



# INTELLECTUAL PROPERTY AND CANNA-BUSINESS


A SURVEY OF COMPANIES SUCCESSFULLY UTILIZING THEIR INTELLECTUAL PROPERTY

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## WHY SHOULD I CARE?

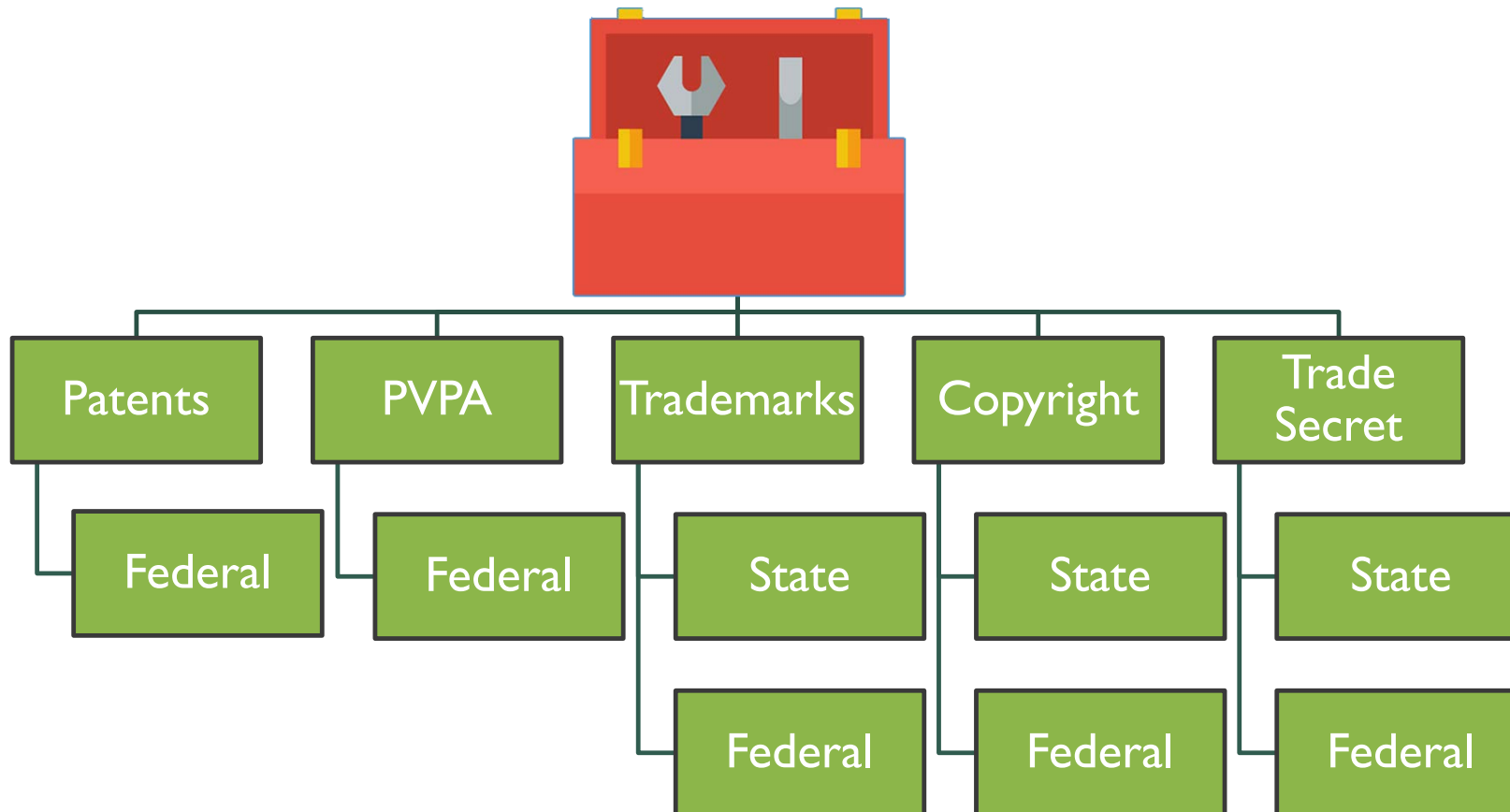
When “Big Agro” and “Big Pharma” fully move into the cannabis space, pre-established intellectual property rights will be one of the few tools available to fend them off.



