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

Proceeding	91177036
Party	Defendant Mjuahid Ahmad
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Date	03/18/2008
Attachments	NATIONSTAR - Applicant's Response to Opposer's Cross Motion and Opposition to Applicant's Motion.pdf (111 pages)(3789921 bytes)

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

Application Serial No. 78/866,376
Published in the Official Gazette on January 2, 2007

NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
)	

**APPLICANT'S RESPONSE TO OPPOSER'S CROSS MOTION
FOR SUMMARY JUDGMENT AND OPPOSITION TO APPLICANT'S
MOTION FOR SUMMARY JUDGMENT**

Applicant hereby responds to Opposer's Cross Motion for Summary Judgment and Opposition to Applicant's Motion for Summary Judgment as follows.

I. The Fraud Claim Is Irrelevant to the Motion to Amend

The Board recently held in a precedential opinion that an applicant may amend the filing basis of its application from § 1(a) to § 1(b) during an *inter partes* proceeding in which the grounds for opposition include fraud. *Sinclair Oil Corp. v. Sumatra Kendrick*, 85 USPQ2d 1032, 1033 (2007). Applicant's amendment to the new filing basis does not attempt to remedy the alleged fraud. The fraud claim is independent of the issue of whether a motion to amend a filing basis should be granted. The Board may, therefore, allow an amendment to the filing basis, and then consider the issue of fraud separately.

Applicant need only meet the requirements of Trademark Rule 2.35 to amend its filing basis. Under this rule, Applicant may amend his application to substitute section § 1(b) so long

as he has a continuing valid basis for registration. *See Sinclair Oil Corp. v. Sumatra Kendrick*, 85 USPQ2d 1032, 1033 (2007); *Leeds Technologies Ltd. v. Topaz Comm'ns*, 65 USPQ2d 1303, 1307 (TTAB 2002); TMEP § 806.03. The USPTO presumes that there was a continuing valid basis, unless there is contradictory evidence in the record, and the applicant will retain the original filing date. *Id.* Here, Applicant had at least a bona fide intention to use the mark in commerce as of the application filing date and has submitted a verified statement attesting to the fact. Accordingly, Applicant's motion to amend its filing basis should be granted regardless of Opposer's fraud claim.

II. Opposer Has a Heavy Burden in Proving Fraud; Doubt Must Be Resolved in Applicant's Favor

It is well established that a "party making a fraud claim is under a heavy burden because fraud must be proved by clear and convincing evidence, leaving nothing to speculation, conjecture or surmise. Any doubt must be resolved against the party making the claim."

Herbaceuticals, Inc. v. Xel Herbaceuticals, Inc., Cancellation No. 92045172 (March 7, 2008), at 10-11; *Sinclair Oil Corp. v. Sumatra Kendrick*, 85 USPQ2d 1032, 1033 (2007). Because Applicant used his mark in connection with all of the services listed in its NATIONSTAR application since at least as early as the filing date of the application, Opposer cannot meet its heavy burden here, and the Board should find that Applicant has not committed fraud.

III. Applicant Has Not Committed Fraud

In determining the issue of fraud, the Board need not consider whether Applicant's use of the mark was sufficient use in commerce within the meaning of the Trademark Act to support the claim of first use in April 2005. Rather, the Board "need only determine whether [Applicant's reliance on the brokerage services provided and the advice provided to clients] in its application

for registration constituted an intentional misrepresentation or withholding of a fact material to the examination of the application for registration.” *Pennwalt Corp. v. Sentry Chemical Co.*, 219 USPQ 542, 550 (TTAB 1983). The evidence before the Board merits the conclusion that Applicant’s reliance on his provision of brokerage services and advice to clients regarding the services listed in the application was not fraudulent.

Unlike the cases cited by Opposer or the recent decision in *Herbaceuticals*, one cannot unequivocally conclude that Applicant was not providing the services identified in his application as of the filing date of the application. The question is not whether the mark was in use for all of the services identified in the application, but rather whether the Applicant was reasonable in his belief that it was. In the present case, Applicant held the honest belief that he was using the mark in connection with the services identified in his application, and *it was reasonable for him to believe so* based upon the services provided. Applicant came to the reasonable conclusion that advertising his wide range of real estate services under the NATIONSTAR mark and advising clients in connection with all of these services was sufficient to claim use of the mark; therefore, Applicant made no knowingly false statements in his declaration submitted with his application.

Summary judgment against Applicant is not appropriate where Applicant continues to claim that it used the mark in connection with all of the identified services prior to the application filing date and has provided evidence to support its claim. In comparison, the Board denied summary judgment as to the fraud claim in the *Herbaceuticals* case in connection with the registrant’s use of the mark on “green tea related goods which have a variety of uses including uses as antihypertension agents . . .” because the registrant denied that it had not used its mark for the goods identified when it filed its statements of use and explained its use in

response to interrogatories. Resolving doubt in favor of the registrant, the Board could not find unequivocally that the registrant committed fraud and therefore denied the petitioner's motion for summary judgment. *Herbaceuticals*, Cancellation No. 92045172, at 17-18.

The present case is stronger for Applicant. Even resolving all doubt in favor of Opposer, Opposer's motion for summary judgment must fail and Applicant's motion for summary judgment should be granted because the facts show that Applicant used its mark in connection with the services identified in its application and that Applicant has not made knowingly false statements. Opposer has offered no evidence to the contrary.

A. Applicant's Use of the NATIONSTAR Mark for the Services Identified in its Application Is Sufficient Use Under the Trademark Act

There is no rule in the Trademark Act or Trademark Rules of Practice that Applicant must have procured money from the services, that he must have documents that show the NATIONSTAR mark on brokered property listings, or that Applicant needed to do anything more to constitute "rendering" services. Therefore, the fact that Nationstar Mortgage, Inc., was not incorporated as of the first use date is irrelevant to a review of use in commerce and lack of fraud. Similarly the fact that Applicant's real estate license does not identify NATIONSTAR and the fact that Applicant worked with other mortgage and real estate brokers is also irrelevant to the question of whether Applicant used the NATIONSTAR mark in commerce as defined by the Trademark Act. His independent contractor relationship with First American and use of First American brokerage services does not detract from the use of the NATIONSTAR mark. It is the custom in the industry for agents of the real estate brokers to use their own names and companies in advertising and brokering deals.¹

¹ Real estate agents associated with real estate agencies often advertise using their own chosen business name. A review of Washington, D.C., area agents revealed multiple agents associated with firms such as Long & Foster and Re/Max advertising under a separate name. For

Rather, Applicant need only make a bona fide use in the ordinary course of trade. TMEP § 901.02. Applicant's use of the NATIONSTAR mark by advertising and advising clients in all areas of real estate related services satisfies the requirement of the Trademark Act for use in commerce: Applicant used its NATIONSTAR mark in the advertising of services and in rendering of services in interstate commerce. 15 U.S.C. § 1127. As the Board has explained, the definition of "use in commerce" requires that there be an association between the mark sought to be registered and the services specified – in other words, "that the mark be used in such a manner that it would be readily perceived as identifying the specified services." *In re Home Builders Ass'n of Greenville*, 18 USPQ2d 1313, 1314 (TTAB 1990). Based upon Applicant's advertising of his services to others under the NATIONSTAR mark, the acquisition of customers from his advertising under the NATIONSTAR mark and the advice and brokerage services rendered to his clients, Applicant's use of the NATIONSTAR mark falls squarely into the definition of "use in commerce" in the Trademark Act.

B. Applicant Used the NATIONSTAR Mark in Connection with All of the Identified Services Prior to the Filing Date of the Application.

Since December 2004, Applicant has advertised his full range real estate related services in connection with the NATIONSTAR mark and began rendering such services. Ex 2, Declaration of Mujahid Ahmad and Ex. A thereto. *See also* Applicant's Interrogatory Responses No. 3, 4, 7, 21 and 25, Ex. 3. By at least as early as the filing date of the application, Applicant was advising clients under the NATIONSTAR mark with respect to all of the services listed in the NATIONSTAR trademark application: real estate brokerage; rental of real estate; real estate

example, real estate agents associated with Long & Foster advertise under the name The Creig Northrop Team; a real estate agent associated with Long & Foster Realtors advertises under the name The Estridge Group; real estate agents associated with Re/Max advertise under the name The Levy Team; and real estate agents associated with Long & Foster advertise under the name Alexander & Associates. *See* Ex. 1, Declaration of Rachel Hofstatter Ex. A.

management of commercial and residential properties; real estate investment; residential and commercial property and insurance brokerage; mortgage brokerage; and business finance procurement. *Id.*

In response to numerous interrogatories, Applicant has provided examples and details of the specific services provided. For instance, Applicant explained his use of the NATIONSTAR mark in connection with real estate brokerage, mortgage brokerage, insurance brokerage and real estate investment services prior to the April 2005 first use date in the application:

[D]uring or before December 2004, Applicant personally began to use the mark NATIONSTAR to advertise and promote Applicant's Services. Applicant sent written correspondence to potential clients, distributed and posted flyers and business cards and verbally promoted Applicant's Services under the NATIONSTAR mark. In response to Applicant's promotion and advertising under the NATIONSTAR mark, Applicant assisted clients in all aspects of the purchase of real estate and obtaining loans and related insurance. For example, in February 2005, Applicant assisted Abid Hussain in purchasing a home located at 7724 Camp Alger Ave., Falls Church, VA 22042. Working with a licensed real estate broker and mortgage broker, *Applicant served as Mr. Hussain's real estate agent, prescreened and prequalified his financial situation, assisted him in securing a mortgage loan with World Savings through SAI Mortgage, Inc., and assisted and advised him in obtaining title and hazard insurance.* The settlement for this sale was completed on *March 24, 2005*. Applicant has continued to advise and consult with Mr. Abid and has preformed comparative market analysis for his current residence and investment property.

Applicant's Response to Interrogatory No. 3, Ex. 3 (emphasis added).

In addition to the March 2005 completed transaction described above, below are other examples of Applicant's services in connection with the NATIONSTAR mark:

- In June 2005, Applicant listed the Falls Church, VA, house of Mr. Zulfikhar Sharieff for sale and the property was sold on August 15, 2005. Applicant advised Mr. Sharieff regarding home repairs and hiring of contractors. Since then, Applicant has performed comparative market analysis for Mr. Sharieff and his family members and showed them multiple residential and commercial properties.
- In June 2005, Applicant performed multiple market analyses for Mr. Abdul Haq and advised him regarding the home buying process.

Applicant showed Mr. Haq multiple homes and prequalified him for a loan.

- Applicant assisted and advised Mr. Ikram U. Danish with the refinancing of his home in June 2005. Applicant assisted and advised Mr. Danish with obtaining title and hazard insurance. Applicant continues to manage his property and consult regarding the hiring of contractors.
- Applicant assisted and advised Mr. Shafiq Ahmad with the purchase of a Centreville, VA, home in July and August 2005. Applicant performed multiple comparative market analysis and assisted and advised him in obtaining a mortgage and title and hazard insurance. Applicant continues to advise him regarding the hiring of contractors.
- In November 2005, Applicant performed comparative market analysis for Ms. Marina Leon of Brentwood, MD, and advised her regarding the home selling and buying process as well as her mortgage options. Applicant showed Ms. Leon multiple homes.
- In February 2006, Applicant assisted and advised Mr. Samer Ramadan of Washington, D.C. in finding rental properties, including performing comparative market analysis for residential and commercial properties in Washington, D.C.
- In March 2006, Applicant assisted and advised Mr. Ahmed U. Sayed in finding residential and commercial properties.
- In March 2006, Applicant assisted and advised Mr. Muhammed Shoaib Shah of North Potomac, Maryland with finding residential and commercial properties.
- In August and September 2006, Applicant assisted and advised Mr. Hameed Khan with the purchase of a Springfield, VA, residential property. Applicant assisted and advised Mr. Khan in obtaining a mortgage loan and hazard insurance. Applicant advised Mr. Khan in hiring contractors for his property.
- Applicant assisted Pak-American Corporation to buy a commercial warehouse building in Washington, D.C., and settlement occurred on February 23, 2007. Applicant assisted and advised Pak-American in obtaining a mortgage loan, commercial hazard insurance, title insurance and property insurance.

Applicant's Response to Interrogatory No. 21, Ex. 3.

Since at least as early as the first use date of the application, Applicant has provided services related to the real estate industry for which a completed sale takes place and also services for which a completed sale does not occur. Potential clients have contacted Applicant in response to his advertising under the NATIONSTAR mark and Applicant has provided real estate, mortgage and other advice, including performing comparative market analysis, showing properties, assisting clients in obtaining hazard and title insurance, and advising and assisting clients regarding managing rental property and making renovations and improvements. Applicant's Response to Interrogatory Nos. 3, 4, 21 and 25, Ex. 3.

Applicant has therefore used his NATIONSTAR mark in commerce within the meaning of Trademark Act § 1127 since the filing date of the trademark application in connection with all of the services identified in the application. Accordingly, Applicant has made no false statements in the declaration he submitted with the trademark application and has not committed any fraud upon the USPTO.

IV. Opposer Has Not Established a Date of First Use Prior to Applicant's Filing Date

Opposer has identified a date of first use of its NATIONSTAR MORTGAGE marks of March 24, 2006 but has provided no evidence to support this claim. Opposer's Responses to Applicant's First Set of Interrogatories No. 1, Ex. 4. In fact, Opposer has provided evidence that directly conflicts this assertion and has provided no evidence that it has used the mark as a trademark to date. See Ex. 5, all documents produced in response to Applicant's Request for Production of Documents and Things. This matter is further discussed in Applicant's Motion to Compel Production of Documents and Things currently before the Board. Opposer should not be permitted to drag this proceeding out based upon an unsubstantiated claim of first use. Applicant's date of first use and filing date pre-date Opposer's filing date and any documented

use. Therefore, even if the Board denies Applicant's Motion to Amend the Filing Basis, summary judgment in favor of Applicant is still appropriate.

V. Conclusion

The irrefutable facts of this case establish as a matter of law that Applicant's NATIONSTAR application is free of fraud, that Applicant began use of the NATIONSTAR mark well before any use by Opposer and that the filing date of Applicant's NATIONSTAR application predates the filing date of Opposer's NATIONSTAR MORTGAGE intent-to-use trademark applications.

Wherefore, Applicant respectfully requests that the Board deny Opposer's cross motion for summary judgment, grant Applicant's motion for summary judgment and dismiss Opposition No. 91177036.

