

**YCBD CLAIMS THEY OWN THE CBDMD AND RELATED TRADEMARKS,
WHICH THEY CONTINUE TO VALUE AS AN ASSET ON THE 2/9/2021 10Q AT \$21,585,000?
THEY DO NOT OWN ANY USPTO REGISTERED TRADEMARKS, NOR ARE THEY MENTIONING TO
SHAREHOLDERS THEIR DEC 2020 USPTO SUSPENSION OF THEIR FILINGS & ONGOING LEGAL
PROCEEDINGS REGARDING ACQUIRING THE CBDMD MARK**



CBD MD

Reg. No. 5,173,264

Registered Mar. 28, 2017

Int. Cl.: 3, 5

Trademark

Supplemental Register

Majik Medicine, LLC (LOUISIANA LIMITED LIABILITY COMPANY)

629 Village Lane South
Mandeville, LA 70471

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

FIRST USE 2-21-2016; IN COMMERCE 2-21-2016

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

FIRST USE 2-21-2016; IN COMMERCE 2-21-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY
PARTICULAR FONT STYLE, SIZE OR COLOR

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

SER. NO. 86-914,580, FILED P.R. 02-21-2016; AM. S.R. 12-14-2016
LINDSEY HEATHER BEN, EXAMINING ATTORNEY



Michelle K. Lee
Director of the United States
Patent and Trademark Office

Trademarks > Trademark Electronic Search System (TESS)

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	90336185		CBD EMILY WOOLCOCK MD ARISTOCRAT	TSDR	LIVE
2	88451502		CBDMD	TSDR	LIVE
3	88451429		CBDMD	TSDR	LIVE
4	88944504		CBDMD	TSDR	LIVE
5	86914580	5173264	CBD MD	TSDR	LIVE

*I am not a representative of a firm nor do I hold a securities license. This is not financial advise of any sort, but to be used for informational purposes only. GS 2/23/2021

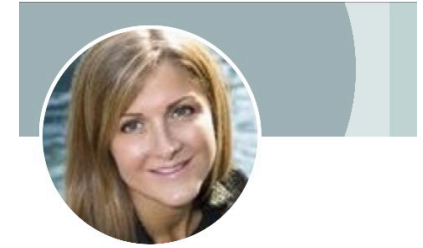
SINCE 2017 CBDMD HAS BEEN A REGISTERED TRADEMARK OWNED BY MAJIK MEDICINE LLC?



Majik
Medicine®



Christy Verges Peachey



Michele M. Cooper, MD

Majik Medicine LLC was founded in 2011 by two Louisiana female health entrepreneurs. The mission of Majik Medicine LLC is to offer pure and simple herbal cosmetics, extracts and tinctures that are researched based and practitioner recommended. Majik Medicine's herbal line has been practitioner driven and trusted since its inception.

CBD MD

Word Mark CBD MD
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD. FIRST USE: 20160221. FIRST USE IN COMMERCE: 20160221
IC 005. US 006 018 044 046 051 052. G & S: Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned containing CBD. FIRST USE: 20160221. FIRST USE IN COMMERCE: 20160221
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86914580
Filing Date February 21, 2016
Current Basis 1A
Original Filing Basis 1A
Date Amended to Current Register December 14, 2016
Registration Number 5173264
Registration Date March 28, 2017
Owner (REGISTRANT) Majik Medecine, LLC LIMITED LIABILITY COMPANY LOUISIANA 629 Village Lane South Mandeville LOUISIANA 70471
Attorney of Record BLYNN L SHIDELEER

Generated on: This page was generated by TSDR on 2021-02-12 14:08:54 EST

Mark: CBD MD

CBD MD

US Serial Number: 86914580

Application Filing Date: Feb. 21, 2016

US Registration Number: 5173264

Registration Date: Mar. 28, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Supplemental

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Amended to Principal Register: No

Date Amended to Current Register: Dec. 14, 2016

Status:

A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Apr. 24, 2019

US Serial, Registration, or Reference No. 86914580

Status

Documents

14 document(s) found

STATUS

DOCUMENTS

MAINTENANCE

?

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Select All	Create/Mail Date	Document Description	Document Type
<input type="checkbox"/>	Mar. 28, 2017	Registration Certificate	PDF
<input type="checkbox"/>	Feb. 23, 2017	Publication & Issue Review Complete	MULTI
<input type="checkbox"/>	Feb. 15, 2017	Notice of Acceptance of AAU	MULTI
<input type="checkbox"/>	Feb. 16, 2017	TRAM Snapshot of App at Pub for Oppostn	MULTI
<input type="checkbox"/>	Feb. 15, 2017	Accept-AAU-Notice	PDF
<input type="checkbox"/>	Jan. 26, 2017	AAU Processing Complete	MULTI
<input type="checkbox"/>	Jan. 26, 2017	Amendment and Mail Process Complete	MULTI
<input type="checkbox"/>	Dec. 14, 2016	Amendment to Allege Use	MULTI
<input type="checkbox"/>	Dec. 14, 2016	Specimen	JPEG
<input type="checkbox"/>	Dec. 14, 2016	Response to Office Action	XML
<input type="checkbox"/>	Jun. 14, 2016	Offc Action Outgoing	MULTI
<input type="checkbox"/>	Jun. 14, 2016	XSearch Search Summary	XML
<input type="checkbox"/>	Feb. 21, 2016	Drawing	JPEG
<input type="checkbox"/>	Feb. 21, 2016	TEAS Plus New Application	MULTI