# OVERVIEW

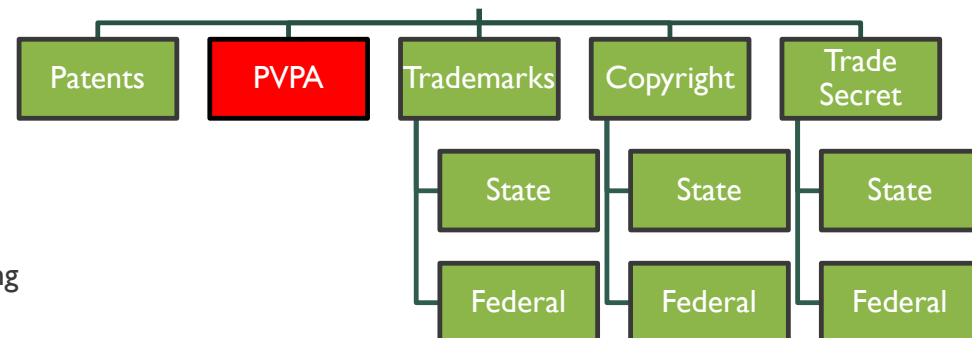
- Intellectual Property Toolbox
- Protectable assets broken down by sub-sector
  1. Pharma/Biotech
  2. Agricultural Technology
  3. Consumption Products
  4. Media
  5. Cultivation
  6. Ancillary Operations
- Takeaways
- Conclusions

# INTELLECTUAL PROPERTY TOOLBOX



# PHARMA/BIOTECH

- Cannabis-based Medicines (GW Pharma)
  - US Patent No.: 8,034,843 (Compositions comprising cannabinoids for treatment of nausea, vomiting, emesis, motion sickness or like conditions)
  - US Patent No.: 7,968,594 (Pharmaceutical compositions for the treatment of pain)
  - TM Registration No.: 3,910,241 (GW PHARMACEUTICALS, logo)
- Opioid-dependency Reducers (Cara Therapeutics)
  - US Patent No.: 7,402,564 (Synthetic peptide amides)
  - US Patent No.: 8,951,970 (Synthetic peptide amides for pain)
  - TM Registration No.: 3,604,372 (“CARA THERAPEUTICS”)
- Safer Tobacco (22<sup>nd</sup> Century Group)
  - US Patent No.: 9,157,090 (Nucleic acid sequences encoding transcription factors regulating alkaloid biosynthesis and their use in modifying plant metabolism)
  - US Patent No.: 9,422,532 (Nucleic acid encoding N-methylputrescine oxidase and uses thereof)
  - US Patent No.: 9,102,948 (Regulating alkaloids)
  - TM Registration No.: 5,079,440 (“CHICAGOLY”)
  - TM Registration No.: 4,856,773 (“MAGIC”)
  - TM Registration No.: 4,071,725 (“RED SUN”)



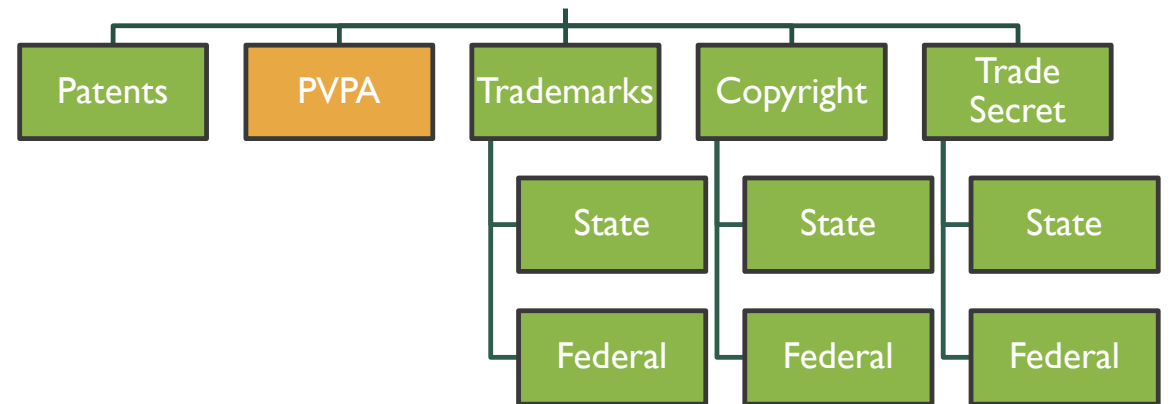
# GW PHARMA – IF YOU CAN'T BEAT THEM, JOIN THEM

