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

Proceeding	91163905
Party	Plaintiff RE/MAX INTERNATIONAL, INC. RE/MAX INTERNATIONAL, INC. 8390 EAST CRESCENT PARKWAY SUITE 600 GREENWOOD VILLAGE, CO 80112800
Correspondence Address	Shelley K. Barton GREENBERG TRAUIG, LLP 1200 17th Street, Suite 2400 Denver, CO 80202
Submission	Motion for Default Judgment
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Date	06/07/2005
Attachments	REMAX-Kim-Motion for Default Judgment 6-7-05.pdf (4 pages)

IN THE UNITED STATES PATENT AND SERVICE MARK OFFICE
BEFORE THE SERVICE MARK TRIAL AND APPEAL BOARD

In re Application Serial No.: 76/562,931

For the Mark: TRIMAX REALTY & INVESTMENT

Applicant: Jonathan Kim

Filed on: November 19, 2003

RE/MAX INTERNATIONAL, INC.,)
) Opposition No.: 91163905
)
)
) Opposer,
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)
)
) v.
)
)
) JONATHAN KIM,
)
)
) Applicant.
)

I hereby certify that this paper and fee is being efiled with the U.S. Patent & Trademark Office via ESTTA, on June 7, 2005.

GREENBERG TRAURIG, LLP
By: Lynne McWhirt
Lynne McWhirt

MOTION FOR DEFAULT JUDGMENT

Opposer RE/MAX International, Inc., ("Opposer") hereby requests that the Trademark Trial and Appeal Board ("Board") enter default judgment in this opposition proceeding against Applicant Jonathan Kim ("Applicant") pursuant to Fed. R. Civ. P. 55(a); 37 CFR § 2.106(a); and TBMP §§ 117.07 and 312.

The grounds for this Motion are as follows:

1. Opposer filed the *Notice of Opposition* initiating this proceeding on January 19, 2005.

2. The Board's notice was mailed January 25, 2005 to Applicant's counsel at his address of record, which is also Applicant's address of record. Applicant's answer was due March 7, 2005.

3. Applicant did not file an answer, nor did it file a motion to extend its time to answer.

4. Therefore, the Board issued a *Notice of Default* on April 19, 2005 permitting Applicant to show cause within thirty days why default judgment should not be entered against him. Applicant did not respond to this *Notice of Default*.

5. The Trademark Trial and Appeal Board Inquiry System, TTABVUE, indicates that both the *Notice of Opposition* and the *Notice of Default* were returned to the Board as undeliverable. The *Notice of Opposition* was mailed to the address of record for Applicant's counsel. As there is no other address of record for Applicant or its counsel, it appears that the *Notice of Default* was mailed to the same address of record.

6. Because Applicant did not file a timely answer to the *Notice of Opposition*, and because Applicant did not timely respond to the *Notice of Default*, default judgment should be entered against it. TBMP § 312.

7. In addition, because the Board was unable to send correspondence relating to this proceeding to Applicant due to Applicant's failure to keep the Board informed of its current correspondence address, default judgment should be entered against it. TBMP § 117.07.

WHEREFORE, Opposer RE/MAX INTERNATIONAL, INC. requests that the Board enter default judgment against Applicant, that this opposition be sustained, that U.S. Service Mark Application Serial No. 76/562,931 for TRIMAX REALTY & INVESTMENT be rejected, and that registration by Applicant be refused and denied.

Respectfully submitted this 7th day of June, 2005.

GREENBERG TRAURIG, LLP

By: Shelley K. Barton

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that, on June 7, 2005, a true and correct copy of the **MOTION FOR DEFAULT JUDGMENT** was served by placing same in the U.S. Mail, first class postage prepaid, to be delivered to the addressee as indicated below:

Theodore S. Lee
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