the CBD MD Registration

16. Registration of the CBD MD mark is barred by Section 14(3) of the Trademark Act of 1946 because the CBD MD Registration was obtained fraudulently.

17. MM, LLC made false representations to the U. S. Patent and Trademark Office (USPTO) regarding material facts when he signed declarations asserting ownership of the CBD MD mark.

18. MM, LLC submitted a false declaration to the USPTO on December 14, 2016 when they filed a Combined Response to Office Action and an Amendment to Allege Use declaring that CBD MD was in use in interstate commerce as of February 21, 2016.

19. MM, LLC knew their December 14 declaration was false because they knew that they did not use the CBD MD mark on goods outside the state of Louisiana.

20. Attached as Exhibit H is a true and correct copy of an internet search conducted by Petitioner on March 1, 2019 for "CBD MD" Louisiana cream lotion" which returned only 561 results, none of which in the first three pages were related to the CBD MD registration.

21. By filing the fraudulent Response to Office Action and an Amendment to Allege Use, MM. LLC induced the USPTO to approve and grant the CBD MD Registration.

22. The USPTO relied on MM, LLC's fraudulent Response to Office Action and an Amendment to Allege Use when it accepted the Amendment to Allege Use on December 14, 2016 and agreed to approve and grant the CBD MD Registration.

23. Petitioner has been damaged by the USPTO's reliance on MM, LLC's fraudulent declaration because the grant of the CBD MD Registration prevents Petitioner from registering its CBDMD SYNERGY and SYNERGY CBDMD trademarks for similar goods. Petitioner will be further damaged because MM, LLC will likely attempt to use the improper registration to convince purchasers, persons in the trade, and the public that goods produced by MM, LLC are associated with, endorsed by or in some other way related to or sponsored by Petitioner, to the detriment of Petitioner.

24. Attached as Exhibit I is a true and correct copy of an internet search conducted by Petitioner on March 3, 2019 for "CBDMD" which returned 72,300 results, nearly all of which in the first three pages were related to the CBDMD products offered by Petitioner.

25. Attached as Exhibit J is a true and correct copy of a printout from MM, LLC's Facebook page for the CBD MD mark showing that MM, LLC has 172 likes and 177 followers. MM, LLC has no Instagram presence and no verifiable webpage using goods claimed under the CBD MD registration.

26. Attached as Exhibit K is a true and correct copy of a printout from Petitioner's Facebook page for the CBDMD mark showing that Petitioner has 55,965 likes and 56,395 followers. Petitioner has a globally robust Instagram presence and a website (cbdmd.com – Attached as Exhibit L is a true and correct copy of Petitioner's website) with thousands of visitors per month.

## No Bona Fide Use of CBD MD Mark

27. Registration of the CBD MD mark is barred by Section 14(1) of the Trademark Act of 1946 because there was not bona fide use of the CBD MD mark in commerce prior to the filing of the use-based application for its registration under Trademark Act § 1(a), 15 U.S.C. §1052(a).

28. On information and belief, MM, LLC has never used the CBD MD mark in interstate commerce.

29. All cannabinoids, including Cannabidiol (CBD) are illegal in Louisiana, and therefore MM, LLC never had a bona fide intention to use or ability to use the mark as any products containing CBD are prohibited in the State of Louisiana.

30. MM, LLC originally applied for the CBD MD registration under 15 U.S.C.§ 1051(b) as an intent-to-use application on February 21, 2016.

31. MM, LLC submitted a false declaration to the USPTO on December 14, 2016 when they filed a Combined Response to Office Action and an Amendment to Allege Use declaring that CBD MD was in use in interstate commerce as of February 21, 2016.

32. MM, LLC knew their December 14 declaration was false because they knew that they did not use the CBD MD mark on goods outside the state of Louisiana.

33. By filing the fraudulent Response to Office Action and an Amendment to Allege Use, MM. LLC induced the USPTO to approve and grant the CBD MD Registration.

34. The USPTO relied on MM, LLC's fraudulent Response to Office Action and an Amendment to Allege Use when it accepted the Amendment to Allege Use on December 14, 2016 and agreed to approve and grant the CBD MD Registration.

35. Petitioner has been damaged by the USPTO's reliance on MM, LLC's fraudulent declaration because the grant of the CBD MD Registration prevents Petitioner from registering its CBDMD SYNERGY and SYNERGY CBDMD trademarks for similar goods. Petitioner will be further damaged because MM, LLC will likely attempt to use the improper registration to convince purchasers, persons in the trade, and the public that goods produced by MM, LLC are associated with, endorsed by or in some other way related to or sponsored by Petitioner, to the detriment of Petitioner.

36. Registration of the CBD MD mark is barred by Section 14(1) and 2(d) of the Trademark Act of 1946 because the CBD MD Registration so resembles a mark previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods or services of MM, LLC, to cause confusion, or to cause mistake, or to deceive.

CBD MD Registration Likely to Cause Confusion

37. MM, LLC made false representations to the U. S. Patent and Trademark Office (USPTO) regarding material facts when he signed declarations asserting ownership of the CBD MD mark.

38. MM, LLC submitted a false declaration to the USPTO on December 14, 2016 when they filed a Combined Response to Office Action and an Amendment to Allege Use declaring that CBD MD was in use in interstate commerce as of February 21, 2016.

39. MM, LLC knew their December 14 declaration was false because they knew that they did not use the CBD MD mark on goods outside the state of Louisiana.

40. Attached as Exhibit H is a true and correct copy an internet search conducted by Petitioner on March 1, 2019 for "CBD MD" Louisiana cream lotion" which returned only 561 results, none of which in the first three pages were related to the CBD MD registration.

41. By filing the fraudulent Response to Office Action and an Amendment to Allege Use, MM. LLC induced the USPTO to approve and grant the CBD MD Registration.

42. The USPTO relied on MM, LLC's fraudulent Response to Office Action and an Amendment to Allege Use when it accepted the Amendment to Allege Use on December 14, 2016 and agreed to approve and grant the CBD MD Registration.

43. Petitioner has been damaged by the USPTO's reliance on MM, LLC's fraudulent declaration because the grant of the CBD MD Registration prevents Petitioner from registering its CBDMD SYNERGY and SYNERGY CBDMD trademarks for similar goods.

44. Petitioner will be further damaged because MM, LLC will likely attempt to use the improper registration to convince purchasers, persons in the trade, and the public that goods produced by MM, LLC are associated with, endorsed by or in some other way related to or sponsored by Petitioner, to the detriment of Petitioner.

45. Petitioner started selling products including topical lotions, topical creams, topical oils, medicinal lotions, medicinal creams and medicinal oils under the CBDMD mark at least as early as May 16, 2017. The CBDMD line of products has been enthusiastically received by the consuming public, generating sales in excess of \$30 million. The CBDMD line of products is available in retail outlets and on its website located at www.cbdmd.com.

46. Attached as Exhibit I is a true and correct copy of an internet search "conducted by Petitioner on March 3, 2019 for "CBDMD" which returned 72,300 results, nearly all of which in the first three pages were related to the CBDMD products offered by Petitioner.

47. MM, LLC's CBD MD mark is confusingly similar to the CBDMD mark, the CBDMD SYNERGY mark, and the SYNERGY CBDMD mark. It is identical in aural depiction and nearly identical in visual depiction of CBDMD save for the space between CBD and MD. It is identical in aural depiction and visual depiction with the dominant member of the CBDMD SYNERGY and SYNERGY CBDMD marks. The CBD MD mark is similar in both connotation and commercial impression with the CBDMD and the dominant member of the CBDMD SYNERGY and SYNERGY and SYNERGY CBDMD marks due to its implied and explicit meaning.

48. The goods claimed under the CBD MD mark (skin and body topical lotions, creams and oils for cosmetic use; medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes; all of the aforementioned containing CBD) are either identical or nearly identical to the goods being sold under the CBDMD, CBDMD SYNERGY and SYNERGY CBDMD marks.

49. Attached as Exhibit L is a true and correct copy of screen shots from Petitioner's website (www.cbdmd.com) taken by Petitioner on March 21, 2019 showing products offered by Petitioner under the CBDMD mark.

50. The trade channels are nearly identical for goods sold under the CBDMD, CBDMD SYNERGY and SYNERGY CBDMD marks and the goods claimed under the CBD MD mark. Those trade channels include both retail stores selling products which include CBD and online sales of products which include CBD.

51. Petitioner advertises its CBDMD, CBDMD SYNERGY and SYNERGY CBDMD marks in national publications. Petitioner is spending significant amounts of money advertising goods under the CBDMD, CBDMD SYNERGY and SYNERGY CBDMD marks on a monthly basis.

### CBD MD Registration Likely to Cause Dilution

52. Registration of the CBD MD mark is barred by Section 14(1) and 43(c) of the Trademark Act of 1946 because the CBD MD Registration would dilute the distinctive quality of Plaintiff's famous mark.

53. MM, LLC made false representations to the U. S. Patent and Trademark Office (USPTO) regarding material facts when he signed declarations asserting ownership of the CBD MD mark.

54. MM, LLC submitted a false declaration to the USPTO on December 14, 2016 when they filed a Combined Response to Office Action and an Amendment to Allege Use declaring that CBD MD was in use in interstate commerce as of February 21, 2016. 55. MM, LLC knew their December 14 declaration was false because they knew that they did not use the CBD MD mark on goods outside the state of Louisiana.

56. Attached as Exhibit H is a true and correct copy an internet search conducted by Petitioner on March 1, 2019 for ""CBD MD" Louisiana cream lotion" which returned only 561 results, none of which in the first three pages were related to the CBD MD registration.

57. By filing the fraudulent Response to Office Action and an Amendment to Allege Use, MM. LLC induced the USPTO to approve and grant the CBD MD Registration.

58. The USPTO relied on MM, LLC's fraudulent Response to Office Action and an Amendment to Allege Use when it accepted the Amendment to Allege Use on December 14, 2016 and agreed to approve and grant the CBD MD Registration.

59. Registration of MM, LLC's CBD MD mark is likely to further damage Petitioner due to its dilution of Petitioner's famous mark CBDMD. Use of the CBD MD mark is likely to cause dilution by blurring or dilution by tarnishment of the famous CBDMD mark owned and used by Petitioner.

60. MM, LLC's CBD MD mark is confusingly similar to the CBDMD mark, the CBDMD SYNERGY mark, and the SYNERGY CBDMD mark. It is identical in aural depiction and nearly identical in visual depiction of CBDMD save for the space between CBD and MD. It is identical in aural depiction and visual depiction with the dominant member of the CBDMD SYNERGY and SYNERGY CBDMD marks. The CBD MD mark is similar in both connotation and commercial impression with the CBDMD and the dominant member of the CBDMD SYNERGY and SYNERGY CBDMD marks due to its implied and explicit meaning.

61. Petitioner started selling products including topical lotions, topical creams, topical oils, medicinal lotions, medicinal creams and medicinal oils under the CBDMD mark at least as early as May 16, 2017.

62. Petitioner has sold goods under the CBDMD mark in all fifty states on or prior to January of 2018.

63. Petitioner has been the highest-level sponsor at numerous large events attended by thousands of participants interested in viewing, purchasing and using products sold by Petitioner under the CBDMD, CBDMD SYNERGY and SYNERGY CBDMD marks.

64. Petitioner's CBDMD mark is well know in the CBD industry as evidenced by Exhibit I which illustrates the pervasive nature of the CBDMD mark and its recognition within the industry.

65. MM, LLC claims to be using its mark in commerce as of January 2018.

66. Petitioner will be further damaged because MM, LLC will likely attempt to use the improper registration to convince purchasers, persons in the trade, and the public that goods produced by MM, LLC are associated with, endorsed by or in

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some other way related to or sponsored by Petitioner, resulting in dilution of Petitioner's mark by blurring or tarnishment.

### CBD MD Registration Is Merely Descriptive

67. Registration of the CBD MD mark is barred by Sections 14(1) and 2(e) of the Trademark Act of 1946 because the CBD MD Registration consists of a mark which, when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them.

68. MM, LLC made false representations to the U. S. Patent and Trademark Office (USPTO) regarding material facts when he signed declarations asserting ownership of the CBD MD mark.

69. MM, LLC submitted a false declaration to the USPTO on December 14, 2016 when they filed a Combined Response to Office Action and an Amendment to Allege Use declaring that CBD MD was in use in interstate commerce as of February 21, 2016.

70. MM, LLC knew their December 14 declaration was false because they knew that they did not use the CBD MD mark on goods outside the state of Louisiana.

71. Attached as Exhibit H is a true and correct copy an internet search conducted by Petitioner on March 1, 2019 for "CBD MD" Louisiana cream lotion" which returned only 561 results, none of which in the first three pages were related to the CBD MD registration.

72. By filing the fraudulent Response to Office Action and an Amendment to Allege Use, MM. LLC induced the USPTO to approve and grant the CBD MD Registration.

73. The USPTO relied on MM, LLC's fraudulent Response to Office Action and an Amendment to Allege Use when it accepted the Amendment to Allege Use on December 14, 2016 and agreed to approve and grant the CBD MD Registration.

74. Petitioner has been damaged by the USPTO's reliance on MM, LLC's fraudulent declaration because the grant of the CBD MD Registration prevents Petitioner from registering its CBDMD SYNERGY and SYNERGY CBDMD trademarks for similar goods.

75. A mark is merely descriptive under Trademark Act §2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods and/or services. See *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); and *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979).

76. The determination of whether a mark is merely descriptive must be made in relation to the identified goods and/or services, and not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); and *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978). It is not necessary that a term describe all of the purposes, functions, characteristics or features

of the goods and/or services. It is enough if the term describes one significant attribute of the goods and/or services. *In re H.U.D.D.L.E*, 216 USPQ 358 (TTAB 1982); and *In re MBAssociates*, 180 USPQ 338 (TTAB 1973).

77. The CBD MD registration includes Class 003 for skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD, and Class 005 for medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes; all of the aforementioned containing CBD.

78. CBD, an abbreviation for cannabidiol, is a naturally occurring compound found in the resinous flower of cannabis, a plant with a history as a medicine going back thousands of years. Today the therapeutic properties of CBD are being tested and confirmed by scientists and doctors around the world. CBD clearly describes an ingredient in the goods listed under the CBD MD registration. CBD is disclaimed from the CBD MD registration as being descriptive. Attached as Exhibit M is a true and correct copy of nine examples of United States trademark registrations in which "CBD" is disclaimed from the application as being descriptive.

79. The CBD MD registration includes goods described as "medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes" and are clearly marketed as a means to improve a user's health. MD is an abbreviation for the Latin title Medicinae Doctor, Doctor of Medicine. The use of MD on goods or services implies that the good or service is formulated or designed to improve the user's health. The combination of CBD and MD clearly describes a quality within the

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goods listed under the CBD MD registration as they are formulated or designed to improve the user's health. Attached as Exhibit N is a true and correct copy of twelve examples of United States trademark registrations in which "MD" is disclaimed from the application as being descriptive.

#### CBD MD Registration Is Unlawful Under Federal Law

80. Registration of the CBD MD mark is barred by Sections 1 and 45 of the Trademark Act of 1946 because there is an absence of a bona fide intent to use lawfully use the mark in commerce.

81. Use of a mark in commerce must be lawful use to be the basis for federal registration of the mark. <u>Gray v. Daffy Dan's Bargaintown</u>, 823 F.2d 522, 526, 3 USPQ2d 1306, 1308 (Fed. Cir. 1987); see 15 U.S.C. §§1051, 1127; 37 C.F.R. §2.69; *In re Midwest Tennis & Track Co.*, 29 USPQ2d 1386, 1386 n.2 (TTAB 1993); *In re Stellar Int'l, Inc.*, 159 USPQ 48, 50-51 (TTAB 1968). Thus, the goods or services to which the mark is applied, and the mark itself, must comply with all applicable federal laws. See *In re Pepcom Indus., Inc.*, 192 USPQ 400, 401 (TTAB 1976) ("In order for [an] application to have a valid basis that could properly result in a registration, the use of the mark [has] to be lawful, i.e., the sale or shipment of the product under the mark [has] to comply with all applicable laws and regulations. If this test is not met, the use of the mark fails to create any rights that can be recognized by a Federal registration."). In addition, "the fact that the provision of a product or service may be lawful within a state is irrelevant to

the question of federal registration when it is unlawful under federal law." *In re Brown*, 119 USPQ2d 1350, 1351 (TTAB 2016).

82. If the record in an application based on Trademark Act Section 1(a) indicates that the mark itself or the identified goods or services violate federal law, registration must be refused under Trademark Act Sections 1 and 45, based on the absence of lawful use of the mark in commerce. See 15 U.S.C. §§1051, 1127; 37 C.F.R. §2.69; *In re Stellar Int'l, Inc.*, 159 USPQ 48, 50-51 (TTAB 1968).

83. For applications based on Trademark Act Section 1(b), 44, or 66(a), if the record indicates that the mark or the identified goods or services are unlawful, actual lawful use in commerce is not possible. See *In re PharmaCann LLC.*, 123 USPQ2d 1122, 1124 (TTAB June 16, 2017); *In re JJ206*, LLC, 120 USPQ2d 1568, 1569 (TTAB 2016); *John W. Carson Found. v. Toilets.com, Inc.*, 94 USPQ2d 1942, 1948 (TTAB 2010). Thus, a refusal under Trademark Act Sections 1 and 45 is also appropriate for these non-use-based applications, because the applicant does not have a bona fide intent to lawfully use the mark in commerce. See 15 U.S.C. §§1051, 1127; *In re PharmaCann LLC*, 123 USPQ2d at 1124; *In re JJ206*, LLC, 120 USPQ2d at 1569; *John W. Carson Found.*, 94 USPQ2d at 1948.

84. CBD, an abbreviation for cannabidiol, is a naturally occurring compound found in the resinous flower of cannabis. At the time of filing, the Controlled

Substances Act (CSA) prohibited the manufacturing, distributing, dispensing, or possessing certain controlled substances, including marijuana and marijuana-based preparations. 21 U.S.C. §§812, 841(a)(1), 844(a); see also 21 U.S.C. §802(16) (defining "[marijuana]"). In December 2016, the Drug Enforcement Administration issued clearer guidance on the definition of marijuana and extracts from marijuana which can include cannabidiol (CBD) under new Schedule 1 Drug Code 7350. Schedule I of the Controlled Substances Act was modified in December 2016 to include a new Drug Code, 7350, which is called "marijuana extract." The new 7350 Drug Code has been interpreted by the DEA as including extracts comprised of cannabinoids from cannabis plants including CBD, thus making CBD illegal at the federal level.

85. The CBD MD registration includes Class 003 for skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD, and Class 005 for medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes; all of the aforementioned containing CBD. Thus, according to the DEA's interpretation of the 7350 Drug Code, the goods covered by the CBD MD registration are illegal at the federal level.

86. The Federal Food, Drug, and Cosmetic Act prohibits the introduction or delivery for introduction into interstate commerce of a food to which has been added a drug or a biological product for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public. 21 U.S.C. §331(II); *see also* 21 U.S.C. §321(ff) (indicating that a dietary supplement is deemed to be a food within the meaning of the Federal Food, Drug and Cosmetic Act). The U.S. Food & Drug Administration has stated that substantial clinical investigations of cannabidiol have begun and thus products containing cannabidiol may not be sold as dietary supplements. *See* U.S. Food & Drug Administration, *FDA and Marijuana: Questions and Answers*, available at

http://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm#dietarysuppl; see also U.S. Food & Drug Administration, *Draft Guidance for Industry: Dietary Supplements: New Dietary Ingredient Notifications and Related Issues*, available at http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformat on/ucm257563.htm

("The general rule is that an article that has been authorized for investigation as a new drug or as a biologic before being marketed as a food or as a dietary supplement cannot be marketed as a dietary supplement if substantial clinical investigations of the article have begun and the existence of such investigations has been made public.").

87. The CBD MD registration includes goods described as "medicinal herbal preparations; medicinal oils; herbs for medicinal purposes". Each of these goods could be formulated as edible by MM, LLC, thus being in violation of the Food Drug and Cosmetic Act.

### No Bona Fide Intent to Use the CBD MD Mark In Connection with The Goods

88. Registration of the CBD MD mark is barred by the Trademark Act of 1946 because there was not bona fide intent to use of the CBD MD mark in commerce prior to the filing of the intent-to-use application for its registration under Trademark Act § 1(b), 15 U.S.C. §1051(b).

89. On information and belief, MM, LLC did not have a *bona fide* intent to use CBD MD in interstate commerce for skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD, and for medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes; all of the aforementioned containing CBD when it filed the Application.

90. On information and belief, Applicant has not taken any steps to commence use of the mark CBD MD in interstate commerce, either before or after the filing date of the Application.

91. On information and belief, MM, LLC has never used the CBD MD mark in interstate commerce.

92. All cannabinoids, including Cannabidiol (CBD) are illegal in Louisiana, and therefore MM, LLC never had a bona fide intention to use or ability to use the mark as any products containing CBD are prohibited in the State of Louisiana.

#### CBD MD Has Not Been Used as a Trademark

93. Petitioner started selling products including topical lotions, topical creams, topical oils, medicinal lotions, medicinal creams and medicinal oils under the CBDMD mark at least as early as May 16, 2017.

94. MM, LLC is one source of goods bearing the descriptive phrase CBD MD. However, MM, LLC is not the only source of such goods as other vendors of products containing CBD sell goods bearing the phrase "CBD MD" which did not come from MM, LLC.

95. The phrase "CBD MD" is widely used as descriptive phrase for products containing CBD including skin and body topical lotions, creams and oils for cosmetic use and for medicinal creams for skin care, medicinal herbal preparations, medicinal oils, and herbs for medicinal purposes. The phrase CBD MD is a commonly used descriptive phrase that connotes information on products which include CBD as an ingredient. It is of unknown origin and has been used on many kinds of goods that do not original from MM, LLC.

96. MM, LLC's CBD MD mark is incapable of distinguishing the goods of MM, LLC from the goods of others and therefore cannot function as a trademark and an indicator of source.

97. Petitioner would be damaged by the continued registration of the CBD MD mark because it would inhibit competition in the CBD product market and would arm MM, LLC with a means of threatening and harassing competitors who sell similar goods. In the matter of Registration No. 5,173,264

WHEREFORE, Petitioner requests that U. S. Reg. No. 5,173,264 be

cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

The fee required in 37 CFR § 2.6(a) is submitted herewith.

