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

RE/MAX International, Inc.,

§  
§  
§

Opposition No. 150,933

Opposer, 

vs.

Mark: TITLEMAX

04-09-2002

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #59

STEWART TITLE OF ILLINOIS, INC.,

§  
§  
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§  
§

Application Serial No. 76/038,178

Applicant.

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION  
AND AFFIRMATIVE DEFENSES**

Applicant Stewart Title of Illinois, Inc., ("STI") hereby answers the Notice of Opposition filed by RE/MAX International, Inc. ("Opposer") as follows:

02 SEP 18 11 02 AM '22  
TRADEMARK TRIAL AND APPEAL BOARD

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.



5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant admits the allegations contained therein.

7. Answering paragraph 7 of the Notice of Opposition, Applicant denies the allegations contained therein.

8. Answering paragraph 8 of the Notice of Opposition, Applicant denies the allegations contained therein.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies the allegations contained therein.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies the allegations contained therein and specifically denies that any such authorization is necessary.

11. Answering paragraph 11 of the Notice of Opposition, Applicant denies the allegations contained therein.

#### AFFIRMATIVE DEFENSES

1. Applicant affirmatively alleges that its mark as a whole creates a separate and distinct commercial impression from the pleaded marks of Opposer and is in no way similar to the pleaded marks of Opposer. Thus, confusion between the marks is unlikely.

2. Applicant affirmatively alleges that the goods of Applicant, and the services of Registrant, are neither related in some manner nor that the circumstances surrounding their marketing are such that they are likely to be encountered by the same persons under circumstances that would give rise, because of the marks used thereon, to the mistaken belief that they originate from or are in some way associated with the same producer.

3. Applicant affirmatively alleges that the suffix "-MAX" is weak in that it is highly suggestive and in common use by other sellers in the market. Applicant further alleges that third party registrations and uses now exist and have existed of marks that contain the suffix -MAX.

4. Applicant affirmatively further alleges that the differences between the parties' marks are sufficient that purchasers are not likely to be confused by the contemporaneous use of the marks, especially in view of the sophisticated nature of the purchasers of Applicant's goods and services and the relative care with which they are likely to make their purchasing decisions.

**WHEREFORE**, since the likelihood of confusion claimed by Opposer amounts to only a speculative, theoretical possibility, Applicant prays that Application No. 76/038,178 for the mark TITLEMAX be allowed and that the Notice of Opposition be dismissed.

Respectfully submitted this 9th day of April, 2002.



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ATTORNEYS FOR APPLICANT  
STEWART TITLE OF ILLINOIS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of April, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of the foregoing APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES to:

Nancy L. Dempsey, Esq.  
LeBouef, Lamb, Greene & MacRae, LLP  
633-17th Street, Suite 2000  
Denver, Colorado 80202



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Anita Nesser

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 in an envelope addressed to:  
BOX TTAB NO FEE, 2900 Crystal Drive,  
Arlington, Virginia 22202-3513 on April 9,  
2002.

Kathy Saedt  
Name

EL930008625  
Express Mail Cert. No.