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

Proceeding	91177036
Party	Defendant Mujahid Ahmad
Correspondence Address	PATRICK I. REA TAYLOR & REA, PLC 3925 OLD LEE HWY STE 200 FAIRFAX, VA 22030 UNITED STATES rea@taylorrealaw.com
Submission	Other Motions/Papers
Filer's Name	Patrick I. Rea
Filer's e-mail	rea@taylorrealaw.com
Signature	/Patrick Rea/
Date	09/18/2009
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business?

A. Since the beginning of 2005.

Q. Does NationStar Mortgage, Inc. business include anything outside of real estate transactions?

A. What kind of things outside? I don't understand. Can you explain that?

Q. Well, I just want to clarify. Earlier you indicated, I believe, that the business of NationStar Mortgage, Inc. is anything that has to do with real estate transactions?

A. That's right.

Q. I'm trying to determine whether there are any other business activities of NationStar Mortgage, Inc. or if that is the complete set of businesses?

A. Well, any transaction if you buying, you are selling, you are refinancing, renting, managing, anything that has to do with real estate property and real estate transactions we do that.

Q. Anything else?

A. I'm not sure at the moment, but if you ask me later maybe specific question, I can tell you.

Q. Are you the founder NationStar Mortgage, Inc.?

A. Yes, sir; I am.

Q. At any time has anyone else been an employee of

NationStar Mortgage, Inc.?

A. No, sir.

Q. At any time has anyone else had an interest in NationStar Mortgage, Inc.?

A. No, sir.

Q. Since beginning of 2005, have you been continuously operating NationStar Mortgage, Inc.?

A. Yes, sir.

Q. Have you been involved with any other businesses during that time?

A. You mean under the same name? Through a different name? I don't understand the question, sir.

Q. Under a different name.

A. No, sir. This is only business I have.

Q. Have you been working with or for any other businesses?

A. I'm an agent with the First American Real Estate; independent contractor I would say.

Q. When did you first become an agent for First American Real Estate?

A. I believe in end of 2004.

Q. Are you still an agent for First American Real Estate?

A. That's right. Yeah.

Q. Have you conducted any transactions as an agent with First American Real Estate?

A. Most of my clients that came to me came to me through NationStar.

Q. Did any clients come to you through First American Real Estate?

A. No, sir.

Q. When you say that most of your clients came to you through NationStar, what do you mean?

A. Because that's my company. That's what I advertise.

Q. Where do you advertise NationStar?

A. Through my website; nationstarmortgage.com, through fliers, through business cards, through postcards, through mailings, through friends, and also through word of mouth and referrals.

Q. When did you begin advertising NationStar?

A. In the beginning of 2005.

Q. Where did you begin advertising NationStar?

A. Business cards. And grocery stores, I put the fliers there. I posted my flyers. I gave my business cards to my clients, anyone who I knew, anyone who was interested to buy or sell real estate.

Q. Which grocery stores did you put fliers in?

1 AHMAD

2 A. Grocery stores in Arlington, throughout
3 Arlington.
4 Q. Do you remember which ones?
5 A. I don't know the names, but they are in Arlington
6 most of them; Arlington and Alexandria.
7 Q. Do you remember, for example, exactly when you
8 put the fliers there?
9 A. Beginning of 2005.
10 Q. How do you know it was beginning of 2005?
11 A. Yeah, because that's my company and I had just
12 started and also I was doing the business; of course, I
13 know.
14 Q. Do you have any records or receipts for printing
15 of fliers in 2005?
16 A. We give you all of those. You guys have it.
17 Q. So there's nothing else other than what you've
18 already given us?
19 A. I don't think so. At the moment, no.
20 Q. Prior to you founding NationStar, were you
21 employed somewhere else?
22 A. How far you want to go?
23 Q. Just immediately prior.
24 A. No, I wasn't employed anywhere. I was employed
25 back in 2000 -- 1990 and 2001 at Lockhead Martin, but

that's too way back.

Q. And what did you do with Lockheed Martin?

A. I was system engineer for them.

Q. And after 2001, were you employed anywhere?

A. No, sir.

Q. Just so I understand correctly then, you weren't employed anywhere between 2001 and the founding of NationStar?

A. That's right. Yeah.

Q. Did you own any businesses at the time?

A. No, sir.

Q. Were you in the United States at the time?

A. Yes, sir.

Q. So you were not involved in the real estate business or any related businesses until you founded NationStar in approximately 2005; is that right?