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Dated: March 18, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSE TO OPPOSER'S CROSS MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO APPLICANT'S MOTION FOR SUMMARY JUDGMENT was mailed on this 18th day of March, 2008, by first-class mail, postage prepaid, on:

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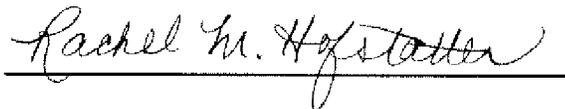


EXHIBIT 1

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

Application Serial No. 78/866,376
Published in the Official Gazette on January 2, 2007

NATIONSTAR MORTGAGE LLC,)	
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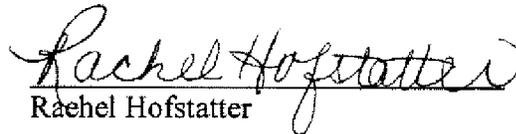
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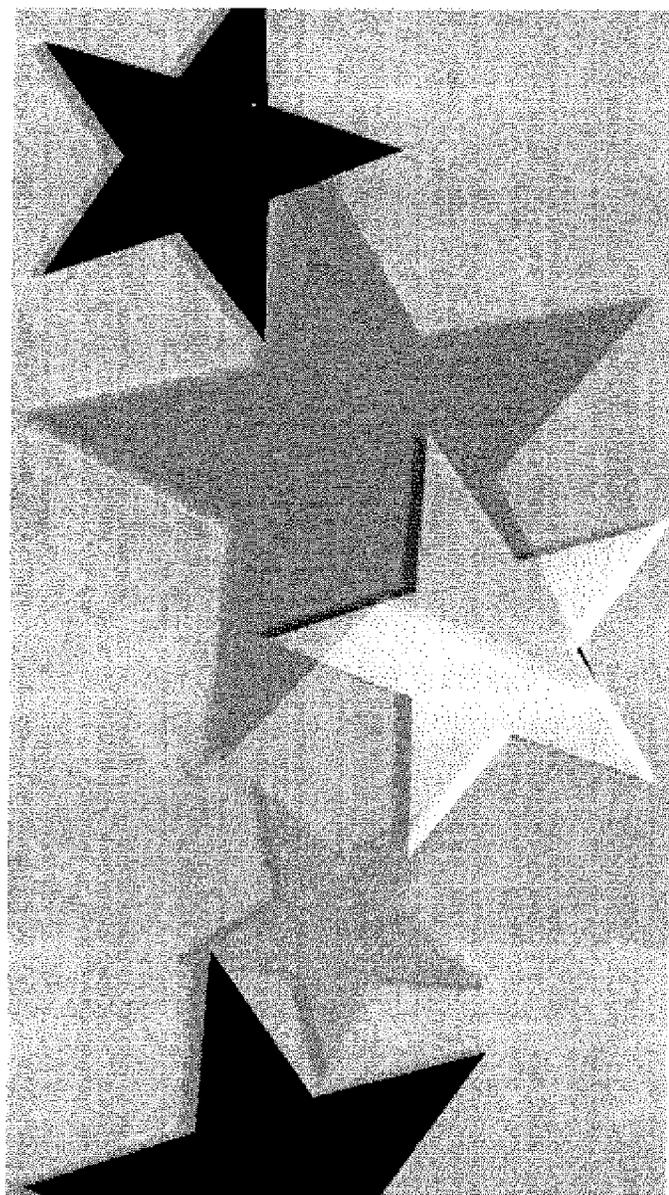
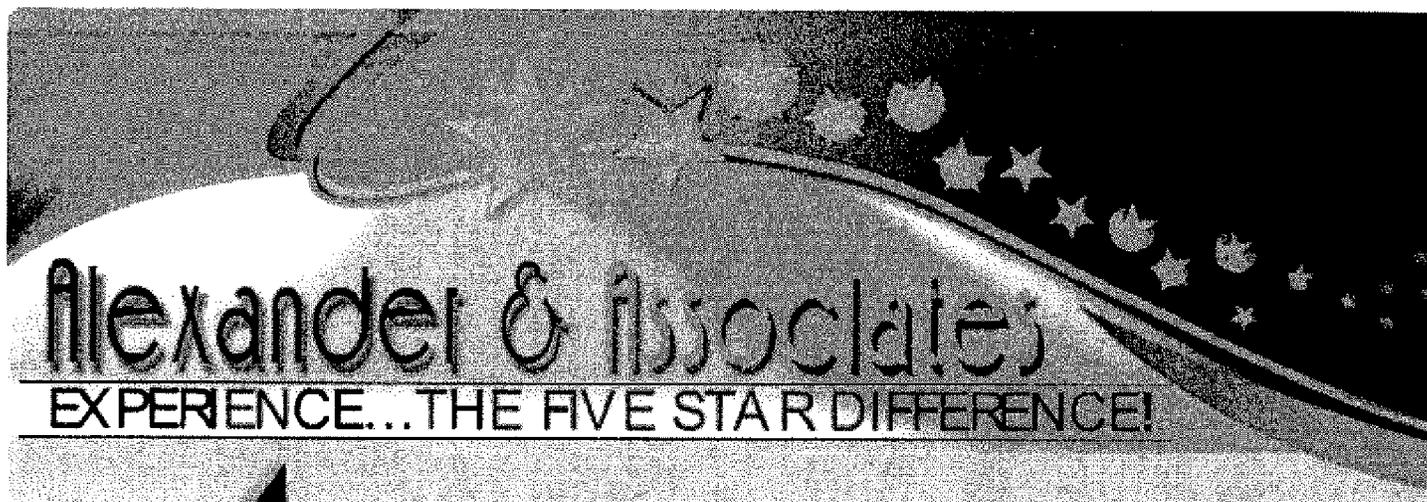
I, Rachel Hofstatter, declare and say:

1. I am an associate at Steptoe & Johnson LLP. I represent Mujahid Ahmad in this proceeding.

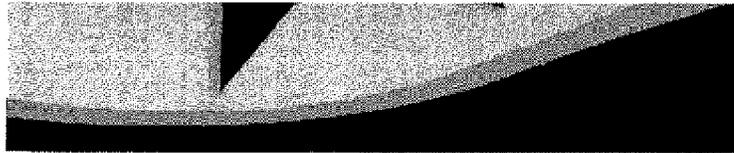
2. Attached as Exhibit A are true and correct copies of web pages I viewed on March 13, 2008, located at the following websites: <http://www.realestatestars.com/index.php>;
http://northropteam.com/index.htm?gclid=CKaztMGWipICFQk_gQodUGk0_w;
<http://www.melindaestrIDGE.com/>; <http://www.levyteam.com/>;

I declare under penalty of perjury that the above facts are true to the best of my knowledge. Executed March 13, 2008.


Rachel Hofstatter



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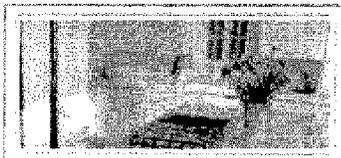
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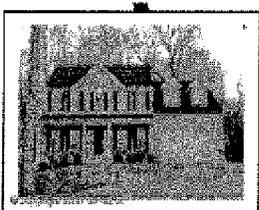


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If you get input from too many sources, you could find yourself even more confused than you already are. Your best friend can provide moral support, but might not know the market in your area. Your parents may go into shock because they feel that they got so much more house for their money 30 years ago--and it cost them a fraction of the price you are going to pay.

Even though Uncle Chuck passed the real estate exam, his insights won't be as relevant as those of a professional who is currently working the market. It's not that you shouldn't consult your family and friends--just don't go overboard. Rely on the advice of professionals you trust--a structural inspector, loan officer, and a good real estate agent, so that you can feel comfortable about having made an informed decision.

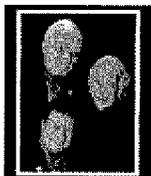
- 🔍 [See All Tips In The "First Time Buyers" Category >](#)
- 🔍 [See Complete Library Of Hundreds Of Tips In 30+ Categories >](#)

Real Estate Trivia

Q What is the world's largest palace?

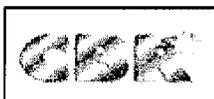
A The Imperial Palace (Gugong) in the center of Beijing, China covers over 178 acres and dates back to the early 1400s.

- 🔍 [See More Real Estate Trivia >](#)



The Levy Team
RE/MAX Allegiance Realtors
1720 Wisconsin Avenue NW
Washington, DC 20007
Office: 202-364-1515
Toll-Free: 800-880-8583
Fax: 202-726-2418
Email: levyteam@NUMBER1EXPERT.com
Information: info@levyteam.com

The Levy Team consists of three experienced full time Realtors(R) plus support staff and a host of skilled workmen and allied professionals. Ellen and Barry Levy and Reverend Grace Caputo offer you an impressive array of resources for ALL of your real estate related needs. We truly mean it when we say "One call does it all."



DCRealEstateSuperstore.com is brought to you by The Levy Team
NUMBER1EXPERTS™ in real estate for Washington DC, Columbia
Heights and Takoma Park, District of Columbia

Read our Privacy Guarantee, Terms of Service, and
Free & Without Obligation Pledge



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Sitemap

[Return to Top > luxury homes](#)

EXHIBIT 2

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

Application Serial No. 78/866,376
Published in the Official Gazette on

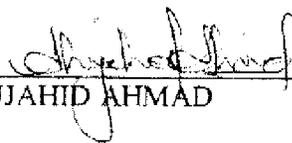
_____)	
NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
_____)	

**DECLARATION UNDER 37 C.F.R. § 2.34(a)(2) IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

I, Mujahid Ahmad, hereby declare:

1. I am the owner of Application Serial No. 78/886,376 for the mark NATIONSTAR filed in the United States Patent and Trademark Office on April 20, 2006.
2. Attached as Ex. A are copies of advertisements of my services promoted under the NATIONSTAR mark that I distributed and posted prior to April 20, 2006.
3. Prior to April 20, 2006, I advised clients regarding real estate brokerage, rental of real estate, real estate management, real estate investment, residential and commercial property, insurance brokerage, mortgage brokerage and business finance procurement.
4. In the application, I stated in good faith that the NATIONSTAR mark was in use for all of the identified goods and services since as early as April 4, 2005.

I declare under penalty of perjury that the above facts are true to the best of my knowledge. Executed JAN 31, 2008.



MUJAHID AHMAD

EXHIBIT A

Your Partner for SUCCESS

One Stop for all your Real Estate Needs.
Buying Selling Refinancing
Residential - Commercial - Land



**ADDRESSING THE NEEDS OF INDIVIDUAL
INVESTORS AND PLANTING THE SEEDS
FOR A SECURE FUTURE.**

**Interest-Only Loan Programs.
PayOption ARMs**

**100% financing – No down payment with our 80/20 program
Home Equity Lines of Credit**

**Fast & Easy and other low documentation requirements for
qualified borrowers with excellent credit.**

- Experience
- Commitment
- Enthusiasm
- Hard Work
- Integrity
- Service
- Trust
- Results!

“Buyin a home just got alot more affordable.”

Various documentation Options:

- Full documentation
- Limited documentation
- No documentation
- Stated Income

NationStar
Mortgage, Inc.

Mujahid Ahmad
Mortgage Broker

Cell: 703-732-9899

Off: 703-525-8770

MakRealtor@Yahoo.com

Please call for a free financial consultation ▶▶▶

2001 North Daniel Street, # 102, Arlington, VA 22201

Your Partner for SUCCESS

One Stop for all your Real Estate Needs.
Buying Selling Refinancing
Residential - Commercial - Land



**ADDRESSING THE NEEDS OF INDIVIDUAL
INVESTORS AND PLANTING THE SEEDS
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Off: 703-525-8770

MakRealtor@yahoo.com

Please call for a free financial consultation ▶▶▶

2001 North Daniel Street, # 102, Arlington, VA 22201

Specimen

Your Partner For
Success

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Buying Selling Refinancing

Residential - Commercial - Land



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Please call for a free financial consultation

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- **Enthusiasm**
- **Hard Work**
- **Integrity**
- **Service**
- **Trust**
- **Results!**

“Buyin a home just got alot more affordable.”

Various documentation Options:

- **Full documentation**
- **Limited documentation**
- **No documentation**
- **Stated Income**

NationStar
Mortgage, Inc.

Mujahid Ahmad
Mortgage Broker

Cell: 703-732-9899

Off: 703-525-8770

MakRealtor@Yahoo.com

Please call for a free financial consultation ▶▶▶

2001 North Daniel Street, # 102, Arlington, VA 22201

NationStar Mortgage, Inc.

March 25, 2005

Mr. Ikram U. Danish
1444 Cottonwood Court
Woodbridge, VA 22191

Dear Sir/Madam:

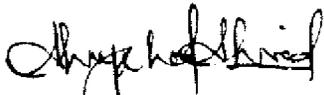
NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

We can help you with multiple loan options available to you in today's market, such as home equity line of credit, interest only loan, no down payment with 80/20 program, full documentation, limited or no documentation loan and stated income loans.

We are here to help you make your real estate transaction as smooth as possible. If you are not ready at the moment, please feel free to forward this information to your friends or family members who might be interested to buy a real estate.

Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 02, 2005

Mr. Ahmed U Sayed
222 North Thomas Street, # 103
Arlington, VA 22203

Dear Sir/Madam:

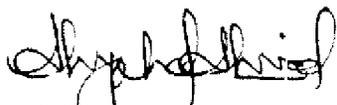
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 03, 2005

Mr. Shafiq Ahmad
830 S. Greenbrier Street # 3
Arlington, VA 22204

Dear Sir/Madam:

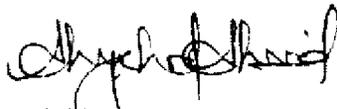
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 16, 2005

Mr. Abdul Haq
1205 South Thomas Street, # 3
Arlington, VA 22204

Dear Sir/Madam:

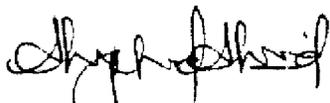
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

July 17, 2005

Mr. Rahat Mushtaq
6135 Leesburg Pike, # 404
Falls Church, VA 22041

Dear Sir/Madam:

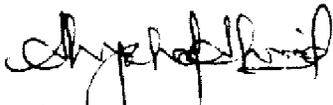
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

October 14, 2005

Mr. Abid Hussain
6143 Leesburg Pike, # 308
Falls Church, VA 22041

Dear Sir/Madam:

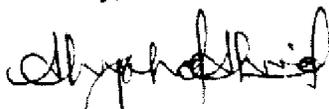
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

February 05, 2006

Mr. Tahir Majeed
6143 Leesburg Pike, # 501
Falls Church, VA 22041

Dear Sir/Madam:

NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

APPLICANT'S EXHIBIT B

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

Bryce J. Maynard
703 838 6625
bryce.maynard@bipc.com

P.O. Box 1404
Alexandria, VA 22313-1404

1737 King Street, Suite 500
Alexandria, VA 22314-2727

T 703 836 6620
F 703 836 2021

www.buchananingersoll.com

January 11, 2008

VIA COURIER

Rachel M. Hofstatter
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

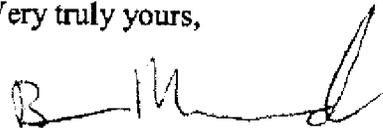
Re: Nationstar Mortgage, LLC
Mark: **NATIONSTAR**
Our Ref.: 0055673-000033

Dear Andrew:

Enclosed please find our documents regarding the above-identified opposition.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Bryce J. Maynard

BJM/maj
Enclosures

RECEIVED

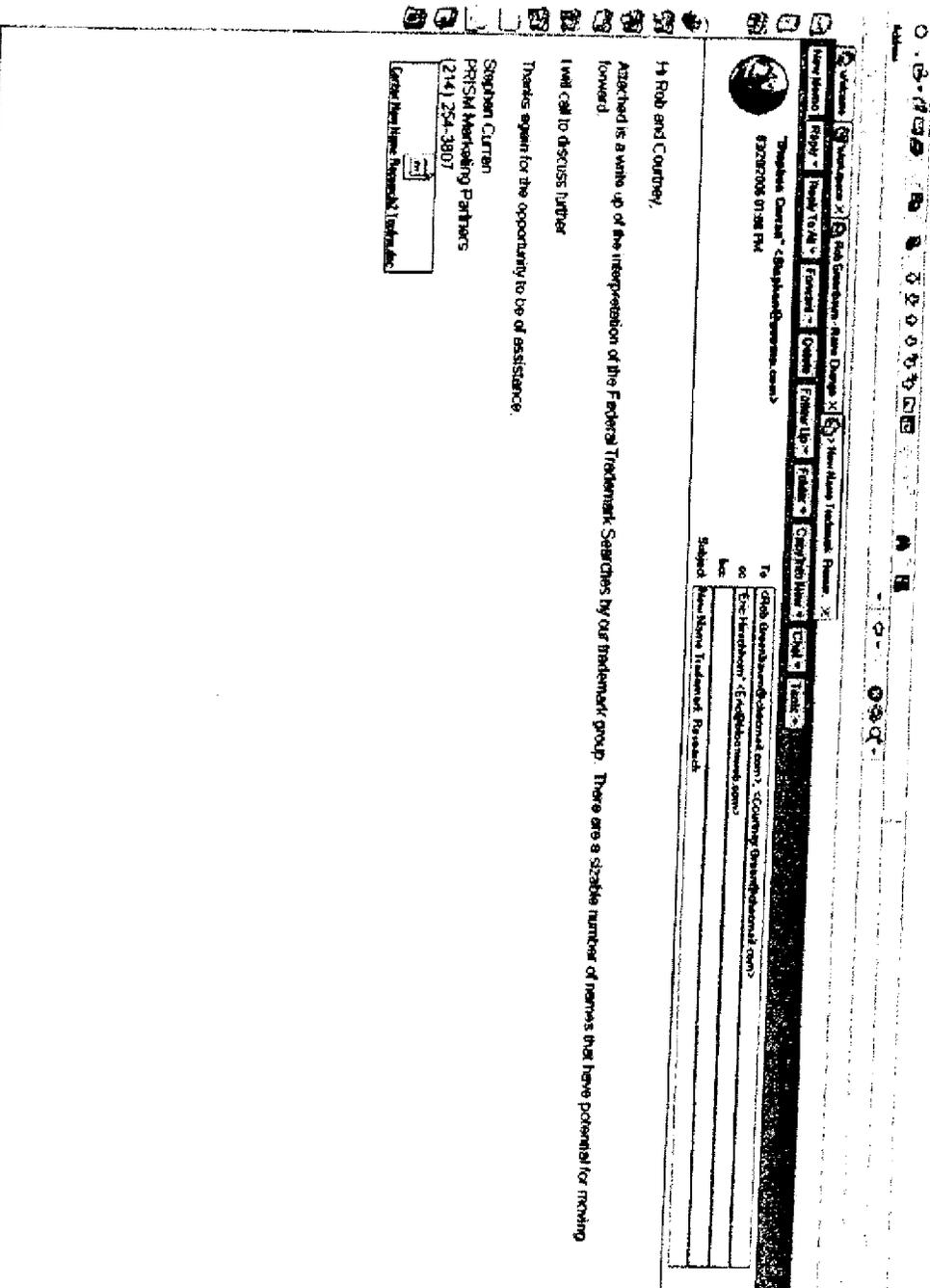
JAN 14 2008

STEPTOE & JOHNSON LLP

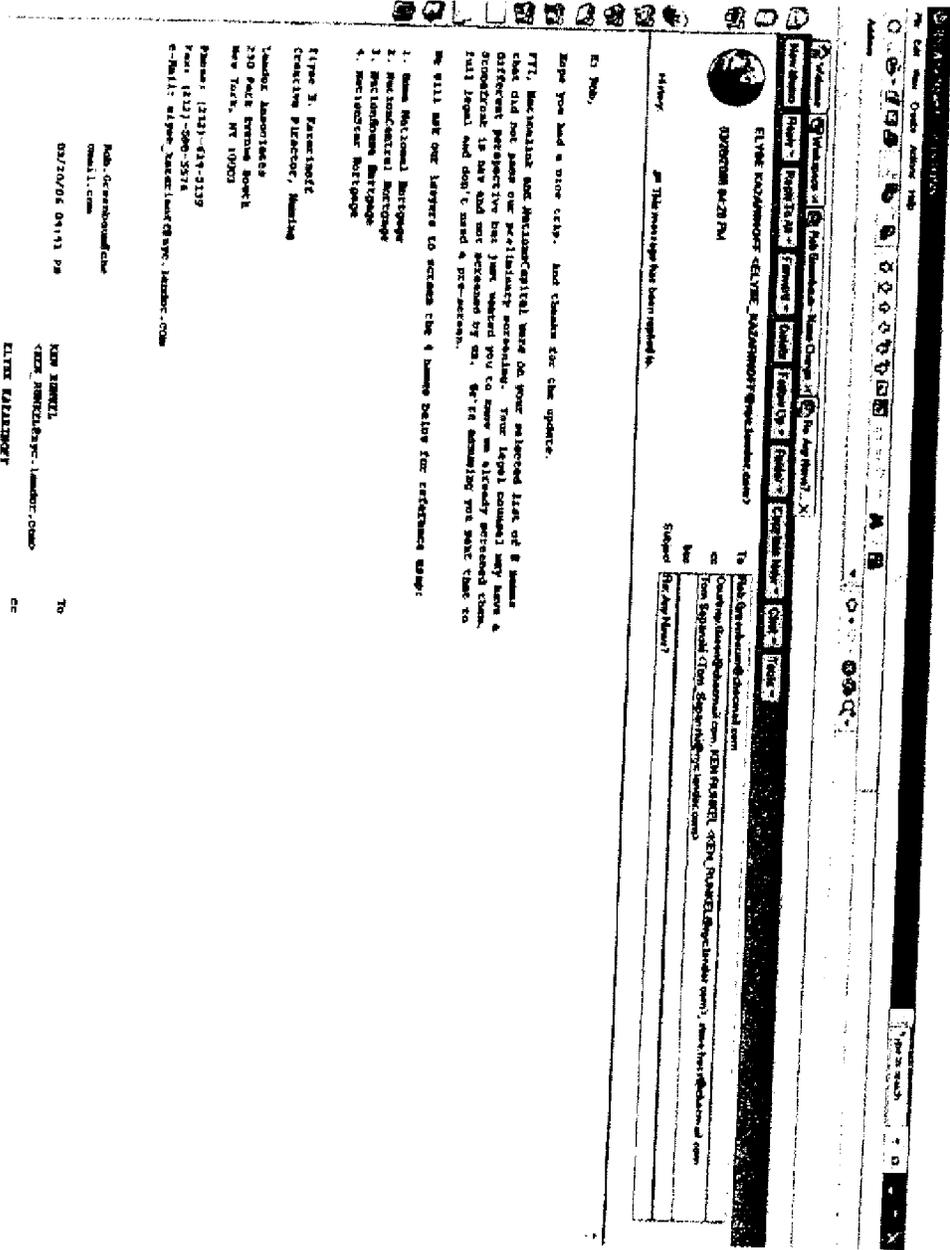
Nationstar Mortgage LLC timeline

- 3/5/06 Name ideation session for additional names (Nationstar Mortgage name generated)
- 3/10/06 15 names sent to Piznm Marketing Partners to conduct preliminary TM searches (Nationstar Mortgage included)
- 3/20/06 Preliminary TM search results received (Nationstar Mortgage included) from Piznm Marketing Partners (*Exhibit A – Preliminary Search*)
- 3/20/06 Requested Landor (NY based agency) to do additional preliminary TM search of Nationstar Mortgage
- 3/21/06 Requested Buchanan Ingersoll to do full legal search on Nationstar Mortgage
- 3/23/06 Receive back final legal report from Buchanan Ingersoll on Nationstar Mortgage (*Exhibit B – Full Search*)
- 3/24/06 Steve Hess, CHEC EVP Marketing and Rob Greenbaum, CHEC SVP Marketing present final 7 name recommendations to Tony Barone, President and CEO of Centex Home Equity. Mr. Barone selects Nationstar Mortgage as new name. Mr. Hess sends name recommendation to Fortress Investment Group (new parent company) for final approval. (*Exhibit C – Final Name Recommendation and Exhibit D – Final Name Legal Summary*)
- 3/24/06 Rob Greenbaum, CHEC SVP Marketing, reserves several URLs with "Nationstar" on GoDaddy.com (*Exhibit E – URL List*)
- 3/31/06 Wes Edens, CEO of Fortress Investment Group, approves Nationstar Mortgage as the new name for Centex Home Equity. Rob Greenbaum, SVP Marketing, requests CHEC Legal Department to have Buchanan Ingersoll complete final investigation of Nationstar, negotiate purchase of Nationstarmortgage.com and .net URLs and begin TM application.
- 4/3/06 Rob Greenbaum, CHEC SVP Marketing meets with Avrea Foster (Dallas based advertising agency) to review initial logo designs and provide creative feedback for Nationstar Mortgage. Niemann Design submits several logo designs to CHEC Marketing Department
- 4/6/06 Rob Greenbaum, CHEC SVP Marketing reserves additional "Nationstar" URL addresses
- 4/18/06 Rob Greenbaum, CHEC SVP Marketing sends 6 logo designs to Buchanan Ingersoll for TM review
- 4/20/06 Bryce Maynard, Buchanan Ingersoll, sends logo TM results to Rob Greenbaum, CHEC SVP Marketing. Steve Hess, CHEC EVP Marketing, presents 2 final logo designs to Tony Barone, President & CEO of Centex Home Equity and principals of Fortress Investment Group. Final logo is selected and approved.
- 4/28/06 Receive confirmation of TM applications: NATIONSTAR MORTGAGE (word mark only): Serial No. 78/871,883, NATIONSTAR MORTGAGE and Design (composite mark): Serial No. 78/872,148, House w/ shooting star (design only): Serial No. 78/872,152

3/20/06 Email from Stephen Curran, Prizm Marketing Partners – preliminary TM search results attached (Exhibit A – Preliminary Search)

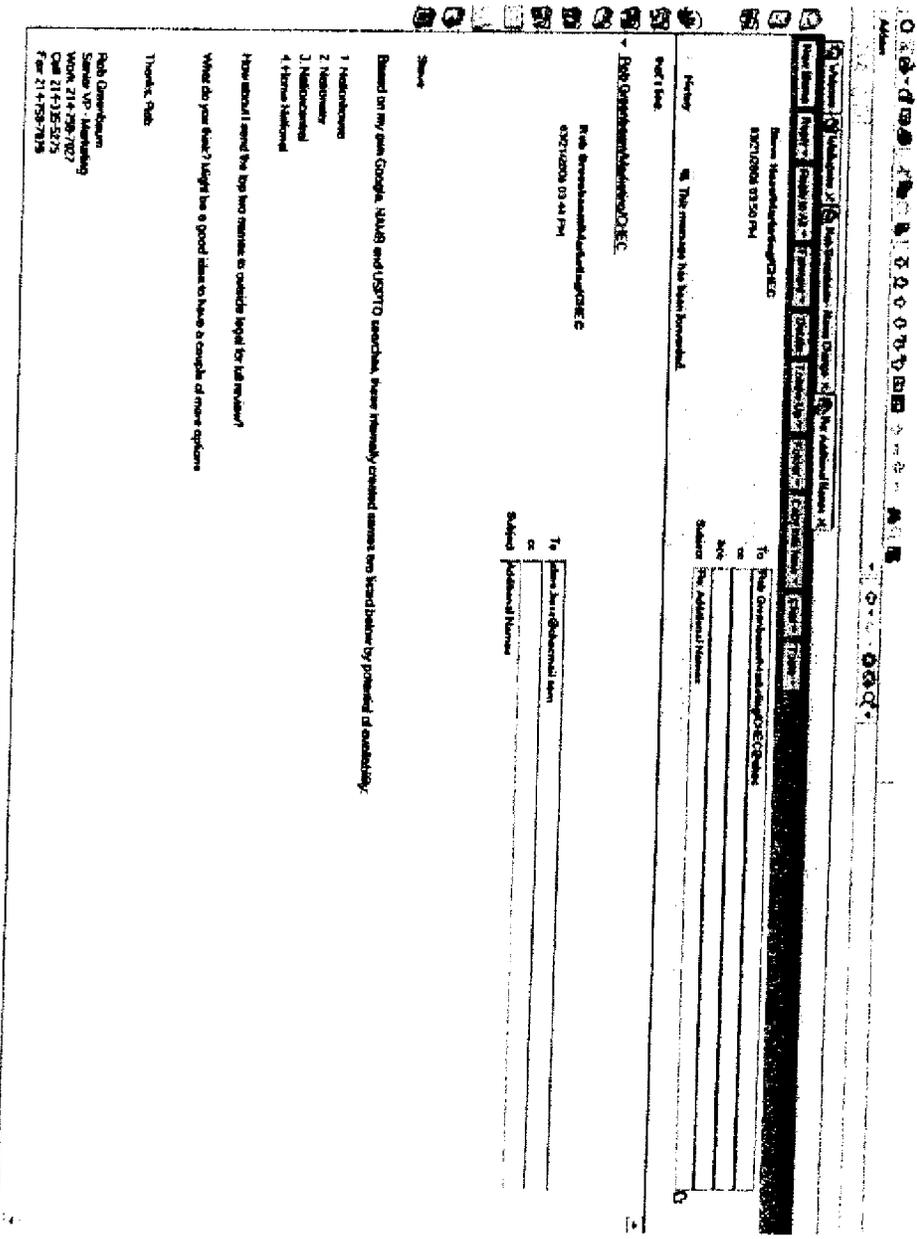


3/20/06 Email from Elyze Kazarinoff, Landor, NY (advertising agency) – confirming request to do initial TM searches on Nationstar Mortgage, Home National Mortgage, NationCentral Mortgage and NationHouse Mortgage



