

ESTTA Tracking number: **ESTTA286967**

Filing date: **06/01/2009**

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

Proceeding	91177036
Party	Plaintiff Nationstar Mortgage LLC
Correspondence Address	Bryce J. Maynard Buchanan Ingersoll & Rooney PC P. O. Box 1404 Alexandria, VA 22314 UNITED STATES bryce.maynard@bipc.com
Submission	Motion to Extend
Filer's Name	S. Lloyd Smith
Filer's e-mail	lloyd.smith@bipc.com, jean.bayou@bipc.com
Signature	/SLS/
Date	06/01/2009
Attachments	91177036EXTMOTION.pdf (12 pages)(242287 bytes)

**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.	:	
	:	

OPPOSER’S MOTION FOR 30-DAY EXTENSION

Opposer Nationstar Mortgage LLC ("Opposer") hereby moves for a 30-day extension of the discovery deadline and all other dates set forth in the Board's April 27, 2009 Order. The dates as reset will be as follows:

Discovery period to close:	7/1/09
30-day testimony period for party in position of plaintiff to close:	9/30/09
30-day testimony for party in position of defendant to close:	11/30/09
15-day rebuttal testimony period to close:	12/14/09

This motion is made for good cause. Opposer originally noticed Applicant's deposition for October 31, 2007. *See* EXHIBIT A – NOTICE OF DEPOSITION TO MUJAHID AHMAD. There have been numerous delays in Applicant's appearance for this deposition.

Opposer has made several attempts to secure Mr. Ahmad’s deposition, which was suspended for summary judgment motions. Most recently, Opposer wrote Applicant’s counsel immediately after the Board’s January 2, 2009 Order resuming discovery, asking for deposition dates. EXHIBIT B, JANUARY 7, 2009 CORRESPONDENCE. Applicant’s counsel

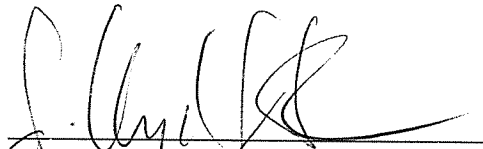
advised Opposer's counsel on January 15, 2009 that Applicant was out of the country for an extended period but that Applicant would propose a date later in January. On January 27, 2009, Opposer's counsel sent a follow-up letter concerning the need for Applicant's deposition "right away." EXHIBIT C, JANUARY 27, 2009 CORRESPONDENCE. The deposition was then scheduled for March 12, 2009. EXHIBIT D, FEBRUARY 5, 2009 CORRESPONDENCE. Applicant's counsel then withdrew, which further delayed the deposition until Opposer was able to arrange a deposition date of May 27, 2009 with Applicant's new counsel.

Opposer now needs the extension because the transcript will not be available until after the close of discovery. Opposer may need to take third-party discovery and other discovery concerning facts raised in Applicant's deposition. As the record shows, Opposer was extremely diligent in attempting to obtain Applicant's deposition. Opposer has attempted to obtain Applicant's consent to this motion but has been unable to do so.

For the above stated reasons, Opposer's motion should be granted.

Respectfully submitted,

NATIONSTAR MORTGAGE LLC



Bassam N. Ibrahim

S. Lloyd Smith

Bryce J. Maynard

Attorneys for Opposer

BUCHANAN INGERSOLL & ROONEY, P.C.

P.O. Box 1404

Alexandria, Virginia 22313

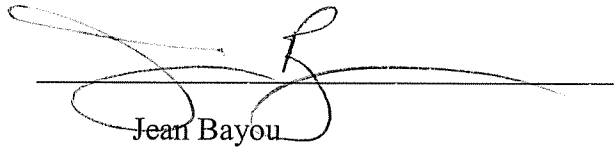
(703) 836-6620

Date: June 1, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S MOTION FOR 30-DAY EXTENSION was served this 1st day of June, 2009 by first-class mail, postage prepaid, on:

Patrick I. Rea, Esquire
Taylor & Rea, PLC
3925 Old Lee Highway, Ste. 200
Fairfax, VA 22030