Dated: April 16, 2019

Respectfully submitted,

By: <u>/Blake E. Vande Garde</u> Blake E. Vande Garde, Reg No. 58264 James J. Kernell, Reg. No. 42720 ERICKSON KERNELL IP 8900 State Line Road, Suite 500 Leawood, Kansas 66206 Telephone: 913.549.4700 Facsimile: 913.549.4646 bvg@kcpatentlaw.com jjk@kcpatentlaw.com

Attorneys for Petitioner CBDMD, LLC

Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email <u>teas@uspto.gov</u> and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Starting Oct. 4, 2018, bulk data customers should no longer obtain direct access to TSDR data through tsdrsec.uspto.gov. <u>There are two alternative ways to receive bulk data from TSDR.</u>

STATUS DOCUMENTS	6 MAINTENANCE	Back to Search	Print
Generated on:	This page was generated by TSDR on 2019-02-07	21:41:32 EST	
Mark:	CBD MD		
		CB	D MD
US Serial Number:	86914580	Application Filing Date	e: Feb. 21, 2016
US Registration Number:	5173264	Registration Date	e: Mar. 28, 2017
Filed as TEAS Plus:	Yes	Currently TEAS Plus	: Yes
Register:	Supplemental		
Mark Type:	Trademark		
TM5 Common Status		E/REGISTRATION/Issued and A	Active
Descriptor:	The	e trademark application has beer	n registered with the Offic
Amended to Principal		Date Amended to Curren	
Register:		Register	
Status:	Registered. The registration date is used to determ	nine when post-registration main	tenance documents are o
Status Date:	Mar. 28, 2017		

### **Mark Information**

Mark Literal Elements: CBD	MD
----------------------------	----

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

Disclaimer: "CBD"

### **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: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD

International Class(es):	003 - Primary Class	U.S Class(es):	001, 004, 006, 050, 05
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Feb. 21, 2016	Use in Commerce:	Feb. 21, 2016
For:	Medicinal creams for skin care; Medicinal herbal preparations; containing CBD	Medicinal oils; Herbs	for medicinal purposes
International Class(es):	005 - Primary Class	U.S Class(es):	006, 018, 044, 046, 05
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Feb. 21, 2016	Use in Commerce:	Feb. 21, 2016

# **Basis Information (Case Level)**

Filed Use:	No	Currently Use:	Yes
Filed ITU:	Yes	Currently ITU:	No
Filed 44D:	No	Currently 44E:	No
Filed 44E:	No	Currently 66A:	No
Filed 66A:	No	Currently No Basis:	No
Filed No Basis:	No		

# **Current Owner(s) Information**

Owner Name:	: Majik Medecine, LLC	
Owner Address:	: 629 Village Lane South Mandeville, LOUISIANA UNITED STATES 70471	
Legal Entity Type:	: LIMITED LIABILITY COMPANY State or Country Where LOUISIAN Organized:	١A

# Attorney/Correspondence Information

### Attorney of Record

Attorney Name:	Blynn L. Shideler	Docket Number:	Majik-1601
Attorney Primary Email Address:	Blynn@BLKLawGroup.com	Attorney Email Authorized:	Yes
Correspondent			
Correspondent	Blynn L. Shideler		
Name/Address:	The BLK Law Group		
	3500 Brooktree Road		
	Suite 200		
	Wexford, PENNSYLVANIA UNITED STATES 15090		
Phone:	724-934-5450	Fax:	724-934-5461
Correspondent e-mail:	Blynn@BLKLawGroup.com	Correspondent e-mail	Yes

cbelleci@BLKLawGroup.com

Authorized:

#### **Domestic Representative - Not Found**

## **Prosecution History**

Date	Description	Proceeding Number
Mar. 28, 2017	REGISTERED-SUPPLEMENTAL REGISTER	
Feb. 22, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Feb. 16, 2017	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E- MAILED	
Feb. 15, 2017	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Feb. 15, 2017	USE AMENDMENT ACCEPTED	83184
Jan. 25, 2017	AMENDMENT TO USE PROCESSING COMPLETE	73797
Dec. 14, 2016	USE AMENDMENT FILED	73797
Jan. 25, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Jan. 25, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Jan. 13, 2017	ASSIGNED TO LIE	73797
Dec. 14, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 14, 2016	TEAS AMENDMENT OF USE RECEIVED	
Jun. 14, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 14, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 14, 2016	NON-FINAL ACTION WRITTEN	83184
Jun. 01, 2016	ASSIGNED TO EXAMINER	83184
Jun. 01, 2016	ASSIGNED TO EXAMINER	68110
Mar. 07, 2016	ASSIGNED TO EXAMINER	88569
Mar. 07, 2016	ASSIGNED TO EXAMINER	83184
Feb. 26, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 24, 2016	NEW APPLICATION ENTERED IN TRAM	

# **TM Staff and Location Information**

#### **TM Staff Information - None**

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 28, 2017

# Assignment Abstract Of Title Information - Click to Load

### **Proceedings - Click to Load**



Search for Louisiana Business Filings

Buy Certificates and C	Certified Copies		ctronic Notification	Print Detailed Record				
Name			уре		City		Status	
MAJIK MEDICINE, LLC Limited Liability Company		Company	MAN	IDEVILLE	Active			
Previous Names								
Business:	MAJ	IIK MEDICINE	E, LLC					
Charter Number:	4064	40447K						
Registration Date	e: 10/2	1/2011						
Domicile Addre	SS							
629	VILLAGE LA	ANE SOUTH						
MAN	IDEVILLE, L	A 70471						
Mailing Addres	5							
629	VILLAGE LA	ANE SOUTH						
MAN	IDEVILLE, L	A 70471						
Status								
Status:	Acti	ve						
Annual Report S	tatus: Not	In Good Sta	nding for failu	ire to file Annua	l Report			
File Date:	10/2	1/2011						
Last Report Filed	Filed: 4/27/2018							
Туре:	Limited Liability Company							
Deviatored Are	nt(a)							
Registered Age Agent:	DANIEL SI							
Agent. Address 1:								
City, State, Zip:		GE LANE SC						
Appointment	WANDEVIL	LLE, LA 7047	I					
Date:	11/23/2015	5						
Agent:	BRENDA N	N. KRAFT						
Address 1:	3873 HWY	´ 17						
City, State, Zip:	DELHI, LA 71232							
Appointment Date:	10/21/2011							
Agent:	CHRISTY I	PEACHEY						
Address 1:	312 INDEPENDENCE DR.							
City, State, Zip:	MANDEVIL	MANDEVILLE, LA 70471						
Appointment Date:	10/21/2011							

### Officer(s)

Additional Officers: No

Officer:	BRENDA N. KRAFT	
Title:	Member	
Address 1:	312 INDEPENDENCE DRIVE	
City, State, Zip:	MANDEVILLE, LA 70471	
Officer:	CHRISTY PEACHEY	
Title:	Member	
Address 1:	312 INDEPENDENCE DR.	
City, State, Zip:	MANDEVILLE, LA 70471	
Officer:	DANNY SINCLAIR	
Title:	Manager	
Address 1:	629 VILLAGE LANE SOUTH	
City, State, Zip:	MANDEVILLE, LA 70471	
Amendments o	n File	
No Amendments	on file	

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# **Response to Office Action**

#### The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86914580
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86914580/large
LITERAL ELEMENT	CBD MD
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	Majik Medecine, LLC
STREET	629 Village Lane South
СІТҮ	Mandeville
STATE	Louisiana
ZIP/POSTAL CODE	70471
COUNTRY	United States
PHONE	985-259-5040
EMAIL	aabundanthealth@aol.com
OWNER SECTION (proposed)	
NAME	Majik Medicine, LLC
STREET	629 Village Lane South
СІТУ	Mandeville
STATE	Louisiana
ZIP/POSTAL CODE	70471
COUNTRY	United States
PHONE	985-259-5040
EMAIL	aabundanthealth@aol.com
ARGUMENT(S)	

REMARKS The examiner is thanked for acknowledging that the Office?s database contains no conflicting marks preventing registration. SECTION 2(e)(1) Merely Descriptive Rejection The examiner has concluded that the applicants mark is merely descriptive of the goods. The applicant respectfully disagrees that the mark taken as a whole would be considered merely descriptive. However the applicants have amended this registration to the supplemental registrar and thus this issue is now effectively moot (although the applicant may still submit arguments and evidence TMEP 816.04). DISCLAIMER The applicant has submitted a disclaimer herewith disclaiming the exclusive right to use the term CBD apart from the mark as a whole. IDENTIFICATION OF GOODS The Identification of goods for class 3 and 5 have been amended in accordance with the examiner?s suggestion. International Class 35 has been cancelled in this response. ADDITIONAL INFORMATION The examiner has indicated that the applicant must submit additional information about the goods and/or services. See 37 C.F.R. ??2.61(b), 2.69; In re Stellar Int?l, Inc., 159 USPQ 48, 50-52 (TTAB 1968); TMEP ??814, 907. As noted above the goods sold under this mark are directed towards goods in International Class 3: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD, and goods in International Class 5: Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned containing CBD. The details of these goods can be seen in the labels in the attached specimens also concurrently submitted herewith. CBD has well established antioxidant and anti-inflammatory properties, which properties alone have made CBD particularly well suited for use in skin care products. The politics of CBD have yielded a proliferation of ?studies? both for and against CBD, and other hemp based products, and delving into the plethora of these discussions is not particularly relevant here, although proponents of CBD will list advantages of CBD skin care products far exceeding those tied to its known antioxidant and anti-inflammatory properties. STATEMENT OF COMPLIANCE WITH FEDERAL LAW Pursuant to the examiner's request the applicant hereby submits a written statement indicating that all the goods identified in the application do and will comply with relevant federal law, including the Controlled Substances Act (CSA), 21 U.S.C. ??801-971. See 37 C.F.R. ?2.69; TMEP ?907. The examiner is correct that the CSA prohibits, among other things, manufacturing, distributing, dispensing, or possessing certain controlled substances, including marijuana and marijuana-based preparations. 21 U.S.C. ??812, 841(a)(1), 844(a); see also 21 U.S.C. ?802(16) (defining ?[marijuana]?). The CSA also makes it unlawful to sell, offer for sale, or use any facility of interstate commerce to transport drug paraphernalia, i.e., ?any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under [the CSA].? 21 U.S.C. ?863. As the examiner has noted, marijuana is currently listed as a Schedule I narcotic under the federal Controlled Substances Act, meaning the federal government believes it to be a dangerous drug with no recognized medical benefit (a conclusion many have argued against). Consequently, any CBD derived from marijuana violates the federal Controlled Substances Act. Hemp, on the other hand, is more complicated. The DEA defines hemp as the parts of the cannabis plant excluded from the Controlled Substances Act, namely the mature stalks and seeds. To legally grow cannabis in the U.S. ? hemp or not ? the grower must possess a permit from the DEA, and consequently, cultivating hemp without a permit remains a federal crime. However there is, currently, an exception is the 2014 federal farm bill, which defines ?industrial hemp? as cannabis that contains less than 0.3 percent THC by weight, and which allows state departments of agriculture, universities, and colleges to cultivate industrial hemp for educational and research purposes without a DEA permit. Despite the prohibition on hemp cultivation without a DEA-issued permit, it is not a violation of the federal Controlled Substances Act to purchase, sell, and possess processed hemp products. In the 2005 case of Hemp Industries Association v. Drug Enforcement Administration, the Ninth Circuit held that the DEA had gone beyond its mandate in attempting to regulate all products containing any amount of THC because ?Congress did not regulate non-psychoactive hemp in Schedule I.? The Ninth Circuit further held that ?[t]he DEA?s action is not a mere classification of its THC regulations; it improperly renders naturally-occurring non-psychoactive hemp illegal for the first time.? The court concluded that Congressional intent was, ?unambiguous? with regard to the regulation of non psychoactive hemp,? and ruled that the DEA ?cannot regulate naturally-occurring THC not contained within or derived from marijuana ? i.e., non-psychoactive hemp products-because non-psychoactive hemp is not included in Schedule I.? As a result of the Hemp Industries Association case, companies and individuals may freely sell CBD derived from processed hemp (not from marijuana), imported from outside the U.S., or from growers exempted from DEA permits or from those with DEA permits. The CBD of the applicant?s goods is appropriately sourced such that that all the goods identified in the application do and will comply with relevant federal law, including the Controlled Substances Act (CSA), 21 U.S.C. ??801-971. WRITTEN RESPONSES - ?Do applicant?s identified goods, or the goods featured in the applicant?s services, contain marijuana, marijuanabased preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances?? The applicant?s identified goods do not contain marijuana, marijuana-based preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances. - ?Is the CBD in the applied-for goods, and the goods featured in the applicant?s services, derived from marijuana or from industrial hemp?? The CBD in applicant?s identified goods are derived from industrial hemp. - ?Are the applicant?s goods/services lawful pursuant to the Controlled Substances Act?? The applicant?s identified goods do not contain marijuana, marijuana-based preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances, as CBD in applicant?s identified goods are derived from industrial hemp and applicant?s identified goods are lawful pursuant to the Controlled Substances Act. MISC The applicant has corrected a typo regarding their name in this response as well.

GOODS AND/OR SERVICES SECTION (003)(current)				
INTERNATIONAL CLASS 003				
DESCRIPTION				
Skin and body topical lotions, creams and oils for cosmetic use				
FILING BASIS     Section 1(b)				
GOODS AND/OR SERVICES SECTION (003)(proposed)				
INTERNATIONAL CLASS 003				
TRACKED TEXT DESCRIPTION				
Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD				

FINAL DESCRIPTION				
Skin and body topical lotions, creams and oils for cosm	etic use; all of the aforementioned containing CBD			
LING BASIS Section 1(b)				
GOODS AND/OR SERVICES SECTION (005)(cur	GOODS AND/OR SERVICES SECTION (005)(current)			
INTERNATIONAL CLASS	005			
DESCRIPTION				
Medicinal creams for skin care; Medicinal herbal prepa	rations; Medicinal oils; Herbs for medicinal purposes			
FILING BASIS	Section 1(b)			
GOODS AND/OR SERVICES SECTION (005)(pro	posed)			
INTERNATIONAL CLASS	005			
TRACKED TEXT DESCRIPTION				
Medicinal creams for skin care; Medicinal herbal prepa containing CBD	rations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned			
FINAL DESCRIPTION				
Medicinal creams for skin care; Medicinal herbal prepa containing CBD	rations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned			
FILING BASIS	Section 1(b)			
GOODS AND/OR SERVICES SECTION (035)(class	s deleted)			
ADDITIONAL STATEMENTS SECTION				
DISCLAIMER	No claim is made to the exclusive right to use CBD apart from the mark as shown.			
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.			
NEW ATTORNEY SECTION				
NAME	Blynn L. Shideler			
FIRM NAME	The BLK Law Group			
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	Majik-1601			
INTERNAL ADDRESS	Suite 200			
STREET	3500 Brooktree Road			
СІТҮ	Wexford			
STATE	Pennsylvania			
ZIP/POSTAL CODE	15090			
COUNTRY	United States			
PHONE	724-934-5450			
FAX	724-934-5461			
EMAIL	Blynn@BLKLawGroup.com			
AUTHORIZED EMAIL COMMUNICATION	Yes			
CORRESPONDENCE SECTION				

ORIGINAL ADDRESS	MAJIK MEDECINE, LLC MAJIK MEDECINE, LLC 629 VILLAGE LANE SOUTH MANDEVILLE Louisiana US 70471
NEW CORRESPONDENCE SECTION	
NAME	Blynn L. Shideler
FIRM NAME	The BLK Law Group
DOCKET/REFERENCE NUMBER	Majik-1601
INTERNAL ADDRESS	Suite 200
STREET	3500 Brooktree Road
СІТУ	Wexford
STATE	Pennsylvania
ZIP/POSTAL CODE	15090
COUNTRY	United States
PHONE	724-934-5450
FAX	724-934-5461
EMAIL	Blynn@BLKLawGroup.com;Blynn@BLKLawGroup.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Blynn L. Shideler/
SIGNATORY'S NAME	Blynn L. Shideler
SIGNATORY'S POSITION	Attorney of Record, PA Bar Memmber
SIGNATORY'S PHONE NUMBER	724-934-5450
DATE SIGNED	12/14/2016
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Dec 14 19:07:46 EST 2016
TEAS STAMP	USPTO/ROA-XXX.XXX.XXX. 20161214190746486699-8691 4580-5701fb5ec1c45feb8e07 c24a36e1b56245c7674c14f9d e9f2f716538a399a0ce-N/A-N /A-20161214185552202557

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**Response to Office Action** 

### To the Commissioner for Trademarks:

Application serial no. **86914580** CBD MD(Standard Characters, see https://tmng-al.uspto.gov/resting2/api/img/86914580/large) has been amended as follows:

#### ARGUMENT(S)

#### In response to the substantive refusal(s), please note the following:

REMARKS The examiner is thanked for acknowledging that the Office?s database contains no conflicting marks preventing registration. SECTION 2(e)(1) Merely Descriptive Rejection The examiner has concluded that the applicants mark is merely descriptive of the goods. The applicant respectfully disagrees that the mark taken as a whole would be considered merely descriptive. However the applicants have amended this registration to the supplemental registrar and thus this issue is now effectively moot (although the applicant may still submit arguments and evidence TMEP 816.04). DISCLAIMER The applicant has submitted a disclaimer herewith disclaiming the exclusive right to use the term CBD apart from the mark as a whole. IDENTIFICATION OF GOODS The Identification of goods for class 3 and 5 have been amended in accordance with the examiner's suggestion. International Class 35 has been cancelled in this response. 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The DEA defines hemp as the parts of the cannabis plant excluded from the Controlled Substances Act, namely the mature stalks and seeds. To legally grow cannabis in the U.S.? hemp or not? the grower must possess a permit from the DEA, and consequently, cultivating hemp without a permit remains a federal crime. However there is, currently, an exception is the 2014 federal farm bill, which defines ?industrial hemp? as cannabis that contains less than 0.3 percent THC by weight, and which allows state departments of agriculture, universities, and colleges to cultivate industrial hemp for educational and research purposes without a DEA permit. Despite the prohibition on hemp cultivation without a DEA-issued permit, it is not a violation of the federal Controlled Substances Act to purchase, sell, and possess processed hemp products. In the 2005 case of Hemp Industries Association v. Drug Enforcement Administration, the Ninth Circuit held that the DEA had gone beyond its mandate in attempting to regulate all products containing any amount of THC because ?Congress did not regulate non-psychoactive hemp in Schedule I.? The Ninth Circuit further held that ?[t]he DEA?s action is not a mere classification of its THC regulations; it improperly renders naturally-occurring nonpsychoactive hemp illegal for the first time.? The court concluded that Congressional intent was, ?unambiguous? with regard to the regulation of non psychoactive hemp,? and ruled that the DEA ?cannot regulate naturally-occurring THC not contained within or derived from marijuana ? i.e., non-psychoactive hemp products-because non-psychoactive hemp is not included in Schedule I.? As a result of the Hemp Industries Association case, companies and individuals may freely sell CBD derived from processed hemp (not from marijuana), imported from outside the U.S., or from growers exempted from DEA permits or from those with DEA permits. The CBD of the applicant?s goods is appropriately sourced such that that all the goods identified in the application do and will comply with relevant federal law, including the Controlled Substances Act (CSA), 21 U.S.C. ??801-971. WRITTEN RESPONSES - ?Do applicant?s identified goods, or the goods featured in the applicant?s services, contain marijuana, marijuana- based preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances?? The applicant?s identified goods do not contain marijuana, marijuana-based preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances. - ?Is the CBD in the applied-for goods, and the goods featured in the applicant?s services, derived from marijuana or from industrial hemp?? The CBD in applicant?s identified goods are derived from industrial hemp. - ?Are the applicant?s goods/services lawful pursuant to the Controlled Substances Act?? The applicant?s identified goods do not contain marijuana, marijuana-based preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances, as CBD in applicant?s identified goods are derived from industrial hemp and applicant?s identified goods are lawful pursuant to the Controlled Substances Act. MISC The applicant has corrected a typo regarding their name in this response as well.

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

## Applicant hereby deletes the following class of goods/services from the application.

Class 035 for On-line wholesale store services featuring cosmetic and herbal products; On-line wholesale store services featuring cbd sales

## Applicant proposes to amend the following class of goods/services in the application:

**Current:** Class 003 for Skin and body topical lotions, creams and oils for cosmetic use Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

## **Proposed:**

Tracked Text Description: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD

## Class 003 for Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the application had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. For a collective trademark, collective service mark, or collective membership mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. For a certification mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

## Applicant proposes to amend the following class of goods/services in the application:

**Current:** Class 005 for Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

## **Proposed:**

**Tracked Text Description:** Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; <u>all of</u> the aforementioned containing CBD

Class 005 for Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned containing CBD

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. For a collective trademark, collective service mark, or collective membership mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. For a certification mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

## APPLICANT AND/OR ENTITY INFORMATION Applicant proposes to amend the following:

Current: Majik Medecine, LLC, a limited liability company legally organized under the laws of Louisiana, having an address of 629 Village Lane South Mandeville, Louisiana 70471 United States

aabundanthealth@aol.com (not authorized) 985-259-5040

Proposed: Majik Medicine, LLC, a limited liability company legally organized under the laws of Louisiana, having an address of 629 Village Lane South Mandeville, Louisiana 70471 United States

aabundanthealth@aol.com (not authorized) 985-259-5040

## ATTORNEY ADDRESS

Applicant proposes to amend the following: **Proposed:** Blynn L. Shideler of The BLK Law Group, having an address of Suite 200 3500 Brooktree Road Wexford, Pennsylvania 15090 United States Blynn@BLKLawGroup.com 724-934-5450 724-934-5461 The attorney docket/reference number is Majik-1601.

## CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following: **Current:** MAJIK MEDECINE, LLC MAJIK MEDECINE, LLC 629 VILLAGE LANE SOUTH MANDEVILLE Louisiana US 70471

## **Proposed:**

Blynn L. Shideler of The BLK Law Group, having an address of Suite 200 3500 Brooktree Road Wexford, Pennsylvania 15090 United States Blynn@BLKLawGroup.com;Blynn@BLKLawGroup.com 724-934-5450 724-934-5461 The docket/reference number is Majik-1601.