A. I'm real estate agent since 2004, but that's not employment.

Q. Were you working anywhere during this period?

A. Of course, I was working.

Q. In what industries were you working in?

A. In real estate transactions.

Q. When did you begin working in the real estate industry?

1 AHMAD
2 A. I began in end of 2003, beginning of 2004.
3 Q. And at this time you began working for First
4 American; is that right?
5 A. I started working with First American
6 December 2004.
7 Q. Were you working for a different real estate
8 company before?
9 A. Yes, sir.
10 Q. What was the name of that company?
11 A. Long and Foster.
12 Q. I'm just trying to establish a chronology here.
13 A. Sure.
14 Q. So you began working as a real estate agent with
15 Long and Foster and then you became an agent for First
16 American in December of 2004; is that right?
17 A. That's true, yeah.
18 Q. And then you founded NationStar Mortgage?
19 A. That's right. Yeah.
20 Q. As a real estate agent?
21 A. Not as a real estate agent. As a real estate
22 agent and, I mean, doing all transactions associated with
23 the real estate.
24 Q. But you continued your association with First
25 American at this time as this well?

1 AHMAD

2 A. You have to. You can't drop it.

3 Q. Why can't you drop it?

4 A. Just like you; you are a lawyer.

5 MR. REA: I have to object to the form of that

6 question. It calls for a narrative answer. If you could

7 rephrase that.

8 Q. Can you please tell me the reason that you could

9 not drop your association with First American?

10 A. Yeah. Most real estate agents are independent

11 contractors. So once they sign up with industry or with

12 brokerage, they stay with them.

13 Q. Did you conduct any real estate transactions with

14 First American in 2005?

15 A. I did most of my transaction under the name of

16 NationStar.

17 Q. When you say "under the name of NationStar," what

18 do you mean?

19 A. Because I advertise my services as NationStar so

20 clients came to me through NationStar.

21 Q. Were you a buyer's agent or a seller's agent at

22 this time?

23 A. In real estate, once you become an agent, there's

24 no specific thing buyer agent or seller agent. You are

25 both.

AHMAD

Q. Did you use any lawn signs at this time?

A. What kind of lawn signs?

Q. Lawn signs for the sale of houses.

A. Yeah, we have to use it.

Q. And did the lawn signs say NationStar on them?

A. The NationStar -- when the people came to me, they came to me as NationStar, but when I sell properties, it's not my job. I talk to the broker and they are the one who order the signs and everything.

Q. So there were no lawn signs with NationStar on them?

A. There were signs -- I mean, on my fliers and my business cards, but I'm not aware of the signs that are posted on the property. It is not necessity in the real estate business. You can have a sign or you cannot have a sign.

Q. Just to be clear, you did not have and have never had a lawn sign that says NationStar Real Estate, Inc. on it; is that right?

A. Signs -- I mean, I never put signs on the properties because sign has to be under the broker name. Even if I advertise it, it still has to be under the broker name.

Q. I just want to make sure the answer to your --

your answer to my question is clear. There are no lawn signs that say NationStar Real Estate on them; is that right?

A. There are signs, but I never put them because --

Q. Lawn signs?

A. Lawn signs. I mean, I don't have to. When I do a transaction, responsibility goes to the broker, not to me. He's the one who orders everything, not me.

Q. You do have such lawn signs?

A. Yes, I do.

Q. When were those created?

A. In the middle of 2005.

Q. Where are the lawn signs now?

A. I have them.

Q. Did anyone ever ask you to take a picture of a lawn sign for this case?

A. No, sir.

Q. Other than the fliers and the postcards and the business cards, do you have any other materials showing the NationStar name on them?

A. On my website.

Q. Which website are you referring to?

A. www.nationstarmortgage.com.

Q. When was that website created?

1 AHMAD

2 A. I'm not sure. Somewhere in 2005. I don't know
3 exact date.
4 Q. Did you create the website?
5 A. Yes, I did.
6 Q. Are you responsible for the content?
7 A. I created it so. Yes, I am.
8 Q. Did anyone else help you create the website?
9 A. No, sir.
10 Q. You also own nationstarmortgage.net; is that
11 right?
12 A. That's right.
13 Q. Is anything posted at that website?
14 A. That nationstarmortgage.net was directed to
15 nationstarmortgage.com. Once you put both addresses, they
16 will go to the same website, but at the moment .net is not
17 working. It's not active at the moment, but
18 nationstarmortgage.com is.
19 Q. Is nationstarmortgage.com an interactive website?
20 A. What do you mean by "interactive"?
21 Q. Can customers contact you through the website?
22 A. That's right.
23 Q. How do they contact you through the website?
24 A. Feedback, and also I have my fax there, my fax
25 number.

1 AHMAD

2 Q. Is your phone number posted at the website?

3 A. That's right, and also my email address is there.

4 Q. What do you mean when you say "customer

5 feedback"?

6 A. Anyone who contact me, I mean, they contact me

7 through email. They go to the website. They want to

8 write whatever they want to write, they send it to me, and

9 I receive it.

10 Q. And that's outside of your email?

11 A. What do you mean "outside"?

12 Q. Is that the same as an email that comes to you or

13 is that something different?

14 A. Yeah, it's the email that come to me.

15 Q. What email address is that?

16 A. It's mujahid@nationstarmortgage.com.

17 Q. How long have you had that email address, do you

18 know?

