



February 4, 2010

Jode Weidmann
Senior Trademark Paralegal
Re/Max International, Inc.
5075 South Syracuse Street
Denver, CO 80237-2712

VIA: FACSIMILE, ELECTRONIC MAIL

RE: Red-Over-White-Over-Blue Sign Design, your reference number 9642

Dear Jode:

I am in receipt of your cease and desist letter dated January 28, 2010 regarding our company's yard sign design. Although we acknowledge and respect your company's trademarks, it is our position that our company's sign design does not infringe upon the trade marks you cited. Trademark infringement as set forth under U.S.Code, Title 15, Chapter 22, Subchapter III, § 1114 and 1125 requires the standard of "likelihood of confusion", a standard you have clearly not demonstrated.

In deciding whether consumers are likely to be confused, the courts will typically look to a number of factors, including the strength of the mark, the proximity of the goods, the similarity of the marks, evidence of actual confusion, the similarity of marketing channels used, the degree of caution exercised by the typical purchaser, and finally, the defendant's intent.

We believe that our use of red-over-white-over-blue constitutes fair use, being used in good faith and no consumer confusion is likely to result -- in fact, our signs are substantially different. Nevertheless, if you can provide me evidence of actual confusion of our two brands in the marketplace, I will be happy to consider a modification of our yard sign designs.

Sincerely,

A handwritten signature in blue ink that reads "Matt Jones". The signature is written in a cursive style with a large, looping flourish at the end.

Matt Jones
President/CEO
FavoriteAgent.com