## ADDITIONAL STATEMENTS

**Disclaimer** No claim is made to the exclusive right to use CBD apart from the mark as shown.

## **Supplemental Register**

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

SIGNATURE(S) Response Signature Signature: /Blynn L. Shideler/ Date: 12/14/2016 Signatory's Name: Blynn L. Shideler Signatory's Position: Attorney of Record, PA Bar Memmber

Signatory's Phone Number: 724-934-5450

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: Blynn L. Shideler The BLK Law Group Suite 200 3500 Brooktree Road Wexford, Pennsylvania 15090

Serial Number: 86914580 Internet Transmission Date: Wed Dec 14 19:07:46 EST 2016 TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.201612141907464 86699-86914580-5701fb5ec1c45feb8e07c24a3 6e1b56245c7674c14f9de9f2f716538a399a0ce-N/A-N/A-20161214185552202557 Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number. PTO Form 1553 (Rev 09/2005) OMB No. 0651-0054 (Exp 10/31/2017)

## Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

## The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86914580
LAW OFFICE ASSIGNED	LAW OFFICE 108
EXTENSION OF USE	NO
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86914580/large
LITERAL ELEMENT	CBD MD
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
MISCELLANEOUS STATEMENTS SEC	CTION
MISCELLANEOUS STATEMENT	The identification of goods for the two identified classes are being amended concurrently with this submission in accordance with the examiner's request to clarify the goods, the attached specimens are appropriate for all the goods identified in the amended descriptions
OWNER SECTION (current)	
NAME	Majik Medecine, LLC
STREET	629 Village Lane South
СІТҮ	Mandeville
STATE	Louisiana
ZIP/POSTAL CODE	70471
COUNTRY	United States
PHONE	985-259-5040
EMAIL	aabundanthealth@aol.com
OWNER SECTION (proposed)	
NAME	Majik Medicine, LLC
STREET	629 Village Lane South
СІТҮ	Mandeville
STATE	Louisiana
ZIP/POSTAL CODE	70471
COUNTRY	United States

PHONE	985-259-5040					
EMAIL	aabundanthealth@aol.com					
ATTORNEY SECTION (new)						
NAME	Blynn L. Shideler					
FIRM NAME	The BLK Law Group					
INTERNAL ADDRESS	Suite 200					
STREET	3500 Brooktree Road					
СІТУ	Wexford					
STATE	Pennsylvania					
POSTAL CODE	15090					
COUNTRY	United States					
PHONE	724-934-5450					
FAX	724-934-5461					
EMAIL	Blynn@BLKLawGroup.com					
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes					
DOCKET/REFERENCE NUMBER	Majik-1601					
CORRESPONDENCE SECTION (current)						
NAME	MAJIK MEDECINE, LLC					
FIRM NAME	MAJIK MEDECINE, LLC					
STREET	629 VILLAGE LANE SOUTH					
СІТУ	MANDEVILLE					
STATE	Louisiana					
POSTAL CODE	70471					
COUNTRY	United States					
PHONE	985-259-5040					
EMAIL	aabundanthealth@aol.com					
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes					
CORRESPONDENCE SECTION (proposed)						
NAME	Blynn L. Shideler					
FIRM NAME	The BLK Law Group					
INTERNAL ADDRESS	Suite 200					
STREET	3500 Brooktree Road					
СІТУ	Wexford					
STATE	Pennsylvania					
POSTAL CODE	15090					
COUNTRY	United States					
PHONE	724-934-5450					
FAX	724-934-5461					

EMAIL	Blynn@BLKLawGroup.com;cbelleci@BLKLawGroup.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	Majik-1601
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
CURRENT IDENTIFICATION	Skin and body topical lotions, creams and oils for cosmetic use
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	02/21/2016
FIRST USE IN COMMERCE DATE	02/21/2016
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\869\145\86914580\xml2\ AAU0002.JPG
SPECIMEN DESCRIPTION	Image of the product packaging containing the goods
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	02/21/2016
FIRST USE IN COMMERCE DATE	02/21/2016
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\869\145\86914580\xml2\ AAU0003.JPG
SPECIMEN DESCRIPTION	Image of the product packaging containing the goods
INTERNATIONAL CLASS	035
CURRENT IDENTIFICATION	On-line wholesale store services featuring cosmetic and herbal products; On-line wholesale store services featuring cbd sales
GOODS OR SERVICES	DELETE ALL ITU GOODS/SERVICES IN THIS CLASS
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	200
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Blynn L. Shideler/
SIGNATORY'S NAME	Blynn L. Shideler
SIGNATORY'S POSITION	Attorney of Record/PA Bar Member
DATE SIGNED	12/14/2016
SIGNATORY'S PHONE NUMBER	724-934-5450
FILING INFORMATION	
SUBMIT DATE	Wed Dec 14 19:21:38 EST 2016
	USPTO/AAU-XXX.XXX.XXX.XX-

TEAS STAMP
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Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number. PTO Form 1553 (Rev 09/2005) OMB No. 0651-0054 (Exp 10/31/2017)

## Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

To the Commissioner for Trademarks: MARK: CBD MD(Standard Characters, see https://tmng-al.uspto.gov/resting2/api/img/86914580/large) SERIAL NUMBER: 86914580

The applicant, Majik Medicine, LLC, having an address of 629 Village Lane South Mandeville, Louisiana 70471 United States 985-259-5040 aabundanthealth@aol.com (not authorized) is submitting the following allegation of use information:

For International Class 003: Current identification: Skin and body topical lotions, creams and oils for cosmetic use

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 02/21/2016, and first used in commerce at least as early as 02/21/2016, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Image of the product packaging containing the goods.

Specimen File1

For International Class 005:

Current identification: Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 02/21/2016, and first used in commerce at least as early as 02/21/2016, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Image of the product packaging containing the goods.

Specimen File1

For International Class 035:

Current identification: On-line wholesale store services featuring cosmetic and herbal products; On-line wholesale store services featuring cbd sales

All ITU goods/services in this class are to be deleted

The applicant is not filing a Request to Divide with this Allegation of Use form.

## MISCELLANEOUS STATEMENTS

The identification of goods for the two identified classes are being amended concurrently with this submission in accordance with the examiner's request to clarify the goods, the attached specimens are appropriate for all the goods identified in the amended descriptions

The applicant's current Correspondence Information: MAJIK MEDECINE, LLC of MAJIK MEDECINE, LLC 629 VILLAGE LANE SOUTH MANDEVILLE, Louisiana 70471 United States

The applicant's proposed Correspondence Information: Blynn L. Shideler of The BLK Law Group Suite 200 3500 Brooktree Road Wexford, Pennsylvania 15090 United States The docket/reference number is Majik-1601.

The phone number is 724-934-5450.

The fax number is 724-934-5461.

The email address is Blynn@BLKLawGroup.com;cbelleci@BLKLawGroup.com. The applicant hereby appoints Blynn L. Shideler of The BLK Law Group Suite 200 3500 Brooktree Road Wexford, Pennsylvania 15090 United States

to submit this Trademark/Service Mark Amendment to Allege Use on behalf of the applicant. The docket/reference number is Majik-1601.

The phone number is 724-934-5450.

The fax number is 724-934-5461.

The email address is Blynn@BLKLawGroup.com.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for the allegation of use for 2 classes.

## Declaration

STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified; **for a certification** mark application or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: The signatory being 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 and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares 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: /Blynn L. Shideler/ Date Signed: 12/14/2016 Signatory's Name: Blynn L. Shideler Signatory's Position: Attorney of Record/PA Bar Member Signatory's Phone: 724-934-5450 Mailing Address: The BLK Law Group Suite 200 3500 Brooktree Road Wexford, Pennsylvania 15090

RAM Sale Number: 86914580 RAM Accounting Date: 12/15/2016

Serial Number: 86914580 Internet Transmission Date: Wed Dec 14 19:21:38 EST 2016 TEAS Stamp: USPTO/AAU-XXX.XXX.XXX.201612141921381 55296-86914580-570117a19df7c2ea4e94fd5ea 985ad7e7321f22d5673cc5a05c3a41ed52568c65 93-CC-6415-20161214190850843630





John Bel Edwards Governor



State of Louisiana

Juana Marine-Lombard Commissioner

March 21, 2019

CBD ADVISORY NOTICE Post Release of Louisiana Pharmacy Board Guidance Document

To All:

As previously disclosed by the agency in its February 8, 2019 Notice Regarding CBD and the Agricultural Act of 2018, the Agriculture Act of 2018 (attached) conflicts with Louisiana law because it legalizes the production of hemp products which to some extent have been defined or clarified as a strain of marijuana plant that contains less than .3% THC. However, Louisiana law prohibits any product to contain any level or trace amount of THC. Furthermore, the Louisiana Board of Pharmacy has issued guidance its *Guidance Document re Cannabidiol (CBD) Oil* (attached) that any product extracted from a marijuana plant is classified as a schedule I under the Louisiana Controlled Dangerous Substance Law.

The Louisiana Drug Policy Board is currently reviewing both laws and is expected to issue an opinion soon. Additionally, the agency is awaiting an opinion by the Louisiana Attorney General on the possible conflict between federal and state law. While the agency awaits the decision of the Louisiana Drug Policy Board and the opinion of the Louisiana Attorney General, ATC agents will be issuing citations to any retail permit holders who offer CBD products which appear on the agency's banned list and, ordering the removal of all CBD products from the licensed premises. Additionally, the agency will continue to process pending CBD store applications, but will not issue any permits to CBD stores until said opinions are received.

Should you have any questions regarding same, please do not hesitate to contact our office.

Thanking you in advance, I remain,

Juano for tag

Juana Marine-Lombard, Commissioner Louisiana Office of Alcohol and Tobacco Control



## Louisiana Board of Pharmacy

3388 Brentwood Drive Baton Rouge, Louisiana 70809-1700 Telephone 225.925.6496 ~ E-mail: <u>info@pharmacy.la.gov</u>



During their November 14, 2018 meeting, the Board approved the following guidance document for the benefit of its licensees, particularly those holding state controlled substance (CDS) licenses and federal registrations from the U.S. Drug Enforcement Administration (DEA).

## Guidance Document re Cannabidiol (CBD) Oil

The Board continues to receive questions about cannabidiol (CBD) oil, derived from hemp or derived from marijuana. Act 261 of the 2015 Legislature, which established the state medical marijuana program, made no exception for possession or sale of CBD oil. Louisiana's controlled substance law includes CBD oil in the definition of marijuana.

All marijuana products shall comply with the rules adopted for the state medical marijuana program; they must have a known source as well as known quantities of active ingredients. Further, they may only be dispensed by marijuana pharmacies licensed by the Board of Pharmacy.

Since marijuana is listed in Schedule I of the state's list of controlled substances, no one, including board licensees, may possess or sell CBD oil. Violations of the Louisiana Revised Statutes or Louisiana Administrative Code can subject a person to criminal and/or administrative action.

Frequently Asked Questions re CBD Oil

## 1. Is CBD (cannabidiol) oil legal under Louisiana law?

No. The Louisiana Controlled Dangerous Substances Law defines marijuana as: "all parts of plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the United States Food and Drug Administration." CBD is a compound of marijuana and therefore is considered marijuana under Louisiana law. Marijuana is listed in Schedule I of the state controlled substance list. There is no lawful possession of a substance listed in Schedule I, except for the marijuana products authorized in the state medical marijuana program.

## 2. Is CBD oil legal under federal law?

No. CBD is considered marijuana under federal law. Section 21 U.S.C. 812 of the Controlled Substances Act [CSA] establishes marijuana as a Schedule I substance.

NOTICE: In compliance with Act 2018-655, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or board procedures. You may submit such complaints to one or more of the following organizations: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; <u>info@pharmacy.la.gov</u>. (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; <u>h&ga@legis.la.gov</u>. (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; <u>s&g@legis.la.gov</u>. The federal Drug Enforcement Administration (DEA) cites scientific literature [*J. Anal. Toxic.*, Vol. 24, 715-717 (2000)] in its guidance that cannabinoids such as CBD are "found in the parts of the cannabis plant that fall within the CSA definition of marijuana." Therefore, CBD oil is considered marijuana and a Schedule I substance under federal law.

## 3. Is CBD extracted from hemp legal under Louisiana law?

No. Louisiana law does not make a distinction between CBD extracted from hemp and CBD extracted from marijuana. CBD is a compound of marijuana and therefore is considered marijuana under Louisiana law.

## 4. Does the State of Louisiana have a hemp program?

At this time, the State of Louisiana does not have a hemp program.

## 5. Is CBD extracted from hemp legal under federal law? And how do I know if CBD/hemp oil has been extracted from an illegal part of the Cannabis plant?

The DEA cites scientific literature [*J. Anal. Toxic.*, Vol. 24, 715-717 (2000)] in its guidance, which states in part:

"Cannabinoids are not found in the parts of the cannabis plant that are excluded from the CSA definition of marijuana, except for trace amounts (typically, only parts per million) that may be found where small quantities of resin adhere to the surface of seeds and mature stalk.

Thus, based on the scientific literature, it is not practical to produce extracts that contain more than trace amounts of cannabinoids using only the parts of the cannabis plant that are excluded from the CSA definition of marijuana, such as oil from the seeds. The industrial processes used to clean cannabis seeds and produce seed oil would likely further diminish any trace amounts of cannabinoids that end up in the finished product."

## 6. Can I or my business sell CBD oil products?

No. CBD oil, whether derived from hemp or marijuana, is listed in Schedule I of the state's list of controlled substances. There is no lawful possession of a substance listed in Schedule I, except for the marijuana products authorized in the state medical marijuana program.

## 7. What are the consequences for selling CBD oil?

Violations of the Louisiana Revised Statutes or Louisiana Administrative Code can subject a person to criminal and/or administrative action.

## 8. How does the Board of Pharmacy intend to enforce this guidance statement?

The Board's efforts at this time are educational. In the event licensees continue to sell CBD oil despite having accurate guidance information, the Board may reassess its compliance methodology.

## 9. How is a DEA licensee allowed to dispense Marinol and Epidiolex?

Marinol and Epidiolex have been approved by the federal Food & Drug Administration (FDA) as prescription drug products, and further, have been scheduled by the DEA in other controlled substance schedules used for prescription drug products [Schedule II for the Marinol product in aqueous formulation, Schedule III for the Marinol product in oil formulation, and Schedule V for the Epidiolex product].

NOTICE: In compliance with Act 2018-655, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or board procedures. You may submit such complaints to one or more of the following organizations: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; <u>info@pharmacy.la.gov</u>. (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; <u>h&ga@legis.la.gov</u>. (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; <u>s&g@legis.la.gov</u>. Office of Alcohol and Tobacco Control

JOHN BEL EDWARDS GOVERNOR



State of Louisiana

JUANA MARIE-LOMBARD COMMISSIONER

February 8, 2019

## NOTICE REGARDING CBD AND THE AGRICULTURAL IMPROVEMENT ACT OF 2018

On December 20, 2018, the President signed H.R. 2, the Agricultural Improvement Act of 2018, known more commonly as the 2018 Farm Bill, into law. The \$867-billion agricultural legislation effectively removed hemp from the list of controlled substances and allows states to regulate its production, commerce and research with approval from the USDA.

A provision in Section 12619 of the bill removed hemp from the definition of "marihuana" with hemp being defined as marijuana that contains no more than 0.3 percent (three-tenths of one percent) tetrahydrocannabinol, or THC for short. This federal act may be in conflict with State Law, specifically Louisiana's Uniform Controlled Dangerous Substances Law (La. R.S. 40:961 et seq.) and the Louisiana Drug Policy Board is currently reviewing both laws and will issue an opinion soon.

While the Agency awaits the decision of the Louisiana Drug Policy Board, it will not issue any permits to CBD stores and the Agency's most recent January 10, 2019 5<sup>th</sup> Updated List of Banned Substances and Wholesalers who are Selling Illegal Products remains in full effect for all permit holders. Should you have any questions regarding same, please do not hesitate to contact our office.

Thanking you in advance, I remain,

Juanon for bag

Juana Marine-Lombard, Commissioner Louisiana Office of Alcohol and Tobacco Control

х

- 1 Track your progress Find dispensaries and doctors MJ Buddy is your source for medical research & data collection mjbuddy.com
- 2 1 Stock for Marijuana Boom Like Buying Amazon at \$3.19 This pot stock could be like buying Amazon for \$3.19 fool.com

BREAKING NEWS FEATURED HEALTH CARE POLITICS

## ATC to Crack Down on CBD Oil Sales in Louisiana

Jenn Bentley - Editor-in-Chief March 24th 2019



Photo courtesy of SurferGirl30

On Friday, the Louisiana Office of Alcohol and Tobacco Control (ATC) <u>announced</u> that it will issue citations to any retail permit holder selling Cannabidiol (CBD) oil products from their premises in Louisiana.

According to the agency, the *Agriculture Act of 2018* that legalizes hemp products containing less than 0.3 percent of TH conflicts with Louisiana law. Furthermore, the Louisiana Board of Pharmacy classifies CBD oil as a schedule I substance under the Louisiana Controlled Dangerous Substance Law.

Since marijuana is listed in Schedule I of the state's list of controlled substances, no one, including board licensees, may possess or sell CBD oil. Violations of the Louisiana Revised Statues or Louisiana Administrative Code can subject a person to criminal and/or administrative action.



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The ATC is currently waiting on guidance from the Louisiana Attorney General's office on the conflict between state and federal law. In the meantime, the ATC states that it will be handing out citations to any business offering CBD products that appear on the agency's banned list. Furthermore, while they will continue to process applications for CBD stores, they will not issue any new permits for those stores until they receive clarification.

This new guidance has the potential to impact several businesses across New Orleans, which could face administrative, or even criminal penalties if they continue to offer CBD products.

Jenn Bentley is a writer and editor originally from Cadiz, Kentucky. Her writing has been featured in publications such as The Examiner, The High Tech Society, FansShare, Yahoo News, and others. When she's not writing or editing, Jenn spends her time raising money for Extra Life and advocating for autism awareness.

BREAKING NEWS FEATURED HEALTH CARE POLITICS

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# 26 thoughts on "ATC to Crack Down on CBD Oil Sales in Louisiana"

1. Nunya bidness says: <u>March 24, 2019 at 1:00 pm</u>

"Pharmacy board" Fucking figures.

<u>Reply</u>

1.	Anon says:
Mar	<u>ch 24, 2019 at 4:58 pm</u>







 $\triangleright \times$ 

## A Mousetrap For Mold Tox

Most people don't realize that toxic mold c cause nasal allergies and headache. naturefreshpurifier.com

Х

1. Alysia jean says: March 27, 2019 at 9:30 pm

You need quality CBD to get results. 70% out there is junk. It needs a 3rd party tester. As well as other things to look for in a good oil! It definitely works if you get the real stuff!

<u>Reply</u>

2. Joy says: March 24, 2019 at 9:34 pm

It doesn't even do anything to me at all. Why ban it?

## <u>Reply</u> **FreeOfPharma** says: March 25, 2019 at 9:08 am

Where was the "pharmacy board" when the criminal doctor in Lafayette prescribed me Oxycodone for 11 years when I was 24? Funny how he retired once the DEA made drug dealing "too much of a headache".

3 years removed from that life-altering situation and I still can't let go of my anger toward our state and country's pay to play system giving Big Pharma free reign over our personal health sovereignty.

## <u>Reply</u>

## 2. Deede Chatelain says: March 24, 2019 at 2:08 pm

Well just damn. They (La.) Are trying to make any kind of thing having anything to do with mmj fail. Ass holes.

## <u>Reply</u>

Kathy C Smith says: March 24, 2019 at 4:36 pm

They will try and we will keep fighting. They push and we will push back.

## <u>Reply</u>

8. Kathy C Smith says: <u>March 24, 2019 at 4:35 pm</u>

This is bringing businesses to our city. CBD is not hurting anyone. Why? We won't stop !! We will keep fighting.

4. **C.Williams** says:

### ATC to Crack Down on CBD Oil Sales in Louisiana

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everything. Federal laws should have priority.

<u>Reply</u>

5. Sam says: <u>March 24, 2019 at 7:08 pm</u>

I'm so embarrassed to say I'm from Louisiana when people ask me where I'm from because you automatically get associated with this type of idiocracy. We have freaking drive though daiquiri places all over Louisiana, but a plant that has never killed anyone, and a cannabinoid that isn't even psychoactive are still being demonized. This is so messed up... some people that need relief don't have the sweet time that this state has been taking to get medical patients the relief that they need. CBD helped me stop drinking and taking anxiety meds, doesn't get you high, and has no negative side effects... that's why they don't want you to have it.

<u>Reply</u>

1. **Clyde** says: <u>March 24, 2019 at 10:59 pm</u>

You hit the nail on the head ! Perfectly said!

<u>Reply</u>

6. **Donna** says: <u>March 24, 2019 at 9:13 pm</u>

Louisiana is so greedy..and being the Prison State of the nation...they want to stay in control over their citizens by fear and force. They demonized cannabis way back to make it illegal. Louisiana was a great state that used fear tactics and racism to brainwash their citizens. Shame on you..Louisiana Law Makers...shame on you.

<u>Reply</u>

## 7. Sheila McCarty says: March 24, 2019 at 9:25 pm

Instead of going forward in progress, we are going backwards. Our state should be ashamed of itself. I am praying that marijuana will be legalized soon. Then maybe CBD oil will be OK to use.



8. Renee Bailey says: March 24, 2019 at 9:50 pm

It's not just Louisiana, the company I'm an affiliate with is working with the US Hemp Round Table one state at a time getting the officials in board with the CBD oils. Its frustrating

Х

A Cynthia LaChapelle says: March 24, 2019 at 9:51 pm

Big Pharma controls this shit!!! They obviously don't want CBD around and available to us,the patients ! They know that it would be the cure, we wouldn't be opioid dependent any more!

<u>Reply</u>

**Reply** 

1. J. Smith says: March 25, 2019 at 6:42 am

Living in Ohio the the Pharmacy Board ruled the exact same way. However, multiple attorneys have made statements to the exact opposite. They claim that CBD derived from Hemp can only be sold they MMJ dispensaries. Yet there are multiple retail locations selling it. As long as they do not have other licenses like a tobacco license they can sell. I was told the retailers with special licenses were being threatened with loosing their license. So in the meantime a huge gap in supply has occurred. I have been marketing CBD via online for over a year with zero problems.

## <u>Reply</u>

1. Brian says: <u>March 25, 2019 at 7:59 am</u>

Typical Louisiana! I read in headlines this morning that Mississippi is meeting about abortion laws. Louisiana is focused on this or flagging license for minor issues. I'm a business man and I work in multiple states. Louisiana makes it harder for a business to make it. Keep majoring in minors Louisiana. We will continue to be the worst state in the country.

## <u>Reply</u>

## 10. Alexandra says: March 25, 2019 at 12:42 pm

The problem is that the LABP has given a Marijuana Pharmacy permit to one of their board members. They also gave the permit to grow Marijuana to LSU (hence, the state). It is all related to the crooked LA politics and a group of men that are clueless. The benefits of CBD oil for medical purposes is unbelievable. Your right in saying the state can't make money so the old men on the LABP won't allow it. So

Х

## 11. **Ray** says: <u>March 25, 2019 at 9:33 pm</u>

Seems like this department has too much time on it's hands. I'm sure the money spent on this would have far better uses.

Reply 12. Jamie says:

<u>March 26, 2019 at 9:27 am</u>

Yet another example of our backwards State choosing to stay in the dark ages. Louisiana's motto – "We'll give you cancer, but we won't let you treat it more effectively\* with CBD." \*Commercially available cannabinoids, such as dronabinol and nabilone, are approved drugs for the treatment of

cancer-related side effects. – National Cancer Institute

<u>Reply</u>

13. Jay Sellers says: <u>March 26, 2019 at 6:01 pm</u>

People complain to the Governor about the ATC, they are power hungry and trying to justify their bloated budget.

