


1 (See July 28th Miner Dec. ¶7, appended to Plaintiff’s motion.) Lacking any
2 supporting evidence, Miner’s claim should be afforded no weight.

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4 By contrast, Defendants present overwhelming evidence that:

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- 6 • The website to which the corporate defendants are linked as offices, i.e.
- 7 the realestatelosalosangles.com website operated by nonparty CF Real Estate,
- 8 no longer uses the allegedly infringing trade name, RE/MAX All Cities
- 9 Realty, but rather exclusively features the name RE/MAX Marquee
- 10 Partners, Inc. (Todd Decl. ¶6, Exh. “B”);
- 11 • The individual defendants make no use of the allegedly infringing former
- 12 trade name, but rather use the names RE/MAX Commercial Brokerage,
- 13 RE/MAX Marquee Partners, Inc. or one of several other fictitious business
- 14 names. (Todd Decl. ¶20); and
- 15
- 16 • Nonparty CF Real Estate adopted the trade name RE/MAX Marquee
- 17 Partners, Inc. on November 7, 2007 and has made every effort to eliminate
- 18 all uses of the allegedly infringing trade name and has no intention of ever
- 19 returning to the former name. (Todd Decl. ¶¶4-19, Exhs. “B” through
- 20 “L.”)

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22 The evidence overwhelmingly establishes that Defendants are making no

23 ongoing use of the now defunct allegedly infringing trade name and have no

24 intention of ever returning to that name. Therefore, Plaintiff will suffer no

25 prejudice by a continued stay. Plaintiff’s motion should be denied.

CISLO & THOMAS LLP
Attorneys at Law
SUITE 405
1333 SECOND STREET,
SANTA MONICA, CALIFORNIA 90401-1211
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477