Jean Bayou

EXHIBIT A

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

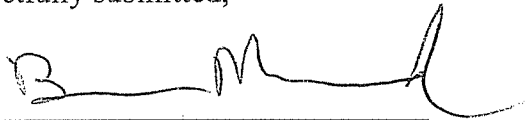
NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
_____)	

NOTICE OF DEPOSITION OF MUJAHID AHMAD

PLEASE TAKE NOTICE that, pursuant to TBMP § 404 and Rule 30 of the Federal Rules of Civil Procedure, Opposer Nationstar Mortgage LLC will take the oral deposition of Mujahid Ahmad at the offices of Buchanan Ingersoll & Rooney PC, 1737 King Street, Suite 500, Alexandria, Virginia 22314, beginning at 10:00 a.m. on November 14, 2007.

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition will be recorded by audio, video, and/or stenographic means.

Respectfully submitted,

By: 

Bassam N. Ibrahim
Bryce J. Maynard
Buchanan Ingersoll & Rooney, P.C.
1737 King Street, Suite 500
Alexandria, Virginia 22314-1404
(703) 836-6620

Attorneys for Opposer

Date: October 31, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF DEPOSITION OF MUJAHID AHMAD was served this 31st day of October, 2007 by first-class mail, postage prepaid, on:

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

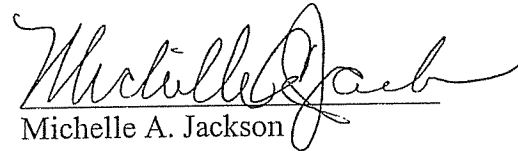

Michelle A. Jackson

EXHIBIT B

S. Lloyd Smith
703 299 6514
lloyd.smith@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 7, 2009

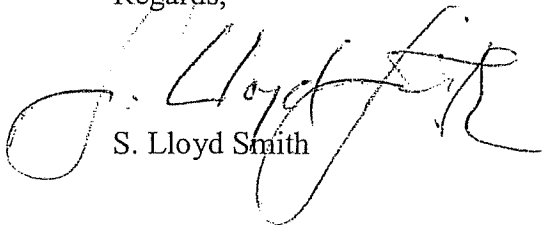
Stephanie Carmody, Esq.
Stephoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Nationstar Mortgage, LLC;
Mujahid Ahmad
Opposition No. 91177036
Our Reference: 0055673-000033

Dear Ms. Carmody:

In light of the Board's January 2, 2009 order resuming discovery, please advise us immediately of Mr. Ahmad's availability for his deposition the first two weeks of February.

Regards,


S. Lloyd Smith

SLS/maj

EXHIBIT C

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

S. Lloyd Smith
703 299 6514
lloyd.smith@bipc.com

January 27, 2009

VIA FACSIMILE

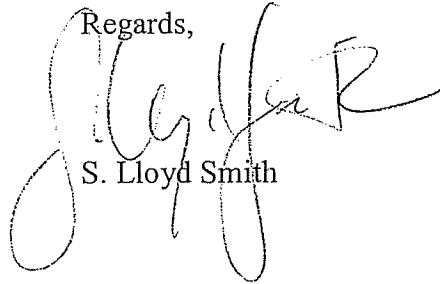
Stephanie Carmody, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Nationstar Mortgage, LLC;
Mujahid Ahmad
Opposition No. 91177036
Our Reference: 0055673-000033

Dear Ms. Carmody:

In follow up to your January 15, 2009 voicemail, please advise if you have had an opportunity to speak with Mr. Ahmad and obtain a proposed deposition date. We need to get his deposition scheduled right away.

Regards,



S. Lloyd Smith

SLS/cf

EXHIBIT D

Fuentes, Connie

From: Smith, S. Lloyd
Sent: Thursday, February 05, 2009 4:33 PM
To: Carmody, Stephanie
Subject: Ahmad Deposition - Nationstar v. Ahmad (0055673-000033)

Stephanie -

This is to confirm that we will depose Mr. Ahmad here in our offices in Alexandria beginning at 9 am on March 12.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.