<u>Reply</u>

14. George says: <u>March 27, 2019 at 11:11 am</u>

> That goes to show just how stupid the state of Louisiana is the, you need to pull your head out of your ASS their are people out there how need that medicine for children who are artistic and other illnesses that cud's help you need to contact your governor and a lawyer and stop this ignorants and get out of the way of progress

<u>Reply</u>

15. **Dmagic** says: March 27, 2019 at 7:51 pm

> Just wow. CBD oil is an amazing health product for a lot of people, so I lets ban it. I rather use that than pharmaceutical made opioids. Time to make a we the people signature page. I am not a persuasive writer. Would anybody else be interested in starting it. This is truly sad.

## <u>Reply</u>

16. Alysia says: <u>March 27, 2019 at 9:35 pm</u>

Cbd has changed my life. I am now pain free and not bedridden from severe pain! I'm off 7 prescription meds

Х

neara!!!

## <u>Reply</u>

1. LizMckinney says: March 28, 2019 at 9:13 am

CBD has also changed my life. I'm a Veteran and was taken off my pain meds because the Government said there are alternatives to use but I have no clue what they are. I started using CBD oil and now I can handle my pain but as usual Louisiana can't decide whether I can take CBD or should I start looking for street drugs. I know there are thousands of Vets with pain but Louisiana doesn't care, so now I'm back to square one!

## <u>Reply</u>

17. **Donald Lester III** says: <u>March 28, 2019 at 10:13 pm</u>

Louisianian's keep voting the crooked southern Demonrats into the governor's office and our state will stay crooked and backwards! Keep believing what the Demonrats lie & promise when running for office & their agenda will allow the jackass's to keep screwing our state while they pocket kickbacks and continue destroying our state and nation!!! CBD oil eliminated my low back pain I've woken with daily since 1988 after having a spinal tap. On the 5th morning after starting the 750mg NON-THC oil I woke for the first time without back pain in 30 years and haven't had that pain now for over 2 weeks!

Big pharma is in cahoots with crooked lawyers and Demonrats that only care about making a buck and the hell with the common citizens of our state!

WAKE UP LOUISIANA!

<u>Reply</u>

## LEAVE A REPLY

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Rating: 4.9 - Review by lisa

Want to Know if **cbdMD** is worth it? **cbdMD** is made with Kentucky grown USA hemp. **cbdMD** makes vape oil, cbd oil, topicals. Includes 2019 coupon code.

## cbdMD: America's #1 Choice - Leafly

https://www.leafly.com/brands/cbdmd Learn about cbdMD including who they are, their products, and where you can find them.

## cbdMD - 2018 Review + Coupon Code - CBD Made with Pride

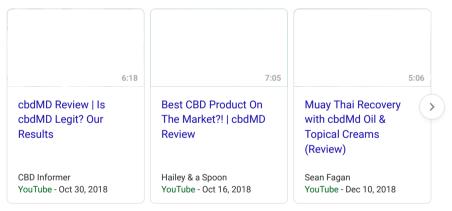
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Dec 21, 2018 - "With the acquisition of cbdMD, I believe Level Brands now becomes one of the leading CBD consumer companies in America. The cbdMD ...

## cbdMD Reviews & 100% Working Coupon Code for 2019 - CBD Oil ... https://www.cbdoilusers.com/cbdmd-reviews-ratings/ <

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## cbdMD Review & Coupon Code - CBD Oil Geek

## https://cbdoilgeek.com/cbdmd-review/ 🔻

cbdMD is one of the more budget friendly outfits manufacturing CBD oils and a full line of complimentary products. They are headquartered in Ireland but claim ...

Up To 50% Off on cbdMD CBD Pain Relief Gel | Groupon Goods https://www.groupon.com/deals/gg-cbdmd-cbd-freeze-pain-relief-4oz-gel ▼ Starting from \$32.99 cbdMD CBD Freeze Pain Relief Gel (4 0z.) from Hookah Town.

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Rating for amazon.com: 4.7 - Order accuracy: 95–100% Find Deals on Cbdmd in Health Care on Amazon. Sales & Deals · Amazon Prime Benefits · Health Care · Baby & Child Care · Vitamins & Supplements

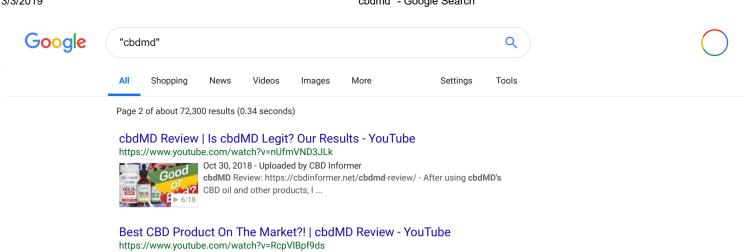
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Oct 16, 2018 - Uploaded by Hailey & a Spoon CBD oil has been a godsend in my life. ... I believe that I have found the best CBD product on the market ...

## cbdMD Review [2019] MUST TRY | Honest CBD Reviews https://honestcbdreviews.com/cbdmd-review/ -

Rating: 9.6/10 - Review by Gabriel

Aug 31, 2018 - cbdMD's price makes it an enticing buy. I review cbdMD's cbd oil and it's effectiveness. Make sure you read this review before you buy cbdMD.

### cbdMD Review - "One of the Best CBD Brands in the Industry" |CBD ... https://cbdorigin.com/cbdmd-review/ -

Rating: 96% - Review by CBD Origin

Nov 14, 2018 - A top-notch product, great pricing, and some of the best flavors we've tried-cbdMD is one of the best brands around. Read our cbdMD Review ...

## cbdMD CBD Bath Bombs Offer A New Way To Unwind & Relax

https://ministryofhemp.com/blog/cbd-bath-bombs/

Dec 10, 2018 - cbdMD CBD Bath Bombs combine high-grade organic CBD and soothing aromas to create a most relaxing experience.Made from guality ...

#### cbdMD 300mg Oil 30mL - Barge Supply

#### bargesupply.com/cbdMD-oil-300mg -

\$27.95

cbdMD Oil Tincture Drops contain the highest premium cannabidiol currently legal in the United States. Our proprietary.

#### cbdMD, US-grown CBD Company, Paving the Way for Other CBD ... https://markets.businessinsider.com > News > Stock News ▼

Jan 17, 2019 - 17, 2019 /PRNewswire-PRWeb/ -- cbdMD, a US-grown and produced CBD oil company based in Charlotte, NC, has been breaking down ...

## cbdMD, Premium CBD Oil Company, Welcomes Two New Executives

https://finance.yahoo.com/news/cbdmd-premium-cbd-oil-company-115000973.html 💌 Jan 10, 2019 - cbdMD continues to expand with the addition of two new executives to the team. CHARLOTTE, N.C., Jan. 10, 2019 / PRNewswire-PRWeb/ ...

## cbdMD is the First National CBD Oil Advertiser in ELLE Magazine

#### https://finance.yahoo.com/news/cbdmd-first-national-cbd-oil-115500043.html -

Feb 5, 2019 - cbdMD's full-page advertisement ran in ELLE Magazine's February 2019 issue NEW YORK , Feb. 5, 2019 /PRNewswire-PRWeb/ -- cbdMD, ...

#### cbdMD Brand Review \*Updated 2019 (Our Honest Review!) https://puregreenliving.com > CBD > CBD Brand Reviews -

Brand Review: cbdMD. Products Reviewed: CBD Freeze 1500MG Cold Therapy Pain Relief, CBD Recover 1500MG Inflammation Formula, CBD Vaping Oil ...

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## AMA Places Ban on cbdMD's CBD Oil Sponsorship of Chad Reed

https://www.accesswire.com/.../AMA-Places-Ban-on-cbdMDs-CBD-Oil-Sponsorship-o... ▼ Feb 19, 2019 - "We beat ourselves up on the track and cbdMD offers athletes a natural approach to both relief and recovery," said Chad Reed. "I still have ...

## cbdMD Salaries | Glassdoor

### https://www.glassdoor.com/Salary/cbdMD-Salaries-E2350081.htm 🔻

Feb 13, 2019 - A free inside look at cbdMD salary trends. 4 salaries for 3 jobs at cbdMD. Salaries posted anonymously by cbdMD employees.

## Kathy Ireland Comments on Level Brands Purchase of cbdMD https://www.apnews.com/5c80919b9aed47cdb31ca3ea6908883b •

Jan 14, 2019 - With this incredible opportunity before us, we moved forward into the CBD industry and purchased **cbdMD**, a premier and nationally recognized ...

## cbdMD hiring Advertising Manager in Charlotte, North Carolina ...

https://www.linkedin.com/jobs/view/advertising-manager-at-cbdmd-1018053044 Advertising Manager. cbdMDCharlotte, North Carolina. 2 months ago Over 200 applicants. No longer accepting applications ...

### cbdMD LLC | North Carolina Biotech Center

directory.ncbiotech.org/content/cbdmd-llc ▼ cbdMD LLC. cbdMD manufactures and sells cannabidiol (CBD) products, including tinctures, capsules, vape oils, bath bombs, topicals and pet products.

### AMA Places Ban on cbdMD's CBD Oil Sponsorship of Chad Reed ...

https://www.marketwatch.com/.../ama-places-ban-on-cbdmds-cbd-oil-sponsorship-of-... Feb 19, 2019 - Chad Reed, Australian motocross and supercross racer, and a cbdMD athlete wore the CBD company's logo on his helmet during his race in ...

#### cbdMD Oil Review | Shopping CBD

#### https://www.shoppingcbd.com/cbdmd-oil-review/ •

Rating: 4.8 - 5 reviews Check out our complete cbdMD oil review and get the most up-to-date info on this high-quality CBD company.

#### Passage of 2018 Farm Bill Strengthens cbdMD's Persistence for CBD ...

https://www.benzinga.com/.../passage-of-2018-farm-bill-strengthens-cbdmds-persisten... ▼ Jan 16, 2019 - cbdMD continues to pave the way for the CBD industry by educating, informing, and producing high-quality CBD oil products for the masses.

## National Hemp Day, Founded by cbdMD, is Set for February 4 - The ...

https://www.bizjournals.com/prnewswire/press\_releases/2019/01/29/UN36276 ▼ Jan 29, 2019 - CHARLOTTE, N.C., Jan. 29, 2019 /PRNewswire-PRWeb/ -cbdMD, a Level Brands company (NYSE American: LEVB), and the Registrar at ...

#### cbdMD Archives - Level Brands

#### https://levelbrands.com/tag/cbdmd/ ▼

"With the acquisition of cbdMD, I believe Level Brands now becomes one of the leading CBD consumer companies in America. The cbdMD brand has shown ...

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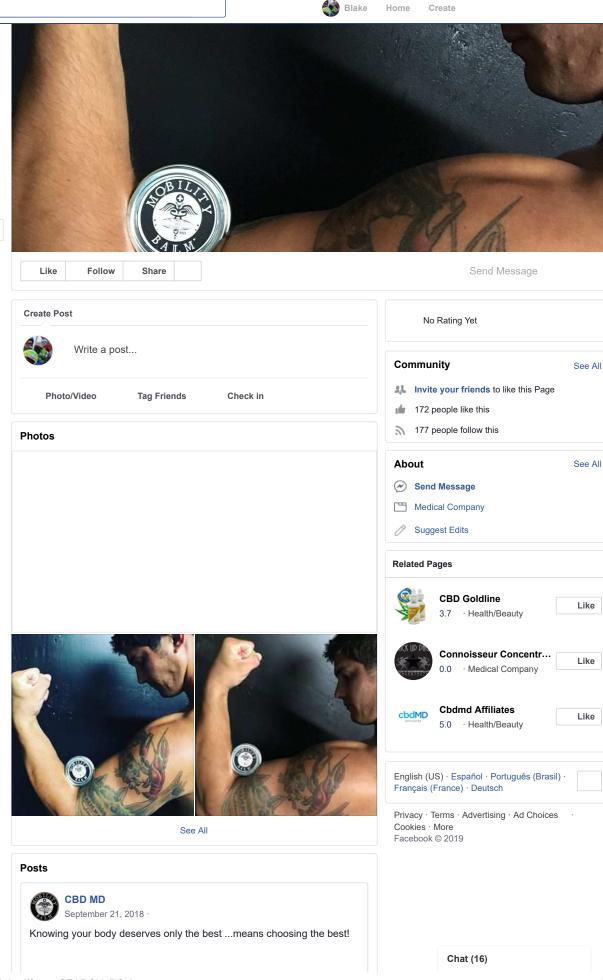
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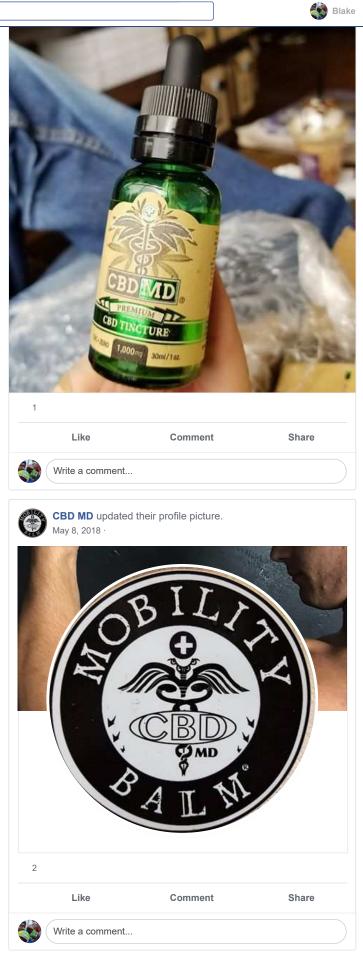
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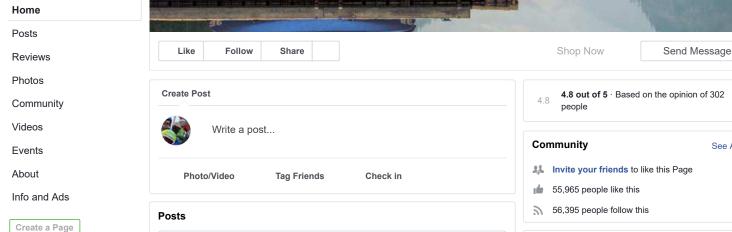
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#### cbdMD @cbdmd.usa



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<b>cbdMD</b> March 8 at 7:30 PM · #cbdMD is proud to have amazing women on our team In our first series celebrating #WomensHistoryMonth we asked our Social Media Manager @imcailey "What advice would you give your younger self in terms of chasing your dream career?" "I would tell young Cailey, be bold, courageous, and confident. Having confidence in yourself and knowing what and who you stand for goes a long way for people. No matter what curve ball life throws at you face it with moxie. Confidence is t See More	About     See All <ul> <li></li></ul>
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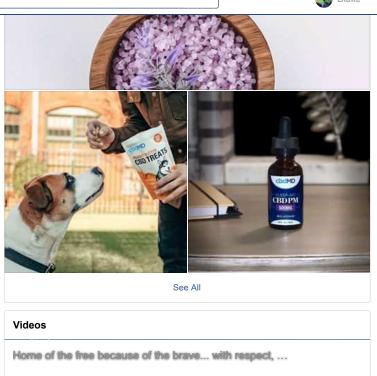
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Sat 12 PM EDT · Lucky Dog Bark & Brew Charlotte · Cha... Party · 921 people

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### INNOVATIVE CBD

Word Mark	INNOVATIVE CBD
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: lip balms containing hemp oils or extracts and CBD. FIRST USE: 20150200. FIRST USE IN COMMERCE: 20150200
	IC 005. US 006 018 044 046 051 052. G & S: Topical analgesics; tinctures, namely, herb extracts; herbal anti-inflammatory salves; all of the foregoing containing hemp oils or extracts and CBD. FIRST USE: 20141000. FIRST USE IN COMMERCE: 20150100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86646135
Filing Date	May 29, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 9, 2016
Registration Number	5066834
Registration Date	October 25, 2016
Owner	(REGISTRANT) INNOVATIVE NUTRACEUTICALS, LLC LIMITED LIABILITY COMPANY CALIFORNIA C/O CHERNIS LAW GROUP PC 2425 OLYMPIC BLVD SUITE 4000-W SANTA MONICA CALIFORNIA 90404
Assignment Recorded	ASSIGNMENT RECORDED
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CBD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



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### CBD LIQUID GOLD

	CBD LIQUID GOLD
Goods and Services	IC 034. US 002 008 009 017. G & S: Glass electronic cigarettes; electronic cigarette liquid containing CBD, namely, electronic cigarette liquid comprised of vegetable glycerin; electronic cigarette liquid comprised of CBD and flavorings in liquid form used to refill electronic cigarette cartridges. FIRST USE: 20151125. FIRST USE IN COMMERCE: 20151125
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87180859
Filing Date	September 23, 2016
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 13, 2017
Registration Number	5274581
Registration Date	August 29, 2017
Owner	(REGISTRANT) CBD, LLC LIMITED LIABILITY COMPANY FLORIDA 3521 Griffin Road Ft Lauderdale FLORIDA 33312
Attorney of Record	Renuka Rajan
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CBD LIQUID" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
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# **CBD** Springs

Word Mark	CBD SPRINGS
Goods and Services	IC 032. US 045 046 048. G & S: Drinking water with vitamins containing cannabidiol. FIRST USE: 20160114. FIRST USE IN COMMERCE: 20160114
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86824682
Filing Date	November 18, 2015
Current Basis	1A
<b>Original Filing Basis</b>	1B
Date Amended to Current Register	September 30, 2016
Registration Number	5088613
Registration Date	November 22, 2016
Owner	(REGISTRANT) Baker, Cory INDIVIDUAL UNITED STATES 27735 Durant St Sun Ciry CALIFORNIA 92585
Attorney of Record	Francis John Ciaramella
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CBD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead Indicator	LIVE

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# **Essential CBD**

#### Word Mark ESSENTIAL CBD

Goods and IC 034. US 002 008 009 017. G & S: Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form, other than essential oils, used to refill electronic cigarette cartridges; Electronic cigarette liquid (e-liquid) comprised of propylene glycol; Electronic cigarette liquid (e-liquid) comprised of vegetable glycerin; all of the aforementioned goods containing CBD. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160401

IC 035. US 100 101 102. G & S: On-line retail store services featuring e-liquid containing CBD. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160401

(4) STANDARD CHARACTER MARK
87010430
April 22, 2016
1A
1A
September 27, 2016
5099842
December 13, 2016
(REGISTRANT) Essential MI LLC LIMITED LIABILITY COMPANY MICHIGAN 122 S Main St #290 Ann Arbor MICHIGAN 48104
JungJin Lee
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PRINCIPAL



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FARMACEUTICAL CBD

Word Mark	FARMACEUTICAL CBD
Goods and Services	IC 004. US 001 006 015. G & S: Hemp oil derived from hemp for use in the manufacture of a wide variety of goods, namely, body care and toiletry products, dietary and nutritional supplements, nutritional food additives for culinary purposes, beverages and food stuffs, and clothing; all of the foregoing containing CBD. FIRST USE: 20161001. FIRST USE IN COMMERCE: 20161001
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87227088
Filing Date	November 4, 2016
Current Basis	1A
Original Filing Basis	1A
Date Amended to Current Register	February 13, 2017
Registration Number	
Registration Date	May 16, 2017
Owner	(REGISTRANT) Full Spectrum Nutrition LLC LIMITED LIABILITY COMPANY FLORIDA 301 Yamato Road Suite 1240 Boca Raton FLORIDA 33431
	(LAST LISTED OWNER) MERRITT, JOHN INDIVIDUAL UNITED STATES 2800 N FLAGLER DR UNIT 203 WEST PALM BEACH FLORIDA 33407
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	XAVIER MORALES
Disclaimer Type of	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CBD" APART FROM THE MARK AS SHOWN TRADEMARK
http://tmsearch.	uspto.gov/bin/showfield?f=doc&state=4807:ddaazq.4.633 1/2



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# GOLD CBD

GOLD CBD
IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed publications, namely, brochures, post cards, informational sheets and teaching materials in the field of high CBD products. FIRST USE: 20150200. FIRST USE IN COMMERCE: 20170818
IC 035. US 100 101 102. G & S: Providing a website featuring consumer information about products containing medical CBD; providing educational consumer information about CBD-containing products. FIRST USE: 20150200. FIRST USE IN COMMERCE: 20170812
(4) STANDARD CHARACTER MARK
86891692
January 29, 2016
1A
1A
December 27, 2016
5330376
November 7, 2017
(REGISTRANT) Avedica Neutraceuticals, Inc. CORPORATION CALIFORNIA 240 19th Ave, Santa Cruz CALIFORNIA 95062
Michael K. Bosworth
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# INSTANT CBD

Word Mark	INSTANT CBD
Goods and Services	IC 035. US 100 101 102. G & S: Providing consumer information about the bioavailability of cannabinoids and alternative delivery systems. FIRST USE: 20170320. FIRST USE IN COMMERCE: 20170320
	IC 044. US 100 101. G & S: Providing health information online about the benefits of cannabis and medical information about bioavailability of cannabinoids and alternative delivery systems. FIRST USE: 20170320. FIRST USE IN COMMERCE: 20170320
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87096614
Filing Date	July 7, 2016
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 18, 2017
Registration Number	5299185
Registration Date	October 3, 2017
Owner	(REGISTRANT) ERS Holdings, LLC LIMITED LIABILITY COMPANY CALIFORNIA 9 Lake Avenue Piedmont CALIFORNIA 94611
Attorney of Record	Mary L. Shapiro
Disclaimer Type of Mark Register	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CBD" APART FROM THE MARK AS SHOWN SERVICE MARK PRINCIPAL
Live/Dead Indicator	LIVE



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# SILVER CBD

Word Mark	SILVER CBD
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed publications, namely, brochures, post cards, informational sheets and teaching materials in the field of high CBD products. FIRST USE: 20150200. FIRST USE IN COMMERCE: 20170818
	IC 035. US 100 101 102. G & S: Providing a website featuring consumer information about products containing medical CBD; providing educational consumer information about CBD-containing products. FIRST USE: 20170200. FIRST USE IN COMMERCE: 20170812
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86891696
Filing Date	January 29, 2016
<b>Current Basis</b>	1A
Original Filing Basis	1A
Published for Opposition	December 5, 2017
Registration Number	5404181
Registration Date	February 20, 2018
Owner	(REGISTRANT) Avedica Neutraceuticals, Inc. CORPORATION CALIFORNIA 240 19th Ave Santa Cruz CALIFORNIA 95062
Attorney of Record	Michael K. Bosworth
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CBD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