- Today, GW is one of the largest cannabis-related companies, but how did they get there?
- In 2007, GW partnered with Otsuka to research and commercialize their anti MS-drug, Sativex®
- In 2011, GW made a deal with Novartis to commercialize the products sold under the Sativex® brand
- In 2013, GW successfully went public, in large part based on granted patents and other intellectual property



# AGRO TECH

- Soil/crop Technology (Aerogrow)
  - US Patent No.: 6,807,770 (Low pressure aeroponic growing apparatus)
  - US Patent No.: 7,818,916 (pH buffered plant nutrient compositions and methods for growing plants)
- Smart equipment (Heliospectra)
  - US Patent No.: 8,850,742 (System for modulating plant growth or attributes)
  - US Design Patent No.: D768,901 (Greenhouse Lamp)
  - TM Reg No.: 4,920,027 (“HELIOSPECTRA”)
- Seed genetics (TBD)



# AEROGROW – VALUABLE IDEAS ARE WORTH INVESTING IN

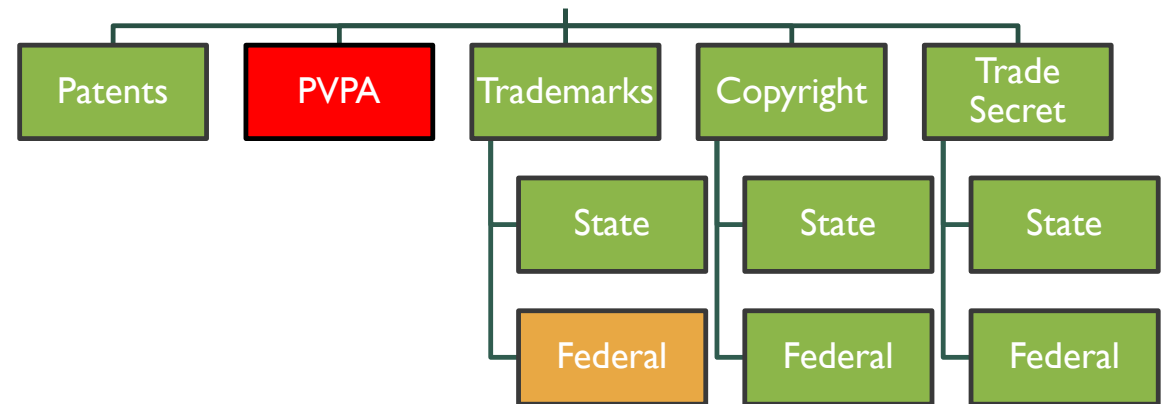
- Aerogrow started out as a private company which slowly acquired a few patents and a substantial trademark portfolio.
- Scott's has slowly been buying up more and more of Aerogrow. Most recently Scott's exercised current outstanding warrants to increase their ownership to 80% Part of this ownership resulted in AeroGrow cancelling or abandoning their entire (and relatively sizable) trademark portfolio so that Scott's could pursue co-branded protection





# CONSUMPTION PRODUCTS

- Distributors (The Daily Leaf)
  - OR TM: 46428 (“THE DAILY LEAF”)
- Edibles (Mountain High Suckers)
  - CO TM: 20141328177 (“MOUNTAIN HIGH SUCKERS”)
- Vaporizers (Grenco Science)
  - US Patent Application No.: 2014/0041655 (Portable Vaporizer)
  - TM Reg No.: 4,390,645 (“G PEN”)
- Beauty Products (Whoopi & Maya)
  - TM Application No.: 87/265,266 (“WHOOPI & MAYA”)
- Delivery Methods (AXIM Biotechnologies)
  - US Patent No.: 9,433,601 (Chewing gum compositions comprising cannabinoids)
- Accessories (Kush Bottles)
  - US Patent No.: X,XXX,XXX (Unitary Child-Resistant Containers Configured for Attachment to Identifier Cap, and Identifier Cap) (*Approved, publication forthcoming*)



