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

Proceeding	92071109
Party	Plaintiff CBDMD, LLC
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Submission	Other Motions/Papers
Filer's Name	Richard J. Oparil
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Date	01/21/2020
Attachments	CBDMD_POA.pdf(59125 bytes) Replead_Petition_for_Cancellation.pdf(2474737 bytes)

CBDMD, LLC,)	
)	
)	
Petitioner,)	Cancellation No.: 92071109
)	Registration No.: 5,173,264
vs.)	Mark: CBD MD
)	Registration Date: March 28, 2017
MAJIK MEDECINE, LLC,)	
)	
Respondent.)	
)	

CBDMD, LLC ("Petitioner"), a North Carolina limited liability company having a principal place of business at 4521 Sharon Road, Suite 450, Charlotte, NC 28211, hereby revokes all prior Powers of Attorney previously given to prosecute the same and hereby appoints the following attorneys with full power of substitution and revocation to prosecute the same, and to receive all correspondence from and transact all business in the Patent and Trademark Office before the Trademark Trial and Appeal Board connected therewith:

Name	Member of the Bar in State of	Bar License Number	Date of Admission
Richard J. Oparil	DC NY	409723 2034684	April 17, 1987 May 7, 1986
Caroline C. Maxwell	Texas	24055341	November 3, 2006
Scott A. M. Chambers, PhD	DC VA	450442 36583	May 3, 1996 October 15, 1993

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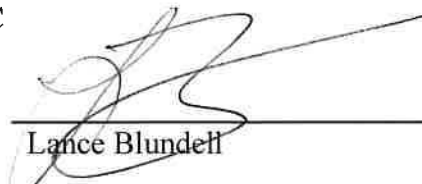
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CBDMD, LLC

By:
Printed
Name:
Title:



Lance Blundell
General Counsel

Date:

1-21-20

**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,)	
)	
Petitioner,)	Cancellation No. 92071109
)	
v.)	
)	
MAJIK MEDICINE, LLC,)	
)	
Registrant.)	

AMENDED 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, repleads its April 16, 2019 Petition for Cancellation based on the invitation set forth in the December 30, 2019 Order of the Trademark Trial and Appeal Board (TTAB) (hereinafter, “Order”). Petitioner 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 Cannabidiol (“CBD”), and 005 for medicinal creams for skin care; medicinal herbal preparations; medicinal oils; herbs for medicinal purposes; all of the aforementioned containing CBD. In the Order, the TTAB indicated that in the absence of Petitioner repleading the cancellation would proceed solely on the grounds of failure to function as a mark and lack of a bone fide intention to lawfully use the mark. Order at 14. Petitioner hereby amends its petition to cancel the CBD MD Registration.

As grounds of cancellation, it is alleged that:

A, Registrant

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. MAJIK MEDICINE, LLC (“MM, LLC” or “Registrant”) is a 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. As of April 5, 2019, MM, LLC was not in good standing for failing to file an annual report with the Louisiana Secretary of State. *See* Exhibit B.

7. On February 21, 2016, MM, LLC 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.

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