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#### Word Mark TRIDERMA MD Goods and IC 005. US 006 018 044 046 051 052. G & S: Non-medicated skin therapy creams and ointments and medicated skin creams Services and ointments, for treating diabetic skin, diaper rash, eczema, psoriasis, dandruff, rosacea, bruises, dry skin, scars, acne, foot care, sores, post-surgical, scalp skin care and healing skin. FIRST USE: 20060324. FIRST USE IN COMMERCE: 20060324 Mark Drawing (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS Code Design 01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop) Search Code 26.05.21 - Triangles that are completely or partially shaded Serial 88061297 Number **Filing Date** August 1, 2018 Current 1A Basis Original 1A **Filing Basis** Published for January 15, 2019 Opposition Registration 5713581 Number Registration April 2, 2019 Date (REGISTRANT) GENUINE VIRGIN ALOE CORPORATION DBA TRIDERMA CORPORATION CALIFORNIA 341 N. Delilah Owner Street, #101 CORONA CALIFORNIA 92879 Attorney of James G. O'Neill Record Prior 3309637;4944651;4959711 Registrations Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN Description Color is not claimed as a feature of the mark. The mark consists of the words "TRIDERMA MD" with a teardrop shape on an inverted triangle on top of the letter "M" in the word "TRIDERMA", and the letters "MD" underneath the letter "A" in the word of Mark "TRIDERMA". The letters "T" and "D" in the word "TRIDERMA" is slightly bigger than the rest of the letters. Type of Mark TRADEMARK Register PRINCIPAL Live/Dead LIVE http://tmsearch.uspto.gov/bin/showfield?f=doc&state=4809:grn16p.3.11



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# KMARIE MD

Word Mark	KMARIE <b>MD</b>
Goods and Services	IC 044. US 100 101. G & S: Providing medical information; Providing medical information in the field of pre and post operative surgical care; Providing a web site featuring medical information. FIRST USE: 20150418. FIRST USE IN COMMERCE: 20150418
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88051931
Filing Date	July 25, 2018
<b>Current Basis</b>	
Original Filing Basis	1A
Published for Opposition	January 15, 2019
Registration Number	5713224
Registration Date	April 2, 2019
Owner	(REGISTRANT) Reid, KMarie INDIVIDUAL UNITED STATES Suite 138 110 W. Center St. Rochester NEW YORK 55902
Attorney of Record	Alicia Ferriabough Taylor
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark identifies KMarie Reid, whose consent(s) to register is made of record.
Live/Dead Indicator	LIVE

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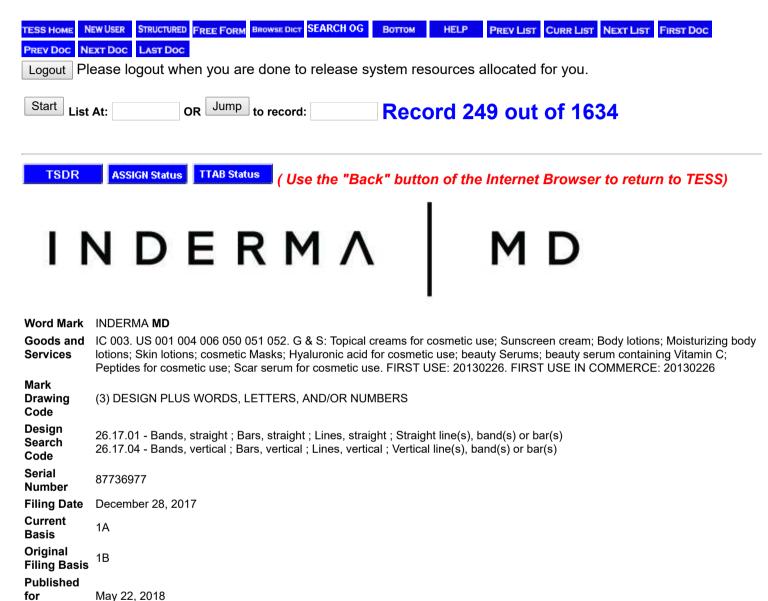
Registration 5717006

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#### **Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Thu Apr 4 03:31:02 EDT 2019



Registratior Date	April 2, 2019
Owner	(REGISTRANT) FD Holdings LLC LIMITED LIABILITY COMPANY DELAWARE 1975 West Bay Drive, Suite 301 Largo FLORIDA 33770
Attorney of Record	Maria Johnson
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of "INDERMA MD" with a vertical line in between "INDERMA" and "MD".
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE



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#### Word Mark AURAE MD

Mark

Goods and IC 003. US 001 004 006 050 051 052. G & S: Age spot reducing creams; Anti-aging cream; Anti-aging cream containing a retinoic ingredient not for medical purposes; Anti-aging moisturizer; Anti-aging toner; Anti-freckle creams; Anti-wrinkle creams; Cleansing creams; Cosmetic creams for skin care; Creams for cellulite reduction; Exfoliant creams; Exfoliating pad containing a glycolic ingredient not for medical purposes; Eye cream; Face and body beauty creams; Face and body creams; Face creams; Face creams and cleansers containing benzoyl peroxide for cosmetic purposes; Face creams for cosmetic use; Facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; Non-medicated acne treatment preparations; Non-medicated anti-aging serum; Non-medicated facial and eye serum containing antioxidants; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Non-medicated skin creams; Non-medicated skin toners; Retinol cream for cosmetic purposes; Skin bronzing creams; Skin care preparation, namely, body polish; Skin care preparations, namely, chemical peels for skin; Skin care preparations, namely, skin peels; Skin care preparations, namely, skin peels; Skin care products, namely, non-medicated skin serum; Skin clarifiers; Skin cleansers; Skin cleansing cream; Skin lightening creams; Sunscreen creams; Suntan creams; Waterproof sunscreen. FIRST USE: 20121210. FIRST USE IN COMMERCE: 20130309

IC 005. US 006 018 044 046 051 052. G & S: Acne medications; Acne treatment preparations; Anti-itch cream; Bone cement for surgical and orthopaedic purposes; Botulinum toxin for medical use for use in the treatment of excessive sweating, excessive eye blinking, neuropathy pain, facial wrinkles; Face creams and cleansers containing benzoyl peroxide for medical purposes, namely, the treatment of acne; Gels, creams and solutions for dermatological use; Hormone replacement therapy preparations; Hormones for medical purposes; Medicated dermatological preparations and substances; Medicated creams for treating dermatological conditions; Medicated dermatological preparations and substances; Medicated facial cleansers; Medicated lotions for treating dermatological conditions; Medicated lotions for hyperpigmentation, aging, wrinkles; Medicated make-up; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated skin preparation for use in treating hyperpigmentation, aging, wrinkles; Medicated sun screen; Med

Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.03.08 - More than one leaf, including scattered leaves, bunches of leaves not attached to branches 27.03.04 - Plants forming letters or numerals
Serial Number	86417900
Filing Date	October 8, 2014
Current Basis	1A
Original Filing Basis	1A

Published September 15, 2015

for Opposition	
Registration Number	4862011
Registration Date	December 1, 2015
Owner	(REGISTRANT) Emami, Margo Aura INDIVIDUAL UNITED STATES 5103 Seagrove Cove San Diego CALIFORNIA 92130
Attorney of Record	Shahrzad Emami
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the word "AURAE" followed by "MD" in superscript. The word "AURAE" consists of capital "A" followed by capital "U" followed by capital "R" followed by capital "A" followed by capital "E". The "U" and the "R" are connected in the word "AURAE". There is an "MD" in superscript form which consists of the capital "M" followed by capital "D" that is above and slightly to the right of the "E" in "AURAE". The "M" and the "D" are connected in the superscript "MD". There is a leaf design that begins at the cross bar of the first capital "A" in "AURAE" and branches out through the capital "U" angling upwards and continuing until it touches the capital "R" in "AURAE". The word "AURAE" is in solid dark font and the "MD" is in the same font but slightly lighter font. The right side of the leaf design is in a darker shading than the left side of the leaf design.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE
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### TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS) FIJENCE MD

Word Mark	FLUENCE MD
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin care preparations. FIRST USE: 20161021. FIRST USE IN COMMERCE: 20161021
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86980819
Filing Date	February 19, 2015
Current Basis	1A
<b>Original Filing Basis</b>	1B
Published for Opposition	June 30, 2015
<b>Registration Number</b>	5106647
<b>Registration Date</b>	December 20, 2016
Owner	(REGISTRANT) Bernstein, Eric F. INDIVIDUAL UNITED STATES 221 Righters Mill Road Gladwyne PENNSYLVANIA 19035
Attorney of Record	Evan A. Raynes
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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# GUNDRY MD

#### Word Mark GUNDRY MD

Goods and IC 003. US 001 004 006 050 051 052. G & S: Cosmetic hand creams; Cosmetic creams; Cosmetic creams for skin care; Services Cosmetic nourishing creams; Cosmetic skin fresheners; Cosmetics and make-up; Cosmetics in the form of milks, lotions and emulsions; Skin care products, namely, non-medicated skin serum; Anti-aging moisturizers used as cosmetics; Argan oil for cosmetic purposes; Body and beauty care cosmetics; Face creams for cosmetic use; Grape seed oil for cosmetic use; Lotions for cosmetic purposes; Non-medicated cosmetics; Non-medicated skin care creams and lotions; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Non-medicated preparations all for the care of skin, hair and scalp; Private label cosmetics; Skin and body topical lotions, creams and oils for cosmetic use; Skin conditioning creams for cosmetic purposes; Skin moisturizers used as cosmetics; Topical herbal extracts for cosmetic purposes; Wrinkle-minimizing cosmetic preparations for topical facial use. FIRST USE: 20160202. FIRST USE IN COMMERCE: 20160202

IC 005. US 006 018 044 046 051 052. G & S: Dietary supplement drink mixes; Dietary supplements; Dietary supplements for human consumption; Dietary supplements in the nature of weight loss powders; Dietary and nutritional supplements; Dietary and nutritional supplements; Dietary supplements; Dietary food supplements; Flaxseed oil dietary supplements; Food supplements; Food supplements; Mineral supplements; Mineral supplements; Mineral food supplements; Mineral nutritional supplements; Mineral supplements; Mineral supplements; Mineral nutritional supplements; Natural herbal supplements; Nutritional supplement drink mix; Powdered fruit-flavored dietary supplement drink mix; Probiotic supplements; Vitamin supplements; Vitamin and mineral supplements; Weight management supplements. FIRST USE: 20160202. FIRST USE IN COMMERCE: 20160202

Standard Characters Claimed Mark Drawing (4) STANDARD CHARACTER MARK Code Serial 87874498 Number Filing Date April 12, 2018 Current 1A Basis Original 1A **Filing Basis** Published for December 11, 2018 Opposition Registration 5683887

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Number Internationa Registration Number	
Registration Date	February 26, 2019
Owner	(REGISTRANT) Agoura Health Products, LLC DBA Gundry MD LIMITED LIABILITY COMPANY CALIFORNIA 23251 MULHOLLAND DRIVE WOODLAND HILLS CALIFORNIA 91364
Attorney of Record	Yangyang Li
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark identifies Steven R. Gundry, whose consent(s) to register is made of record.
Live/Dead Indicator	LIVE
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#### Word Mark MD VUE

**Goods and** IC 010. US 026 039 044. G & S: Medical and surgical apparatus and instruments, namely, orthopedic implants composed of artificial materials; spinal implants composed of artificial materials; implants composed of artificial materials; surgical instruments used in orthopedic surgery: hope screws: and pedicle screws. EIRST USE: 20160706. EIRST USE IN COMMERCE: 20160706

	used in orthopedic surgery; bone screws; and pedicle screws. FIRST USE: 20160706. FIRST USE IN COMMERCE: 20160706
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87024680
Filing Date	May 4, 2016
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 18, 2016
Registration Number	
Registration Date	January 1, 2019
Owner	(REGISTRANT) SPINAL USA, INC. CORPORATION DELAWARE 5 SYLVAN WAY, 2ND FLOOR PARSIPPANY NEW JERSEY 07054
Attorney of Record	Matthew B. Dernier
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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# Puppet MD

Word Mark	PUPPET MD
Goods and Services	IC 044. US 100 101. G & S: Mobile healthcare services. FIRST USE: 20180201. FIRST USE IN COMMERCE: 20180201
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87301981
Filing Date	January 13, 2017
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 20, 2017
Registration Number	5434399
Registration Date	March 27, 2018
Owner	(REGISTRANT) butler, susan I INDIVIDUAL UNITED STATES 19110 Melrose Rd Wildwood MISSOURI 63038
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE
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# REVEAL MD

#### Word Mark REVEAL MD

Goods and IC 003. US 001 004 006 050 051 052. G & S: Cosmetic creams for skin care; Cosmetic preparations; Cosmetic preparations for skin care; Cosmetic preparations for skin care; Cosmetic preparations for skin care preparations. FIRST USE: 20120800. FIRST USE IN COMMERCE: 20120800

IC 005. US 006 018 044 046 051 052. G & S: Medicated creams for treating dermatological conditions; Medicated skin care preparations; Pharmaceutical preparations for skin care. FIRST USE: 20120800. FIRST USE IN COMMERCE: 20120800

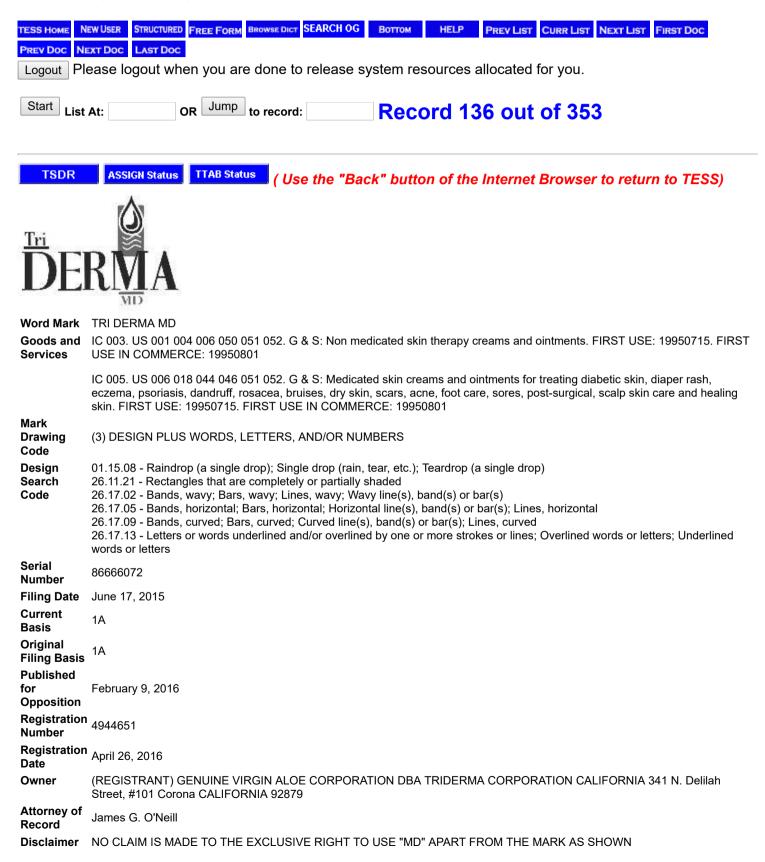
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85657207
Filing Date	June 20, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	February 26, 2013
Registration Number	4452077
Registration Date	December 17, 2013
Owner	(REGISTRANT) Advanced Dermatology, P.C. CORPORATION NEW YORK 6 Lowell Avenue New Hyde Park NEW YORK 11040
Attorney of Record	Harris A. Wolin
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit	SECT 15. SECT 8 (6-YR).



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Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the wording "DERMA" with letters "Tri" being underlined and on top of the letter "D" of "DERMA"; the wording "MD" underneath the letter "M" of "DERMA" with a line between the letter "M" and "MD"; a rectangular block on top of the letter "M" of "DERMA"; three wavy lines in the rectangular block; and a water drop on top of the three wavy lines.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE
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## TRIDERMA MD

Word Mark	TRIDERMA MD
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Non medicated skin therapy creams and ointments. FIRST USE: 19950715. FIRST USE IN COMMERCE: 19950801
	IC 005. US 006 018 044 046 051 052. G & S: Medicated skin creams and ointments for treating diabetic skin, diaper rash, eczema, psoriasis, dandruff, rosacea, bruises, dry skin, scars, acne, foot care, sores, post-surgical, scalp skin care and healing skin. FIRST USE: 19950715. FIRST USE IN COMMERCE: 19950801
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86744360
Filing Date	September 1, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 1, 2016
Registration Number	
Registration Date	May 17, 2016
Owner	(REGISTRANT) GENUINE VIRGIN ALOE CORPORATION DBA TRIDERMA CORPORATION CALIFORNIA 341 N. Delilah Street, #101 Corona CALIFORNIA 92879
Attorney of Record	James G. O'Neill
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL



Subject: U.S. TRADEMARK APPLICATION NO. 869/14580 - CBD MD - N/A Sent: 6/14/2016 9-05:13 PM Sent As: ECOM108@USPTO.GOV Attachment:: Att	To:	Majik Medecine, LLC (aabundanthealth@aol.com)
Sent:       6/14/2016 9/05:13 PM         Sent As:       FCOM108@USPT0.GOV         Attachment:       Attachment:		
Sent As: ECOM108@USPTO.GOV Attachment.3 Attachment1 Attachment3 Attachment3 Attachment3 Attachment4 Attachment4 Attachment4 Attachment8 Attachment9 Attachment9 Attachment9 Attachment10 Attachment11 Attachment13 Attachment14 Attachment15 Attachment16 Attachment17 Attachment18 Attachment22 Attachment23 Attachment23 Attachment23 Attachment24 Attachment25 Attachment31 Attachment31 Attachment31 Attachment31 Attachment32 Attachment34 Attachment34 Attachment35 Attachment31 Attachment35 Attachment31 Attachment35 Attachment34 Attachment35 Attachment34 Attachment35 Attachment34 Attachment35 Attachment34 Attachment34 Attachment34 Attachment34 Attachment35 Attachment34 Attachment35 Attachment34 Attachment35 Attachment34 Attachment34 Attachment35 Attachment34 Attachment34 Attachment35 Attachment34 Attachment35 Attachment36 Attachment36 Attachment36 Attachment36 Attachment36 Attachment36 Attachment37 Attachment36 Attachment36 Attachment36 Attachment36 Attachment36 Attachment37 Attachment37 Attachment38 Attachment36 Attachm		
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#### UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

#### U.S. APPLICATION SERIAL NO. 86914580

MARK: CBD MD

#### \*86914580\*

CLICK HERE TO RESPOND TO THIS LETTER: http://www.uspto.gov/trademarks/teas/response\_forms.jsp

VIEW YOUR APPLICATION FILE

APPLICANT: Majik Medecine, LLC

CORRESPONDENT ADDRESS: MAJIK MEDECINE, LLC

MAJIK MEDECINE, LLC

629 VILLAGE LANE SOUTH MANDEVILLE, LA 70471

#### CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

#### CORRESPONDENT E-MAIL ADDRESS:

a a bundan the alth@aol.com

#### STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

#### ISSUE/MAILING DATE: 6/14/2016

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### SEARCH RESULTS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

#### SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes an ingredient and feature of applicant's goods and/or services, namely, the goods, and the goods featured in the applied-for services, contain cannabidiol ("CBD"), and some are medicated. Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1); see TMEP §1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.,* 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Here, the acronym "CBD" has already been disclaimed as descriptive, but the attached Internet evidence shows that it stands for "cannabidiol," which merely describes an ingredient of the applied-for goods, and the goods featured in the applied-for services. The acronym "MD" is regularly treated as descriptive for goods that are medicated, and thus merely describes a feature of some of the applied-for goods, and goods featured in the applied-for services. Please see the attached Third Party Registrations for similar goods and services where "MD" has been disclaimed as descriptive. It should be noted that a mark does not need to be merely descriptive of all the goods or services specified in an application. *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Franklin Cnty. Historical Soc'y*, 104 USPQ2d 1085, 1089 (TTAB 2012). "A descriptiveness refusal is proper 'if the mark is descriptive of any of the [goods or] services for which registration is sought." *In re The Chamber of Commerce of the U.S.*, 675 F.3d at 1300, 102 USPQ2d at 1219 (quoting *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005)). Therefore, the fact that some of the goods in the application may not be medicated does not obviate the finding that the mark is merely descriptive.

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods and/or services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Phoseon Tech., Inc.*, 103 USPQ2d 1822, 1823 (TTAB 2012); TMEP §1209.03(d); *see, e.g., In re Cannon Safe, Inc.*, 116 USPQ2d 1348, 1351 (TTAB 2015) (holding SMART SERIES merely descriptive of metal gun safes, because "each component term retains its merely descriptive significance in relation to the goods, resulting in a mark that is also merely descriptive"); *In re King Koil Licensing Co.*, 79 USPQ2d 1048, 1052 (TTAB 2006) (holding THE BREATHABLE MATTRESS merely descriptive of beds, mattresses, box springs, and pillows where the evidence showed that the term "BREATHABLE" retained its ordinary dictionary meaning when combined with the term "MATTRESS" and the resulting combination was used in the relevant industry in a descriptive of theater ticket sales services, because such wording "is nothing more than a combination of the two common descriptive terms most applicable to applicant's services which in combination achieve no different status but remain a common descriptive compound

expression").

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, the mark immediately merely describes an ingredient and feature of applicant's goods and/or services, namely, the goods, and the goods featured in the applied-for services, contain cannabidiol ("CBD"), and some are medicated. Accordingly, registration is refused pursuant to Trademark Act Section 2(e)(1).

#### SUPPLEMENTAL REGISTER

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under Trademark Act Section 2(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

See 15 U.S.C. §§1052(d), 1091, 1094; TMEP §815.

### APPLICANT SHOULD NOTE THAT AN AMENDMENT TO THE SUPPLEMENTAL REGISTER WILL NOT OVERCOME A POTENTIAL UNLAWFUL USE IN COMMERCE REFUSAL BELOW.

#### **DISCLAIMER IF AMENDING TO THE SUPPLEMENTAL REGISTER**

Applicant is advised that, if the application is amended to seek registration on the Supplemental Register, applicant will be required to disclaim "CBD" because such wording appears to be generic in the context of applicant's goods and/or services. *See* 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 144, 196 USPQ 7, 8 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash.*, *Inc.*, 229 USPQ 766, 768 (TTAB 1986); TMEP §1213.03(b).

The following is the standardized format for a disclaimer:

#### No claim is made to the exclusive right to use "CBD" apart from the mark as shown.

#### TMEP §1213.08(a)(i).

If applicant responds to the refusal, applicant must also respond to the requirements set forth below.

#### **IDENTIFICATION OF GOODS AND SERVICES**

Applicant's mark includes the wording "CBD", which indicates that applicant's goods and/or services have and/or exhibit, (or will have and/or will exhibit) the following feature or characteristic: the applicant's goods, and the goods featured in its services, contain cannabidiol.