19 A. Since I start my website.

20 Q. Are you the person responsible for choosing the

21 name NationStar?

22 A. Yes, sir.

23 Q. When did you choose the name NationStar?

24 A. Beginning of 2005.

25 Q. Did anyone else assist you in choosing the name

1 AHMAD

2 NationStar?

3 A. No, sir.

4 Q. Does NationStar have any particular significance?

5 A. What kind of significance? I don't understand.

6 Q. Was the name chosen for any particular meaning

7 associated with real estate?

8 A. No. I mean, I sat down, I decided what names I

9 could and what names were available. And I went through

10 all of them and I chose NationStar. It was available at

11 the time.

12 Q. What do you mean when you say "available"?

13 A. Because I checked it online to see if someone had

14 it before me.

15 Q. When you said "checked online," do you mean you

16 checked to see if the website address was available?

17 A. The website, the corporation, everything.

18 Q. What did you do?

19 A. I checked it like you would check the name on

20 computers, I mean, when you want to start a business.

21 That's the way I did it.

22 Q. This is on your computer at your home address?

23 A. What do you mean?

24 Q. I mean, did you sit down at your home computer

25 and run some searches to check to see --

A. That's right.

Q. And what type of searches did you run? Can you be more specific?

A. I went to Network Solutions website and I check the domain names, if they were available, and I also called SCC, which is State Corporation Commission Commonwealth of Virginia, to see if the name was available.

Q. You advertise real estate services at nationstarmortgage.com; is that right?

A. Yes, sir; I do.

Q. Do you advertise anything else at nationstarmortgage.com?

A. Any services that are associated with real estate, I advertise them.

MR. SMITH: I'd like to mark this as Exhibit 1.

(Deposition Exhibit Number 1 was marked for identification by the reporter.)

Q. Mr. Ahmad, do you recognize this document?

A. Yes, I do.

Q. What is it?

A. It's an application that I filed with United States Patent and Trademark Office. That's what I believe it is.

Q. On the second page of this document, the signature section there shows a signature -- an electronic signature.

A. Okay.

Q. Is that your name there?

A. That's my name, yeah.

Q. And do you recollect submitting that electronic signature to the United States Patent and Trademark Office?

A. Yes, I do.

Q. Is this your address on page 1 of the document?

A. Yes, it's my address.

Q. On page 2, there's a goods and services section.

A. Okay.

Q. And were you providing real estate brokerage services at the time you filed this application?

A. Yes, sir. I was providing, yeah.

Q. What type of real estate brokerage services were you providing?

A. All of them that I mention in my application.

Q. When you say "all of them that you mention in your application," could you tell me more specifically what you're referring to?

A. Real estate brokerage, rental of real estate,

management of commercial and residential properties, real estate investment, property and insurance brokerage, mortgage brokerage and finance.

Q. You see the first use dates on the same page of this document?

A. That's right. Yeah.

Q. It says at least as early as 4-04-2005?

A. That's right.

Q. Did you submit those dates?

A. I submitted the date because it says as early as, so they were not specific what date I start my business.

Q. What was the basis for your submission that you were using NationStar at least as early as April 4, 2005?

A. There is no basis, I mean, because I know I started in the beginning of 2005. I just put it randomly. Because when I was reading instruction, I'm not a lawyer. I was doing it by myself. So I just put the date there. Because application said as long as -- I mean, as early as. I said it's okay, so I put some date.

Q. What type of rental of real estate services were you providing as of April 20, 2006?

A. I was providing services before April 20, 2006, since 2005, beginning of 2005.

Q. Can you give me an example of a rental of real

estate?

A. Sure. Anyone who wants to rent their property, they will contact me under the name of NationStar. They said we want to rent because sometime they have their own house to rent for the basement or something or sometime they have investment property they want to rent, and I will do those jobs for them.

Q. When you say "do those jobs," did you act as the real estate broker on those jobs?

A. I acted as real estate agent and, I mean, I provided those services.

Q. Can you tell me of any specific transactions where you provided these services prior to the filing date of your application?

A. We provided you all the documents and it says clearly in those documents what date and what I did for what client.

Q. Now, is that the same for management of commercial and residential properties?

A. It's a different thing. It's not rental. Management mean I manage the properties for them. If something goes wrong with the property, they call me. I find a contractor for them. I fix the problem for them.

Q. Can you provide any examples of management of

commercial and residential properties that you performed prior to the filing date of this application?

A. Yes. Why not? I mean, some of my clients, they will have roof problems, ceiling problems that were leaking. So they call me say, listen, we have a problem with the roofing. Can you fix it? Can you find someone because we don't have any idea?

So I find a contractor. I give them different numbers. They came and talk to them. I was there by myself. And the roof was fixed, ceiling was fixed. And also cutting the grass. Whatever come under the management, I was doing it for them.

