



RE/MAX Wins Major Trademark Victory **US District Court Finds Texas Brokerage Infringed the RE/MAX Red-White-Blue**

(October 8, 2009 – Denver, CO) RE/MAX International has scored a significant legal victory with the ruling of a federal judge who held that the sign used by Trend Setter Realty, a brokerage with as many as 700 agents in Houston and San Antonio, infringes the RE/MAX red-over-white-over-blue design under both federal and Texas law. The decision comes from U.S. District Court for the Southern District of Texas in Houston, which ruled on September 3, reaffirming that the red-over-white-over-blue design is a protected trademark.

“In addition to the victory in this case, the judge’s ruling will serve as a very important precedent for us to use against any future infringement of our red-over-white-over-blue bar design,” says RE/MAX Senior Vice President and Chief Legal Officer Geoff Lewis. “We made many attempts to get Trend Setter to settle with us and to change their sign before the case proceeded, but they refused.”

RE/MAX International filed the suit in 2007. In addition to trademark infringement, the action claimed use of the sign violated the Independent Contractor Agreement that Broker Deborah Miller had with RE/MAX Elite, which she left to help found Trend Setter Realty. The judge ruled in favor of RE/MAX on both counts.

As part of its written argument on the trademark issue, RE/MAX International commissioned a consumer survey to determine if the public would be confused about which company owned the sign in question. Over 25% of survey participants thought the Trend Setter sign belonged to RE/MAX or a company affiliated with RE/MAX, even though their sign does not contain a balloon and modifies the white bar into the shape of a roofline. The court noted, “A real estate yard sign is intended to catch the attention of people driving past.... In this context, the color and dominant design ... can communicate a source to consumers viewing

the signs from a distance, or while passing...”

“The 57-page, published opinion emphatically validates our exclusive rights to the distinct red-over-white-over-blue design and rejects the claim that the design is generic or otherwise unprotectable,” says RE/MAX International Senior Counsel Adam Scoville.

RE/MAX International has submitted a recommended order that would direct Trend Setter to completely change the look of its signs, or risk being held in contempt of court. The court ruling did not address the question of damages. RE/MAX has asked the court whether it wishes to review additional briefs or proceed to a trial to resolve that issue.

RE/MAX International was represented in this matter by a team at Greenberg Traurig in Denver and Houston, led by John R. Posthumus and Gayle L. Strong.

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About RE/MAX International, Inc.

RE/MAX was founded in 1973 by Dave and Gail Liniger. From a single office in Denver, Colorado, it has grown into a global network of nearly 100,000 Sales Associates working in 7,000 offices in more than 70 countries, an international presence greater than any of its competitors. Nobody in the world sells more real estate than RE/MAX.

RE/MAX has the most productive sales force in real estate and has been honored as the leading real estate franchise for 9 of the last 10 years in the oldest and most respected ranking, “The Franchise 500 Survey,” by *Entrepreneur Magazine*.

Today, all the home listings in thousands of cities and towns can be found at www.remax.com, which is the most visited real estate franchise web site.
(ComScore, Jan-Jun 2009; Compete.com, Feb 2008-June 2009; and Hitwise Jan-Jun 2009)

RE/MAX International is proud of its Premier Community Citizenship, which has raised over \$100 million for deserving organizations like Susan G. Komen for the Cure, Children’s Miracle Network and The Sentinels of Freedom Foundation.

For information on RE/MAX International visit: www.remax.com or www.joinremax.com

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