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

Proceeding no.	91285681
Party	Defendant WPS GROUP, LLC
Correspondence address	WPS GROUP 7935 114TH AVE LARGO, FL 33773 UNITED STATES Primary email: doug.o@worldproductsolutions.com Secondary email(s): tmapp@legalzoom.com 7272513334
Submission	Answer
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Date	08/01/2023
Attachments	Answer.pdf(50368 bytes)

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

SABINSA CORPORATION,

Opposer,

E-FILING

vs.

Opposition No. 91285681

WPS GROUP, LLC,

Applicant.

Ser. No. 97291311

Mark: CITRAC3 COMPLEX

ANSWER AND AFFIRMATIVE DEFENSES

Applicant, WPS Group, LLC, by and through its undersigned attorneys, files this Answer and Affirmative Defenses to the Notice of Opposition filed by Opposer, Sabinsa Corporation (“Opposer”), and states as follows:

ANSWER

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 1.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 2.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 3.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 4.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 5.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 6.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 7.

8. Applicant states that the trademark records speak for themselves but otherwise is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 8.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 9.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 10.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 11.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 12.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 13.

14. Applicant denies the allegations contained in Paragraph 14.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the allegations contained in Paragraph 15.

16. Applicant states that its trademark application speaks for itself and otherwise denies the allegations contained in Paragraph 16.

17. Applicant denies the allegations contained in Paragraph 17.

18. Applicant denies the allegations contained in Paragraph 18.

19. Applicant denies the allegations contained in Paragraph 19.

20. Applicant denies the allegations contained in Paragraph 20.

21. Applicant denies the allegations contained in Paragraph 21.

First Affirmative Defense

Opposer's Notice of Opposition fails to state a claim upon which relief may be granted.

Second Affirmative Defense

There is no likelihood of confusion between Applicant's CITRAC3 COMPLEX mark and Opposer's asserted marks listed in the Notice of Opposition.

Third Affirmative Defense

The terms "C3" and "Complex" are so commonly used by third parties, including, but not limited to, health food supplements, that any rights Opposer has in its marks are very weak and do not extend to Applicant and its marks.

Fourth Affirmative Defense

Applicant reserves the right to raise additional affirmative defenses as discovered through the course of discovery.

WHEREFORE, Applicant prays that the Notice of Opposition be found to be without merit and resolved in Applicant's favor.

Respectfully Submitted,

/s/ Mindi M. Richter
Mindi M. Richter, Esquire

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Attorney for Applicant

PROOF OF SERVICE

The undersigned hereby certifies that the foregoing Answer and Affirmative Defenses has been served upon Attorneys for Opposer, Jonathan R. Miller, 100 Overlook Center, 2nd Floor, Princeton, New Jersey 08540 as follows:

- by delivering a copy of the paper to the person served;
- by leaving a copy at the usual place of business of the person served, with someone in the person's employment;
- by leaving a copy at the residence of the person served, with a member of the person's family over the age of fourteen years and of discretion, since the person is not believed to have a usual place of business;
- by transmitting a copy to the person served by the "Express Mail Post Office to Addressee" service of the United States Postal Service;
- by transmitting a copy to the person served by first class mail;
- by transmitting a copy by overnight courier;
- by transmitting a copy by email.

on August 1, 2023.

/s/ Mindi M. Richter
Mindi M. Richter, Esquire