®

™

YCBD LTD. IS USING SHAREHOLDER FUNDS TO BUILD SOMEONE ELSE'S INTELLECTUAL PROPERTY

White Diamond Research statement:

<https://whitediamondresearch.com/archive/majik-medicine-pr-offer-to-cbdmd-ycbd/>

MAJIK MEDICINE
FOR IMMEDIATE RELEASE
NEW ORLEANS, LA

SEPTEMBER 18, 2019

Majik Medicine announces today that its offer to settle its dispute with cbd MD (NYSE YCBD) has been declined with no counteroffer from cbd MD. Christy Peachey, Majik Medicine CEO said, "While we are disappointed that cbd MD Ltd. was unwilling to engage in settlement discussions, we are confident that we will prevail in defending our federally-registered mark, CBDMD®." Majik Medicine was founded in 2011 and has been marketing all-natural topicals and formulas under the brand, CBDMD® since 2016 and was awarded Federal Trademark Registration Number 5,173,264 for its line of CBD products in March 2017.

In 2018, Majik Medicine learned that cbd MD was marketing products under the name, CBD MD, and notified cbd MD by letter on September 25, 2018 informing them that Majik Medicine had a trademark on the brand CBD MD and that Majik Medicine was concerned that cbd MD's marketing of a line of products under that name is causing confusion among consumers in the market. cbd MD offered an immaterial amount of consideration to purchase the Trademark from Majik Medicine, which Majik Medicine declined.

cbd MD then petitioned for cancellation of the trademark.

Majik Medicine is confident that its Trademark was properly awarded and that it will prevail in defending its mark.

Christy Peachey, CEO
Majik Medicine
cvergespeachey@gmail.com

WHY DID YCBD Ltd. NOT INFORM SHAREHOLDERS OF THE USPTO SUSPENSION ON THE 2/9/2021 10Q & CONTINUE TO VALUE THE MARK AT \$21,585,000 ON THE BALANCE SHEET?

Word Mark CBDMD
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Bath bombs with any CBD in the goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. FIRST USE: 20181220. FIRST USE IN COMMERCE: 20181220
 IC 005. US 005 006 018 044 046 051 052. G & S: Herbal tinctures for medical purposes; Dietary and nutritional supplements for pets; 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 anti-inflammatory creams, gels, salves, sprays, powders, and ointments; Topical medicated moisturizing creams, gels, salves, sprays, powders, and ointments; natural sleep aid preparations; any CBD in the all of the foregoing goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. FIRST USE: 20181220. FIRST USE IN COMMERCE: 20181220
 IC 034. US 002 008 009 017. G & S: 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; any CBD in the all of the foregoing goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. FIRST USE: 20181220. FIRST USE IN COMMERCE: 20181220

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 88451502
Filing Date May 29, 2019
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) cbdMD, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 4521 Sharon Road, Suite 450 Charlotte NORTH CAROLINA 28211
Attorney of Record Blake E. Vande Garde

US Serial, Registration, or Reference No. [Status](#) [Documents](#)

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<input type="checkbox"/>	Dec. 22, 2020	Suspension Letter	XML		
<input type="checkbox"/>	Dec. 11, 2020	Amendment and Mail Process Complete	MULTI		
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WHY DID YCBD Ltd. NOT INFORM SHAREHOLDERS OF THE USPTO SUSPENSION ON THE 2/9/2021 10Q & CONTINUE TO VALUE THE MARK AT \$21,585,000 ON THE BALANCE SHEET?

Word Mark CBDMD

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Bath bombs with any CBD in the goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. FIRST USE: 20181220. FIRST USE IN COMMERCE: 20181220

IC 005. US 005 006 018 044 046 051 052. G & S: Herbal tinctures for medical purposes; Dietary and nutritional supplements for pets; 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 anti-inflammatory creams, gels, salves, sprays, powders, and ointments; Topical medicated moisturizing creams, gels, salves, sprays, powders, and ointments; natural sleep aid preparations; any CBD in the all of the foregoing goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. FIRST USE: 20181220. FIRST USE IN COMMERCE: 20181220

IC 034. US 002 008 009 017. G & S: 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; any CBD in the all of the foregoing goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. FIRST USE: 20181220. FIRST USE IN COMMERCE: 20181220

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 88451429

Filing Date May 29, 2019

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) cbdMD, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 4521 Sharon Road, Suite 450 Charlotte NORTH CAROLINA 28211

Attorney of Record Blake E. Vande Garde

US Serial, Registration, or Reference No. [Status](#) [Documents](#)

8 document(s) found

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<input type="checkbox"/>	Dec. 22, 2020	Suspension Letter						XML			
<input type="checkbox"/>	Dec. 11, 2020	Amendment and Mail Process Complete						MULTI			
<input type="checkbox"/>	Dec. 09, 2020	Response to Office Action						MULTI			

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WHY DID YCBD Ltd. NOT INFORM SHAREHOLDERS OF THE USPTO SUSPENSION ON THE 2/9/2021 10Q & CONTINUE TO VALUE THE MARK AT \$21,585,000 ON THE BALANCE SHEET?