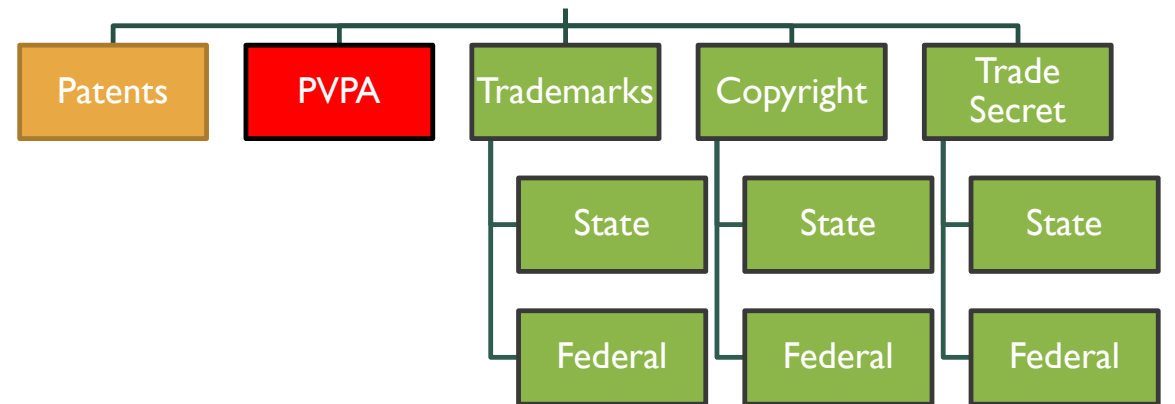
# GRENCO SCIENCE – TRADEMARKS AS A SWORD AND SHEILD

- In an attempt to stop the rampant copying of their well known G Pen®, Grenco sued a number of sellers on Amazon
- Grenco was awarded a \$47M judgment, as well as an injunction
- While they probably won't collect (many of the defendants failed to even make an appearance), but did get an injunction granted giving them legal grounds to order Amazon stop selling the infringing products



# MEDIA

- Event Planning (CannaCon)
  - TM Reg No.: 4,657,952 (“CannaCon”)
- Publications (Trans-High Corporation)
  - TM Reg No.: 1,883,561 (“HIGH TIMES”)
  - TM Reg No.: 2,289,974 (“CANNABIS CUP”)
  - TM Reg No.: 2,835,878 (“420.COM”)



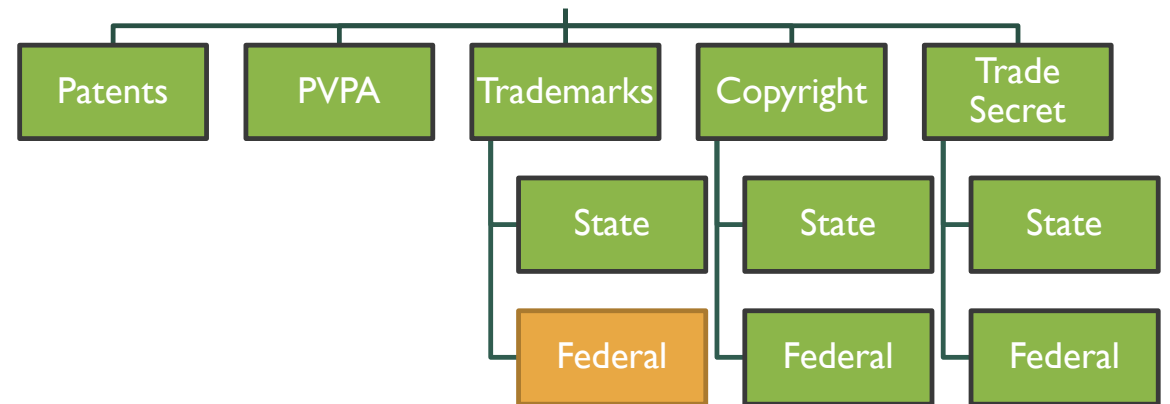
# TRANS-HIGH CORPORATION – PAVING THE WAY FOR THE REST OF US

- One of the older companies in the cannabis space, Trans-High Corp, the publisher behind “High Times” has had much interaction with intellectual property
- As one of the pioneers for normalizing the use of cannabis, Trans-High also paved the way for the trademark office to start allowing federal trademark for cannabis-related businesses that don’t touch the plant
- In 2014, Trans-High Corp also sued (and subsequently settled) a Texas business that had stores with the names “High Times Lifestyle” and “High Times Smokeshop.” Alleging trademark infringement “High Times” mark owned by Trans-High Corp, a suit was filed in federal district court.