Centex Home Equity Company, L.L.C. Confidential

3/21/06 Email from Steve Hess, EVP Marketing to Rob Greenbaum, SVP Marketing –
 confirming request to send 4 names to Buchanan Ingersoll for full legal searches
 (Nationstar Mortgage is 1 of 4 names)



3/31/06 Copy of emails sent between Tony Barone, President & CEO of Centex Home Equity and Pete Smith, Fortress Investment Group – confirming that Nationstar Mortgage has been approved as the new name for Centex Home Equity by Wes Edens, CEO of Fortress Investment Group

Welcome Wednesday Rob Greenbaum - NameChange File... X
 New Message Reply To All Forward Delete Follow Up Folder Copy this Message Print Tools

Shows Headers/Body/HTML/CHEC
 03/31/2006 09:41 AM

To: Rob Greenbaum <rob.greenbaum@centex.com>
 cc: [redacted]
 bcc: [redacted]
 Subject: [redacted]

----- Original Message -----

From: Tony Barone
 Sent: 03/31/2006 09:24 AM
 To: Pete Smith <psmith@fortressinvest.com>
 Subject: Re:

Green, I will pass on to Steve Alan and we will get working on it. Just gave a presentation to 220 of our managers.....they are pumped!!
 Quite a few of us are travelling next week, do you mind on or are you meeting with Centex?

----- Original Message -----

From: "Pete Smith" [mailto:psmith@fortressinvest.com]
 Sent: 03/31/2006 09:05 AM
 To: Tony Barone

TB

Wes Alan Nationaler (with a lower case n) Let me know if this works for you. Hope the announcement is being well rec'd. Who will probably be back in Dallas next week.

Pete Smith
 Fortress Investment Group
 1365 Avenue of the Americas | 10th Floor
 New York, NY 10105
 T: (212) 718-6000
 F: (212) 718-6070
 C: (646) 200-9725
 psmith@fortressinvest.com

Centex Home Equity Company, L.L.C. Confidential

Nationstar Mortgage LLC - URLs Reserved

<u>URL</u>	<u>Date Registered with GoDaddy.com</u>
1 AllianceForLending.com	04/06/06
2 AllianceForLending.net	04/06/06
3 AllianceForMortgages.com	04/06/06
4 GetNationstar.com	04/06/06
5 GetNationstar.net	04/06/06
6 LendingPartnership.com	04/27/06
7 LendingPartnership.net	04/27/06
8 LoanPartnership.com	04/27/06
9 LoanPartnership.net	04/27/06
10 MyNationstar.com	04/06/06
11 MyNationstar.net	04/06/06
12 NationsstarMortgage.com	04/27/06
13 NationsstarMortgage.net	04/27/06
14 Nation-star.com	04/27/06
15 Nationstar1.com	04/27/06
16 NationstarAlliance.com	04/06/06
17 NationstarAlliance.net	04/06/06
18 NationstarBroker.com	04/06/06
19 NationstarBroker.net	04/06/06
20 NationstarCompany.com	04/06/06
21 NationstarCompany.net	04/06/06
22 NationstarDirect.com	04/06/06
23 NationstarDirect.net	04/06/06
24 NationstarDocs.com	04/27/06

25	NationstarDocs.net	04/27/06
26	NationstarFunding.com	04/06/06
27	NationstarFunding.net	04/06/06
28	NationstarHome.com	04/06/06
29	NationstarHome.net	04/06/06
30	NationstarHomeLending.com	04/06/06
31	NationstarHomeLending.net	04/06/06
32	NationstarHomeLoans.com	04/06/06
33	NationstarHomeLoans.net	04/06/06
34	NationstarInvestors.com	04/06/06
35	NationstarInvestors.net	04/06/06
36	Nationstarlending.com	03/24/06
37	Nationstarlending.net	03/24/06
38	Nationstarloans.com	04/06/06
39	Nationstarloans.net	04/06/06
40	NationstarM.com	04/06/06
41	NationstarMail.com	04/27/06
42	NationstarMail.net	04/27/06
43	NationstarMC.com	04/06/06
44	NationstarMC.net	04/06/06
45	Nationstar-Mortgage.com	04/27/06
46	Nationstar-Mortgage.net	04/27/06
47	NationstarMortgage.us	03/24/06
48	NationstarMortgageLLC.com	04/27/06
49	NationstarMortgageLLC.net	04/27/06

50 NationstarMtg.com	03/24/06
51 NationstarMtg.net	03/24/06
52 NationstarOnline.com	04/06/06
53 NationstarOnline.net	04/06/06
54 NonprimeAlliance.com	04/06/06
55 NonprimePartnership.com	04/27/06
56 NonprimePartnership.net	04/27/06
57 NonprimeSolution.com	04/27/06
58 NonprimeSolution.net	04/27/06
59 NonprimeSolutions.com	04/27/06
60 NonprimeSolutions.net	04/27/06
61 NSMCLLC.com	04/06/06
62 NSMLLC.com	04/27/06
63 StarNationMortgage.com	04/06/06
64 YourNationstar.com	04/06/06
65 YourNationstar.net	04/06/06
66 YourNonprimeSolution.com	04/27/06
67 YourNonprimeSolution.net	04/27/06



March 20, 2006

To: Rob Greenbaum
Courtney Green

From: Stephen Curran

Subject: Federal Trademark Search Results

Here is the net take away from the trademark searches that were conducted last week on the potential new company names. This is the interpretation from our trademark group. Please recognize, however, that your attorneys may have their own judgements about these names.

Category One – “No”

American National – NO

This is the biggest “no” of the group of names that were researched, as there is a direct conflict with American National Bank

HomeTime – NO

Similar classes with the exact same name

PointOne – NO

There is a one point, and the registration office often looks at the reverse of words as a conflict. This particularly true when the space is not crowded, and this space is not – there is only one with the OnePoint name.

Category Two – “Maybe”

AmPoint – MAYBE

There is an AmeriPoint that is registered. There is a risk that the examiner will equate Am with Ameri and with American. If you are successful in registering this name, it will likely have poor protectability.

AmNational – MAYBE

There is an American National Remittance, so there is the same Am = American question. Also there has been AmeriNational registrations that were abandoned. It is often questionable when you see abandoned names as to why they were abandoned.

Category Three - "Pretty Good"

CreditWide - PRETTY GOOD

NationWide is closest. It is unlikely that this will be seen as a conflict. However, NationWide is such a large company, they may choose to take action against use of the CreditWide name. Although it is unlikely that this challenge would be successful, it could delay and complicate matters.

NationCentral - PRETTY GOOD

No major obvious conflicts.

NationHouse - PRETTY GOOD

No major obvious conflicts.

NationStar - PRETTY GOOD

There are Lone Star registrations, but that is likely too generic to be seen as a conflict.

Category Four - Good

CornerPoint - GOOD

No real conflicts.

Home National - GOOD

This is a very crowded space, including Nation Home (a word reversal), but it is so crowded that it may be a good rationale for approval of Home National .

HomeWide - GOOD

There is a website for financial information by this name that is registered. Others have abandoned, which raises questions. But this name is a good candidate for registration.

NewWay - GOOD

There are tag lines but no company name that uses NewWay.

Rob and Courtney, I hope this provides the input that you are looking for on these new name candidates. As discussed, we can rapidly field consumer research (including verbatims) if this next round of discovery yields more than one potential name.

Please advise if you have any questions or if I can be of further assistance.

APPLICANT'S EXHIBIT C

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

NATIONSTAR MORTGAGE LLC,)
)
 Opposer,)
)
 v.) Opposition No. 91/177,036
)
 MUJAHID AHMAD,)
)
 Applicant)
 _____)

OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES

Opposer Nationstar Mortgage LLC ("Opposer"), pursuant to Federal Rule 33 and the applicable rules of the Trademark Trial and Appeal Board, hereby responds to Mujahid Ahmad's ("Applicant") First Set of Interrogatories.

GENERAL OBJECTIONS

In addition to the objections stated below, Opposer notes that any responses given to Applicant's interrogatories will be based on present knowledge and belief. In all cases, while the responses set forth below are believed to be complete and accurate, Opposer reserves the right to modify or supplement its responses to conform to the results of Opposer's continuing investigations during the course of this proceeding and any changes in circumstances. Moreover, Opposer's responses are not to be construed as a waiver of any rights or objections, or as an admission of relevancy, materiality or admissibility in evidence of any information or documents provided to Applicant.

Opposer raises the following objections to each of Applicant's Interrogatories.

1. Opposer objects to each interrogatory to the extent it seeks information and documents protected by the attorney-client privilege, the attorney work product doctrine, or any other evidentiary privilege applicable under the Federal Rules of Evidence or other applicable rules or decisions. Opposer further objects to identifying any information or documents protected by such privileges generated after the date of the filing of the Notice of Opposition.

2. Opposer objects to each interrogatory to the extent it requests Opposer to identify or produce "all" information or documents in a specified category when that category is vaguely defined, ambiguous, or overbroad, thereby making the response unduly burdensome.

3. Opposer objects to each interrogatory to the extent it is not limited to any relevant time frame and thus, if literally interpreted, would require a search of all of Opposer's files, thereby making the response unduly burdensome.

4. In responding to Opposer's interrogatories, to the extent not otherwise objected to, Opposer has used reasonable diligence to locate responsive information and documents based on an examination of those offices and files, and interviews with those current employees, that reasonably may be expected to yield responsive information. Subject to Opposer's objections, all information and/or documents that appears in Opposer's judgment to be responsive, if any, is being produced, consistent with the Federal Rules of Civil Procedure and applicable rules, and provided that such information and documents are not otherwise privileged. To the extent Applicant seeks to require Opposer to do more than that just described, Opposer objects to each interrogatory on the grounds it is vague, ambiguous, overbroad, burdensome, seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence, and subjects Opposer to oppression, harassment, and undue burden and expense unsupported by Applicant's legitimate discovery needs.

5. Opposer objects to each interrogatory to the extent it calls for the production of information and documents already in Applicant's possession, custody or control or which Applicant could secure itself with essentially the same or less effort as would be required of Opposer to secure.

6. Opposer objects to each interrogatory to the extent it calls for information and documents which are not in Opposer's possession, custody or control.

7. Opposer objects to any requirement of the interrogatories, including the definitions provided therewith, which seeks to compel actions outside the scope of the Federal Rules of Civil Procedure or other applicable rules or decisions.

8. Opposer also objects to each of Applicant's interrogatories to the extent that they seek information regarding Opposer's use of the mark outside of the United States.

INTERROGATORIES

INTERROGATORY NO. 1

Identify the date that Opposer first used in commerce the mark NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 1

Opposer objects to this request as overly broad and vague and ambiguous. Subject to and without waiving the above objections, Opposer first used the mark NATIONSTAR MORTGAGE on or about March 24, 2006.

INTERROGATORY NO. 2

Identify the date when Opposer selected the mark NATIONSTAR MORTGAGE.

RESPONSE TO INTERROGATORY NO. 2

Opposer objects to the interrogatory as overly broad, vague and ambiguous, and cumulative and duplicative. Subject to and without waiving the above objections, Opposer made final its selection of the NATIONSTAR MORTGAGE mark no later than March 24, 2006.

INTERROGATORY NO. 3

Identify the date when Opposer made public its selection or intention to use the mark NATIONSTAR MORTGAGE, alone or with any other elements.

RESPONSE TO INTERROGATORY NO. 3

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Subject to and without waiving the above objections, Opposer "made public" its intention to use the mark at least as early as March 24, 2006.

INTERROGATORY NO. 4

Explain the manner in which Opposer first used the NATIONSTAR MORTGAGE mark, alone or with other elements, in commerce.

RESPONSE TO INTERROGATORY NO. 4

Opposer objects to the interrogatory as overly broad, vague and ambiguous, and cumulative and duplicative. Subject to and without waiving the above objections, Opposer first used the

NATIONSTAR MORTGAGE mark by registering several domain names consisting of or comprising the mark.

INTERROGATORY NO. 5

Identify each person responsible for or who participated in the conception, selection, adoption and the first use by Opposer of the NATIONSTAR MORTGAGE designation, alone or with other elements, and, for each such person, state in detail his or her responsibilities, role or participation in connection therewith.

RESPONSE TO INTERROGATORY NO. 5

Opposer objects to the interrogatory as overly broad, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above objections, Applicant identifies the following persons who participated significantly in the conception, selection, adoption, and/or first use by Opposer of Opposer's NATIONSTAR MORTGAGE mark:

Robert Greenbaum - SVP Marketing - principal involved in creating and coordinating the creation of possible names for the successor entity to Centex Home Equity Company LLC. Mr. Greenbaum was also involved in the name selection process, including coordinating market research, conducting searches, developing tag lines and logos for the new name.

Steve Hess - EVP Marketing - Supervisor to Mr. Greenbaum. Mr Hess was involved in meetings and discussions with executive management regarding the various name options available to Centex Home Equity.

Maryanne Harwood - SVP Marketing – Ms. Harwood was leader of the name transition task force, coordinated the implementation and use of the new company name, including creating new advertising.

Andrew Cline - SVP and Associate General Counsel – Mr. Cline is inside counsel to Nationstar Mortgage and participated in the name selection process, including coordinating outside counsel, as well as advising management on the legal aspects of the name selection.

Anne Sutherland - EVP and General Counsel – Ms. Sutherland is supervisor to Mr. Cline and advised executive management regarding the various name options available to Centex Home equity and advised management on the legal aspects of the name selection.

Anthony Barone - President and CEO - Participant in the name selection process including selection of the final name.

Pete Smith - EVP Nationstar Mortgage (also Managing Director of Fortress Investment Group) - Participant in the name selection process including selecting the final name.