Word Mark	CBDMD
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Topical creams, gels, salves, sprays, powders, and ointments; Topical moisturizing creams, gels, salves, sprays, powders, and ointments; natural sleep aid preparations; cosmetics; non-medicated skin care preparations; bath bombs; non-medicated toiletry preparations. FIRST USE: 20170524. FIRST USE IN COMMERCE: 20170524
	IC 005. US 006 018 044 046 051 052. G & S: Topical analgesic creams, gels, salves, sprays, powders, and ointments; Topical anti-inflammatory creams, gels, salves, sprays, powders, and ointments; Topical medicated moisturizing creams, gels, salves, sprays, powders, and ointments; natural sleep aid preparations; medicated skin care preparations; Dietary and nutritional supplements for pets; Dietary and nutritional supplements in the form of tinctures, drops, capsules, oils, gummies, and powders. FIRST USE: 20170524. FIRST USE IN COMMERCE: 20170524
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88944504
Filing Date	June 2, 2020
Current Basis	1A
Original Filing Basis	1A
International Registration Number	1558647
Owner	(APPLICANT) CBD Industries, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 500 Archdale Rd Charlotte NORTH CAROLINA 28217

Reference/Docket No. 3080.029

Issue date: September 22, 2020

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.

SUMMARY OF ISSUES:

- Section 2(d) Refusal – Likelihood of Confusion
- Prior Pending Advisory
- Section 2(e)(1) Refusal – Mark is Primarily Merely Descriptive
- Controlled Substances Act Refusal
- Trademark Act Sections 1 and 45 Refusal – FDCA Refusal
- Specimen Refusal
- Identification of Goods Requirement

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 5173264 (CBD MD). Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

To: cbdMD, LLC (bvg@kcpatentlaw.com)
Subject: U.S. Trademark Application Serial No. 88451502 - CBDMD - 3080.015
Sent: December 22, 2020 11:10:32 AM
Sent As: ecom130@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 88451502

Mark: CBDMD

Correspondence Address:

Blake E. Vande Garde
Erickson Kernell IP
15720 Brixham Hill Ave., Suite 300
Charlotte NC 28277

Applicant: cbdMD, LLC

Reference/Docket No. 3080.015

Correspondence Email Address:

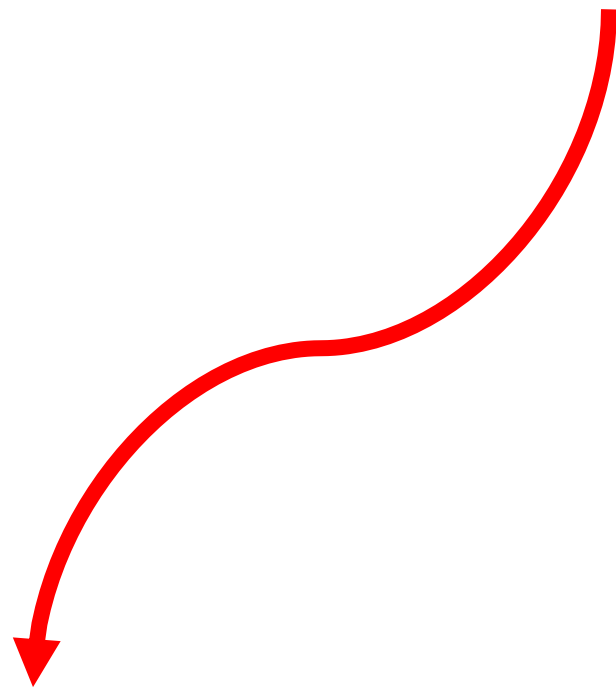
bvg@kcpatentlaw.com

Issue date: December 22, 2020

The application is suspended for the reason(s) specified below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

Application suspended until legal proceeding(s) involving the applied-for mark is resolved. The legal proceeding(s) below involves (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052; *see* 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the outcome of this proceeding(s) could directly affect whether applicant's mark can register, action on this application is suspended until proceeding(s) is resolved. *See* 37 C.F.R. §2.67; TMEP §716.02(a), (c)-(d).

**WHY DID YCBD Ltd. NOT INFORM
SHAREHOLDERS OF ONGOING LEGAL
PROCEEDINGS ON 2/9/2021 10Q & CONITNUE
TO VALUE THE MARK AT \$21,585,000 ON THE
BALANCE SHEET?**



PART II - OTHER INFORMATION

ITEM 1. LEGAL PROCEEDINGS.

None.

Source: YCBD 10 Q

Filed 2-9-2021

http://filings.irdirect.net/data/1644903/000165495421001364/ycbd_10q.pdf

- Page 37

To: cbdMD, LLC (bvg@kcpatentlaw.com)
Subject: U.S. Trademark Application Serial No. 88451502 - CBDMD - 3080.015
Sent: December 22, 2020 11:10:32 AM
Sent As: ecom130@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 88451502

Mark: CBDMD

Correspondence Address:

Blake E. Vande Garde
Erickson Kernell IP
15720 Brixham Hill Ave., Suite 300
Charlotte NC 28277

Applicant: cbdMD, LLC

Reference/Docket No. 3080.015

Correspondence Email Address:
bvg@kcpatentlaw.com

Issue date: December 22, 2020

The application is suspended for the reason(s) specified below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

Application suspended until legal proceeding(s) involving the applied-for mark is resolved. The legal proceeding(s) below involves (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052; *see* 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the outcome of this proceeding(s) could directly affect whether applicant's mark can register, action on this application is suspended until proceeding(s) is resolved. *See* 37 C.F.R. §2.67; TMEP §716.02(a), (c)-(d).