Q. Can you tell me which clients?

A. We give you the documents and it says clearly what customers we performed those services for.

Q. So we would have to look at the documents to see this?

A. That's right.

Q. You can't give me any examples off the top of your head?

A. I don't know. It's too old. You're talking about 2005. Now it's 2009.

Q. What about for real estate investment; what type of services were you providing in that area?

A. For real estate investment, if someone want to invest in a separate property, either commercial or residential, I help them to find an investment property so they can flip later on and make money on.

Q. Can you give me an example of any specific transactions prior to April 20, 2006?

A. Again, we provide you all the documents and you guys have it there. Specifically I say there what I did for what.

Q. So we would have to look at the documents to see?

A. That's right.

Q. Okay. What is meant by property and insurance brokerage?

A. To provide insurance brokerage, insurance services to my clients in conjunction with my real estate transactions.

Q. Do we need to look at the documents for you to give me any example of those prior to April 20, 2006?

A. That's right. You guys have documents. You can look there.

Q. So you don't remember any specific property and insurance brokerage transactions?

A. Not on top of my head, but we give you all documents. You guys have it.

1 AHMAD

2 Q. Can you please describe what mortgage brokerage
3 is in this description here?
4 A. Sure. Anyone who wants to buy property, they
5 would come to me because I will tell them what is best
6 source to get a mortgage, to get a loan, from a lender to
7 finance the property.
8 Q. Can you tell me any specific examples of mortgage
9 brokerage services that you provided prior to April 20,
10 2006?
11 A. Again, we give you all the documents. You guys
12 have it.
13 Q. What about finance; what is meant by finance?
14 A. Finance mean if I have a client and he wants to
15 buy another property or he wants to improve his business,
16 so I will talk to different lenders and tell them what is
17 his situation and based on the equity in his house, how
18 much money he can take out from his business to invest in
19 the same business or buy another business.
20 Q. Did you provide any of these services as of the
21 filing date of this application?
22 A. Yes, sir; I did.
23 Q. And can you tell me specifically what services
24 you provided and who you provided them to?
25 A. I provided all the services that are stated here

in goods and services on my application and we give you all the documents.

Q. And that pertains to finance as well?

A. Finance as well, yeah.

Q. On the third page of this document, there's an email address. It says makrealtor@yahoo.com. Is that your email address?

A. That's right.

Q. Does mak stand for something?

A. No.

Q. Why did you use this email address instead of your NationStar Mortgage address?

A. Well, in these days, everybody has more than one email, so that's why I choose. I mean, it's different email.

Q. Do you still use the email address listed here?

A. Yes, I use both of them. I mean, this one and the one associated with NationStar Mortgage.

Q. Do you recall when you opened the makrealtor email address?

A. No, sir.

Q. On the front, there is a phone number listed 703-372-9899. Do you see that phone number?

A. Yes, I see.

1 AHMAD

2 Q. Is that your current phone number?

3 A. That's right.

4 Q. Do you know how long you've had that phone

5 number?

6 A. For long time.

7 Q. Do you know if you've had it since you began the

8 NationStar business?

9 A. I think I had this number way before then, yeah.

10 Q. Is it a cell phone number?

11 A. It's a cell phone number, yeah.

12 Q. Which carrier is it with?

13 A. It's with AT&T.

14 Q. And is the fax number a number located at your

15 home address?

16 A. That's right.

17 Q. And how long have you had that phone number?

18 A. Long time.

19 Q. Can you recall specifically?

20 A. I don't know specifically, but it's really long.

21 I would say more than ten years.

22 Q. On the last page of Exhibit 1, there shows a

23 signature and a date?

24 A. Okay.

25 Q. Did you submit that information to the best of

your recollection?

A. Yes, sir; I did.

Q. And it shows signature's position owner. Does that refer to you as owner of the mark?

A. That's right. Yeah.

Q. Did you read the application before submitting it?

A. Of course I did, yeah.

Q. During the time that you've been operating the NationStar business, have you had any periods of inactivity?

A. No, sir.

Q. Have you been out of the country for any extended periods during that time?

A. Yeah, I travel.

Q. How often do you travel?

A. It doesn't mean how often. It just depends my family if something happens in the family and 'cause the reason I went there because my mom was sick.

Q. You went where?

A. To Pakistan.

Q. For approximately how long?

A. I would say five to six weeks.

Q. Five to six weeks?

A. Yeah.

Q. What year was that?

A. I think it was beginning of this year.

Q. Have you been out of the country for any other extended periods during the time you've been operating NationStar?

A. Just only trips to Pakistan. That's it.

Q. Any other extended trips to Pakistan?

A. I think there is one more and that's it, to my recollection.

Q. How long was that trip for?

A. Same time; four weeks, five weeks.

Q. And what year was that?

A. That would be year before that and maybe two years before that. I don't remember exactly.

Q. And was anyone operating the NationStar business in the United States during the time that you were absent?

A. Yes, I was doing it from back home.

Q. How were you doing it?

A. From my website and my cell phone.

MR. SMITH: I'd like to mark this as Exhibit 2, please.