Wes Edens - Chief Executive Officer and Chairman of the Board of Fortress Investment Group - Participant in the name selection process including selecting the final name.

INTERROGATORY NO. 6

Identify each search, inquiry or investigation conducted by or on behalf of Opposer concerning the availability of the name or mark NATIONSTAR, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 6

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Opposer also objects to the extent the information seeks information protected by attorney-client privilege and/or

the work product doctrine. Subject to and without waiving the above objections, Opposer conducted both a preliminary availability search and a full trademark search for the mark NATIONSTAR MORTGAGE prior to filing Application Serial Nos. 78/871,883 and 78/872,148.

INTERROGATORY NO. 7

Identify each person responsible for or who participated in each search, inquiry and investigation into the availability of the name NATIONSTAR, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 7

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Opposer also objects to the extent the information seeks information protected by attorney-client privilege and/or the work product doctrine. Subject to and without waiving the above objections, Opposer identifies the following persons who participated in any search, inquiry, and investigation into the availability of the mark NATIONSTAR MORTGAGE:

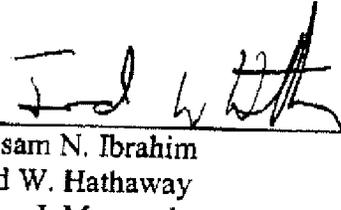
INTERROGATORY NO. 8

Identify each expert witness Opposer intends to call to testify on its behalf in connection with these proceedings, and state the subject matter and summarize the testimony each such witness is expected to give.

RESPONSE TO INTERROGATORY NO. 8

Opposer objects to the interrogatory as premature. Subject to and without waiving the above objection, Opposer will provide Applicant with a list of all expert witnesses expected to testify on Opposer's behalf when such witnesses have been identified by Opposer.

NATIONSTAR MORTGAGE LLC

By: 

Bassam N. Ibrahim

Fred W. Hathaway

Bryce J. Maynard

BUCHANAN INGERSOLL & ROONEY PC

1737 King Street, Suite 500

Alexandria, VA 223 14-2727

Telephone: 703-836-6620

Facsimile: 703-836-2021

Attorneys for Opposer

Dated: 11/2/07

On behalf of Nationstar Mortgage LLC,
I hereby declare and affirm under penalty of perjury that
the foregoing Responses are true and correct to the best
of my knowledge, information and belief.

NATIONSTAR MORTGAGE LLC

By: _____

Name: _____

Title: _____

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO
APPLICANT'S FIRST SET OF INTERROGATORIES was served this 7th day of November, 2007
by first class mail, postage prepaid, on:

Stephanie Morris Carmody
Rachel M. Mariner
1330 Connecticut Avenue, NW
Washington, DC 20036


Michelle A. Jackson

EXHIBIT 3

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

_____)	
NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
_____)	

**APPLICANT'S RESPONSES TO OPPOSER'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Applicant Mujahid Ahmed ("Applicant"), responds and objects to the First Set of Interrogatories (the "Interrogatories") served by Opposer, Nationstar Mortgage LLC, dated July 23, 2007, as follows.

Applicant makes the objections and responses herein (collectively, the "Responses") based solely on its current knowledge, understanding, and belief as to the facts and the information available to it as of the date of the Responses. The Responses are given without prejudice to Applicant's right to produce subsequently discovered information and to introduce such subsequently discovered information at the time of any trial in this action.

Applicant does not waive any objection made in these Responses. Applicant does not waive any claim of privilege, whether expressly asserted or not, by providing any information or identifying any document or thing in response to the Interrogatories. The inadvertent disclosure of such information or the inadvertent identification or production of any document shall not

constitute a waiver of any applicable privilege as to that document or any other document identified or produced by Applicant.

GENERAL OBJECTIONS

The following General Objections apply to, and are incorporated by reference in, the Response to each and every Interrogatory. In addition to these General Objections, Applicant has stated specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. Applicant's specific objections to any of the Interrogatories do not preclude, supersede, or withdraw any of the general Objections to that Interrogatory.

Applicant objects to the Interrogatories to the extent that they call for information protected by: (i) the attorney-client privilege; (ii) the work-product doctrine; or (iii) any other privilege, immunity, or protection afforded by state or federal law. Applicant will provide only responsive information that is not subject to any such privilege or protection.

Fed. R. Civ. P. 26(b)(1) and the Trademark Rules preclude discovery beyond matters relevant to the claims or defenses of the parties. Accordingly, Applicant objects to the Interrogatories to the extent that they are overbroad and unduly burdensome and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Applicant objects to the Interrogatories to the extent that they seek information that is a matter of public record or is equally available or readily ascertainable by Opposer from some other source.

Applicant objects to the Interrogatories to the extent that they call for information that is not known by or reasonably available to Applicant.

Applicant objects to each Interrogatory to the extent that they purport to impose obligations on Applicant beyond those imposed by the Federal Rule of Civil Procedure and the Trademark Rules.

Applicant objects to each Interrogatory to the extent that it is vague, ambiguous, overbroad, unduly burdensome, and/or fails to reasonably identify the information sought, or prematurely calls for a legal conclusion.

Applicant reserves the right to assert additional and further objections to the Interrogatories to the extent that Applicant's production of documents or information in this action reveals that such additional and further objections are appropriate.

In responding to the Interrogatories, Applicant does not concede that any of the information sought or provided is relevant, material, admissible in evidence, or reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY RESPONSES

INTERROGATORY NO. 1:

With respect to Applicant, identify each person employed by and/or in business with Applicant and each of said entities holding the following positions or titles (or their equivalent, if different titles are used):

- A. President;
- B. Owners;
- C. Partners (of any type);
- D. Investors;
- E. Mortgage Brokers;
- F. Sales Brokers;
- G. Real Estate Brokers; and
- H. Realtors.

RESPONSE TO INTERROGATORY NO. 1:

- A. President: Mujahid Ahmad
2001 North Daniel St.

Apartment #101
Arlington, VA 22201

- B. Owners: Mujahid Ahmad
- C. Partners (of any type): n/a
- D. Investors: n/a
- E. Mortgage Brokers: Mujahid Ahmad
- F. Sales Brokers: Mujahid Ahmad
- G. Real Estate Brokers: n/a
- H. Realtors: Mujahid Ahmad

INTERROGATORY NO. 2:

Set forth fully all facts, circumstances, dates and events concerning the origination, development, selection, and adoption, including but not limited to the persons involved therein, of Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 2:

Applicant objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome as it requests "all facts, circumstances, dates and events" and on the ground that it is vague and incapable of precise determination to the extent it requests information on the "origination" and "development" of Applicant's Mark.

Subject to and without waiving the foregoing objections, during or before December 2004, Applicant personally searched the Network Solutions website for available domain names. Applicant personally entered his own ideas for domain names, all of which were not available. The Network Solutions website provided "Recommended Available Domain Names," two of which were nationstarmortgage.com and nationstarmortgate.net. Based upon this, Applicant chose the mark NATIONSTAR and the tradename Nationstar Mortgage and began to advertise and promote Applicant's Services under this mark and tradename. No other

persons were involved in the origination, development, selection or adoption of the NATIONSTAR mark.

INTERROGATORY NO. 3:

Set forth fully all facts, circumstances and events concerning the first use in the United States, including but not limited to the persons involved therein, of Applicant's Mark for Applicant's Services as well as for any other product or service in connection with which Applicant has used and/or intends to use any or all of Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 3:

Applicant objects to this Interrogatory on the grounds that it is vague and unclear as to the facts it seeks. Subject to and without waiving the foregoing objections, during or before December 2004, Applicant personally began to use the mark NATIONSTAR to advertise and promote Applicant's Services. Applicant sent written correspondence to potential clients, distributed and posted flyers and business cards and verbally promoted Applicant's Services under the NATIONSTAR mark. In response to Applicant's promotion and advertising under the NATIONSTAR mark, Applicant assisted clients in all aspects of the purchase of real estate and obtaining loans and related insurance. For example, in February 2005, Applicant assisted Abid Hussain in purchasing a home located at 7724 Camp Alger Ave., Falls Church, VA 22042. Working with a licensed real estate broker and mortgage broker, Applicant served as Mr. Hussain's real estate agent, prescreened and prequalified his financial situation, assisted him in securing a mortgage loan with World Savings through SAI Mortgage, Inc., and assisted and advised him in obtaining title and hazard insurance. The settlement for this sale was completed on March 24, 2005. Applicant has continued to advise and consult with Mr. Abid and has performed comparative market analysis for his current residence and investment property.

INTERROGATORY NO. 4:

Identify and describe each distinct product and service that is being, has been, or is intended to be marketed, offered, shipped, sold, or rendered in connection with any or all of Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 4:

Applicant objects to this Interrogatory on the ground that it is not relevant or reasonably calculated to lead to the discovery of admissible evidence to the extent it requests information on products and services "intended" to be sold or marketed.

Subject to and without waiving the foregoing objections, Applicant provides and will provide services related to the real estate industry in connection with his mark NATIONSTAR. Such services include consulting, advising and assisting with the purchase and sale of real estate, securing mortgage loans, refinancing loans, and managing rental property.

INTERROGATORY NO. 5:

Identify all current and former licensees of Applicant concerning Applicant's Mark, and for each specify the products and/or services in connection with which the licensee was granted the right to use Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 5:

1. Mortgage Broker License (VA)
2. Mortgage Broker License (MD)
3. Mortgage Broker License (DC)
4. Real Estate License (VA)
5. Real Estate License (MD)
6. Real Estate License (DC)

INTERROGATORY NO. 6:

State the total volume of annual sales (in units and equivalent dollar value) of all of Applicant's Services from the claimed date of first use to the present.

RESPONSE TO INTERROGATORY NO. 6:

Between January and December 2005, Applicant served as the real estate agent and otherwise assisted and advised with the sale of approximately \$4,164,900 worth of real estate. Such sales resulted in payment of \$72,433.37 to Applicant. Between January and December 2006, Applicant served as the real estate agent and otherwise assisted and advised with the sale of approximately \$872,000 worth of real estate. Such sales resulted in payment of \$22,928 to Applicant. Between January 2007 and the present, Applicant served as the real estate agent and otherwise assisted and advised with the sale of approximately \$1,050,000 worth of real estate.

INTERROGATORY NO. 7:

Describe the manner and extent of past, current and intended advertising, promoting, and offering for sale of each of Applicant's Services in association with Applicant's Mark, including but not limited to the media used and the class(es) of customers to whom advertising and promotional materials are or will be directed.

RESPONSE TO INTERROGATORY NO. 7:

Applicant objects to this Interrogatory on the ground that it is irrelevant and unlikely to lead to the discovery of admissible evidence to the extent it requests information about "intended advertising" and classes of customers to whom advertising and promotions "will be directed." Applicant further objects to this Request on the ground that it is vague as it requests information on "class(es)" of customers.

Subject to and without waiving the foregoing objections, advertising and promotion are conducted through word of mouth, referrals, written communications to potential clients, flyers, business cards and Applicant's website. Applicant's advertising and promotional materials are directed to everyone interested in real estate services in Virginia, Maryland and Washington, DC.

INTERROGATORY NO. 8:

Identify all advertising agencies, public relations firms, and other businesses or persons whom Applicant has at any time employed, hired or retained in connection with the advertising and/or promotion of Applicant's Services associated with Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 8:

Applicant has not employed, hired or retained any advertising agencies, public relation firms or other business or persons.

INTERROGATORY NO. 9:

Specify, by year as well as by location, the dollar amounts spent by Applicant to advertise and promote Applicant's Services associated with Applicant's Mark.

RESPONSE TO INTERROGATORY 9:

In 2005, Applicant spent approximately \$280 printing business cards bearing the NATIONSTAR mark to promote Applicant's Services. In addition, between December 2004 and the present, Applicant has spent approximately \$50 copying flyers bearing the NATIONSTAR mark to promote Applicant's Services. Applicant spent \$149.94 to register the domain names www.nationstarmortgage.com and www.nationstarmortgage.net for a three year term. All other promotional work was conducted by Applicant personally and cannot accurately be valued in dollar amounts.

INTERROGATORY NO. 10:

A. Describe all the trade channels, including but not limited to licensees, franchisors, and retail outlets, and, if applicable, the departments therein, in which each of Applicant's Services are or have been offered, marketed, sold and/or rendered in association with Applicant's Mark.

B. Indicate the geographical areas, by individual state, in which Applicant's Services are or have been offered and sold and the dates of such sales.

RESPONSE TO INTERROGATORY NO. 10:

A. Applicant's services have been advertised and promoted generally to everyone interested in real estate services in Virginia, Maryland and Washington, D.C.

B. Applicant's Services have been advertised and promoted in Virginia, Maryland and Washington, D.C. Applicant has continuously provided Applicant's Services, including consulting and advising under the NATIONSTAR mark since December 2004 to the present in Virginia, Maryland and Washington, D.C. Settlements resulting from Applicant's Services were completed on March 24, 2005, February 10, 2005, April 7, 2005, April 11, 2005, July 12, 2005, July 25, 2005, August 9, 2005, August 15, 2005, September 27, 2005, August 16, 2006, September 15, 2006 and February 23, 2007.

INTERROGATORY NO. 11:

Identify and describe the class(es) of purchasers, users, and ultimate customers to whom each of Applicant's Services are promoted, sold and distributed in association with Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 11:

Applicant objects to this Interrogatory on the ground that it is vague as it asks for "class(es)" of purchasers, users and "ultimate" customers.

Subject to and without waiving the foregoing objections, Applicant has promoted and sold his services to individuals interested in real estate services in Virginia, Maryland and Washington, D.C.

INTERROGATORY NO. 12:

Identify all present, former and prospective sales representatives, agents, associates, and licenses of Applicant's Services offered in connection with Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 12:

Applicant objects to this Interrogatory on the ground that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information concerning "prospective sales."

Subject to and without waiving the foregoing objections, there are no other present, former or known prospective sales representatives, agents, associates or licensees of Applicant's services offered in connection with Applicant's Mark other than the Applicant.

INTERROGATORY NO. 13:

Describe Applicant's current or former business relationship with and knowledge of each of the following persons and entities: First American Real Estate, Metropolitan Regional Information Systems, Inc., National Association of Mortgage Brokers, National Association of Realtors, or any of their current or former employees or contractors.

RESPONSE TO INTERROGATORY NO. 13:

Applicant worked for First American Real Estate as an independent contractor. Applicant is a member of the Metropolitan Regional Information Systems, Inc. and the National Association of Realtors. Applicant has knowledge of but no relationship with the National Association of Mortgage Brokers.