TIMELINE

ITEM 3. LEGAL PROCEEDINGS.

In April 2019 CBDI filed a cancellation proceeding before the U.S. Patent and Trademark Office Trademark Trial and Appeal Board (TTAB) against Majik Medicine, LLC to cancel its issued trademark for "CBD MD" on multiple grounds. The TTAB recently rejected a motion to dismiss by the defendant and the matter is proceeding.

http://filings.irdirect.net/data/1644903/000165495420013835/ycbd_10k.pdf

- Page 18

Dec 22nd 2020 Page 18 of 10k Filings

To: cbdMD, LLC (bvg@kcpatentlaw.com)
Subject: U.S. Trademark Application Serial No. 88451502 - CBDMD - 3080.015
Sent: December 22, 2020 11:10:32 AM
Sent As: ecom130@uspto.gov
Attachments:

Dec 22nd 2020 USPTO issues Suspension letters on multiple YCBD Trademarks

Issue date: December 22, 2020

The application is suspended for the reason(s) specified below. See 37 C.F.R. §2.67; TMEP §§716 *et seq.*

Application suspended until legal proceeding(s) involving the applied-for mark is resolved. The legal proceeding(s) below involves (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052; see 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the outcome of this proceeding(s) could directly affect whether applicant's mark can register, action on this application is suspended until proceeding(s) is resolved. See 37 C.F.R. §2.67; TMEP §716.02(a), (c)-(d).

Feb 9th 2021 10k no mention

PART II - OTHER INFORMATION

ITEM 1. LEGAL PROCEEDINGS.

None.

http://filings.irdirect.net/data/1644903/000165495421001364/ycbd_10q.pdf

Responsive Arguments for Application No.88451502 – CBDMD

Regarding the Examiner's assertion that US Trademark Registration No. 5173264 for CBD MD ('264) is likely to be confused with Applicant's mark CBDMD. Applicant respectfully disagrees.

While it is true that both Applicant's mark and the mark cited by the Examiner each apply to goods under international class 005, there is little to no likelihood that a consumer would be confused as to the source of the goods associated with each of the above marks due to the clearly dissimilar nature of the marks.

TMEP 1207.01 discloses the case of "In re du Pont de Nemours & Co." 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) in which the Court of Customs and Patent Appeals discussed the factors relevant to a determination of likelihood of confusion. The "du Pont" factors are as follows:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression.
2. The similarity or dissimilarity and nature of the goods . . . described in an application or registration or in connection with which a prior mark is in use.
3. The similarity or dissimilarity of established, likely-to-continue trade channels.
4. The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
5. The fame of the prior mark
6. The number and nature of similar marks in use on similar goods.
7. The nature and extent of any actual confusion.
8. The length of time during and the conditions under which there has been concurrent use without evidence of actual confusion.
9. The variety of goods on which a mark is or is not used
10. The market interface between the applicant and the owner of a prior mark . . .
11. The extent to which applicant has a right to exclude others from use of its mark on its goods.
12. The extent of potential confusion
13. Any other established fact probative of the effect of use.

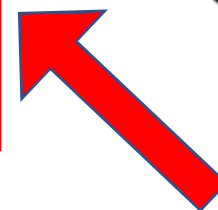
Looking to the first factor and the attached exhibits showing '264, the marks are clearly dissimilar as to appearance and connotation. The design of Applicant's CBDMD mark looks nothing like the design of the '264 mark. As filed, Applicant's design includes the mark cbdMD with the letters "cbd" in lowercase and being a light blue color, and the letters "MD" capitalized and being a dark blue color, all on a white background. This is contrasted by the '264 mark with CBDMD in uppercase white letters, CBD having a black background and MD having a green background with a cannabis leaf design above which is based on the Staff of Hermes medical symbol.

Looking also to the fourth factor, the goods listed under class 005 under applicant's mark are rather specialized and individuals looking to purchase these goods are very loyal to their brands. This means that consumers looking to purchase a product under Applicant's CBDMD mark will do so as a careful, sophisticated purchaser, and not on impulse.

United States of America

United States Patent and Trademark Office

CBD MD



Reg. No. 5,173,264

Registered Mar. 28, 2017

Int. Cl.: 3, 5

Trademark

Supplemental Register

Majik Medecine, LLC (LOUISIANA LIMITED LIABILITY COMPANY)

629 Village Lane South
Mandeville, LA 70471

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

FIRST USE 2-21-2016; IN COMMERCE 2-21-2016

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

FIRST USE 2-21-2016; IN COMMERCE 2-21-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

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

SER. NO. 86-914,580, FILED P.R. 02-21-2016; AM. S.R. 12-14-2016
LINDSEY HEATHER BEN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Looking also to the fourth factor, the goods listed under class 005 under applicant's mark are rather specialized and individuals looking to purchase these goods are very loyal to their brands. This means that consumers looking to purchase a product under Applicant's CBDMD mark will do so as a careful, sophisticated purchaser, and not on impulse.