(Deposition Exhibit Number 2 was marked for identification by the reporter.)

1 AHMAD

2 Q. For the record, this document is titled "Office
3 Action" and is dated September 25, 2006. Do you recognize
4 this document, Mr. Ahmad?
5 A. Yes, it is my, I believe, follow-up of my patent
6 and trademark application that I did.
7 Q. On page 3 of this document, there's a heading
8 that says "specimen of use omitted." Do you see that?
9 A. Yes.
10 Q. Directly underneath it says, "This application
11 does not include a specimen for the identified class of
12 services."
13 A. Okay.
14 Q. Do you remember receiving that?
15 A. Yes, I do remember receiving that. Yeah.
16 Q. Do you recall whether or not you spoke to the
17 examining attorney or someone else from the United States
18 Patent and Trademark Office about that?
19 A. When I receive the document, I mean, there was an
20 attorney listed. I'm not sure who it was, but I did call
21 her. I talked to her about the procedure, what is this
22 document, what I should do with it.
23 Q. Can you tell me what was said during that
24 conversation?
25 A. Yeah. She said that it's just follow-up document

and the application was not submitted with a specimen. I have to submit it. That's it.

Q. Did she tell you anything else?

A. No, sir.

Q. Did you discuss anything else with her?

A. No, sir.

Q. What did she tell you about the specimen, do you remember?

A. No. She said read the documents, it will explain it to you, and then after that whatever is required just submit it. That's it.

Q. Okay. Did you submit something in response to this office action?

A. Yes, sir; I did.

(Deposition Exhibit Number 3 was marked for identification by the reporter.)

Q. Do you recognize this document?

A. Yes, sir; I do.

Q. What is this?

A. It's the cover letter that I sent with the document.

Q. Attached to the cover letter are several pages.

A. Okay.

Q. Do you recognize the pages attached to the cover

letter?

A. Yes, I do.

Q. What are they?

A. These were documents that were sent to me, like I mentioned before, as follow-up on my application that I filed.

Q. Back on the front page, this cover letter here, is that your signature there at the bottom?

A. Yes, that's my signature.

Q. And in the beginning, it says "according to our conversation." Does that refer to the conversation we just discussed?

A. That's right. Yeah.

Q. And then it says, "I did the necessary changes to recitation of services in International Class 36 Section."

A. Okay.

Q. And do you remember what changes those are?

A. I don't remember specifically, but when I did it 'cause I file the application by myself and I'm not a lawyer, so, I mean, they have their own standards how you have to say classes and everything.

And that's what I think she mentioned that whatever is written here has to be changed somehow and I just did it according to be acceptable to the U.S Patent

and Trademark Office.

Q. Next paragraph it says, "I am attaching a copy of my business card, advertising flyer and signed copy of your email with this package."

A. Okay.

Q. Does that refer to the advertising flyer and business card on the last few pages of this document?

A. That's right. It's flyer and the business card, yeah.

Q. And why did you submit those two specimens to the USPTO?

A. Because that was what I had available at the moment.

Q. So there was nothing else available for you to submit?

A. No, there was lot of things available at the moment to submit, but when I went there on United States Patent and Trademark Office and it said that as long as if you have flyers and business cards, I mean, they are acceptable to U.S Patent and Trademark Office.

Q. What else was available to submit as a specimen of use at the time?

A. I don't remember at the moment, but there was lot of things that were available at the time.

1 AHMAD

2 Q. I'm just trying to understand what's available.
3 You said there were a lot of things available.
4 A. Okay.
5 Q. Besides the business card and the advertising
6 flyer, what else might have been available?
7 A. Well, postcards.
8 Q. Anything else?
9 A. Yeah, I talk to my friends, I mean, my clients,
10 and I had my domain names.
11 Q. Do you know if a copy of the postcards that you
12 are referring to were produced to us for this case?
13 A. I don't understand the question.
14 Q. You have mentioned business cards, fliers, and
15 postcards?
16 A. That's right.
17 Q. Postcards are separate from fliers and business
18 cards?
19 A. That's right.
20 Q. What do the postcards look like?
21 A. Just like a postcard.
22 Q. Are they approximately three by five size?
23 A. I don't remember the actual size, but it's a
24 postcard when you get in the mail, just regular postcard.
25 Q. Do you know if they were photocopied and copies

were given to us for this case?

A. Yes, we have provided all the documents to you guys. And if you check your documents, you will find the postcards there.

Q. Thank you.

A. You're welcome.

Q. Can you please turn to the flyer? What type of services are you advertising here?

A. Any services that are associated with the real estate 'cause I say here "one stop for all your real estate needs."

Q. Any other services?

A. Any service that are associated with the real estate I provide them, so I'm not sure what other services you're talking about.