# CULTIVATION

- Producers (Cannabis Sativa Inc.)
  - US Plant Patent No.: PP27,475 (Ecuadorian Sativa)
  - TM Reg No.: 4,868,623 (“H\*E\*M\*P”)
  - TM Reg No.: 4,642,830 (“DISPENSARxY”)
  - TM Reg No.: 4,725,687 (“CANNARX”)
- Extractors (DabTek)
  - TM Reg No.: 5,060,195 (“DABTEK”)
  - TM Reg No.: 5,060,194 (“DABTEK”)
  - TM Reg No.: 4,305,059 (“DABTEK”)



# CANNABIS SATIVA INC. – IT'S NOT WHAT YOU DO, IT'S HOW YOU PHRASE IT

- TM Description - Business consultation services in the field of telling others how to bring together a variety of industrial hemp based products so as to enable their consumers to be aware of the health benefits of such goods and to view and purchase such good
- Clearly being savvy with intellectual property, Cannabis Sativa Inc acquired White Rabbit, their entire product line, and all of the associated intellectual property in April 2017. This is the first of many mergers based on a company's IP.



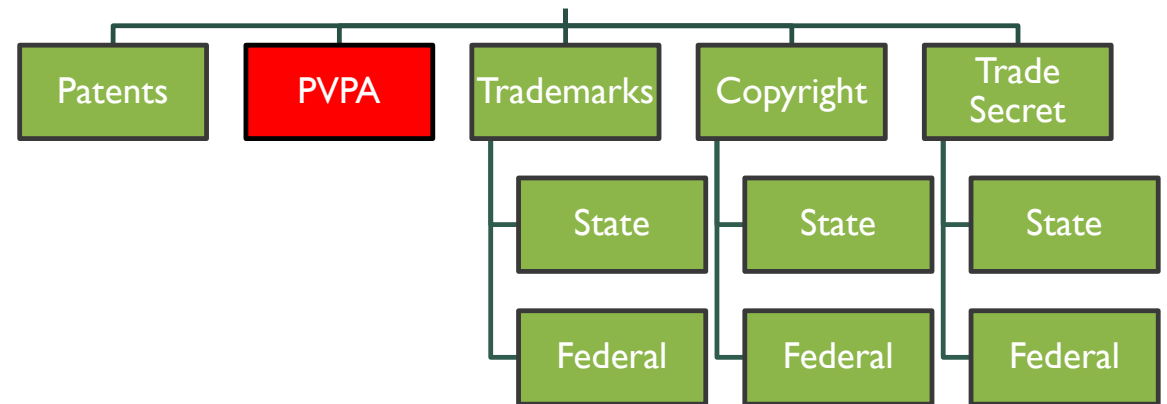
# DABTEK – IT'S NOT WHAT YOU DO, IT'S HOW YOU PHRASE IT (PART 2)

- TM Reg No.: 5,060,195 (“DABTEK”)
  - Essential oils
- TM Reg No.: 5,060,194 (“DABTEK”)
  - Retail convenience stores
- TM Reg No.: 4,305,059 (“DABTEK”)
  - Hat's sweatshirts, t-shirts

DABTEK

# ANCILLARY OPERATIONS – IF YOU WANT TO GET RICH IN A GOLD RUSH, SELL SHOVELS

- Security/Transportation (Blue Line Protection Group)
  - TM Application No.: 87/452,194 (“BLUE LINE PROTECTION GROUP”)
- Testing Labs/Equipment (Advion)
  - US Patent No.: 6,596,988 (Separation media, multiple electrospray nozzle system and method”)
  - US Patent No.: 6,633,031 (Integrated monolithic microfabricated dispensing nozzle and liquid chromatography-electrospray system and method)
  - US Patent No.: 7,797,988 (Liquid chromatography-mass spectrometry)
  - US Patent No.: 8,373,118 (Atmospheric pressure ionization inlet for mass spectrometers)
  - TM Reg No.: 2,844,335 (“ADVION”)
- Tracking Software (MJ Freeway)
  - US Patent Application No.: 2012/0271739 (Methods, Devices, and Computer Program Products for Tracking Product Inventory)
  - TM Reg No.: 4,754,616 (“MJFREEWAY”)





# TAKEAWAYS

- Despite being illegal under federal law, there is a wide bevy of federal protections that most canna-businesses can take advantage of.
- Have a logo or good branding materials?
  - Trademark
  - Copyright
- Have a “secret sauce” as to how you do things?
  - Patents **or**
  - Trade Secret
- Have a new strain that you developed?
  - Patents
  - PVPA



# CONCLUSIONS

- Protect yourself early and often. Too frequently people tell me about others infringing their IP but they don't have any legal protection in place. While there are still options the process becomes much more complicated/expensive by trying to obtain and enforce this protection after the infringing activity has occurred.
- Look for infringers! It seems rather unlikely that an infringer will notify you of their activity

# QUESTIONS

- **Any questions?**
- Don't have any questions now? Feel free to reach out at [contact@mgmiller.legal](mailto:contact@mgmiller.legal)