This feature or characteristic is considered desirable for applicant's goods and/or services because cannabidiol has been found to have many health benefits, such as being an antioxidant, providing pain relief, and it may help treat cancer and depression. Please see the attached Internet evidence. However, if some or all of the goods and/or services do not (or will not) in fact have or exhibit this feature or characteristic, then registration may be refused because the mark consists of or includes deceptive matter in relation to the identified goods and/or services. *See* 15 U.S.C. §1052(a); *In re Budge Mfg. Co.*, 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); TMEP §1203.02-.02(b).

To avoid such refusal, applicant may amend the identification to specify that the goods and/or services possess this relevant feature or characteristic. See TMEP \$1203.02(e)(ii), (f)(i), 1402.05 et seq. However, merely amending the identification to exclude goods or services with the named feature or characteristic will not avoid a deceptiveness refusal. TMEP \$1203.02(f)(i).

The wording "featuring cbd sales" in the identification of services is indefinite and must be clarified to specify the type of "cbd sales," e.g., "CBD products." See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Therefore, applicant may amend the identification to the following, if accurate. The wording that appears in **bold** and/or *italics* below represents the suggested changes. Any wording that is crossed out represents matter that must be deleted from the identification.

International Class 3: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD

International Class 5: Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned containing CBD

International Class 35: On-line wholesale store services featuring cosmetic and herbal products containing CBD; On-line wholesale store services featuring CBD products

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable <u>U.S.</u> <u>Acceptable Identification of Goods and Services Manual</u>. See TMEP §1402.04.

#### **REQUIREMENT FOR ADDITIONAL INFORMATION – MARIJUANA-RELATED GOODS/SERVICES**

To permit proper examination of the application, applicant must submit additional information about the goods and/or services. *See* 37 C.F.R. §§2.61(b), 2.69; *In re Stellar Int'l, Inc.*, 159 USPQ 48, 50-52 (TTAB 1968); TMEP §§814, 907. The requested information should include fact sheets, brochures, advertisements, and/or similar materials relating to the goods and/or services. If such materials are not available, applicant must provide a detailed factual description of the goods and/or services. Any information submitted in response to this requirement must clearly and accurately indicate the nature of the goods and/or services identified in the application.

In addition, applicant must submit a written statement indicating whether all the goods and/or services identified in the application will comply with relevant federal law, including the Controlled Substances Act (CSA), 21 U.S.C. §§801-971. *See* 37 C.F.R. §2.69; TMEP §907. The CSA prohibits, among other things, manufacturing, distributing, dispensing, or possessing certain controlled substances, including marijuana and marijuana-based preparations. 21 U.S.C. §§812, 841(a)(1), 844(a); *see also* 21 U.S.C. §802(16) (defining "[marijuana]"). The CSA also makes it unlawful to sell, offer for sale, or use any facility of interstate commerce to transport drug paraphernalia, i.e., "any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under [the CSA]." 21 U.S.C. §863.

Finally, applicant must provide written responses to the following questions:

- "Do applicant's identified goods, or the goods featured in the applicant's services, contain marijuana, marijuana-based preparations, or marijuana extracts or derivatives, synthetic marijuana, or any other illegal controlled substances?;"
- "Is the CBD in the applied-for goods, and the goods featured in the applicant's services, derived from marijuana or from industrial hemp?"
- "Are the applicant's goods/services lawful pursuant to the Controlled Substances Act?"

Failure to satisfactorily respond to a requirement for information is a ground for refusing registration. *See In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re Garden of Eatin' Inc.*, 216 USPQ 355, 357 (TTAB 1982); TMEP §814. Please note that merely stating that information about the goods and services is available on applicant's website is an inappropriate response to the above requirement and is insufficient to make the relevant information properly of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

Applicant is advised that, upon consideration of the information provided by applicant in response to the above requirement, registration of the applied-for mark may be refused on the ground that the mark, as used in connection with the identified goods and/or services, is not in lawful use in commerce. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127.

#### **RESPONSE GUIDELINES**

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "Responding to Office Actions" on the USPTO's website.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. \$1062(b); 37 C.F.R. \$\$2.65(a), 2.68(a); TMEP \$\$718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. \$\$2.6(a)(1)(i)-(iv), 2.209(a); TMEP \$405.04.

Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a private attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06.

For attorney referral information, applicant may consult the <u>American Bar Association's Consumers' Guide to Legal Help</u>, an attorney referral service of a state or local bar association, or a local telephone directory. The USPTO may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Lindsey H. Ben/ Lindsey H. Ben Trademark Examining Attorney Law Office 108 (571) 272-4239 Lindsey.Ben@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to <u>http://www.uspto.gov/trademarks/teas/response\_forms.jsp</u>. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail <u>TEAS@uspto.gov</u>. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.** 

All informal e-mail communications relevant to this application will be placed in the official application record.

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <a href="http://tsdr.uspto.gov/">http://tsdr.uspto.gov/</a>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at <a href="http://trademarkAssistanceCenter@uspto.gov">TrademarkAssistanceCenter@uspto.gov</a> or call 1-800-786-9199. For more information on checking status, see <a href="http://twww.uspto.gov/trademarks/process/status/">http://tsdr.uspto.gov/</a>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at <a href="http://trademarkAssistanceCenter@uspto.gov">TrademarkAssistanceCenter@uspto.gov</a> or call 1-800-786-9199. For more information on checking status, see <a href="http://www.uspto.gov/trademarks/process/status/">http://www.uspto.gov/trademarks/process/status/</a>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

77246732

#### **DESIGN MARK**

#### Serial Number 77246732

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

#### Word Mark JALIMAN MD

Standard Character Mark

Registration Number 3627737

#### **Date Registered**

2009/05/26

#### **Type of Mark**

TRADEMARK

Register

PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

Jaliman M.D., H. Debra INDIVIDUAL UNITED STATES 931 Fifth Avenue New York NEW YORK 10021

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Skin care products, namely, facial cleansers, sunscreens, skin moisturizers, non-medicated facial masks, facial peels, skin care facial toners; non-medicated anti-aging products, namely, serums, creams and lotions; non-medicated lip moisturizers, namely, lip balms and lip sunscreens; hair care products, namely, hair shampoos and conditioners; acne treatment products, namely, non-medicated acne treatment preparations; non-medicated skin care products, namely, pads impregnated with exfoliating acid. First Use: 2008/04/01. First Use In Commerce: 2008/04/01.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Vitamin supplements; acne treatment products, namely, medicated acne treatment preparations; medicated skin care products, namely, pads impregnated with acid for the treatment of acne. First Use: 2008/04/01. First Use In Commerce: 2008/04/01.

#### 77246732

#### **Disclaimer Statement**

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

Filing Date 2007/08/03

Examining Attorney POVARCHUK, REBECCA

### Attorney of Record

Marylee Jenkins

# JALIMAN MD

78967490

#### **DESIGN MARK**

Serial Number 78967490

Status REGISTERED

Word Mark REJUVE MD

Standard Character Mark

Registration Number 3983376

#### **Date Registered**

2011/06/28

#### Type of Mark

TRADEMARK

Register PRINCIPAL

INTRO II/10

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

Kadavi, Arash INDIVIDUAL UNITED STATES 12121 Wilshire Blvd. Suite 1012 Los Angeles CALIFORNIA 90035

#### Owner

Advanced Skin and Hair, Inc. CORPORATION CALIFORNIA 12121 Wilshire Blvd. Suite 1012 Los Angeles CALIFORNIA 90035

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin lotion, facial mask lotion, skin cleanser, skin toner, lip balm, eye lotion, hair shampoo, hair conditioner, hair lotion, bathing lotion, beauty lotion, make-up removing lotion, toning lotion for the face, body and hands, sun-tan lotion, sun-block lotion, shaving lotion, after-shave lotion, anti-aging lotion, anti-wrinkle lotion, skin exfoliant lotion. First Use: 2004/10/15. First Use In Commerce: 2004/10/15.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Medicated skin lotion, medicated skin cleaners, medicated lip balm, medicated eye lotion, medicated hair shampoo, medicated hair

#### 78967490

conditioner, medicated hair lotion, medicated bathing lotion, medicated sun-tan lotion, medicated sun-block lotion. First Use: 2004/10/15. First Use In Commerce: 2004/10/15.

#### **Disclaimer Statement**

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

#### Filing Date

2006/09/05

#### Examining Attorney BESCH, JAY

#### Attorney of Record

F. Jason Far-hadian

# REJUVE MD

Serial Number 85401274

Status REGISTERED

Word Mark PERRICONE MD

Standard Character Mark

Registration Number 4115011

#### **Date Registered**

2012/03/20

#### Type of Mark

TRADEMARK

Register PRINCIPAL

### Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

N.V. Perricone LLC LIMITED LIABILITY COMPANY DELAWARE 600 Montgomery Street San Francisco CALIFORNIA 94111

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Beauty serums; Body and beauty care cosmetics; Cosmetic creams for skin care; Cosmetic preparations for skin renewal; Cosmetic sunscreen preparations; Cosmetics; Eye cream; Facial moisturizer with SPF; Hand creams; Lip balm; Make-up foundations; Non-medicated acne treatment preparations; Skin cleansers; Skin conditioners; Skin cream; Skin lotion; Skin moisturizer; Skin toners. First Use: 2008/01/09. First Use In Commerce: 2008/01/09.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements. First Use: 2008/04/15. First Use In Commerce: 2008/04/15.

#### Prior Registration(s)

3015522;3126999;4038856;AND OTHERS

#### Disclaimer Statement

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

Filing Date 2011/08/18

## Examining Attorney DELANEY, ZHALEH

Attorney of Record Stephen P. McNamara

## PERRICONE MD

Serial Number 85573477

Status REGISTERED

Word Mark PROACTIV MD

Standard Character Mark

Registration Number 4451945

#### **Date Registered**

2013/12/17

#### Type of Mark

TRADEMARK

Register

PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

GR SWISS JV, LLC LIMITED LIABILITY COMPANY DELAWARE 41-550 ECLECTIC STREET, SUITE 200 PALM DESERT CALIFORNIA 92260

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Skin and body care preparations, namely, skin cleansers, skin moisturizers, skin lotions, skin soaps, sun screen preparations, cosmetics, non-medicated skin care preparations. First Use: 2013/04/02. First Use In Commerce: 2013/04/02.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Acne treatment preparations. First Use: 2013/04/02. First Use In Commerce: 2013/04/02.

#### **Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Electronic medical devices for the treatment of acne. First Use: 2013/04/02. First Use In Commerce: 2013/04/02.

#### Prior Registration(s)

#### 85573477

1890769;2162306;2574142;AND OTHERS

#### **Disclaimer Statement**

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

#### Filing Date

2012/03/19

## Examining Attorney DWYER, JOHN

Attorney of Record Marnie Wright Barnhorst

## PROACTIV MD

Serial Number 85618147

Status REGISTERED

Word Mark RH MD

Standard Character Mark

Registration Number 4267913

#### **Date Registered**

2013/01/01

#### Type of Mark

TRADEMARK; SERVICE MARK

#### Register

PRINCIPAL

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

RHMD LLC LIMITED LIABILITY COMPANY FLORIDA 12-305 7777 N WICKHAM ROAD Melbourne FLORIDA 32940

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Body butter; Skin lotion; Sunscreen cream. First Use: 2012/04/05. First Use In Commerce: 2012/04/05.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Dietary supplements; Herbal supplements; Vitamin supplements. First Use: 2012/04/05. First Use In Commerce: 2012/04/05.

#### **Goods/Services**

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health care services, namely, wellness programs; Providing information about dietary supplements and nutrition; Providing wellness services, namely, weight loss programs offered at a wellness center. First Use: 2012/04/05. First Use In Commerce: 2012/04/05.

#### **Disclaimer Statement**

#### 85618147

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

### Filing Date

2012/05/07

### Examining Attorney STINE, DAVID

## **Attorney of Record** Kelly G Swartz

# RH MD

Serial Number 85657207

Status REGISTERED

Word Mark REVEAL MD

Standard Character Mark

Registration Number 4452077

#### **Date Registered**

2013/12/17

Type of Mark

TRADEMARK

Register PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

Advanced Dermatology, P.C. CORPORATION NEW YORK 6 Lowell Avenue New Hyde Park NEW YORK 11040

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Cosmetic creams for skin care; Cosmetic preparations; Cosmetic preparations for skin care; Cosmetic preparations for skin renewal; Non-medicated skin care creams and lotions; Non-medicated skin care preparations. First Use: 2012/08/00. First Use In Commerce: 2012/08/00.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Medicated creams for treating dermatological conditions; Medicated skin care preparations; Pharmaceutical preparations for skin care. First Use: 2012/08/00. First Use In Commerce: 2012/08/00.

#### **Disclaimer Statement**

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

85657207

## Filing Date 2012/06/20

Examining Attorney BULLOFF, TOBY

## Attorney of Record Harris A. Wolin

# REVEAL MD

Serial Number 86072705

Status REGISTERED

Word Mark

Standard Character Mark

Registration Number 4573715

#### **Date Registered**

2014/07/22

#### Type of Mark

TRADEMARK; SERVICE MARK

#### Register

PRINCIPAL

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

Science Food Supplements & Nutrition, LLC LIMITED LIABILITY COMPANY FLORIDA 6141 Sunset Dr., Suite 301 Miami FLORIDA 33143

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Calcium supplements; Dietary and nutritional supplements; Dietary and nutritional supplements for endurance sports; Dietary and nutritional supplements used for weight loss; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary food supplements; Dietary supplement beverage for humans; Dietary supplemental drinks; Dietary supplemental drinks in the nature of vitamin and mineral beverages; Dietary supplements; Dietary supplements for controlling cholesterol; Dietary supplements for human consumption; Dietary supplements for urinary health; Enzyme dietary supplements; Enzyme food supplements; Food supplements for humans; Food supplements, namely, anti-oxidants; Gummy vitamins; Health food supplements; Herbal supplements; Herbal supplements for sleeping problems; Herbal supplements for humans; Homeopathic supplements; Liquid nutritional supplement; Liquid vitamin supplements; Medicated supplements for foodstuffs for animals; Medicated supplements for foodstuffs for babies; Mineral, vitamin, or nutritionally enhanced

#### 86072705

water; Mixed vitamin preparations; Multi-vitamin preparations; Natural supplements for treating depression and anxiety; Natural supplements for treating erectile dysfunction; Nutraceuticals for use as a dietary supplement; Nutraceuticals for use as a dietary supplement for humans; Nutritional and dietary supplements formed and packaged as bars; Nutritional supplement energy bars; Nutritional supplement for eliminating toxins from the body; Nutritional supplement for eliminating toxins from the intestinal tract; Nutritional supplement shakes; Nutritional supplements; Nutritional supplements in lotion form sold as a component of nutritional skin care products; Nutritional supplements in the form of capsules and tablets; Nutritional supplements in the nature of nutritionally fortified soft chews; Nutritional supplements, namely, probiotic compositions; Prenatal vitamins; Protein dietary supplements; Protein supplement shakes; Vitamin A preparations; Vitamin and mineral formed and packaged as bars; Vitamin and mineral preparations for medical use; Vitamin and mineral supplements; Vitamin and mineral supplements for use as ingredients in the food and pharmaceutical industry; Vitamin B preparations; Vitamin C preparations; Vitamin D preparations; Vitamin drops; Vitamin enriched sparkling water; Vitamin enriched water; Vitamin fortified beverages; Vitamin oils for human consumption; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Vitamin tablets; Vitamins; Vitamins and dietary food supplements for animals; Vitamins and vitamin preparations; Vitamins for pets; Weight management supplements. First Use: 2013/05/01. First Use In Commerce: 2014/05/09.

#### **Goods/Services**

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Conducting telephone and in-person personal lifestyle wellness assessments; Counseling services in the fields of health, nutrition and lifestyle wellness; Providing a website featuring information and advice in the fields of diet, weight loss, diet planning and lifestyle wellness; Providing a website featuring information regarding healthy living and lifestyle wellness; Providing healthy lifestyle and nutrition services, namely, personal assessments, personalized routines, maintenance schedules, and counseling; Providing information about dietary supplements and nutrition; Providing information on maintaining a healthy lifestyle and losing weight; Vitamin therapy. First Use: 2013/05/01. First Use In Commerce: 2014/05/09.

#### **Disclaimer Statement**

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

#### **Colors Claimed**

Color is not claimed as a feature of the mark.

Filing Date

2013/09/24

## Examining Attorney NELSON, EDWARD H.

Attorney of Record Marissa L. Schwartz

# Vida MD

Serial Number 86417900

Status REGISTERED

Word Mark

Standard Character Mark

Registration Number 4862011

#### **Date Registered**

2015/12/01

#### Type of Mark

TRADEMARK

Register

PRINCIPAL

#### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

#### Owner

Emami, Margo Aura INDIVIDUAL UNITED STATES 5103 Seagrove Cove San Diego CALIFORNIA 92130

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Age spot reducing creams; Anti-aging cream; Anti-aging cream containing a retinoic ingredient not for medical purposes; Anti-aging moisturizer; Anti-aging toner; Anti-freckle creams; Anti-wrinkle creams; Cleansing creams; Cosmetic creams for skin care; Creams for cellulite reduction; Exfoliant creams; Exfoliating pad containing a glycolic ingredient not for medical purposes; Eye cream; Face and body beauty creams; Face and body creams; Face creams; Face creams and cleansers containing benzoyl peroxide for cosmetic purposes; Face creams for cosmetic use; Facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; Non-medicated acne treatment preparations; Non-medicated anti-aging serum; Non-medicated facial and eye serum containing antioxidants; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Non-medicated skin creams; Non-medicated skin toners; Retinol cream for cosmetic purposes; Skin bronzing creams; Skin care preparation, namely, body polish; Skin care preparations, namely,

#### 86417900

chemical peels for skin; Skin care preparations, namely, fruit acid peels for skin; Skin care preparations, namely, skin peels; Skin care products, namely, non-medicated skin serum; Skin clarifiers; Skin cleansers; Skin cleansing cream; Skin lightening creams; Sunscreen creams; Suntan creams; Waterproof sunscreen. First Use: 2012/12/10. First Use In Commerce: 2013/03/09.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Acne medications; Acne treatment preparations; Anti-itch cream; Bone cement for surgical and orthopaedic purposes; Botulinum toxin for medical use for use in the treatment of excessive sweating, excessive eye blinking, neuropathy pain, facial wrinkles; Face creams and cleansers containing benzoyl peroxide for medical purposes, namely, the treatment of acne; Gels, creams and solutions for dermatological use; Hormone replacement therapy preparations; Hormones for medical purposes; Medical preparations for slimming purposes; Medicated cosmetics; Medicated creams for treating dermatological conditions; Medicated dermatological preparations and substances; Medicated facial cleansers; Medicated lotions for treating dermatological conditions; Medicated lotions for hyperpigmentation, aging, wrinkles; Medicated make-up; Medicated skin care preparations; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated skin preparation for use in treating hyperpigmentation, aging, wrinkles; Medicated sun block; Medicated sun screen; Medicated sunscreen; Medicinal creams for skin care; Orgasm creams. First Use: 2012/12/10. First Use In Commerce: 2013/03/09.

#### **Disclaimer Statement**

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

#### **Description of Mark**

The mark consists of the word "AURAE" followed by "MD" in superscript. The word "AURAE" consists of capital "A" followed by capital "U" followed by capital "R" followed by capital "A" followed by capital "E". The "U" and the "R" are connected in the word "AURAE". There is an "MD" in superscript form which consists of the capital "M" followed by capital "D" that is above and slightly to the right of the "E" in "AURAE". The "M" and the "D" are connected in the superscript "MD". There is a leaf design that begins at the cross bar of the first capital "A" in "AURAE" and branches out through the capital "U" angling upwards and continuing until it touches the capital "R" in "AURAE". The word "AURAE" is in solid dark font and the "MD" is in the same font but slightly lighter font. The right side of the leaf design is in a darker shading than the left side of the leaf design.

#### **Colors Claimed**

Color is not claimed as a feature of the mark.

#### Filing Date

2014/10/08

## Examining Attorney FIRST, VIVIAN MICZNIK

## Attorney of Record Shahrzad Emami

AURAE

Serial Number 86744360

Status REGISTERED

Word Mark TRIDERMA MD

Standard Character Mark

Registration Number 4959711

#### **Date Registered**

2016/05/17

#### Type of Mark

TRADEMARK

Register

PRINCIPAL

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

GENUINE VIRGIN ALOE CORPORATION DBA TRIDERMA CORPORATION CALIFORNIA 341 N. Delilah Street, #101 Corona CALIFORNIA 92879

#### **Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Non medicated skin therapy creams and ointments. First Use: 1995/07/15. First Use In Commerce: 1995/08/01.

#### **Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Medicated skin creams and ointments for treating diabetic skin, diaper rash, eczema, psoriasis, dandruff, rosacea, bruises, dry skin, scars, acne, foot care, sores, post-surgical, scalp skin care and healing skin. First Use: 1995/07/15. First Use In Commerce: 1995/08/01.

#### **Disclaimer Statement**

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

Filing Date

2015/09/01

## Examining Attorney LEE, JANET

Attorney of Record James G. O'Neill

## TRIDERMA MD

## TRIDERMA MD

86298315

#### **DESIGN MARK**

Serial Number 86298315

Status REGISTERED

Word Mark ANJALI MD

Standard Character Mark

Registration Number 4920412

**Date Registered** 

2016/03/22

Type of Mark SERVICE MARK

Register PRINCIPAL

Mark Drawing Code (4) STANDARD CHARACTER MARK

#### Owner

Butani Group, LLC LIMITED LIABILITY COMPANY MISSISSIPPI 50 Hospital Drive Tylertown MISSISSIPPI 39667

#### **Goods/Services**

Class Status -- ACTIVE, IC 035. US 100 101 102. G & S: Retail store services and mail order services in the field of body care products. First Use: 2010/05/01. First Use In Commerce: 2010/05/01.

#### **Disclaimer Statement**

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

#### Name/Portrait Statement

The name(s), portrait(s), and/or signature(s) shown in the mark identifies Anjali Butani, whose consent(s) to register is made of record.

#### **Translation Statement**

The English translation of "Anjali" in the mark is "Divine Offering".