INTERROGATORY NO. 14:

Identify all litigation, arbitration, United States Patent and Trademark Office proceedings, or other adversary proceedings involving the Applicant, whether past or present, concerning Applicant's Mark or Applicant's ownership, title, right to use or right to register Applicant's Mark in the United States.

RESPONSE TO INTERROGATORY NO. 14:

Applicant objects to this Interrogatory on the ground that it is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Applicant is not aware of any litigation, arbitration, United States Patent and Trademark office proceeding, or other adversary proceeding, other than this proceeding, concerning Applicant's Mark or Applicant's ownership, title, right to use or right to register Applicant's Mark in the United States.

INTERROGATORY NO. 15:

Identify each person or entity against which Applicant has asserted a claim or which has asserted a claim against Applicant pertaining in any way to Applicant's Mark and identify the mark or name used by that person or entity, and the goods, services or business in connection with which the mark or name was used. For purposes of this Interrogatory, a claim shall be defined as a demand that a person or entity cease its use, or modify its use, or a mark or name alleged to be confusingly similar to Applicant's Mark in the United States, and which has not resulted in litigation or other adversary proceeding.

RESPONSE TO INTERROGATORY NO. 15:

Applicant has not asserted a claim and a claim has not been asserted against Applicant pertaining in any way to Applicant's Mark, other than the proceeding at issue.

INTERROGATORY NO. 16:

If Applicant has ever received an opinion concerning its right to adopt, use or register Applicant's Mark in the United States, or to prevent third parties from adopting, using or registering in the United States any name or mark alleged to be confusingly similar to Applicant's Mark identify:

A. All persons with knowledge of facts connected therewith, describing their respective areas of knowledge; and

B. All third parties and/or names referred to or involved therein.

RESPONSE TO INTERROGATORY NO. 16:

Applicant has never received an opinion concerning its rights to adopt, use or register Applicant's Mark in the United States, or to prevent third parties from adopting, using or registering in the United States any name or mark alleged to be confusingly similar to Applicant's Mark.

INTERROGATORY NO. 17:

If Applicant has contacted, been contacted by, spoken with or otherwise communicated with any third parties concerning the subject matter of this proceeding, identify said third parties and describe the nature of same communications.

RESPONSE TO INTERROGATORY NO. 17:

Applicant has only contacted and spoken with his attorneys regarding this proceeding. Such discussions are subject to attorney-client privilege.

INTERROGATORY NO. 18:

State all facts and identify all documents and tangible things which support Applicant's denial of any of the allegations of the Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 18:

Applicant objects to this Interrogatory to the extent that it requests information that is publicly available and as easily accessible to Opposer as it is to Applicant.

Subject to and without waiving the foregoing objections, as described herein, Applicant began advertising and promoting Applicant's Services under the mark NATIONSTAR and provided Applicant's Services prior to April 4, 2005. Applicant is producing in response to Opposer's First Set of Document Requests, documents to support this claim, including copies of letters to potential customers, copies of flyers and business cards and documents reflecting real estate sales for which Applicant services as the real estate agent. In addition, Applicant is producing copies of all relevant licenses evidencing that he is currently a licensed real estate agent and mortgage broker. All other relevant facts and documents are a matter of public record.

INTERROGATORY NO. 19:

State all facts and identify all documents and tangible things which support Applicant's Answer and Applicant's stated Affirmative Defenses within its Answer.

RESPONSE TO INTERROGATORY NO. 19:

Applicant objects to this Interrogatory to the extent that it requests information that is publicly available and as easily accessible to Opposer as it is to Applicant.

Subject to and without waiving the foregoing objections, all relevant facts are stated hereto or are a matter of public record. All relevant documents have been produced in response to Opposer's First Set of Document Requests or are a matter of public record.

INTERROGATORY NO. 20:

Describe when and how Applicant first became aware of Opposer, Opposer's NATIONSTAR MORTGAGE Marks, and/or the services offered by Opposer.

RESPONSE TO INTERROGATORY NO. 20:

Applicant first became aware of Opposer and Opposer's Marks and Opposer's Services upon receipt of the Notice of Opposition for this proceeding.

INTERROGATORY NO. 21:

Identify and describe each of the services offered by Applicant under Applicant's Mark from Applicant's claimed date of first use through the present.

RESPONSE TO INTERROGATORY NO. 21:

Applicant objects to this Interrogatory on the ground that it is duplicative of Interrogatory No. 4.

Subject to and without waiving the foregoing objections, Applicant consulted with and advised clients in every aspect of the real estate industry. Each specific service cannot be identified. Many of these services take place over a long period of time.

In February 2005, Applicant assisted Abid Hussain purchase a home located at 7724 Camp Alger Ave., Falls Church, VA 22042. Working with a licensed real estate broker and mortgage broker, Applicant served as Mr. Hussain's real estate agent, prescreened and

prequalified his financial situation, assisted him in securing a mortgage loan with World Savings through SAI Mortgage, Inc., and assisted and advised him in obtaining title and hazard insurance. The settlement for this sale was completed on March 24, 2005. Applicant has continued to advise and consult with Mr. Abid and has performed comparative market analysis for his current residence and investment property.

In June 2005, Applicant listed for sale the house of Mr. Zulkihar Sharieff and the property was sold on August 15, 2005. The property is located at 7220 Roosevelt Ave., Falls Church, VA 22042. Applicant advised Mr. Sharieff regarding home repairs and hiring of contractors. After that time, Applicant performed comparative market analysis for Mr. Sharieff and his family members and showed them multiple residential and commercial properties.

In June 2005, Applicant performed multiple market analyses for Mr. Abdul Haq and advised him regarding the home buying process. Applicant showed Mr. Haq multiple homes and prequalified him for a loan.

Applicant assisted and advised Mr. Ikram U. Danish with the refinancing of his home in June 2005. Applicant assisted and advised Mr. Danish with obtaining title and hazard insurance. Applicant continues to manage his property and consult regarding the hiring of contractors.

Applicant assisted and advised Mr. Shafiq Ahmad with the purchase of a home in July and August 2005. The property address is 6518 Sharps Drive, Centreville, VA 20121. Applicant performed multiple comparative market analysis and assisted and advised Mr. Ahmad in obtaining a mortgage and title and hazard insurance. Applicant continues to advise Mr. Ahmad regarding the hiring of contractors.

In November 2005, Applicant performed comparative market analysis for Ms. Marina Leon (of Brentwood, Maryland) and advised her regarding the home selling and buying process as well as her mortgage options. Applicant showed Ms. Leon multiple homes.

In February 2006, Applicant assisted and advised Mr. Samer Ramadan of Washington, D.C. in finding rental properties, including performing comparative market analysis for residential and commercial properties in Washington, D.C.

In March 2006, Applicant assisted and advised Mr. Ahmed U. Sayed in finding residential and commercial properties.

In March 2006, Applicant assisted and advised Mr. Muhammed Shoaib Shah of North Potomac, Maryland with finding residential and commercial properties.

In August and September 2006, Applicant assisted and advised Mr. Hameed Khan with the purchase of a residential property. The property is located at 7402 Ellwood Place, Springfield, Virginia 22150. Applicant assisted and advised Mr. Khan in obtaining a mortgage loan and hazard insurance. Applicant advised Mr. Khan in hiring contractors for his property.

Applicant assisted Pak-American Corporation to buy a commercial warehouse building. The property is located at 2800 10th Street, N.W., Washington, D.C. 20017. Applicant assisted and advised Pak-American in obtaining a mortgage loan, commercial hazard insurance, title insurance and property insurance. The settlement for this sale took place on February 23, 2007.

INTERROGATORY NO. 22:

Identify all other entities that have provided, are providing or that Applicant believes may provide in the future, Applicant's Services.

RESPONSE TO INTERROGATORY NO. 22:

Applicant objects to this Interrogatory on the grounds that it is vague and unclear as to the information it seeks. Applicant is not aware of any other entity that has or will provide Applicant's Services under Applicant's NATIONSTAR mark.

INTERROGATORY NO. 23:

State the bases for Applicant's following statements made in the application document and subsequent documents that Applicant filed with the U.S. Patent and Trademark Office to register Applicant's Mark:

- A. "Applicant is using the mark [NATIONSTAR] in commerce on or in connection with the above-identified goods/services" (statement in the initial application);
- B. "...he/she believes applicant to be entitled to use such mark [NATIONSTAR] in commerce..." (initial application);
- C. "...to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified [NATIONSTAR] mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive..." (initial application);
- D. "...[Mr. Ahmad] believes [himself] to be the owner of [Applicant's NATIONSTAR Mark] sought to be registered..." (initial application);
- E. "The substitute specimens were in use in commerce at least as early as the filing date of the application." (in the declaration dated October 16, 2006);
- F. "The mark was first used at least as early as April 4, 2005 and first used in commerce as least as early as April 4, 2005, and is now in such use in such commerce." (in the Application filed with signed declaration dated April 20, 2006).

RESPONSE TO INTERROGATORY NO. 23:

- A. Applicant advertised and promoted Applicant's Services under the NATIONSTAR mark and provided Applicant's Services prior to the filing date of Applicant's application as described hereto.

B. Applicant was not and is not aware of any reason he is not entitled to use Applicant's NATIONSTAR mark.

C. Applicant was not and is not aware of any person or entity with prior rights in Application's NATIONSTAR mark.

D. Based upon Applicant's use of the NATIONSTAR mark and the fact that no one else had prior right in the name mark or confusingly similar mark, Applicant believed himself to be the owner of Applicant's NATIONSTAR Mark.

E. The substitute specimens were examples of flyers and business cards posted and distributed before the filing date of the application.

F. Applicant advertised and provided Applicant's Services prior to April 4, 2005 under Applicant's NATIONSTAR Mark.

INTERROGATORY NO. 24:

Since the claimed date of first use of Applicant's Mark to the present, describe Applicant's involvement with the business development of Applicant's Services offered by Applicant under Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 24:

Applicant objects to this Interrogatory on the grounds that it is vague and unclear. Applicant is solely responsible for the business development of Applicant's Services offer by Applicant under Applicant's Mark.

INTERROGATORY NO. 25:

Since the claimed date of first use of Applicant's Marks to the present, describe the process by which Applicant completes sales of Applicant's Services offered by Applicant under any or all of Applicant's Marks.

RESPONSE TO INTERROGATORY NO. 25:

Applicant objects to this Interrogatory on the grounds that it is vague and unclear and duplicative of Interrogatory No. 21. The process by which Applicant completed sales depends upon what services are at issue. In addition, Applicant provides many services related to the real estate industry for which a "completed sale" does not take place. In general, potential clients would contact Applicant in response to his advertising under the NATIONSTAR mark and seek his advice regarding the sale or purchase of real estate and/or the acquisition of a mortgage loan. Applicant, as a licensed real estate agent, would perform comparative market analysis and show properties to his clients. He would explain and advise clients regarding the sale process. Applicant would work with First American Real Estate, Inc., a licensed real estate broker to complete these transactions. As a loan officer and a mortgage broker, Applicant would advise them about their loan options and assist them to find the best mortgage loan to meet their needs. Applicant would also assist his client's in obtaining hazard and title insurance. Applicant also would advise and assist client's regarding managing property and making renovations and improvements.

INTERROGATORY NO. 26:

Identify all periods of non-use of each of Applicant's Marks, including the length of each period and the reasons therefore. For purposes of this Interrogatory, "non-use" shall refer to the absence of sales in the normal course of trade to *bona fide* customers of Applicant's Services in connection with Applicant's Marks.

RESPONSE TO INTERROGATORY NO. 26:

Since Applicant's date of first use, there have been no periods of non-use of Applicant's Mark. Applicant has continuously promoted and provided Applicant's Services.

INTERROGATORY NO. 27:

Describe the extent and nature of advertising of Applicant's services under any and all of Applicant's Marks.

RESPONSE TO INTERROGATORY NO. 27:

Applicant objects to this Interrogatory on the ground that it is duplicative of Interrogatory No. 7.

Subject to and without waiving the foregoing objections, Applicant advertises Applicant's Services under Applicant's Mark through word of mouth, referrals, written communications to potential clients, printed flyers, business cards and his website.

INTERROGATORY NO. 28:

Identify all information regarding Applicant's application for and registration of the domain names www.nationstrarmortgage.com and www.nationstarmortgage.net.

RESPONSE TO INTERROGATORY NO. 28:

Applicant personally registered the domain names www.nationstarmortgage.com and www.nationstarmortgage.net on April 4, 2005 using Network Solutions' on-line registration process.

INTERROGATORY NO. 29:

Concerning each document or tangible thing otherwise responsive to any interrogatory or document request which has been lost or destroyed since its preparation or receipt, identify for each document or tangible thing the following:

- A. The interrogatory or request to which it would be responsive;
- B. The circumstances whereby the document or tangible thing was lost or destroyed; and
- C. The identity of all persons having knowledge of such loss or destruction.

RESPONSE TO INTERROGATORY NO. 29:

Applicant is not aware of any document or tangible thing otherwise responsive to any interrogatory or document request which has been lost or destroyed since its preparation or receipt.

INTERROGATORY NO. 30:

Identify all persons who prepared, assisted in the preparation of or provided information or documents for the answers to Opposer's interrogatories, indicating for each such person, each separate answer which he or she prepared, assisted in the preparation of or otherwise provided the information for.

RESPONSE TO INTERROGATORY NO. 30:

The Answers to Opposer's interrogatories were prepared by Applicant with the assistance and consultation of his attorneys.

As to the objections and legal contentions:

STEPTOE & JOHNSON LLP

By: Rachel M. Marmor
Stephanie Morris Carmody
Rachel M. Marmor
1330 Connecticut Avenue, N.W.
Washington, DC 20036-1795
(202) 429-8135

Attorneys for Applicant, Mujahid Ahmad

Dated: August 24, 2007

VERIFICATION

I, Mujahid Ahmad, am the Applicant in this Opposition proceeding. I have read **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES** ("Responses"). The answers set forth in the Responses are true to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Verification was executed on _____, 2007.

Mujahid Ahmad

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES was served this 24th day of August, 2007 by first-class mail, postage prepaid, on:

Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street
Alexandria, VA 22314-2727
Telephone: 703-836-6620
Facsimile: 703-836-2021

Rachel M. Manner

EXHIBIT 4

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

NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91/177,036
)	
MUJAHID AHMAD,)	
)	
Applicant)	
_____)	

OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES

Opposer Nationstar Mortgage LLC ("Opposer"), pursuant to Federal Rule 33 and the applicable rules of the Trademark Trial and Appeal Board, hereby responds to Mujahid Ahmad's ("Applicant") First Set of Interrogatories.