Q. Could you please turn to your business card which appears at on the next page?

A. Sure.

Q. Are you advertising any particular services here?

A. I provide all the services that are associated with real estate: residential, commercial, land, buying, selling, anything. To have a postcard is just an advertisement and a connection that I give it to my clients. When they call me, they can just ask for any

services and I will provide to them.

Q. Why does it say mortgage broker under your name here?

A. Yes, because I have other cards that says real estate and this one says mortgage broker. But when I provided to them, I provided only one card, not two cards.

Q. So you have a separate set of cards that says real estate underneath instead of mortgage broker?

A. That's right, sir.

Q. When did you have those cards printed?

A. Beginning of 2005.

Q. And you had one set in the beginning of 2005 that said mortgage broker and a separate set that said real estate on them?

A. That's right. Yeah.

Q. Do you still have copies of these cards?

A. Yes, I do.

Q. Other than what you've produced to us, do you have any other documents showing that these cards were printed in 2005?

A. We give you all the documents. You guys have.

Q. Do you know where the cards were printed?

A. No, sir. I can't recall.

Q. Do you know how you paid for them? Did you pay

for them with a credit card?

A. I don't remember. I usually pay with cash.

Q. So you don't have a receipt for the printing of the business cards?

A. We give you all the documents that you guys have and also even these business cards copies, I mean, they were asked and my lawyer give it to you guys, so you guys have it.

Q. I understand. I just need to clarify the record.

A. Sure. No problem.

Q. The flyer on the previous page, the second to last page of Exhibit 3, was this created by you or did you have someone else create it?

A. It was created by me.

Q. Was this created at home on your computer?

A. It was created at home by my computer and also I print them. I took them to a place and they did a printing just like you do it for normal flyers. This was just a layout.

Q. Is that the same computer that you have now at your house?

A. I'm not sure. After a while, you can't use the computer anyway, so I'm not sure if it's the same computer.

AHMAD

Q. How many fliers have you had printed, do you know?

A. I don't remember exact number. Could be 2,000 plus/minus. I'm not sure how many.

Q. Is that during the entire time that you've had the NationStar business?

A. No, I print them multiple times, but I don't know the exact number, how many of them.

Q. Your estimate of 2,000, was that just for 2005? Was that for 2006? Could you just give me an approximate time frame where you believe you may have printed 2,000 fliers?

A. Well, I would say, I mean, I don't know exact year how many I print, what year, right, but I did print many of them. More than 2,000 I would say. I'd say plus/minus, so I don't know the exact number.

Q. And they were printed at some kind of local print shop?

A. That's right. Yeah.

Q. Do you remember where?

A. I don't remember. Some of them I produce on my computer and some of them were printed outside.

Q. Do you remember how you paid for the printing outside?

1 AHMAD
2 A. No, I don't remember, sir.
3 Q. So you don't know if you wrote a check or used
4 your credit card?
5 A. I don't remember what kind. Of course, I paid,
6 but I don't remember.
7 Q. If you had a receipt, you would have produced it
8 to?
9 A. I think we give all the receipts that you guys
10 have.
11 Q. In the bottom left-hand of this flyer, it says
12 created for fall 2005.
13 A. Okay.
14 Q. Did you put that there?
15 A. Yes, I put that there. Yeah.
16 Q. Do you remember why you put that there?
17 A. Yeah, because when I produced the flier, I
18 produce for different time and just for me to know when
19 did I create it, I always put the time frame.
20 Q. Did you change the flyers over time for different
21 periods of time?
22 A. Yes, I did.
23 Q. What types of things did you change?
24 A. Well, I don't remember what kind of things did I
25 change, but I change it from time to time, yeah. From the

beginning of 2005, I change from time to time. Or sometime even if it was not changed, the date has been changed so could be the same thing, could be changed, could be not. I'm not sure exactly what kind of things I change I make.

Q. Referring back to your Exhibit 1, which is your trademark application, you filed this on April 20, 2006?

A. That's right.

Q. But you started your business approximately a year before. Is that what you said?

A. More than a year before, beginning of 2005.

Q. Was there a reason that you waited until April 20, 2006, to file your trademark application?

A. No, there is no reason.

(Deposition Exhibit Number 4 was marked for identification by the reporter.)

Q. For the record, Exhibit 4 is a document entitled, "Applicant's Responses to Opposer's Request For Admissions," and the date on the final page of the document is August 24, 2007.

Do you recognize this document, Mr. Ahmad?

A. Yes, I do. Yeah.

Q. I'm not asking you for any attorney-client privilege conversations, but did you assist your attorney

in supplying information for these responses?

A. Whatever she asked, yes.

Q. In the second line of this document, under the title, it refers to applicant Mujahid Ahmed, A-h-m-e-d. That appears to be a misspelling of your name, but does refer to you; is that right?