#### **Filing Date**

-1-

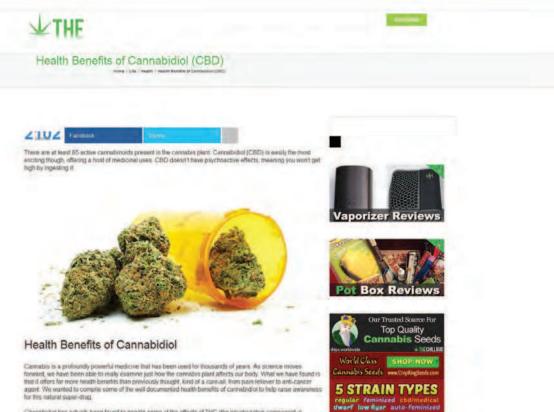
86298315

2014/06/02

Examining Attorney NGUYEN, NICOLE A

Attorney of Record Neal Massand

# Anjali MD



Cannabidiol has actually been found to negate some of the effects of THC (the osychoactive component in

Lannaciocol has actually been round to negate some of the effects of LHL, the psychoactive component in cannability. More specifically, cannabilitol helps to prevent the acuté memory impairment caused by Tetrahydrocamabilitol (THC). [1]

#### Vitamin CBD - Antioxidant Benefits of Cannabidiol

We all know how important antioxidants are for our health, and we all know about Vitamin C and Vitamin E. What you probably didn't know, is that cannabidiol is a more powerful antioxidant than either Vitamin C or E. [2]

The powerful antioxidant benefits of cannabidiol are thought to be partially responsible for it's ability to light chronic inflamination and protect brain cells from reactive arygen species.

#### **Cannabidiol for Pain Relief**

"Cannabinoids may be supenior to opioids in alleviating intractable pathologic pain syndromes." -- J. Manzanares

The cannabis plant is widely known for its analgesic properties. There are a few cannabinoids that help to relax muscles and relieve pain, but the most prominent is cannabidol

Carmabis extracts have been found to relieve part even more effectively than oproid painfuliers. Oproid pain relievers are widely proscribed for pain, however they pose some serious health concorns and are extremely addictive:

Cannabidiol can be used to help treat acute pain, postoperative pain, physicity pain, and neuropathic pain. This has made it a preferred pain management treatment for cancer patients, individuals with multiple sclarosis, migraine sufferers and people with phartom limb syndrome. [3]

#### **Neuroprotective Benefits of Cannabidiol**

Manjuana may have a bad reputation, associated with brain-dead pot-heads and lazy stackers. Contrary to this convince misconception, cannabidiol actually helps protect our brain and cognitive function.

Inflummation is a leading contributor to virtually all known diseases, neurodegenerative disordors included. Because cannabidiol acts as a natural anti-inflammatory as well as a potent antioxidant, it is a very promising treatment option for all neurodegenerative disorders. [4]

#### Anti-Cancer & Anti-Tumor Benefits

Researchers have been searching for a cure for cancer for decades, looking for a treatment option that doesn't ravage the entire body. After spending well over \$100 billion on cancer research, we still don't have a cure [5] But the answer may have been hidden in plan site. deep inside the cannabis plott

Cannabidiol has been found to activate apoptotic pathways in breast cancer cells. Researchers are now exploring the cancer-fighting potential of cannabidiol and the initial results are very promising. [0]

CBD is an antineoplastic agent, meaning it inhibits the growth and spread of fumors. Making it a promising potential treatment option for cancer patients of all kinds.

#### Improved Fracture Healing & Bone Strength

Alright, cannabidiol is a powerful sleep aid, pain reliever, yields senous benefits for our cognitive health and even













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#### http://thechillbud.com/health-benefits-of-cannabidiol-cbd/ 06/14/2016 08:44:55 PM

mingels, samasesens a la pometera setta ana, parmiteren, preus servicas vericens no son cogenere riteren ana even helps light cancer. As if that wasn't remarkable enough, if even helps us heal broken bones.

Don't expect miraculous heating powers like Wolverine, but one study shows that CBD lead to an improvement in fracture heating, plaving a critical role in collagen cross-linking. Meaning it helped fractured bones repair themselves more effectively. [7]





Cannabidiol May Help Treat...

Stated above, cannabidiol is a powerful anticoxidarit and anti-inflammatory, making it extremely beneficial for the treatment of almost every disease we know of. Inflammation and oxidative damage are two of the biggest controlorios to disease progression and any nealti disorder. By lighting both, CBD atready proves their a beneficial treatment option.

#### Cancer

The antineoplastic properties found in carmatris have been found to inhibit cancerous development and tarnor growth. Stimulating apoptotic pathways in the body allows the immune system to effectively destroy cancerous cells.

#### **Multiple Sclerosis**

MS causes severe chronic pain in sufferers. The body's immune system actually attacks nerve endings, resulting in constant pain.

Cannabackol has been found to releve the chronic pain brought on by Multiple Sciencess. Although it is illegal in many countries, estimates suggest that between 10% and 30% of MS patients in Fumpe smoke manyaina to help ease the pain and disabling symptoms of MS. [3]

#### Seizures and Epilepsy

Much remains to be learned about cantiabidicits anti-seizure effects: but researchers acree they are crossed and

Much remains to be learned about cannabidiois anti-seizure effects, but researchers agree mey are present and powerful. This makes cannabidio) an extremely promising treatment option for epilepsy. [9]

One mother in Catagary is inplifing a hospital to get her 3-year old a metical immunana presemption remeved. Her daughter suffered from severe epileptic opisodes in her earlier years, averaging 30+ seizures per day, some day, it was more than 100. Since she started carmabie of treatment, she hash suffered a secure in over 18-months.

Sadly the ethical issues surrounding manjuana based treatment still flourish. The hospital is denying her medical manjuana renewal due to a lack of evidence that manjuana is a safe treatment option for her child.

#### Depression

CBD induces antidepressant-like effects in mice according to researchers. [5] THC also possesses antidepressant-like qualities, leaving users feeling uplifted, euphonic and relaxed.

#### Schizophrenia

Current research suggests that cannabidiol is an effective, safe and well folerated alternative treatment for schizophrena. It yields anxiolytic and anti-psychotic benefits that help patients with schizophrena as well as a number of other psychotic conditions, including bipolar disorder. [16]

#### Diabetes

Cannabidui treatment "significantly reduces the incidence of diabetes" in mice. From 80% in non-freeted mice to only 30% in mice freated with CBD. Results indicate that cannabidiol can inhibit and delay destructive insults and informinatory cytokine production  $\{\gamma_i\}$ 

#### **Cardiovascular Disease**

The same diabetic benefits of CBD are also responsible for its cardiovescular benefits. CBD attenuated myocardial dysfunction, cardiac fibrosis, oxidative stress, inflammation, cell death and interrelated signaling pathways. [12]

#### Cannabis, Mother-Nature's Super-Medicine

The astounding number of medical benefits associated with the cannabis plant make it impossible to ignore any longer.

Marguana prohibition in North America has slowed research significantly. Other countries have continued to study the medical applications for the cannabis plant, but as cannabis isws relax in America the number of studies are growing significantly.

The stigma attached to ingesting cannabis is still strong however. Even though cannabidiol posses no psychoactive effects, it loo has been demonized by health organizations for decades.

We have an optimistic attriute when it comes to cannabis medical research. Studies show us that it is a relatively harmless medicine: recreational intoxicant: With states like Colorado and Washington speatheading the cannabis revolution, many lears have been put to test. For example, the fear that ingatizing medical cannabis would cause teen manipuna use to skytocket, this has been disproved.

Cannabis has brought in tens of rollions in tax revenue over the past two years, going towards our schools, infrastructure and public services.

 Agree 2001

 Agree 2001

 Agree 2001

 Agree 2001

 Agree 2001

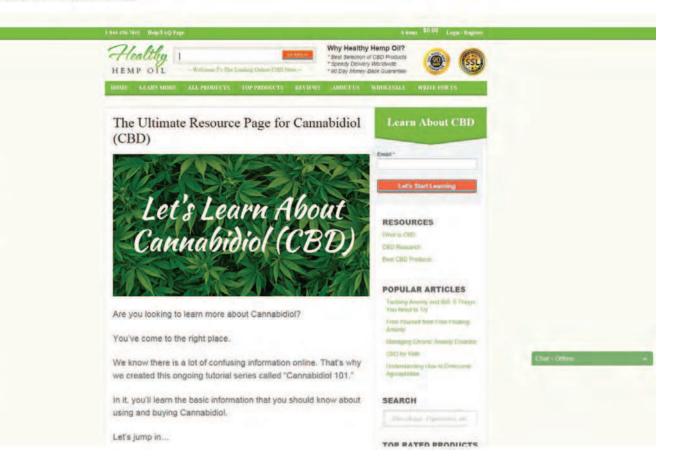
 Agree 2001

 Agree 2001



435 Shares

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## 1. Cannabidiol Basics

If you're new to cannabidiol, you'll want to start here.

In this section you'll discover topics like benefits, current research, legal status, history, and many more.

What is CBD (Cannabidiol)?

CBD vs THC: What is the Difference?

What is Cannabidiol's Legal Status?

How Does CBD Work?

Hemp vs Marijuana: What's the Difference?

What's the Difference Between CBD Oil from Medical Marijuana and CBD Oil from Industrial Hemp Oil?

#### 2. Cannabidiol Buying Guide



We know that choosing the right CBD product can be confusing at first.

That's why we created this easy to read guide.

In it you'll discover the different types of

CBD products, the most popular brands, and some of our most popular products. Check out our Buy Cannabidiol Guide here.

#### 3. Latest Cannabidiol News

# 

6

#### or failer cummonanti sterra

Our blog showcases the latest news in the ever growing cannabidiol industry. See as CBD oil gets mentioned by Michael Pollan, CNN's Sanjay Gupta and more!

To read the latest news on CBD head to our blog here.

#### What is CBD (Cannabidiol)?

"So what is CBD (Cannabidiol), anyway?" is a question we are commonly asked.

Cannabidiol, also known as CBD, is a natural substance that has recently come into the spotlight for a number of reasons.

It is a relatively new food supplement that is still being researched, and while the initial results are promising, there is a lot of doubt, misinformation, and sheer confusion surrounding it.

Recently, CBD oil has become an accepted means of relaxation, and the substance's popularity is rising fairly rapidly.

As the use of C8D oil is very new, there are still significant gaps in what we know about its effects. While we can confidently say the substance is safe and legal, its exact benefits are still an issue of hot debates and fervent research.

In this article, we are putting the most important facts surrounding Cannabidiol together to cut through some of the confusion and nive you a clearer ordrive about this new cannabinoid known as



give you a clearer picture about this new cannabinoid known as CBD. This article covers:

The benefits of CBD Where does CBD come from? CBD's legal status (and the confusion surrounding it!)

Finally, we have included our "Cannabidiol Definitions" section to help you make sense of all the technical terms and jargon surrounding CBD.

#### What Are the Benefits of CBD?

Numerous people are reporting success in using CBD to reach a desired state of calm and relaxation.

Strictly as a chemical substance, CBD also has strong antioxidant properties, a fact that so far has been largely ignored by the broader food supplements industry.

As each person is different, and because CBD's effects are still under study, we strongly encourage you to do your own research before incorporating CBD to your daily life.

#### Where Does CBD Come From?

CBD is extracted and separated from specific varieties of cannabis, often known as hemp. Chemically, CBD is one of 85 chemical substances known as cannabinoids, which are all found





in the cannabis plant. CBD is the second most abundant compound in hemp, typically representing up to 40% of its extracts.



However, here is where the confusion starts.

Unfortunately, the most abundant constituent of cannabis is the cannabinoid known as THC, an intoxicating and illegal substance that is responsible for causing marijuana users to get "high."

While CBD is completely separated and isolated from THC and CBD cannot get you "high," there is still a lot of stigma as many people tend to mistake CBD for THC. These fears, though unfounded, are understandable to an extent, especially since the terminology surrounding CBD can be very confusing.

Nonetheless, it is impossible to get "high" by smoking or ingesting CBD-high hemp (that has only traces of THC), as it is also impossible to get high by consuming CBD oil products (that contain virtually no THC).

CBD is extracted in oil form and is often found mixed in hemp oil extracts in varying concentrations.

#### Is Cannabidiol Legal?

Yes, CBD is legal worldwide (a controlled substance in Canada alone). As we've seen above, there is a lot of misinformation surrounding CBD, partially because its chemical properties are poorly understood and partially because of its close resemblance to THC.

Until relatively recently (1980s), scientists believed that CBD was a natural precursor to the formation of THC, and since THC was a strictly controlled substance back then (it still is), it only followed



that CBD should be equally strictly regulated.

However, CBD is actually unrelated to the chemical chain that results in THC. They share some characteristics but are created via different paths. Again, unlike THC, CBD is considered a legal cannabinoid and is safe to consume in any amount and concentration.

#### **Cannabidiol Definitions**

We understand that there are some confusing terms related to Cannabidiol, so we wanted to take the time to explain them to you. Below is a list of the most important terms to understand related to Cannabidiol:

Cannabis – A type of flowering plant that includes three distinct variations: Cannabis ruderalis, Cannabis indica, and Cannabis sativa. Cannabis has a wide range of industrial and medical applications. It has been used since antiquity for its sturdy fiber, for oils, and for medicinal purposes. However, it has also been used as a recreational drug, a fact that renders the cultivation of cannabis strictly regulated because of some variations including high concentrations of THC.

Hemp – Hemp refers to the high-growing varieties of cannabis that are grown to be specifically used for fiber, oil, and seeds. These are then refined into numerous products including wax, resin, cloth, pulp, paper, rope, fuel, and hemp oil.

Cannabinoids – A very diverse chemical family that includes natural as well as artificially created substances. Different cannabinoids have widely varied effects, with some cannabinoids proven to have soothing and relaxing properties and others classified as illegal drugs.

CBD – A naturally occurring cannabinoid, and the second most abundant constituent of the Cannabis plant. CBD is legal and safe to consume, yet has long been in the shadow of THC.



THC – The most abundant constituent of the cannabis plant and a strongly psychoactive cannabinoid, THC is responsible for getting "high" from smoking marijuana and, as a result, its production and usage are strictly regulated. Psychoactive – Any chemical substance that can enter the brain from the bloodstream and directly affect the central nervous system is considered psychoactive. Many psychoactive substances have medical applications (such as anesthetics, psychiatric drugs, etc.), but some of these substances are used solely for recreation, causing dangerous side effects and

addiction. Intoxicating – Any substance that can cause you to lose control of your faculties and alter your behavior is considered intoxicating. Almost all illegal drugs have intoxicating properties, although worldwide most intoxication cases are attributed to alcohol. Intoxication can be caused by substances that directly affect the brain (i.e., psychoactive) or by indirectly causing damage to your organism (i.e., through toxicity, hence the term).

#### Closing Words / What Makes CBD Different

In today's world, there are countless supplements on the market. Yet, even as a newly popularized supplement, CBD stands out as a naturally calming and soothing. In addition, scientists are staying open to the possibility of wider applications of CBD in the near future.

For many people, CBD products are becoming a relaxing addition to their daily lives. However, since each person's needs are different, we always encourage you to do your own research to see if CBD oil is right for you.

As we strive to be the most consumer-focused provider of CBD oil in the market, we will be creating more articles to point out the most recent CBD research and all related scientific



breakthroughs.

Our aim is to provide a balanced and accurate view of everything and anything related to the use of CBD, so stay tuned for more objective information about CBD and always be prepared for some critical thinking and research of your own as well.

#### CBD vs THC: What is the Difference?

Cannabidiol (CBD) and tetrahydrocannabinol (THC) are the two most abundant cannabinoids found naturally in hemp.



#### Classed as phytocannabinoids

(as opposed to endocannabinoids and cannabinoids that are manufactured artificially), both CBD and THC interact with specific cells mainly in our brains (but also in other organs).

Both CBD and THC have a wide range of applications and are similar at the molecular level. This has led the public to often confuse them, and even the scientific community believed that CBD and THC were in fact the same substance until relatively recently.

However, the chemical properties of CBD and THC vary widely enough to classify THC as a psychotropic drug strictly controlled by federal authorities, while CBD is regarded as legal and safe worldwide.

Unfortunately, there is a lot of misinformation surrounding these substances, propagated in part by interests that seek to promote one substance over the other. In this article, we will give you the



lowdown on some scientific facts about both CBD and THC, explaining objectively and in simple terms the differences between CBD and THC.

### CBD vs THC in Clinical Application

Both CBD and THC interact with cells within our bodies by activating the cannabinoid receptors. Without venturing too deeply into technical terms, we can say that these receptors are responsible for transmitting signals within our bodies, causing different physiological effects.

Some cannabinoids are capable of desirable effects (they are beneficial to us). Others cause undesirable psychotropic effects in our bodies (such as getting "high," or causing depression, etc.), and a few of these substances cause both desirable and undesirable effects.

Currently, there are no documented studies that show undesirable effects from CBD, which is why this particular cannabinoid is legal worldwide. However, there are many studies showing CBD to cause only desirable effects or oo effects at all. (Not only that, but CBD has also been shown to protect against the negative effects of THC).

It is important to point out that research is still underway for many applications of CBD.

#### THC

THC was the first phytocannabinoid that was discovered and has been much more extensively researched than CBD.

We know with fairly high certainty that THC is strongly psychoactive and can be intoxicating even in small amounts. This means that THC can alter your behavior and cause you to lose control of your faculties, properties that make it a popular (illegal)



recreational drug in the form of marijuana.

Nonetheless, THC has desirable medical applications and has been shown to be effective as a moderate-strength analgesic (a type of drug that offers relief from pain) and an effective form of treatment for the symptoms of "serious" diseases including AIDS and for cancer patients undergoing chemotherapy.

These invaluable properties of THC have given rise to the use of marijuana for legal medical purposes. Medical marijuana is safe when prescribed by a doctor and can significantly improve the quality of life for many people suffering from serious and/or chronic diseases.

#### What Do Scientists Say?

Overall, it is generally accepted that CBD is safer than THC for a number of reasons. There have been certain studies that found statistically significant correlations between long-term use of THC and certain psychiatric disorders, including schizophrenia, depression, and psychosis.

However, we must note here that in scientific studies such as these, correlation does not imply causation; that is, the usage of THC might be linked to psychiatric disorders without necessarily being that root cause of them. (Much like lighters are linked to smoking, but possession of a lighter does not necessarily mean you are a smoker.)

As we have also seen above, CBD is considered to have wider applications than THC. Since CBD has been much less studied than THC, scientists assume that there are many new applications of CBD that haven't yet been discovered. On the other hand, THC's applications are more or less completely explored by now due to all the research on medical marijuana over the past decade.



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#### So What's Better, CBD or THC?

The CBD vs THC debate is something that often crops up in the circles of cannabia users, and it mainly stems from misinformation that surrounds these substances.

Based on what we've seen above, we can answer the question by saying that CBD and THC are so different that it's difficult to compare them directly. But while THC can be abused as a drug, CBD is safe and has no recreational applications. In fact, many misinformed people, along with many recreational marijuana users, often brand CBD as "useless" because it cannot get them "high."

Like most things in life, the usage and properties of CBD and THC aren't black and white. It's hard to label THC useless when it has so many documented medical benefits, and you cannot just blindly trust CBD as it is still possible (though unlikely) for scientists to find some side effects with its long-term use.

However, there is so much more to both CBD and THC than just THC's psychoactive properties that it is a share not to explore their applications and learn the truth about them, especially since they are both being used nowadays to better the lives of countiess people on a daily basis. Science is an evolving process and it pays to stay up to date, especially on new industries like CBD.

How Does CBD Work?









HealthyHempOil.com, we are frequently asked, "How does CBD work?"

It's no surprise that if does work — but many people want to know 'how," and the real reason might surprise you.

In this article, you'll discover how CBD actually works with your body and not against it (like some synthetically made medications).

First off, you should know the basics of what CBD is. We cover this in our "What is CBD?" article, but as a refresher, you should know what a cannabinoid is...

#### What is a Cannabinoid?

Simply put, cannabinoids are naturally occurring compounds found in the cannabis plant. There are dozens of compounds including Cannabidiol (CBD), THC, and a host of other cannabinoids. Together they are responsible for the benefits and drawbacks to medical marijuana and industrial hemp-based products.

Technically, CBD and its sister cannabinoid compounds are classified as phytocannabinoids, which means that they're derived from plants. But there are also several other types of cannabinoids you should know about too.

For example, the cannabinoids produced within the body's endocannabinoid system are known as endocannabinoids (such as arachidonoylethanolamine, virodhamine, and many others). There are also cannabinoids manufactured via chemical reactions in laboratories, known as synthetic cannabinoids.



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As you'll see later, each type of cannabinoid interacts with the body in different ways. So now that you understand what a cannabinoid is, how does CBD work with your body?

Our Cannabinoid Receptors and the Endocannabinoid System Here's the second half of the equation. You see, your body actually has areas that are made specifically for cannabinoids they are called cannabinoid receptor sites.

These sites make up the endocannabinoid system, which is responsible for numerous physiological and mental processes that occur naturally within the body.

As we just stated, the endocannabinoid system includes a number of specialized cell receptors in the brain and in various other organs throughout the body.

These receptors fall into two types: CB1 and CB2, CB1 receptors are found mainly in the brain (but also in the liver, kidneys, and lungs), while CB2 receptors are found mainly in the immune system.

Here's the fun part — cannabinoid substances actually bind with these receptors to coordinate various functions across the body.

What Kinds of Effects Can Cannabinoids Have on the Body? As we discussed above, there are several types of cannabinoids. Even within phytocannabinoids, there are wide ranges of compounds and effects that we are still learning about.

Some of these cannabinoids interact strongly with one or both CB receptors, causing various effects, from regulating mood and helping us concentrate, to causing euphoric effects and feeling "high" (like THC). Other cannabinoids, like CBD, have fewer direct



effects on the endocannabinoid system (keep this in mind as you read the next section).

To recap: Cannabinoids represent a diverse class of chemical compounds that can be very different from each other. Their only common feature is that they all act on the body's cannabinoid receptors, either directly or indirectly.

#### **External vs. Internal Cannabinoids**

The endocannabinoid system works mainly with our the body's own cannabinoids, which are produced internally. For example, arachidonoylethanolamine (AEA) is produced within the body and is thought to regulate several functions.

However, when cannabinoids are taken externally, it's difficult to distinguish between the clinically desirable effects and the therapeutically undesirable effects of various phytocannabinoids. This is because cannabinoid receptors send a variety of signals that often interconnect to coordinate the body's functions, so it's hard to tell them apart.

For example, CB1 receptors send signals that regulate senses, while cannabinoids that interact with CB2 receptors can at the same time affect gastrointestinal response and peripheral nervous system sensitivity.

See why external cannabinoids (like CBD) can be a little more complicated?

Also, since people often take numerous different cannabinoids together (for example, using medical marijuana), it is hard to attribute specific effects to specific cannabinoids. That's because unprocessed cannabis includes more than 60 different types of cannabinoids, including CBD and THC.



In addition, some cannabinoids interact synergistically, producing unique effects that are not found when using them individually. For example, CBD inhibits THC's psychotropic effects when the two are taken together. However, CBD does this (and produces many other effects) without directly interacting with the cannabinoid receptors. At first, scientists thought there was a third type of CB receptor just for Cannabidiol, but the answer was far more interesting and revealing.

#### How Does CBD Work?

We just stated that CBD is fairly unique as far as cannabinoids go, because it does not seem to interact directly with either the CB1 or CB2 receptors. So what does it do if it's not interacting directly with our receptors?

Here's where it gets good ...

