

ESTTA Tracking number: **ESTTA1333159**
Filing date: **01/10/2024**

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	Valley Education LLC		
Entity	LLC	Incorporated or registered in	United States
Address	307 U.S. 202 RARITAN, NJ 08869 UNITED STATES		

Attorney information	MATTHEW G. MILLER LERNER DAVID LLP 20 COMMERCE DRIVE CRANFORD, NJ 07016 UNITED STATES Primary email: mmiller@lerner david.com Secondary email(s): litigation@lerner david.com 9086545000
Docket no.	

Registration subject to cancellation

Registration no.	6829488	Registration date	08/23/2022
Register	Supplemental		
Registrant	CCOD LLC 2075 91ST ST. NORTH BERGEN, NJ 07047 UNITED STATES		

Goods/services subject to cancellation

<p>Class 042. First Use: Jan 1, 2022 First Use In Commerce: Jan 1, 2022 All goods and services in the class are subject to cancellation, namely: Platform as a service (PAAS) featuring computer software platforms for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments in the field of government-issued, state-issued, and local-issued cannabis employment certification; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services, namely, hosting software for use by others for use creating, administering, grading, and analyzing educational and pre-employment assessments; Testing, analysis, and evaluation of the knowledge, skills and abilities of others in the field of government-issued, state-issued, and local-issued cannabis employment certifications to determine conformity with certification standards; Testing, analysis, and evaluation of the knowledge, skills, and abilities of others to the order and specification of accrediting bodies or certification boards; Consulting services in the field of software as a service (SAAS); Providing temporary use of non-downloadable cloud-based software for creating, administering, grading, and analyzing educational and pre-employment assessments</p>

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 23(a) and 2(d)
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Registration subject to cancellation

Registration no.	7081279	Registration date	06/13/2023
Register	Principal		
Registrant	CCOD LLC 2075 91ST ST. NORTH BERGEN, NJ 07047 UNITED STATES		

Goods/services subject to cancellation

Class 042. First Use: Jan 1, 2022 First Use In Commerce: Jan 1, 2022 All goods and services in the class are subject to cancellation, namely: Platform as a service (PAAS) featuring computer software platforms for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments in the field of government-issued, state-issued, and local-issued cannabis employment certification; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services, namely, hosting software for use by others for use creating, administering, grading, and analyzing educational and pre-employment assessments; Testing, analysis, and evaluation of the knowledge, skills and abilities of others in the field of government-issued, state-issued, and local-issued cannabis employment certifications to determine conformity with certification standards; Testing, analysis, and evaluation of the knowledge, skills, and abilities of others to the order and specification of accrediting bodies or certification boards; Consulting services in the field of software as a service (SAAS); Providing temporary use of non-downloadable cloud-based software for creating, administering, grading, and analyzing educational and pre-employment assessments

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark cited by petitioner as basis for cancellation


U.S. application no.	98256836	Application date	11/06/2023
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	NJ CANNABIS CERTIFIED		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: Aug 31, 2020 First Use In Commerce: Aug 31, 2020 Providing job training for jobs within the cannabis industry; Providing job training for entry-level jobs within the cannabis industry; Providing skills development		

	training for jobs within the cannabis industry; Providing skills development training for entry-level jobs within the cannabis industry
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Attachments	Petition for Cancellation - CANNABIS CERTIFIED.pdf(112665 bytes)
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Signature	/Matthew G. Miller/
Name	Matthew G. Miller
Date	01/10/2024

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

Valley Education LLC,	:	
	:	Registration Nos. 6,829,488 and 7,081,279
Petitioner,	:	
	:	
v.	:	Marks: CannabisCertified.org and
	:	
	:	
CCOD LLC,	:	
	:	
	:	
	:	
Respondent.	:	Cancellation No. _____
_____	:	
	:	X

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner Valley Education LLC (“Petitioner”), requests cancellation of the above-identified registrations. The basis for cancellation is set forth below.

1. Petitioner is a limited liability company, organized under the laws of the State of New Jersey, having a business address at 307 U.S. 202, Raritan, New Jersey 08869.

2. Upon information and belief, Registrant CCOD LLC (“Respondent”) is a limited liability company, organized under the laws of the State of Delaware, having an address at 2075 91st Street, North Bergen, New Jersey 07047.

3. Upon information and belief, Respondent is the owner of U.S. Trademark Registration Nos. 6,829,488 (“the ’448 Registration”) and 7,081,279 (“the ’279 Registration”) (collectively, “the Registrations”).