GENERAL OBJECTIONS

In addition to the objections stated below, Opposer notes that any responses given to Applicant's interrogatories will be based on present knowledge and belief. In all cases, while the responses set forth below are believed to be complete and accurate, Opposer reserves the right to modify or supplement its responses to conform to the results of Opposer's continuing investigations during the course of this proceeding and any changes in circumstances. Moreover, Opposer's responses are not to be construed as a waiver of any rights or objections, or as an admission of relevancy, materiality or admissibility in evidence of any information or documents provided to Applicant.

Opposer raises the following objections to each of Applicant's Interrogatories.

1. Opposer objects to each interrogatory to the extent it seeks information and documents protected by the attorney-client privilege, the attorney work product doctrine, or any other evidentiary privilege applicable under the Federal Rules of Evidence or other applicable rules or decisions. Opposer further objects to identifying any information or documents protected by such privileges generated after the date of the filing of the Notice of Opposition.

2. Opposer objects to each interrogatory to the extent it requests Opposer to identify or produce "all" information or documents in a specified category when that category is vaguely defined, ambiguous, or overbroad, thereby making the response unduly burdensome.

3. Opposer objects to each interrogatory to the extent it is not limited to any relevant time frame and thus, if literally interpreted, would require a search of all of Opposer's files, thereby making the response unduly burdensome.

4. In responding to Opposer's interrogatories, to the extent not otherwise objected to, Opposer has used reasonable diligence to locate responsive information and documents based on an examination of those offices and files, and interviews with those current employees, that reasonably may be expected to yield responsive information. Subject to Opposer's objections, all information and/or documents that appears in Opposer's judgment to be responsive, if any, is being produced, consistent with the Federal Rules of Civil Procedure and applicable rules, and provided that such information and documents are not otherwise privileged. To the extent Applicant seeks to require Opposer to do more than that just described, Opposer objects to each interrogatory on the grounds it is vague, ambiguous, overbroad, burdensome, seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence, and subjects Opposer to oppression, harassment, and undue burden and expense unsupported by Applicant's legitimate discovery needs.

5. Opposer objects to each interrogatory to the extent it calls for the production of information and documents already in Applicant's possession, custody or control or which Applicant could secure itself with essentially the same or less effort as would be required of Opposer to secure.

6. Opposer objects to each interrogatory to the extent it calls for information and documents which are not in Opposer's possession, custody or control.

7. Opposer objects to any requirement of the interrogatories, including the definitions provided therewith, which seeks to compel actions outside the scope of the Federal Rules of Civil Procedure or other applicable rules or decisions.

8. Opposer also objects to each of Applicant's interrogatories to the extent that they seek information regarding Opposer's use of the mark outside of the United States.

INTERROGATORIES

INTERROGATORY NO. 1

Identify the date that Opposer first used in commerce the mark NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 1

Opposer objects to this request as overly broad and vague and ambiguous. Subject to and without waiving the above objections, Opposer first used the mark NATIONSTAR MORTGAGE on or about March 24, 2006.

INTERROGATORY NO. 2

Identify the date when Opposer selected the mark NATIONSTAR MORTGAGE.

RESPONSE TO INTERROGATORY NO. 2

Opposer objects to the interrogatory as overly broad, vague and ambiguous, and cumulative and duplicative. Subject to and without waiving the above objections, Opposer made final its selection of the NATIONSTAR MORTGAGE mark no later than March 24, 2006.

INTERROGATORY NO. 3

Identify the date when Opposer made public its selection or intention to use the mark NATIONSTAR MORTGAGE, alone or with any other elements.

RESPONSE TO INTERROGATORY NO. 3

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Subject to and without waiving the above objections, Opposer "made public" its intention to use the mark at least as early as March 24, 2006.

INTERROGATORY NO. 4

Explain the manner in which Opposer first used the NATIONSTAR MORTGAGE mark, alone or with other elements, in commerce.

RESPONSE TO INTERROGATORY NO. 4

Opposer objects to the interrogatory as overly broad, vague and ambiguous, and cumulative and duplicative. Subject to and without waiving the above objections, Opposer first used the

NATIONSTAR MORTGAGE mark by registering several domain names consisting of or comprising the mark.

INTERROGATORY NO. 5

Identify each person responsible for or who participated in the conception, selection, adoption and the first use by Opposer of the NATIONSTAR MORTGAGE designation, alone or with other elements, and, for each such person, state in detail his or her responsibilities, role or participation in connection therewith.

RESPONSE TO INTERROGATORY NO. 5

Opposer objects to the interrogatory as overly broad, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above objections, Applicant identifies the following persons who participated significantly in the conception, selection, adoption, and/or first use by Opposer of Opposer's NATIONSTAR MORTGAGE mark:

Robert Greenbaum - SVP Marketing - principal involved in creating and coordinating the creation of possible names for the successor entity to Centex Home Equity Company LLC. Mr. Greenbaum was also involved in the name selection process, including coordinating market research, conducting searches, developing tag lines and logos for the new name.

Steve Hess - EVP Marketing - Supervisor to Mr. Greenbaum. Mr Hess was involved in meetings and discussions with executive management regarding the various name options available to Centex Home Equity.

Maryanne Harwood - SVP Marketing – Ms. Harwood was leader of the name transition task force, coordinated the implementation and use of the new company name, including creating new advertising.

Andrew Cline - SVP and Associate General Counsel – Mr. Cline is inside counsel to Nationstar Mortgage and participated in the name selection process, including coordinating outside counsel, as well as advising management on the legal aspects of the name selection.

Anne Sutherland - EVP and General Counsel – Ms. Sutherland is supervisor to Mr. Cline and advised executive management regarding the various name options available to Centex Home equity and advised management on the legal aspects of the name selection.

Anthony Barone - President and CEO - Participant in the name selection process including selection of the final name.

Pete Smith - EVP Nationstar Mortgage (also Managing Director of Fortress Investment Group) - Participant in the name selection process including selecting the final name.

Wes Edens - Chief Executive Officer and Chairman of the Board of Fortress Investment Group - Participant in the name selection process including selecting the final name.

INTERROGATORY NO. 6

Identify each search, inquiry or investigation conducted by or on behalf of Opposer concerning the availability of the name or mark NATIONSTAR, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 6

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Opposer also objects to the extent the information seeks information protected by attorney-client privilege and/or

the work product doctrine. Subject to and without waiving the above objections, Opposer conducted both a preliminary availability search and a full trademark search for the mark NATIONSTAR MORTGAGE prior to filing Application Serial Nos. 78/871,883 and 78/872,148.

INTERROGATORY NO. 7

Identify each person responsible for or who participated in each search, inquiry and investigation into the availability of the name NATIONSTAR, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 7

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Opposer also objects to the extent the information seeks information protected by attorney-client privilege and/or the work product doctrine. Subject to and without waiving the above objections, Opposer identifies the following persons who participated in any search, inquiry, and investigation into the availability of the mark NATIONSTAR MORTGAGE:

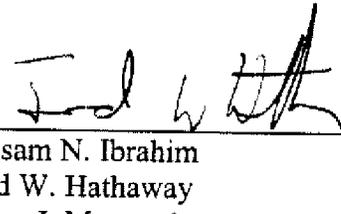
INTERROGATORY NO. 8

Identify each expert witness Opposer intends to call to testify on its behalf in connection with these proceedings, and state the subject matter and summarize the testimony each such witness is expected to give.

RESPONSE TO INTERROGATORY NO. 8

Opposer objects to the interrogatory as premature. Subject to and without waiving the above objection, Opposer will provide Applicant with a list of all expert witnesses expected to testify on Opposer's behalf when such witnesses have been identified by Opposer.

NATIONSTAR MORTGAGE LLC

By: 

Bassam N. Ibrahim
Fred W. Hathaway
Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY PC
1737 King Street, Suite 500
Alexandria, VA 223 14-2727
Telephone: 703-836-6620
Facsimile: 703-836-2021
Attorneys for Opposer

Dated: 11/2/07

On behalf of Nationstar Mortgage LLC,
I hereby declare and affirm under penalty of perjury that
the foregoing Responses are true and correct to the best
of my knowledge, information and belief.

NATIONSTAR MORTGAGE LLC

By: _____

Name: _____

Title: _____

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO
APPLICANT'S FIRST SET OF INTERROGATORIES was served this 7th day of November, 2007
by first class mail, postage prepaid, on:

Stephanie Morris Carmody
Rachel M. Mariner
1330 Connecticut Avenue, NW
Washington, DC 20036


Michelle A. Jackson

EXHIBIT 5

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

Bryce J. Maynard
703 838 6625
bryce.maynard@bipc.com

P.O. Box 1404
Alexandria, VA 22313-1404

1737 King Street, Suite 500
Alexandria, VA 22314-2727

T 703 836 6620
F 703 836 2021

www.buchananingersoll.com

January 11, 2008

VIA COURIER

Rachel M. Hofstatter
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

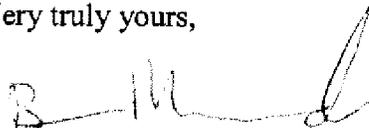
Re: Nationstar Mortgage, LLC
Mark: **NATIONSTAR**
Our Ref.: 0055673-000033

Dear Andrew:

Enclosed please find our documents regarding the above-identified opposition.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Bryce J. Maynard