Looking to the fifth factor, Applicant submits to the Examiner that CBD MD is currently only on the Supplemental Register, awaiting its approval for acquiring distinctiveness since it was

relegated because the Examiner deemed the mark to be merely descriptive. This clearly demonstrates that the CBD MD mark is not a famous mark.

Looking finally to the seventh factor, Applicant has learned of zero events of confusion with their clients looking to purchase any of the goods listed under class 005 under applicant's mark.

Based on the arguments and evidence cited above, it is clear that there is no likelihood that a consumer would be confused as to the origin of goods under international class 005 bearing the CBDMD mark when compared to the "CBD MD" mark. Hence, the Examiner's rejection should be removed and the mark should be allowed to register on the principal register.

Regarding the two prior pending applications referenced by the Examiner, U.S. Application Nos 87613823 and 87613850 are owned by the Applicant and are concurrent applications.

Looking now to the Examiner's FDCA refusal, the Applicant believes that as amended, the goods covered under the CBDMD mark do not run foul against the FDCA.

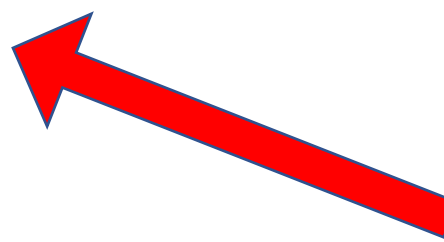
Looking to the Report to the U.S. House Committee on Appropriations and the U.S. Senate Committee on Appropriations - Cannabidiol (CBD) - Report in Response to Further Consolidated Appropriations Act, 2020 - U.S. FDA, the Report states that cosmetics are a key area which falls under the FDA's jurisdiction. The report states that "Cosmetic ingredients do not generally require premarket approval (with the exception that most color additives do require premarket approval). Those marketing a cosmetic product are responsible for ensuring the safety of the product."

The report goes on to state that no ingredient — including CBD — can be used in a cosmetic if it causes the product to be adulterated or mis-branded in any way. The FDCA defines cosmetics by their intended use, as "articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body...for cleansing, beautifying, promoting attractiveness, or altering the appearance."

As amended, the goods covered under the CBDMD mark include:

International Class 005: Herbal tinctures for medical purposes; Dietary and nutritional supplements for pets; 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 anti-inflammatory creams, gels, salves, sprays, powders, and ointments; Topical medicated moisturizing creams, gels, salves, sprays, powders, and ointments; natural sleep aid preparations; any CBD in the all of the foregoing goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

The goods sold under the CBDMD mark are intended as skin and health care products and have not been adulterated through the inclusion of poisonous or deleterious substances that may render it injurious to users when used under the directions in the labeling or under unusual conditions of use. Hence, the goods sold under the CBDMD mark are not a drug and should be permitted registration on the Principal Trademark Registry.



Both 1000mg CBD Oil Tinctures

NOTE 6 – INTANGIBLE ASSETS

On December 20, 2018, the Company completed the Mergers with Cure Based Development and acquired certain assets, including the trademark "cbdMD" and its variants and certain other intellectual property. The trademark is the cornerstone of this subsidiary and is key as we create and distribute products and continue to build this brand. We believe the trademark does not have limits on the time it will contribute to the generation of cash flows and therefore we have identified these as indefinite-lived intangible assets (see Note 2 for more information).

In September 2019, the Company purchased the rights to the trademark name HempMD for \$50,000. This trademark will be used in the marketing and branding of certain products to be released under this brand name. We believe the trademark does not have limits on the time it will contribute to the generation of cash flows and therefore we have identified these as indefinite-lived intangible assets.

F-20

Intangible assets as of September 30, 2020 and 2019 consisted of the following:

	September 30, 2020	September 30, 2019
Trademark related to cbdMD	\$ 21,585,000	\$ 21,585,000
Trademark for HempMD	50,000	50,000
Total	21,635,000	21,635,000

YCBD does not have 1 USPTO Officially registered trademark.

Do they?

The Company owns and operates the nationally recognized CBD (cannabidiol) brands cbdMD and Paw CBD. The Company sources cannabinoids, including CBD, which are extracted from non-GMO hemp grown on farms in the United States. CBD is a natural substance produced from the hemp plant and the products manufactured by the Company are non-psychoactive as they do not contain tetrahydrocannabinol (THC).

Source: YCBD 10 Q

Filed 2-9-2021

http://filings.irdirect.net/data/1644903/000165495421001364/ycbd_10q.pdf

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Intangible Assets

The Company's intangible assets consist of trademarks and other intellectual property all of which are accounted for in accordance with Accounting Standards Codification (ASC) Topic 350, *Intangibles – Goodwill and Other*. The Company employs the non-amortization approach to account for purchased intangible assets having indefinite lives. Under the non-amortization approach, intangible assets having indefinite lives are not amortized into the results of operations, but instead are reviewed annually or more frequently if events or changes in circumstances indicate that the assets might be impaired, to assess whether their fair value exceeds their carrying value. We perform an impairment analysis at August 1 annually on the indefinite-lived intangible assets following the steps laid out in ASC 350-30-35-18. Our annual impairment analysis includes a qualitative assessment to determine if it is necessary to perform the quantitative impairment test. In performing a qualitative assessment, we review events and circumstances that could affect the significant inputs used to determine if the fair value is less than the carrying value of the intangible assets. If a quantitative analysis is necessary, we would analyze various aspects including revenues from the business, associated with the intangible assets. In addition, intangible assets will be tested on an interim basis if an event or circumstance indicates that it is more likely than not that an impairment loss has been incurred. In addition, the Company has analyzed a variety of factors in light of the known impact to date of the COVID-19 pandemic on its business to determine if a circumstance could trigger an impairment loss, and, at this time has determined there has been no impairment

