

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

Vitamin World, Inc.,

Opposer,

v.

T.C. Pharmaceutical Industries Co., Ltd.,

Applicant.

No. 91170764

ANSWER TO NOTICE OF
OPPOSITION



06-15-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

T.C. Pharmaceutical Industries Co., Ltd. ("Applicant"), through its attorneys, hereby submits its Answer to the Notice of Opposition filed by Vitamin World, Inc. ("Opposer"), on May 5, 2006, opposing Applicant's U.S. Trademark Application Serial No. 78/533,180, for the mark CIRCURE, for "food supplement preparations and nutritional supplement preparations in the form of capsule containing crataegus, melissa and ginkgo billoba extract in garlic oil."

With respect to the allegations made in the Notice of Opposition, Applicant responds as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

4. Applicant denies its CIRCUCURE mark is confusingly substantially similar in appearance, sound, connotation, and commercial impression to Opposer's CIRCULEG mark. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the averment.

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5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

9. Denied.

10. Denied.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment.

12. Denied.

13. Denied.

14. Denied.

15. Applicant contends that Paragraph 15 does not contain an allegation germane to this Opposition matter and consequently it is denied.

AFFIRMATIVE DEFENSES


1. Opposer has failed to state a claim upon which relief can be granted.

2. Applicant reserves the right to amend its Answer should discovery bring forth new facts and evidence upon which to assert additional affirmative defenses.

1 Wherefore, Applicant respectfully requests that the Opposition No. 91170764 be
2 dismissed, and U.S. Trademark Application Serial No. 78/533,180 be allowed, and a Notice
3 of Allowance issued in connection therewith.

4 Dated this 13th day of June 2006.

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6 CHRISTENSEN O'CONNOR
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CERTIFICATE OF MAILING

I hereby certify that this Answer to Notice of Opposition is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, on the below date.

Date: June 13, 2006 Victoria Dellers

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June 2006, a true copy of the foregoing Answer to Notice of Opposition was served on counsel for Opposer via first-class mail to:

Scott B. Fisher, Esq.
Jaspan Schlesinger Hoffman LLP
300 Garden City Plaza
Garden City, NY 11530

Executed on: June 13, 2006

Victoria Dellers