BJM/maj
Enclosures

RECEIVED

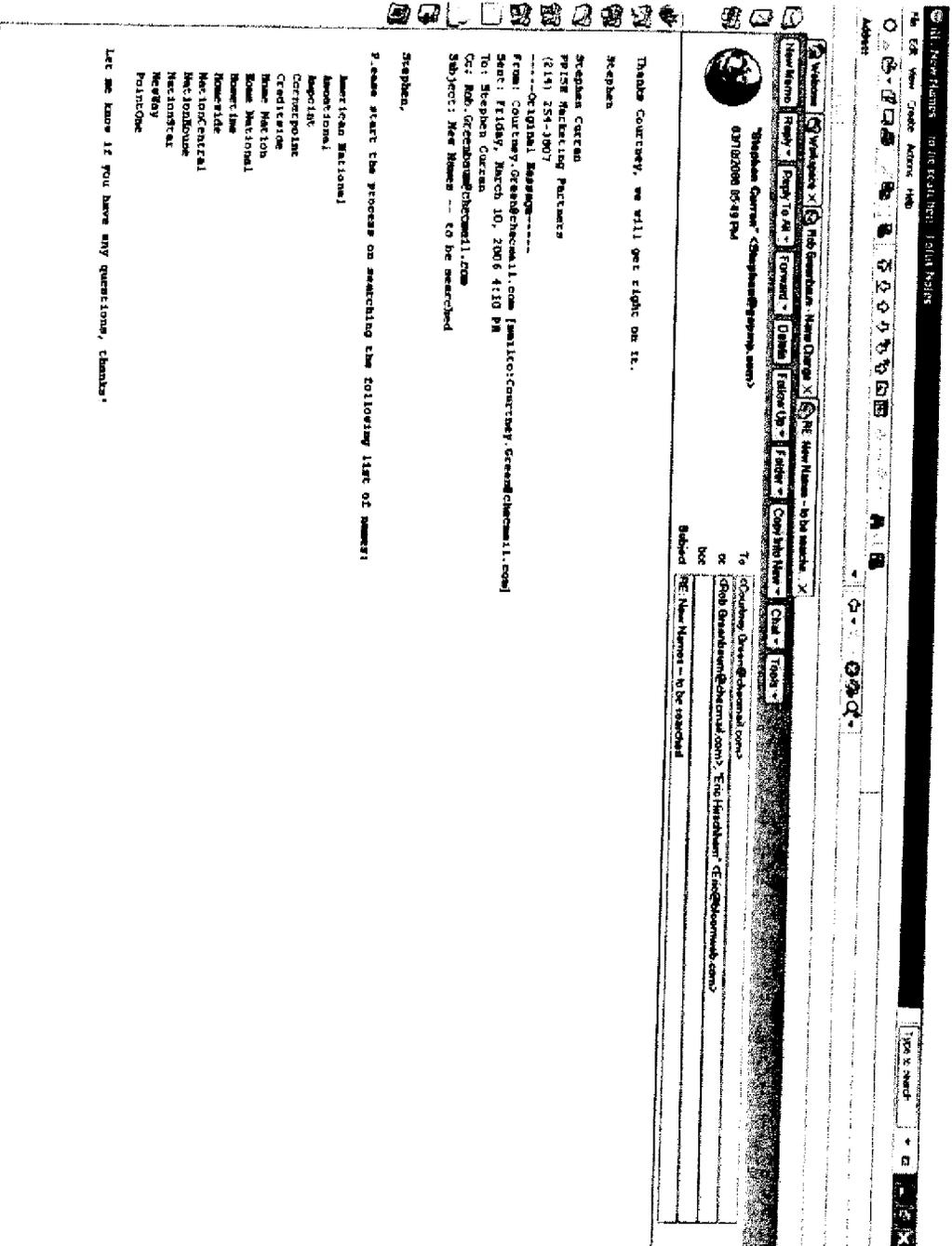
JAN 14 2008

STEPTOE & JOHNSON LLP

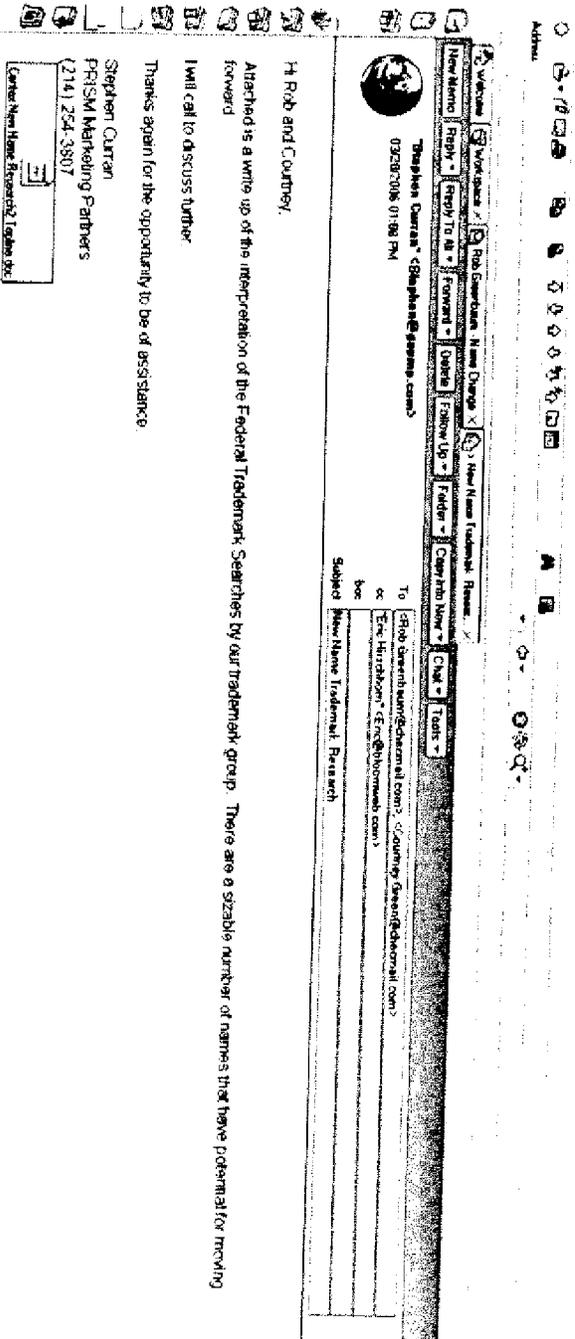
Nationstar Mortgage LLC timeline

- 3/5/06 Name ideation session for additional names (Nationstar Mortgage name generated)
- 3/10/06 15 names sent to Prizm Marketing Partners to conduct preliminary TM searches (Nationstar Mortgage included)
- 3/20/06 Preliminary TM search results received (Nationstar Mortgage included) from Prizm Marketing Partners (*Exhibit A – Preliminary Search*)
- 3/20/06 Requested Landor (NY based agency) to do additional preliminary TM search of Nationstar Mortgage
- 3/21/06 Requested Buchanan Ingersoll to do full legal search on Nationstar Mortgage
- 3/23/06 Receive back final legal report from Buchanan Ingersoll on Nationstar Mortgage (*Exhibit B – Full Search*)
- 3/24/06 Steve Hess, CHEC EVP Marketing and Rob Greenbaum, CHEC SVP Marketing present final 7 name recommendations to Tony Barone, President and CEO of Centex Home Equity. Mr. Barone selects Nationstar Mortgage as new name. Mr. Hess sends name recommendation to Fortress Investment Group (new parent company) for final approval. (*Exhibit C – Final Name Recommendation and Exhibit D – Final Name Legal Summary*)
- 3/24/06 Rob Greenbaum, CHEC SVP Marketing, reserves several URLs with "Nationstar" on GoDaddy.com (*Exhibit E – URL List*)
- 3/31/06 Wes Edens, CEO of Fortress Investment Group, approves Nationstar Mortgage as the new name for Centex Home Equity. Rob Greenbaum, SVP Marketing, requests CHEC Legal Department to have Buchanan Ingersoll complete final investigation of Nationstar, negotiate purchase of Nationstarmortgage.com and .net URLs and begin TM application.
- 4/3/06 Rob Greenbaum, CHEC SVP Marketing meets with Avrea Foster (Dallas based advertising agency) to review initial logo designs and provide creative feedback for Nationstar Mortgage. Niemann Design submits several logo designs to CHEC Marketing Department.
- 4/6/06 Rob Greenbaum, CHEC SVP Marketing reserves additional "Nationstar" URL addresses
- 4/18/06 Rob Greenbaum, CHEC SVP Marketing sends 6 logo designs to Buchanan Ingersoll for TM review
- 4/20/06 Bryce Maynard, Buchanan Ingersoll, sends logo TM results to Rob Greenbaum, CHEC SVP Marketing. Steve Hess, CHEC EVP Marketing, presents 2 final logo designs to Tony Barone, President & CEO of Centex Home Equity and principals of Fortress Investment Group. Final logo is selected and approved.
- 4/28/06 Receive confirmation of TM applications: NATIONSTAR MORTGAGE (word mark only): Serial No. 78/871,883, NATIONSTAR MORTGAGE and Design (composite mark): Serial No. 78/872,148, House w/ shooting star (design only): Serial No. 78/872,152

3/10/06 Email from Stephen Curran, Prizm Marketing Partners – acknowledging request to conduct preliminary TM search



3/20/06 Email from Stephen Curran, Prizm Marketing Partners – preliminary TM search results attached (Exhibit A – Preliminary Search)



3/20/06 Email from Elyze Kazarinoff, Landor, NY (advertising agency) – confirming request to do initial TM searches on Nationstar Mortgage, Home National Mortgage, NationCentral Mortgage and NationHouse Mortgage

File Edit View Options Window Help

Address

03/20/06 04:25 PM

From: Elyze Kazarinoff <ELYZE_KAZARINOFF@ny.nationstar.com>
 To: Rob Greenbaum <robgreenbaum@aol.com>
 Subject: Re: The mortgage has been repaid.

Hi Rob,

I hope you had a nice trip. And thanks for the update.

FTI, MacLellan and Merion/Capital were on your selected list of 8 names that did not pass our preliminary screening. Your legal counsel may have a different perspective but I just wanted you to know we already screened them. Somewhat in new and not screened by us. We're assuming you state that to full legal and don't need a pre-screen.

We will ask our lawyers to screen the 4 names below for reference sake:

1. Home National Mortgage
2. NationCentral Mortgage
3. NationHouse Mortgage
4. NationStar Mortgage

Elyze N. Kazarinoff
 Creative Director, Manning
 Landor Associates
 270 Park Avenue South
 New York, NY 10010
 Phone: (212) 414-5119
 Fax: (212) 580-5576
 e-Mail: elyze_kazarinoff@ny.nationstar.com

Rob Greenbaum@aol.com
 03/20/06 04:41 PM

RE: ELYZE_KAZARINOFF

TO: ELYZE_KAZARINOFF

CC:

Centex Home Equity Company, L.L.C. Confidential

3/21/06 Email from Andrew Cline, CHEC Legal to Bryce Maynard, Buchanan Ingersoll – requesting Buchanan Ingersoll to conduct full legal searches on 4 names (Nationstar Mortgage is 1 of 4 names)

Andrew Cline
03/21/2006 05:08 PM

Subject: Additional Names for Legal Review

To: Andrew Bryce <andrew@checc.com>
or Graham Brewer <graham@checc.com> <BryceMaynard@checc.com>
or Nathan Buzsari <nathan@checc.com> <Jedson.Michelle@checc.com>
cc: Rob Greenbaum <rob@checc.com>

Body

☞ This message has been replied to

Bryce,

Four new ones - Please add to the list

Tony has requested that we submit some more names for legal review. Here they are:

- 11 Nationstar
- 12 Nation Central
- 13 Broadfield
- 14 Broadland

Please send these to Bryce Maynard

Thank! Rob

Rob Greenbaum
Senior VP - Marketing
Work: 214.758.7027
Cell: 214.335.5275
Fax: 214.758.7878
Email: rob.greenbaum@checc.com

Andrew N. Cline
Senior Vice President and Associate General Counsel
Centex Home Equity Company, LLC
8200 Neuen, Harwood Street, 11th Floor
Dallas, TX 75281
(214) 758-7756
andrew.cline@checc.com

PRIVILEGED AND CONFIDENTIAL. The information contained in this e-mail may contain confidential or other information subject to an attorney-client privilege and is transmitted only for the use of the intended recipient. Any review, retransmission, copying, reproduction, circulation, publication, dissemination or other use of, or taking of any action or omission to take action in reliance upon this information by persons other than the intended recipient is prohibited. If you have received this message in error, please notify the sender and delete the message from any computer, disk drive, database, or other storage device or media.

Centex Home Equity Company, L.L.C. Confidential

3/31/06 Copy of emails sent between Tony Barone, President & CEO of Centex Home Equity and Pete Smith, Fortress Investment Group – confirming that Nationstar Mortgage has been approved as the new name for Centex Home Equity by Wes Edens, CEO of Fortress Investment Group

Windows * Outlook * Rob Greenbaum Name Change X Fw: X
 New Message Reply Reply To All Forward Delete Follow Up Folder Copy Into New Chat Tools
 Steve.Hess@Marketing@CHIEC
 03/31/2006 09:41 AM

To: "Rob Greenbaum" <rob.greenbaum@centex.com>
 cc: bcc
 Subject: Fw:

----- Original Message -----
 From: Tony Barone
 Sent: 03/31/2006 09:24 AM
 To: Pete Smith <psmith@fortressinvest.com>
 Subject: Re:

Great, I will pass on to Steve Hess and we will get working on it. Just gave a presentation to 220 of our managers.....they are pumped!...
 Quite a few of us are travelling next week, do you need us or are you meeting with Centex?

----- Original Message -----
 From: "Pete Smith" (psmith@fortressinvest.com)
 Sent: 03/31/2006 09:05 AM
 To: Tony Barone

TB
 Wes likes Nationstar (with a lower case s) Let me know if this works for you. Hope the announcement is being well rec'd. We will probably be back in Dallas next week.

Pete Smith
 Fortress Investment Group
 1345 Avenue of the Americas | 40th Floor
 New York, NY 10105
 T: (212) 788-6088
 F: (212) 788-6070
 C: (908) 280-9775
 psmith@fortressinvest.com

Nationstar Mortgage LLC - URLs Reserved

<u>URL</u>	<u>Date Registered with GoDaddy.com</u>
1 AllianceForLending.com	04/06/06
2 AllianceForLending.net	04/06/06
3 AllianceForMortgages.com	04/06/06
4 GetNationstar.com	04/06/06
5 GetNationstar.net	04/06/06
6 LendingPartnership.com	04/27/06
7 LendingPartnership.net	04/27/06
8 LoanPartnership.com	04/27/06
9 LoanPartnership.net	04/27/06
10 MyNationstar.com	04/06/06
11 MyNationstar.net	04/06/06
12 NationsstarMortgage.com	04/27/06
13 NationsstarMortgage.net	04/27/06
14 Nation-star.com	04/27/06
15 Nationstar1.com	04/27/06
16 NationstarAlliance.com	04/06/06
17 NationstarAlliance.net	04/06/06
18 NationstarBroker.com	04/06/06
19 NationstarBroker.net	04/06/06
20 NationstarCompany.com	04/06/06
21 NationstarCompany.net	04/06/06
22 NationstarDirect.com	04/06/06
23 NationstarDirect.net	04/06/06
24 NationstarDocs.com	04/27/06

25	NationstarDocs.net	04/27/06
26	NationstarFunding.com	04/06/06
27	NationstarFunding.net	04/06/06
28	NationstarHome.com	04/06/06
29	NationstarHome.net	04/06/06
30	NationstarHomeLending.com	04/06/06
31	NationstarHomeLending.net	04/06/06
32	NationstarHomeLoans.com	04/06/06
33	NationstarHomeLoans.net	04/06/06
34	NationstarInvestors.com	04/06/06
35	NationstarInvestors.net	04/06/06
36	Nationstarlending.com	03/24/06
37	Nationstarlending.net	03/24/06
38	Nationstarloans.com	04/06/06
39	Nationstarloans.net	04/06/06
40	NationstarM.com	04/06/06
41	NationstarMail.com	04/27/06
42	NationstarMail.net	04/27/06
43	NationstarMC.com	04/06/06
44	NationstarMC.net	04/06/06
45	Nationstar-Mortgage.com	04/27/06
46	Nationstar-Mortgage.net	04/27/06
47	NationstarMortgage.us	03/24/06
48	NationstarMortgageLLC.com	04/27/06
49	NationstarMortgageLLC.net	04/27/06

50	NationstarMtg.com	03/24/06
51	NationstarMtg.net	03/24/06
52	NationstarOnline.com	04/06/06
53	NationstarOnline.net	04/06/06
54	NonprimeAlliance.com	04/06/06
55	NonprimePartnership.com	04/27/06
56	NonprimePartnership.net	04/27/06
57	NonprimeSolution.com	04/27/06
58	NonprimeSolution.net	04/27/06
59	NonprimeSolutions.com	04/27/06
60	NonprimeSolutions.net	04/27/06
61	NSMCLLC.com	04/06/06
62	NSMLLC.com	04/27/06
63	StarNationMortgage.com	04/06/06
64	YourNationstar.com	04/06/06
65	YourNationstar.net	04/06/06
66	YourNonprimeSolution.com	04/27/06
67	YourNonprimeSolution.net	04/27/06



March 20, 2006

To: Rob Greenbaum
Courtney Green

From: Stephen Curran

Subject: Federal Trademark Search Results

Here is the net take away from the trademark searches that were conducted last week on the potential new company names. This is the interpretation from our trademark group. Please recognize, however, that your attorneys may have their own judgements about these names.

Category One – “No”

American National – NO

This is the biggest “no” of the group of names that were researched, as there is a direct conflict with American National Bank

HomeTime – NO

Similar classes with the exact same name

PointOne – NO

There is a one point, and the registration office often looks at the reverse of words as a conflict. This particularly true when the space is not crowded, and this space is not – there is only one with the OnePoint name.

Category Two – “Maybe”

AmPoint – MAYBE

There is an AmeriPoint that is registered. There is a risk that the examiner will equate Am with Ameri and with American. If you are successful in registering this name, it will likely have poor protectability.

AmNational – MAYBE

There is an American National Remittance, so there is the same Am = American question. Also there has been AmeriNational registrations that were abandoned. It is often questionable when you see abandoned names as to why they were abandoned.

Category Three – “Pretty Good”

CreditWide – PRETTY GOOD

NationWide is closest. It is unlikely that this will be seen as a conflict. However, NationWide is such a large company, they may choose to take action against use of the CreditWide name. Although it is unlikely that this challenge would be successful, it could delay and complicate matters.

NationCentral – PRETTY GOOD

No major obvious conflicts.

NationHouse – PRETTY GOOD

No major obvious conflicts.

NationStar – PRETTY GOOD

There are Lone Star registrations, but that is likely too generic to be seen as a conflict.

Category Four - Good

CornerPoint – GOOD

No real conflicts.

Home National – GOOD

This is a very crowded space, including Nation Home (a word reversal). but it is so crowded that it may be a good rationale for approval of Home National .

HomeWide – GOOD

There is a website for financial information by this name that is registered. Others have abandoned, which raises questions. But this name is a good candidate for registration.

NewWay – GOOD

There are tag lines but no company name that uses NewWay.

Rob and Courtney, I hope this provides the input that you are looking for on these new name candidates. As discussed, we can rapidly field consumer research (including verbatims) if this next round of discovery yields more than one potential name.

Please advise if you have any questions or if I can be of further assistance.