Source: YCBD 10 Q

Filed 2-9-2021

http://filings.irdirect.net/data/1644903/000165495421001364/ycbd_10q.pdf

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Intangible assets with finite useful lives are amortized using the straight-line method over their estimated period of benefit. In accordance with ASC 360-10-35-21, definite lived intangibles are reviewed annually or more frequently if events or changes in circumstances indicate that the assets might be impaired, to assess whether their fair value exceeds their carrying value.

In conjunction with any acquisitions, the Company refers to ASC-805 as amended by Accounting Standards Update (“ASU”) 2017-01 in determining if the Company is acquiring any inputs, processes or outputs and the impact that such factors would have on the classification of the acquisition as a business combination or asset purchase. Additionally, the Company refers to the aforementioned guidance in reviewing all acquired assets and assumed liabilities for valuation in a business combination, including the determination of intangible asset values and contingent liabilities.

NOTE 5 – INTANGIBLE ASSETS

With the Mergers of Cure Based Development, the Company made a strategic shift toward the CBD business and all entities and their associated intangibles were assessed during the year ended September 30, 2019 with that focus and their ability to support that business line.

On December 20, 2018, the Company completed the Mergers with Cure Based Development and acquired certain assets, including the trademark "cbdMD" and its variants and certain other intellectual property. The trademark is the cornerstone of this subsidiary and is key as we create and distribute products and continue to build this brand. We believe the trademark does not have limits on the time it will contribute to the generation of cash flows and therefore we have identified these as indefinite-lived intangible assets (see Note 1 for more information).

In September 2019, the Company purchased the rights to the trademark name HempMD for \$50,000. This trademark will be used in the marketing and branding of certain products to be released under this brand name. We believe the trademark does not have limits on the time it will contribute to the generation of cash flows and therefore we have identified these as indefinite-lived intangible assets.

Intangible assets as of December 31, 2020 and September 30, 2020 consisted of the following:

	December 31, 2020	September 30, 2020
Trademark related to cbdMD	\$ 21,585,000	\$ 21,585,000
Trademark for HempMD	50,000	50,000
Total	\$ 21,635,000	\$ 21,635,000



United States of America
United States Patent and Trademark Office

CBD MD

Reg. No. 5,173,264
Registered Mar. 28, 2017
Int. Cl.: 3, 5
Trademark
Supplemental Register

Majik-Medicines, LLC (LOUISIANA LIMITED LIABILITY COMPANY)
629 Village Lane South
Mandeville, LA 70471

CLASS 3: Skin and body topical lotions, creams and oils for cosmetic use; all of the aforementioned containing CBD
FIRST USE 2-21-2016; IN COMMERCE 2-21-2016

CLASS 5: Medicinal creams for skin care; Medicinal herbal preparations; Medicinal oils; Herbs for medicinal purposes; all of the aforementioned containing CBD
FIRST USE 2-21-2016; IN COMMERCE 2-21-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

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

SER. NO. 86-914,580, FILED P.R. 02-21-2016; AM. S.R. 12-14-2016
LINDSEY HEATHER BEN, EXAMINING ATTORNEY

Source: YCBD 10 Q
Filed 2-9-2021
http://filings.irdirect.net/data/1644903/000165495421001364/ycbd_10q.pdf

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Feb 12 03:32:22 EST 2021

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG PREV LIST NEXT LIST IMAGE LIST BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **5 Records(s) found (This page: 1 ~ 5)**

Refine Search (cbd md)[COMB] Submit

Current Search: [cbd md][COMB] docs: 5 occ: 14

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1 90336185		CBD EMILY WOOLCOCK MD ARISTOCRAT	TSDR	LIVE
2 88451502		CBDM D	TSDR	LIVE
3 88451429		CBDM D	TSDR	LIVE
4 88944504		CBDM D	TSDR	LIVE
5 86914580	5173264	CBDM D	TSDR	LIVE

*I am not a representative of a firm nor do I hold a securities license. This is not financial advise of any sort, but to be used for informational purposes only. GS 2/23/2021

NOT MENTIONED IN
ANY YCBD FILINGS



We currently hold 18 U.S. trademark applications which are held for current and future product offerings and extended branding capability, which are set forth below:

Mark	Federal registration No.	Filing date	Description of Mark Usage	USPTO.gov Status 2/21/2022
CBDMD Synergy	87613823	9/19/2017	Standard word mark	Suspended Jul 15 th 2020
Synergy CBDMD	87613850	9/19/2017	Standard word mark	Suspended Jul 15 th 2020
CBD Synergy	87613876	9/19/2017	Standard word mark	Suspended Jul 15 th 2020
CBD Paws	87614081	9/19/2017	Standard word mark	Pending Outgoing Action Feb 2 nd 2021
Hemp Synergy	87625996	9/28/2017	Standard word mark	Pending Outgoing Action Sep 10 th 2020
Mingo Rad	88010754	6/22/2018	Standard word mark	NOA Oct 20 th 2020- Product Not CBD related
Powered by Nature. Enhanced by Science	88363595	3/29/2019	Standard word mark	Suspended Jan 6 th 2020
cbdMD	88451429	5/29/2019	Stylized word mark (logo in color)	Suspended Dec 22 nd 2020
cbdMD	88451502	5/29/2019	Standard word mark	Suspended Dec 22 nd 2020
cbdMD Premium CBD Oil	88451556	5/29/2019	Standard word mark	Suspended Dec 22 nd 2020
CBDMD Premium	88451595	5/29/2019	Design mark	Suspended Dec 22 nd 2020
paw cbd	88451641	5/29/2019	Design mark	Pending Outgoing Action Dec 30 th 2020
Paw cbd	88451671	5/29/2019	Standard word mark	Pending Outgoing Action Dec 30 th 2020
Hemplex Naturals	88575252	8/12/2019	Standard word mark	Suspended Jan 7 th 2021
Hemp MD	88109782	9/09/2019	Standard word mark	Requested Reconsideration Feb 19 th 2021
Paw CBD	88697605	10/19/2019	Standard word mark	Amended Process Review Feb 20 th 2021
Superior CBD, Superior You	88826706	3/09/2020	Standard word mark	Pending Outgoing Action Sep 9 th 2020
CBDMD	88944504	6/02/2020	Standard word mark	Pending Outgoing Action Sep 22 nd 2020

We currently hold a Madrid Protocol foreign trademark application for CBDMD (based on registration No. 88944504) and are prosecuting the CBDMD trademark in the following countries: Australia, Brazil, Canada, China, Colombia, Czech Republic, European Union, Spain, Mexico, New Zealand, Norway, Switzerland, and the United Kingdom.

We further have filed for trademark protection directly to the following countries which are not a party to the Madrid Protocol: South Africa, Chile, Peru, Argentina, Ecuador, and Costa Rica.

CBDMD, INC.
CONSOLIDATED BALANCE SHEETS
SEPTEMBER 30, 2020 AND 2019

	2020	2019
Assets		
Current assets:		
Cash and cash equivalents	\$ 14,824,644	\$ 4,689,966
Accounts receivable	911,482	1,425,697
Accounts receivable other	-	160,137
Accounts receivable – discontinued operations	447,134	1,080,000
Marketable securities	26,472	198,538
Investment other securities	250,000	600,000
Deposits	40,198	6,850
Merchant reserve	-	519,569
Inventory	4,603,360	4,301,586
Inventory prepaid	288,178	903,458
Deferred issuance costs	-	93,954
Prepaid software	174,308	206,587
Prepaid equipment deposits	40,197	868,589
Prepaid sponsorship	1,203,300	-
Prepaid expenses and other current assets	902,979	688,104
Total current assets	23,712,252	15,743,035
Other assets:		
Property and equipment, net	3,183,487	1,715,557
Operating lease right-of-use assets	6,851,357	-
Deposits for facilities	790,708	754,533
Intangible assets, net	21,635,000	21,635,000
Goodwill	54,669,997	54,669,997
Total other assets	87,130,549	78,775,087
Total assets	\$ 110,842,801	\$ 94,518,122

YCBD Trademark claims seems more like a liability than assets.

Financial Accounting Standards Board of the Financial Accounting Foundation

The FASB Accounting Standards Codification® is the source of authoritative generally accepted accounting principles (GAAP) recognized by the FASB to be applied by nongovernmental entities. An Accounting Standards Update is not authoritative; rather, it is a document that communicates how the Accounting Standards Codification is being amended. It also provides other information to help a user of GAAP understand how and why GAAP is changing and when the changes will be effective.

350-30-35-18 An intangible asset that is not subject to amortization shall be tested for impairment annually, or and more frequently if events or changes in circumstances indicate that it is more likely than not that the asset is impaired. the asset might be impaired. Paragraph 360-10-35-21 includes examples of impairment indicators. The impairment test shall consist of a comparison of the fair value of an intangible asset with its carrying amount. If the carrying amount of an intangible asset exceeds its fair value, an impairment loss shall be recognized in an amount equal to that excess.

350-30-35-18A An entity may first perform a qualitative assessment, as described in this paragraph and paragraphs 350-30-35-18B through 35-18F, to determine whether it is necessary to perform the quantitative impairment test as described in paragraph 350-30-35-19. An entity has an unconditional option to bypass the qualitative assessment for any indefinite-lived intangible asset in any period and proceed directly to performing the quantitative impairment test as described in paragraph 350-30-35-19. An entity may resume performing the qualitative assessment in any subsequent period. If an entity elects to perform a qualitative assessment, it first shall assess qualitative factors to determine whether it is more likely than not (that is, a likelihood of more than 50 percent) that an indefinite-lived intangible asset is impaired.