A. That's right. Yeah.

Q. On page 4 of the document, Request No. 12, it says "Applicant is not licensed or registered with any state to offer mortgage brokerage services," and underneath it says deny.

A. Okay.

Q. Can you tell me the basis of that denial?

A. I'm not sure what is the basis of that. You have to ask my lawyer.

Q. Okay. So you don't know?

A. No, of course I know, but I'm not a lawyer.

Q. Do you know if at the time you filed your application that is the subject of this proceeding you were licensed to offer mortgage brokerage services anywhere?

A. I was providing all kind of services associated with the real estate transaction since beginning of 2005.

Q. Were you licensed to offer mortgage brokerage

services at the time?

A. I'm not sure. Even if I'm not license, I can still provide mortgage brokerage services under the name of NationStar.

Q. Do you know if a license is required to offer mortgage brokerage services?

A. Because we have business association with different companies. So if we cannot produce any kind of loans, some other brokerage companies they have relationship with the lenders, so we can go to them and they will produce it.

Q. Okay. You don't know if you had a mortgage brokerage license at this time?

A. I'm not sure. I mean, what is the date of this?

Q. Now I'm referring to the time you filed the application itself; in April of 2006.

A. I was licensed.

Q. You were licensed at the time?

A. As a real estate agent, yeah.

Q. Were you licensed to offer mortgage brokerage services at the time?

A. At that time I'm not sure.

Q. Would it be in the documents if you were?

A. We give you all the documents. You guys have it,

yeah.

Q. So you may have been offering mortgage brokerage services prior to obtaining an actual license, if you did obtain one?

A. Yeah. You can provide all kind of services as long as it is fiduciary services to your customer. You can provide those services if it's a manager of real estate or if it's mortgage services. And if you are real estate agent, you can provide all kinds of services associated with the real estate.

Q. So I'd like to refer you to the next page of this document, Request No. 13, and the denial there. It says "Applicant has not advised borrowers or connected borrowers with lenders in association with the NationStar trademark." And then it says denied.

A. Yeah. Once again, you have to ask this question for my lawyer. And also, like I say, I was providing all services under the name of NationStar since beginning of 2005.

Q. When you say "all services," what do you mean?

A. All services associated with real estate. The one that I mention in my United States Patent and Trademark application.

Q. But were you providing advice to borrowers or

connecting borrowers with lenders prior to filing your application?

A. That's right. Yeah.

MR. SMITH: Can we take a five-minute break?

MR. REA: Yes.

(Whereupon, a recess was held.)

MR. SMITH: I'd like to mark this as Exhibit 5, please.

(Deposition Exhibit Number 5 was marked for identification by the reporter.)

Q. For the record, Exhibit 5 is "Applicant's Responses to Opposer's First Set of Document Requests to Applicant," and includes a document production which was attached.

Do you recognize this exhibit, Mr. Ahmad?

A. Yes, sir; I do.

Q. Did you review it before your attorney sent it to us?

A. Yes, sir.

Q. On page 4 of the document, in response to Document Request No. 4, second sentence says, "There are no documents regarding mortgage transactions that show the NationStar mark." Do you see that?

A. Talking about response to number four?

Q. Yes.

A. Okay.

Q. Is that accurate?

A. There are documents and we provide you with all those documents under the name of NationStar.

Q. But this statement says there are no documents regarding mortgage transactions that show the NationStar mark.

A. It must be a typo. I'm not sure.

Q. So you believe this is incorrect?

A. Well, again, I mean, you have to ask my lawyer why she put it there, but every transaction that I did, I did it under the name of NationStar and we give you all the documents.

Q. Why don't we go to the documents that are attached, the objections that were part of Exhibit 5. You can see there's a set of documents that have Bates numbers in the bottom right-hand corner. First one is APP0001.

A. Okay.

Q. And the last one is APP0052. Do you see that?

A. That's right. Yeah.

Q. The first three documents produced here, are these your business cards?

A. That's right. Yeah.

1 AHMAD

2 Q. And all three of them say mortgage broker
3 underneath your name. Do you see that?
4 A. That's right. Yeah.
5 Q. Do you know why no business cards showing real
6 estate or something else were produced to us?
7 A. Well, business card -- like I say, I have two
8 business card. One says mortgage broker, another says
9 real estate. The documents that I give to my lawyer, most
10 of these cards is just contact to me under the name of
11 NationStar. And I provide both services; real estate and
12 mortgage services.
13 When a person contact me under the name of
14 NationStar, if he wants to buy, he wants to sell, he wants
15 to refinance, anything, I provide services to him. Even
16 though it says mortgage broker here, it doesn't
17 necessarily mean that I provide only mortgage broker
18 services.
19 Q. Okay. So which real estate or which business
20 card do you normally hand out?
21 A. Depends on the client.
22 Q. Do you carry both of them with you?
23 A. That's right.
24 Q. And do you hand out whichever one depending on
25 the particular client you're talking to?

