

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: July

23, 2009

Opposition No. 91177036

Nationstar Mortgage LLC

v.

Mujahid Ahmad

**Robert H. Coggins,
Interlocutory Attorney:**

This case now comes up on opposer's motion (filed June 1, 2009) to extend the close of discovery by thirty days. Applicant filed a brief in opposition thereto.

On July 22, 2009, at approximately 10:00 a.m. eastern time, the Board exercised its discretion and held a telephone conference to resolve the motion. Participating were Lloyd Smith, counsel for opposer; Patrick Rea, counsel for applicant; and the above-referenced Board attorney responsible for resolving interlocutory matters in this case.¹

During the course of the telephone conference, a brief discussion ensued about the remaining discovery needs of the parties and the desire to move this case forward without further delay. In view of the discussion, motion, supporting papers, and history of this case, opposer's motion was granted *nunc pro tunc*. Dates were reset on the

¹ The Board appreciates the collegiality of the parties during the telephone conference.

schedule set out in the motion. However, the Board herein modifies the schedule to the extent that the dates of opposer's rebuttal testimony period are amended.² The schedule is reset as follows.

Discovery period to close:	Closed
30-day testimony period for party in position of plaintiff to close:	9/30/09
30-day testimony period for party in position of defendant to close:	11/30/09
15-day rebuttal testimony period to close:	1/14/10

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For

² The schedule in the motion provides for overlapping testimony periods inasmuch as applicant's testimony period is to close November 30, 2009, and opposer's rebuttal period (under the schedule in the motion) is to open that same day.

further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>