Cannabidiol has a particularly low potential for binding with the CB1 and CB2 receptors, but instead acts as an antagonist of the receptors' agonists. That's a mouthful.

In layman's terms, this means that CBD keeps the receptors working at optimal capacity and helps the function of all other cannabinoids, including the body's own endocannabinoids.

Still with me? If you want to know more about the effects, read below, but if you're often put off by scientific words, you might want to skip down to the conclusion...

#### What Effects Does CBD Have?

Now to understand CBD's function within the body, we need to examine how receptors like CB1 and CB2 interact with other chemical compounds. But first you'll need to know these three terms...

Anonists - chemicals that hind to a recentor and activate it to





Agonists – chemicals that bind to a receptor and activate it to produce a biological response. Inverse agonists – chemicals that bind to the same receptor as agonists but produce the exact opposite result Antagonists – the complete opposite of agonists as they inhibit or dampen the functions of a receptor.

The indirect interactions of CBD with the endocannabinoid system has many effects, some of which surprised scientists and are still being researched. Some of CBD's functions include:

Effectively increases CB1 density, amplifying the effects of all cannabinoids that bind to CB1 receptors. Acts as a 5-HT1a receptor agonist in the brain. This means that CBD has calming and soothing effects such as some potent analgesics, but without the side effects. Acts as inverse agonist of CB2 receptors, effectively reducing the effects of cannabinoids that make CB2 receptors less responsive.

Acts as an antagonist for the putative GPR55 receptor, an element of the endocannabinoid system that is still being researched. (It is suggested that GPR55 may be a third type of cannabinoid receptor altogether.)

Between the above functions, most of CBD's observed effects are well explained. However, scientists are still unclear about how some effects of Cannabidiol are actually occurring. The most possible explanation is via the hypothetical GPR55 receptor, or through more indirect and synergistic effects that still await discovery.

#### Conclusions

Contrary to how most cannabinoids function, CBD interacts very mildly with the cannabinoid receptors themselves and instead either helps other cannabinoids to be better absorbed or stops the



effects of whatever makes the receptors work less effectively.

The indirect nature of CBD's effects have made it difficult for scientists to pinpoint its exact effects up to now, but many positive effects of this unusual phytocannabinoid are still being studied.

The endocannabinoid system is closely interconnected with the nervous and immune system. Since CBD has been shown to boost just about every function of our cannabinoid receptors, it is proven to have far-reaching soothing and relaxing effects.

#### Hemp vs Marijuana: What's the Difference?

You may have heard some people say that marijuana and hemp are exactly the same, while others swear they are different. The debate of hemp vs marijuana is fueled by the confusion and misinformation that surround the cannabis plant.



In this article, we will dispel several myths

and shed light on the differences between industrial hemp and marijuana. To help us answer the question in our article's title, we will need to peek into botany, genetics, linguistics, and even law, as this is a tangled subject.

So, let's begin ....

#### **Defining Cannabis**

As you may know, industrial hemp and marijuana come from the same genus of flowering plant– cannabls. The term "genus" essentially refers to a sub-family of plants and not a single



species. This means that there may be multiple types of the cannabis plant, which are all cannabis but have remarkable differences. So, in terms of scientific classification, multiple species can exist within a single genus, and that's exactly the case with cannabis.

#### The Different Growing Varieties of Cannabis

The genus of cannabis is thought to include three distinct species of the cannabis plant, namely Cannabis sativa, Cannabis indica, and Cannabis ruderalis.

Cannabis sativa is the most common strain of cannabis. It has been cultivated throughout history for a number of purposes, including the production of seed oil, food, hemp fiber (for clothes and rope), medicine, and even recreation.

Cannabis ruderalis is a species native to Russia that flowers earlier and is able to withstand harsher conditions than Cannabis sativa and Cannabis indica. It is the hardiest of the three, but it is relatively poor in terms of cannabinoids as ruderalis has a lower THC content than either sativa or indica.

Cannabis indica was first discovered in India and is a cannabis species that is described as shorter and bushier than sativa. Problems with botanical taxonomy have led some scientists to still doubt the existence of Cannabis indica as a distinct species of cannabis.

In nature, Cannabis ruderalis typically has the lowest levels of THC, Cannabis sativa has a higher level of THC than it has CBD, and Cannabis indica has a higher level of CBD than it has THC. However, since man has been cultivating cannabis (and especially Cannabis sativa) for thousands of years, the effects of artificial selections have led to several different types of cannabis even within the same species, depending on the purpose the



cannabis was cultivated for.

#### The Power of Artificial Selection

Cannabis has been cultivated by humans, for a variety of purposes, since antiquity. So it comes as no surprise that there are several different species and even different varieties within the species, depending on the purpose the plants were bred for. Through artificial selection, different species of cannabis have different properties—some have been used for medicinal purposes, others as food, and others to create clothes, ropes, and other items.

Industrial hemp is produced by strains of Cannabis sativa that have been cultivated to produce minimal levels of THC and are instead artificially selected and bred to grow taller and sturdier. This is done to enable the plant to be used effectively in the production of hemp oil, wax, resin, hemp seed food, animal feed, fuel, cloth, rope, and more. Industrial hemp is exclusively made from Cannabis sativa.

Medical marijuana is produced mainly from variants of Cannabis sativa that have been selectively bred to maximize their concentration in cannabinoids. Cannabis ruderatis is almost exclusively grown due to its naturally occurring very small quantities of THC

#### Hemp vs Marijuana: So What's Really the Difference?

The major (and arguably the only) difference between industrial hemp and medical marijuana is that industrial hemp is exclusively made from Cannabis sativa that was specifically bred to produce the lowest concentrations of THC possible.

Hemp-producing cannabis has tall, fibrous stalks that are very strong and have very few flowering buds. On the on the other hand, marijuana strains are short, bushy, and have high amounts



of THC. In fact, industrial hemp and medical marijuana are so distinctively different that most lay people wouldn't be able to tell that they belong to the same genus of plants if they encountered them in the wild!

While marijuana is bred with the only purpose of maximizing its THC concentration, industrial hemp always has trace amounts of THC and naturally occurring high amounts of CBD (it has the highest CBD/THC ratio of all cannabis strains, even Cannabis ruderalis) This means that industrial hemp's chemical profile makes it incapable of inducing intoxicating effects and getting you "high" from ingesting it.

#### Industrial Hemp Supplements

Since industrial hemp is naturally rich in CBD and has been bred to have only trace amounts of THC, many people today are turning to industrial hemp products as an alternative to medical marijuana. Medical marijuana is not legal in all states in the US and many countries worldwide, while products made from industrial hemp can be a safe and legal alternative. You can get many of the same beneficial effects of medical marijuana from industrial hemp products without getting "high."

Industrial hemp products are completely safe, as they are made according to federal standards and are produced in FDAregistered facilities within the US. If you are interested in seeing more, please check out our line of premium industrial hemp products.

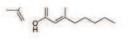
What's the Difference Between CBD Oil from Medical Marijuana and CBD Oil from Industrial Hemp Oil?

Most of our readers know you can get Cannabidiol (CBD) products made from industrial





products made from industrial hemp. Many of you also know that you can get CBD products from medical marijuana.



So what's the difference? Yes, medical marijuana can contain any level of THC whereas CBD products from industrial hemp contain negligible amounts. But what about the CBD?

Is the CBD from industrial hemp the same as the CBD from medical marijuana? In this article we'll explore what we know about these substances.

#### Cannabidiol is Still Cannabidiol

Here's the main concept to understand. In regards to its chemical composition, which is precisely known to scientists, CBD remains unchanged regardless of which plant produces it.

To further expand on this, the term "Cananbidiol" refers by definition to this chemical substance: http://en.wikipedia.org/wiki/Cannabidiol

There is no room for different interpretations and the substance is just that. Any single difference in the molecular composition would mean it's no longer Cannabidiol but another substance (again, by definition). This is pure chemistry and allows no room for ambiguity.

However, the main question people have is not just about the CBD compound, which is constant from plant to plant, but the actual difference in CBD oil from various plants.

#### What Goes into Cannabidiol Oil?

We've established the fact that naturally occurring CBD is the same CBD regardless of the plant it came from. However, CBD and CBD oil are not in fact the same thing. As we've seen above,



CBD is a chemical compound with sharply defined characteristics, while CBD oil is a mixture of various natural substances as they are derived from the plant of cannabis.

The production of hemp oil Involves extracting the fatty acids from the stalks of the cannabis plant. Within these fatty acids fatsoluble substances can be found, and as cannabinoids are fatsoluble, they come out of the plant, dissolved in the oil.

To make this more concrete, let's use an example here. This is a high-CBD hemp oil product made from industrial hemp. It has a concentration of CBD between 18% and 24%. This means that it has 18%–24% parts CBD dissolved in the actual oil, which is composed by other substances. So 18%–24% is pure CBD, and the rest are hemp oil extracts and other fatty acid substances.

#### Medical Marijuana vs. Industrial Hemp CBD Oil

The main point we want to make here is that CBD is always CBD, but CBD oil from hemp is not the same as the oil that is extracted from medical marijuana.

The main difference between the two remains that CBD oil from medical marijuana can contain any varying amount of THC. As a result, this type of CBD oil is considered a Schedule I drug and is not legal in many states in the US and countries worldwide.

As industrial hemp is naturally high in CBD and contains only traces of THC, the hemp oil produced from it is safe and nonpsychotropic. This CBD oil is actually a lot different than the oil produced by extracting the fatty acids of the cannabis plants that are bred for soothing purposes.

Besides the difference in THC concentration, the CBD oils will also have differing amounts of other cannabinoids. But those make up a much smaller percentage of the overall volume and



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iteraction Help About Wikipedia Community portal	Cannabidiol (CBD) is one of at least 113 active cannabinoids identified in cannabis. <sup>III</sup> extract <sup>[II]</sup> CBD is considered to have a wide scope of potential medical applications - psychoactivity (as is typically associated with 19-THC), and non-interference with sev	due to clinical reports showing the lack of side effects, particularly a lack of	- And
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# Research [soft]

Epilepsy (edit)

Dravet syndrome is a fare form of epilepsy that is difficult to treat. It is a catastrophic form of intractable epilepsy that begins in infancy. Initial seizures are most often prolonged events and in the second year of life other seizure types begin to emerge <sup>10</sup> A number of high profile and anecdotal reports have sparked interest in treatment of Dravet syndrome with cannabidiol <sup>10</sup>

Some cannabis/hemp extract preparations containing CBD are marketed as dietary supplements and clean efficacy against Dravet Syndrome. One such preparation is marketed under the tradename Charlotte's Web Hemp Extract.<sup>10(1)18</sup> Blended'suspended in oil, the supplement contains 0.3% THC<sup>103</sup> (see Legal status below, classified as hemp).

GW Pharmaceulicals is seeking FDA approval to market a liquid formulation of pure plant-derived CBD, under the trade name Epidiolex (containing 99% cannabidiol and less than D 10% Δ9-THC) as a treatment for Dravet syndrome. Epidiolex was granted fast-track status and is in late stage trials following positive early results from the drug.<sup>BETEXTAILDENIE</sup>

A 2014 review stated that cannabidiol has been claimed, anecdotally, to be of benefit in helping people with epilepsy. Information in the review stated that there is no established mechanism of action and the lack of high-quality evidence in this area precluded conclusions being drawn.<sup>119</sup>

A nower 2010 review in The New England Journal of Medicine states that since 2013, data has been collected on patients with severe epilepsy (Dravet's syndrome and the Lennex-Gastaut syndrome). Among 137 patients treated with Epidiolex (qualifies chemically as hemp, see Legal status below), the median reduction in the number of sectures was 54% <sup>100</sup>

#### Schizophrenia [edt]

A 2016 Leweke et al. review stated that THC-dominant (akunk-like) cannabis carries the highest risk for psychotic disorders and an increased risk of psychotis. In contrast, cannabidiol (CBD) produced the reduction of psychotic symptoms due to a significant increase of anandamide levels. This supports the hypothesis that cannabidiol exerts its antipsychotic properties by a moderate inhibition of the FAAH enzyme (which is known to break down anandamide). Data on the antipsychotic effects of cannabidiol in schizophrenia is still imided, but with promising inflat (esuits and a lack of side-effects. With current trials limited to 6 weeks of treatment at maximum, momation on long-term efficacy and tolerability is not available yet.<sup>198</sup>

CBD clearly reversed synthetic THC (Nabilione induced) psychoactive effects. CBD had opposite effects to THC on activation of the stratum, prefrontal cortex and medial temporal cortex. P3

#### Safety [edit]

CBD safety in humans has been studied in multiple small studies, suggesting that it is well tolerated at doses of up to 1500 mg/day (p.o.) or 30 mg (l.v.). [21]

#### Pharmacodynamics [sdit]

Cannabidiol has a very low affinity for CB<sub>1</sub> and CB<sub>2</sub> receptors but acts as an indirect antagonist of their agonists <sup>120121</sup> While one would assume that this would cause cannabidiol to reduce the effects of THC, it may potentiate THC's effects by increasing CB<sub>1</sub> receptor density or through another CB<sub>1</sub>-related mechanism <sup>D41</sup> It may also extend the duration of the effects of THC via inhibition of the cytochrome P-450-3A and 2C enzymes <sup>[28]</sup>

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Recently, if was found to be an antagonist at the putative new cannabinoid receptor, GPR55, a GPCR expressed in the caudate nucleus and putamen RE Cannabidioi has also been shown to act as a 5-HT<sub>1A</sub> receptor partial agonist.<sup>[27]</sup> an action which may be involved in its antidepressant.<sup>[28D8]</sup> anxiolytic.<sup>[28D8]</sup> and neuroprotective<sup>[3102]</sup> effects. Cannabidiol is an ellosteric modulator of µ and δ-opioid receptors [19] Cannabidiol's pharmacological effects have also been attributed to PPAR y receptor agonism and Intracellular calcium release.<sup>[7]</sup>

Research suggests that CBD may exert some of its pharmacological action through its inhibition of FAAH, which may in turn increase the levels of endocannabinoids, such as anandemide, produced by the body (<sup>III</sup>) It has also been speculated that some of the metabolites of CBD have pharmacological effects that contribute to the biological activity of CBD 14



nated with a flower coated with mes bearing cannabidiol and other cannabinoids.

sativa fice

#### Pharmacokinetic interactions [edit]

There is some proclinical evidence to suggest that cannabidiol may reduce THC clearance, modestly increasing THC's plasma concentrations resulting in a greater amount of THC available to receptors, increasing the effect of THC in a dose-dependent manner.<sup>INCOM</sup> Despite this, the available evidence in humans suggests no significant effect of CBD on THC plasma lavels.<sup>[137]</sup> Multiple studies have stown that the purported negative cognitive side effects caused by THC can be miligated by regular CBD consumption.1000 These findings bolster the theorized pharmacokinetic

interactions that cannabidiol reduces THC clearance.

#### Pharmaceutical preparations [edit]

Nabikimols (USAN, trade name Sativex) is an aerosolized mist for oral administration containing a near 1.1 ratio of CBD and THC. The drug was approved by Canadian authorities in 2005 to alleviate pain associated with multiple sciences (regare) Epidolex, a drug with cannabidiul as its active pharmaceutical ingredient, received orphan drug status in the United States for treatment of Dravel syndrome in July 2015 14/1

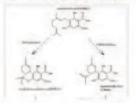
Epidiolex is an oil formulation of CBD extracted from the cannabis plant undergoing clinical trials for refractory epilepsy syndromes [43]

#### Chemistry | edit |

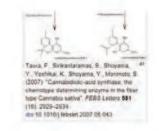
Cannabidial is insoluble in water but soluble in arganic solvents such as pentane. At room temperature, it is a colorless crystalline solid.<sup>(24)</sup> In strongly basic media and the presence of air. It is oxidized to a guinone.<sup>[40]</sup> Under acidic conditions it cyclizes to THC <sup>[40]</sup> The synthesis of cannabidiol has been accomplished by several research groups.<sup>[47]</sup>

#### Biosynthesis | edit.

Cannabis produces CBD-carboxylic acid through the same metabolic pathway as THC, until the last step, where CBDA synthase performs catalysis instead of THCA synthase [59]







Isomerism [edit]

FORMAL NUMBERING TERPENOID NUMBERING

B NO C5H11 9 Y CSHII 20 DELTA-2-CBD DELTA-I-CBD

7 double bond isomers and their 30 stereoisomers

Formal numbering		Terpenoid numbering		Number of	Natural	Convention on Psychotropic		
Short name	Chiral centers	Full name	Short name	Chiral centers	stereoisomers	occurrence	Substances Schedule	Structure
∆ <sup>6</sup> -cannabidiol	1 and 3	2-(6-isopropenyl-3-methyl-5-cyclohexen-1-yl)-5- pentyl-1,3-benzenediol	∆ <sup>4</sup> -cannabidiol	1 and 3	•	No	unscheduled	- again
∆ <sup>4</sup> -cannabidiol	1, 3 and 6	2-(6-isopropenyl-3-methyl-4-cyclohexon-1-yi)-5- pentyl-1,3-benzenediol	Δ <sup>‡</sup> -cannabidiol	1, 3 and 4	8	No	unscheduled	-02
A <sup>3</sup> -cannabidiol	1 and 6	2-(6-isopropenyl-3-methyl-3-cyclohexen-1-yl)-5- pentyl-1.3-benzenediol	Δ <sup>6</sup> -cannabidiol	3 and 4		7	unscheduled	-029

∆ <sup>27,</sup> cannabidio)	1 and 6	2-(6-isopropenyl-3-methylenecyclohex-1-yl)-5- pentyl-1,3-benzenediol	Δ <sup>1,7</sup> -cannabidiol	3 and 4	4	No	unscheduled	-020
Δ <sup>2</sup> -cannabidiol	1 and 6	2-(6-isopropenyl-3-methyl-2-cyclohexen-1- yl]-5-pentyl-1,3-benzenediol	∆ <sup>†</sup> -cannabidiol	3 and 4		Yes	unscheduled	-oža-
Δ <sup>1</sup> -cannabidiol	3 and 6	2-(6-sopropenyl-3-methyl-1-cyclohexen-1-yl)-5- pentyl-1,3-benzenediol	Δ <sup>2</sup> -cannabidio)	1 and 4	4	No	unscheduled	- czarro
∆ <sup>6</sup> -cannabidiol	3	2-(6-isopropenyl-3-methyl-6-cyclohexen-1-yl)-5- pentyl-1,3-benzenediol	∆ <sup>3</sup> -cannabidiol	1	2	No	unscheduled	- agarr

Based on Nagaraja, Kodihalli Nanjappa. Synthesis of delta-3-cannabidiol and the derived rigid analogs, Anzona University 1987@

See also. Tetrahydrocannabinol#Isomerism, Abnormal cannabidiol.

#### Society and culture [eda]

#### Natural sources | edit |

Selective breeding by growers in the USA dramatically lowered the CBD content of cannabis, their customers preferred varietals that were more mind-altering due to a higher THC, lower CBD content.<sup>[51]</sup> To meet the demands of medical cannabis patients, growers are currently developing more CBD-rich strains.<sup>[52]</sup>

Several industrial hemp varieties can be tegatly cultivated in western Europe. A variety such as "Fedora 17" has a cannabinoid profile consistently around 1% cannabidiol (CBD) with THC less than 0.1% 101

#### Legal status [edit]

Cannabidial is not scheduled by the Convention on Psychotropic Substances. CBD does not cause the "high" associated with the L9-THC in manjuana. As the legal landscape and understanding about the differences in medical cannabinoids unfolds, it will be increasingly important to distinguish "medical manjuana" (with noted varying degrees of psychotropic effects and deficits in executive function) - from "medical CBD" (in which the high CBD and low THC content may mitigate psychosis).<sup>Enfocution</sup>

Vancus breeds/strains of "medical manijuana" are found to have a significant variety in the ratios of CBD-to-THC and are known to contain other non-psychotropic cannabinoids <sup>(57259)</sup>. However, it is only the amount of 49-THC that chemically gives a legal determination as to whether the plant material(s) used for the purposes of extracting CBD are considered hemp, or considered manijuana.

Any psychoactive manipuana, regardless of its CBD content, is derived from the flower (or bod) of the genus cannabis. Non-psychoactive hemp (also commonly-termed industrial hemp), regardless of its CBD content, is any part of the genus cannabis plant, whether growing or not, containing a  $\Delta$ -9 tetrahydrocannabinol concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis. Certain standards are required for the legal growth and production of hemp. The Colorado Industrial Hemp Program registers growers of industrial hemp and samples crops to verify that the THC concentration does not exceed 0.3% on dry weight basis.<sup>[9]</sup>

The United States Drug Enforcement Administration, the DEA, recently eased some of the regulatory requirements for those who are conducting FDA approved clinical trials on cannabidol (CBD)<sup>100</sup>

#### Australia [edit]

Prescription Medicine (Schedule 4) for therapeutic use containing 2 per cent (2.0%) or less of other cannabinoids commonly found in cannabis (such as 39-THC) (81)

#### Canada [edit]

Cannabidiol is a Schedule II drug in Canada. Prescription medication [62]

#### UK [odit]

Cannabidiol, in an oral-mucosal spray formulation combined with delta-9-tetrahydrocannabinol, is a prescription product available for relief of severe spasticity due to multiple sclerosis (where other antispasmodics have not been effective).<sup>83</sup>

#### EU [ odit ]

Cannabidiol is listed in EU Cosmetics Ingredient Database [64]

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- 64 \* http://ec.europa.eu/growth/tools-detabases/cosing/index.cfm?fuseection=search.details\_v2&id=93486#

#### External links [edit]

V+I+E	Analgesics (N02A, N02B)	[show]
V+T+E	Cannabinoids	[show]
YT'E	Cannabis plant (drug usage and industrial uses)	[show]
(+T+E	Cannabinoidergics	(show)
ht E	Opioidergics	[show]
//T-E	Serotonergics	[shmw]
VITIE	Anticonvulsants (N03)	(show)

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Categories: Drugs not assigned an ATC code S-HT1A agonists Anti-inflammatory agents Cannabinoids Natural phenois Resorcinois Endocannabinoid reuptake inhibitors Anti-convulsants

#### This page was last modified on 14 June 2016 at 13:57

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Coversition 1. 1 Marriette

То:	Majik Medecine, LLC ( <u>aabundanthealth@aol.com</u> )
Subject:	U.S. TRADEMARK APPLICATION NO. 86914580 - CBD MD - N/A
Sent:	6/14/2016 9:05:15 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	

# UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

# IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

# USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 6/14/2016 FOR U.S. APPLICATION SERIAL NO. 86914580

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this link or going to http://tsdr.uspto.gov/, entering your U.S. application serial number, and clicking on "Documents."

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/Lindsey H. Ben/ Lindsey H. Ben Trademark Examining Attorney Law Office 108 (571) 272-4239 Lindsey.Ben@uspto.gov

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