

3. To the extent that the statement in the third numbered paragraph is intended as an affirmative allegation, Applicant is without knowledge or information sufficient to form a belief as to who may collectively refer to “[t]he common law and federal registration rights of RE/MAX” as the “RE/MAX marks”, and as such, the allegation is denied. To the extent that the statement in the third numbered paragraph is intended merely as an abbreviation for or short-hand reference to the alleged trademark rights of Opposer as set forth in the second numbered paragraph for purposes of the remainder of the Notice of Opposition, no response from Applicant is required.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the fourth numbered paragraph and they are therefore denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth numbered paragraph and they are therefore denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the sixth numbered paragraph and they are therefore denied.

7. To the extent that the term “Applicant” in the seventh numbered paragraph refers to an entity purportedly named “Romax Technology Limited Corporation”, Applicant denies the allegations in that paragraph. Applicant admits that on April 1, 1998, Applicant filed an application to register the mark ROMAX as a U.S. trademark, that that application was subsequently divided and the resulting child application was designated Serial No. 76/983,359, and that that child application, as published for opposition, covers “computer software for transmission dynamics simulation, gearbox modeling and analysis and shafts, bearings and gear component analysis; floppy discs, hard discs and CD ROMs for computers featuring design and analysis of transmissions, gearboxes, shafts and bearings for ground vehicles; and teaching

apparatus, namely, compact discs and computer programs featuring modeling and analysis engines to visualize transmission configurations; and computer game programs” in International Class 9. Applicant otherwise denies the allegations in the seventh numbered paragraph.

8. Applicant denies the allegations in the eighth numbered paragraph.

9. Applicant denies the allegations in the ninth numbered paragraph.

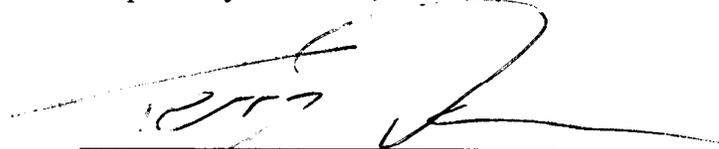
10. Applicant denies the allegations in the tenth numbered paragraph.

11. Applicant denies that application Serial No. 76/983,359 sets forth any services. Applicant admits that Opposer has not authorized Applicant’s use of the mark ROMAX for the goods set forth in application Serial No. 76/983,359. However, Applicant denies any allegation or inference that such authorization is necessary.

12. Applicant denies the allegations in the twelfth numbered paragraph.

WHEREFORE, Applicant prays that this Opposition be dismissed with prejudice and the registration of the mark shown in its application Serial No. 76/983,359 be granted.

Respectfully submitted,



Glenn A. Gundersen
Terence A. Dixon
DECHERT LLP
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103-2793
(215) 994-4000

Attorneys for Applicant,
Romax Technology Limited

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