4. The '448 Registration is for the mark CANNABISCERTIFIED.ORG in standard characters for use in connection with “Platform as a service (PAAS) featuring computer software platforms for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments in the field of government-issued, state-issued, and local-issued cannabis employment certification; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services, namely, hosting software for use by others for use creating, administering, grading, and analyzing educational and pre-employment assessments; Testing, analysis, and evaluation of the knowledge, skills and abilities of others in the field of government-issued, state-issued, and local-issued cannabis employment certifications to determine conformity with certification standards; Testing, analysis, and evaluation of the knowledge, skills, and abilities of others to the order and specification of accrediting bodies or certification boards; Consulting services in the field of software as a service (SAAS); Providing temporary use of non-downloadable cloud-based software for creating, administering, grading, and analyzing educational and pre-employment assessments” in Class 042.

5. Upon information and belief, the first date that Respondent has used CANNABISCERTIFIED.ORG , in standard characters, in interstate commerce, is January 1, 2022.

6. The '279 Registration is for the mark CANNABISCERTIFIED.ORG in stylized form for use in connection with “Platform as a service (PAAS) featuring computer software platforms for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments in the field of government-issued, state-issued, and local-issued cannabis employment certification; Software as a service (SAAS) services featuring software for creating, administering, grading, and analyzing educational and pre-employment assessments; Software as a service (SAAS) services, namely, hosting software for use by others for use creating, administering, grading, and analyzing educational and pre-employment assessments; Testing, analysis, and evaluation of the knowledge, skills and

abilities of others in the field of government-issued, state-issued, and local-issued cannabis employment certifications to determine conformity with certification standards; Testing, analysis, and evaluation of the knowledge, skills, and abilities of others to the order and specification of accrediting bodies or certification boards; Consulting services in the field of software as a service (SAAS); Providing temporary use of non-downloadable cloud-based software for creating, administering, grading, and analyzing educational and pre-employment assessments” in Class 042.

7. Upon information and belief, the first date that Respondent has used CANNABISCERTIFIED.ORG, in stylized form, in interstate commerce, is January 1, 2022.

8. Petitioner is the owner of Trademark Application No. 98/256,836 for the mark NJ CANNABIS CERTIFIED, in standard characters (“the Application”).

9. Petitioner’s Application was filed on November 6, 2023, and lists “Providing job training for jobs within the cannabis industry; Providing job training for entry-level jobs within the cannabis industry; Providing skills development training for jobs within the cannabis industry; Providing skills development training for entry-level jobs within the cannabis industry” in Class 041 (collectively, “Petitioner’s Services”).

10. Petitioner has been using the NJ CANNABIS CERTIFIED mark continuously in interstate commerce in connection with Petitioner’s Services since at least as early August 31, 2020, well before Respondent’s date of first use in interstate commerce.

11. As a result of promotion of its goods and services throughout the United States, Petitioner has built up highly valuable goodwill in its NJ CANNABIS CERTIFIED mark. Such goodwill has become closely and uniquely identified and associated with Petitioner prior to the date of first use in interstate commerce by Respondent, and prior to any use of the CANNABISCERTIFIED.ORG, either in standard characters or in stylized form, in the United States by Respondent.

12. Petitioner’s NJ CANNABIS CERTIFIED mark so resembles each of Respondent’s CANNABISCERTIFIED.ORG marks both in standard characters and in stylized form, as to result in a likelihood of confusion.

13. Petitioner's NJ CANNABIS CERTIFIED mark is used for related and confusingly similar services to Respondent's Services in the United States, such that the Petitioner's Mark and Respondent's marks are likely to be confused.

14. Upon information and belief, instances of actual confusion between Petitioner and Respondent have already occurred due to the confusingly similar nature of Petitioner's Mark and Respondent's marks.

15. Petitioner will suffer harm as a result of the continued existence of the Registrations.

16. Therefore, Petitioner asserts that the '448 Registration and the '279 Registration for the marks CANNABISCERTIFIED.ORG, in standard characters and in stylized form, respectively should both be canceled pursuant to 15 U.S.C. § 1052(d) due to priority of Petitioner's use and a likelihood of confusion between Petitioner's Mark and Respondent's Marks.

17. Please charge the fee of \$1200 for a petition to cancel two registrations, each in one class to Deposit Account No. 12-1095. The undersigned is authorized to make charges to said deposit account.

18. WHEREFORE, Petitioner prays that Registration Nos Registration Nos. 6,829,488 and 7,081,279 are canceled.

Respectfully submitted,

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Dated: January 10, 2024

By: /Matthew G. Miller/
Matthew G. Miller