350-30-35-18B In assessing whether it is more likely than not that an indefinite-lived intangible asset is impaired, an entity shall assess all relevant events and circumstances that could affect the significant inputs used to determine the fair value of the indefinite-lived intangible asset. Examples of such events and circumstances include the following:

- a. Cost factors such as increases in raw materials, labor, or other costs that have a negative effect on future expected earnings and cash flows that could affect significant inputs used to determine the fair value of the indefinite-lived intangible asset
- b. Financial performance such as negative or declining cash flows or a decline in actual or planned revenue or earnings compared with actual and projected results of relevant prior periods that could affect significant inputs used to determine the fair value of the indefinite-lived intangible asset

- c. Legal, regulatory, contractual, political, business, or other factors, including asset-specific factors that could affect significant inputs used to determine the fair value of the indefinite-lived intangible asset

	December 31, 2020	September 30, 2020
Trademark related to cbdMD	\$ 21,585,000	\$ 21,585,000
Trademark for HempMD	50,000	50,000
Total	\$ 21,635,000	\$ 21,635,000

To: cbdMD, LLC (bvg@kcpatentlaw.com)
Subject: U.S. Trademark Application Serial No. 88451502 - CBDMD - 3080.015
Sent: December 22, 2020 11:10:32 AM
Sent As: ecom130@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 88451502

Mark: CBDMD

Correspondence Address:
Blake E. Vande Garde
Erickson Kernell IP
15720 Brixham Hill Ave., Suite 300
Charlotte NC 28277

Applicant: cbdMD, LLC

Reference/Docket No. 3080.015

Correspondence Email Address:
bvg@kcpatentlaw.com

Issue date: December 22, 2020

The application is suspended for the reason(s) specified below. See 37 C.F.R. §2.67; TMEP §§716 *et seq.*

Application suspended until legal proceeding(s) involving the applied-for mark is resolved. The legal proceeding(s) below involves (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052; see 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the outcome of this proceeding(s) could directly affect whether applicant's mark can register, action on this application is suspended until proceeding(s) is resolved. See 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

EXHIBIT 31.1

Rule 13a-14(a)/15d-14(a) Certification

I, Martin A. Sumichrast, certify that:

1. I have reviewed this report on Form 10-Q for the period ended December 31, 2020 of cbdMD, Inc.;
2. Based on my knowledge, this report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this report;
3. Based on my knowledge, the financial statements, and other financial information included in this report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this report;
4. The registrant's other certifying officer(s) and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-15(e) and 15d-15(e)) and internal control over financial reporting (as defined in Exchange Act Rules 13a-15(f) and 15d-15(f)) for the registrant and have:
 - (a) Designed such disclosure controls and procedures, or caused such disclosure controls and procedures to be designed under our supervision, to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this report is being prepared;
 - (b) Designed such internal control over financial reporting, or caused such internal control over financial reporting to be designed under our supervision, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with generally accepted accounting principles;
 - (c) Evaluated the effectiveness of the registrant's disclosure controls and procedures and presented in this report our conclusions about the effectiveness of the disclosure controls and procedures, as of the end of the period covered by this report based on such evaluation; and
 - (d) Disclosed in this report any change in the registrant's internal control over financial reporting that occurred during the registrant's most recent fiscal quarter (the registrant's fourth fiscal quarter in the case of an annual report) that has materially affected, or is reasonably likely to materially affect, the registrant's internal control over financial reporting; and
5. The registrant's other certifying officer(s) and I have disclosed, based on our most recent evaluation of internal control over financial reporting, to the registrant's auditors and the audit committee of the registrant's board of directors (or persons performing the equivalent functions):
 - (a) All significant deficiencies and material weaknesses in the design or operation of internal control over financial reporting which are reasonably likely to adversely affect the registrant's ability to record, process, summarize and report financial information; and
 - (b) Any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal control over financial reporting.

Dated: February 9, 2021

/s/ Martin A. Sumichrast

Martin A. Sumichrast, Co-Chief Executive Officer,
co-principal executive officer

Source: YCBD 10 Q

Filed 2-9-2021

http://filings.irdirect.net/data/1644903/000165495421001364/ycbd_10q.pdf

- Exhibit 32.1

cbdMD SOCIAL MEDIA DOMINANCE

<https://www.cbdmd.com/investors/investor-presentations>

- [https://s3.amazonaws.com/cdn.irdirect.net/PIR/1215/4864/Master%20-%20October%2014%20IR%202020%20CBD%20MD%20Corporate%20Presentation%20%20\(2\).pdf](https://s3.amazonaws.com/cdn.irdirect.net/PIR/1215/4864/Master%20-%20October%2014%20IR%202020%20CBD%20MD%20Corporate%20Presentation%20%20(2).pdf)

- cbdMD has the largest total social media reach of all CBD competitors (Instagram, Facebook, and Twitter combined)
- Average reach of over **26,000** people per Instagram post in 2020 (vs. 23,000 per post in 2019)
- Peak Instagram posts have reached more than **55,000** people
- Social media brought nearly **100,000** new users to cbdMD.com since the beginning of 2020



cbdMD PARTNERSHIPS



BUBBA WATSON
Team cbdMD Athlete



cbdMD BELLATOR MMA
OFFICIAL CBD PARTNER OF BELLATOR MMA



cbdMD | LIFETIME
HEALTHY WAY OF LIFE
EXCLUSIVE CBD MARKETING PARTNER



BARSTOOL SPORTS

cbdMD.com