A. That's right.

Q. Do you have a copy of the business card that says real estate on it with you today?

A. Can I talk to my lawyer first?

Q. Sure. Go right ahead.

MR. SMITH: Do you mind if we use this as an exhibit or would you like us to have a photocopy?

MR. REA: You can use that.

MR. SMITH: Okay. Mark Mr. Ahmad's business card that says realtor on it as Exhibit 6.

(Deposition Exhibit Number 6 was marked for identification by the reporter.)

Q. Mr. Ahmad, could you please briefly tell us what Exhibit 6 is?

A. Exhibit 6 is my business card that says NationStar Real Estate.

Q. Is that your current business card?

A. Yes. Both of them are current; the one that you have and also this one.

Q. When you say "the one I have," referring to the one we were looking at as part of Exhibit 5?

A. The one that says APP002. That one, yeah.

Q. Do you know when the business card that appears at APP002 was created?

A. In the beginning of 2005, both of them.

Q. When you say "both of them," are you saying that Exhibit 6 was created in the beginning of 2005 as well?

A. That's right. Yeah.

Q. Back to Exhibit 5, there are separate copies of business cards appearing at APP001, 002, and 003. Do you see those?

A. Yes, I see them.

Q. Do you know if there's any difference between each of these business cards?

A. Yeah, I see a difference. It's just different layout.

Q. Was a different layout used each time you printed a new set of cards?

A. Maybe. I'm not sure. Because the cards -- you can see they're different styles. So when I make copies of them, that's how it came out. And I'm not sure, maybe my lawyer made copies of it. Maybe this is how it came out.

Q. So you don't know if these are different versions of your business card or why these are all a little bit different?

A. I mean, from the look of it, one has, I mean, line. I'm not sure how it came out, but could be

different cards, yeah.

Q. I'd like to refer you to the flyer at APP004.

A. Okay.

Q. And it says December 2004 in the bottom left-hand corner?

A. Okay.

Q. Did you put that there?

A. Yes, sir; I did.

Q. Do you remember when you put December 2004 on this flyer?

A. I'm not sure. Maybe in December when I create it.

Q. And the next flyer on APP005 says April 2005?

A. That's right.

Q. Do you know whether this flyer is any different from the one that appears at APP004?

A. I believe it's the same thing. It's just produced by.

Q. Do you know why the date is different?

A. Yeah, because just for my record, when I give to my clients like when I advertise it.

Q. Do you know who the April 2005 flyer was given to, which clients?

A. No, I don't have any control to who it was given

to 'cause I always give a bunch of it to my clients and also keep it in those -- I mean, grocery stores and everything, so anyone can pick it up.

Q. So in addition to grocery stories, you would hand a bunch of the fliers to a client as well?

A. No, sir. I would just give one or two when I meet them just to tell them what services we offer.

Q. Can we look at the flyer that appears at APP005?

A. Okay.

Q. Are you advertising real estate brokerage services on this flyer?

A. I'm advertising, I say in my flier, says, "one stop for all your real estate needs." So anything that is associated with real estate transaction I provide those services.

Q. Are you offering rental of real estate services anywhere on this flyer?

A. I provide rental services, but I'm not sure if it says right here because, like I say, when I meet with the client, the client only need advertising material to come to me and then I ask what their needs are.

Q. I'm trying to understand your advertising and which services you contend you were advertising.

Are you offering real estate management services

anywhere on this flyer?

A. I offer all the services that are associated with real estate under the name of NationStar: buying, selling, refinancing, residential, commercial, land, anything, could be management, could be renting, could be buying, could be selling, anything.

Q. But is there anywhere where you're specifically offering real estate management services on this flyer?

A. Well, the flier is just a small flyer, so I cannot put everything there.

Q. Is there anywhere that you're offering real estate investment services on this flyer?

A. I do provide all the services of real estate and that comes investment also. It is just advertisement. I mean, you give your business card, your flier to people and they can come ask for any services they can ask for.

Q. What about residential and commercial property and insurance brokerage services on the flyer; do they appear anywhere on this flyer?

A. I say "one stop for all real estate needs," so everything comes under that, either it's insurance, finance, management, brokerage, real estate, anything, I provide with this flyer because it says "one stop for all your real estate needs."

AHMAD

Q. When you created this flyer, was there any reason you didn't specifically list all of the services that you were capable of providing on the flyer itself?

A. Well, I mean, like I say, there is no space to put everything there. Advertising just advertising. When you see advertising of AT&T, do they say what kind of services they offer? They only tell you just come to our store, we'll give you something.

Q. Do you have any fliers for NationStar Real Estate, Inc. as different from NationStar Mortgage, Inc.?

A. I don't know. I'm not sure.

Q. If you had, you would have provided them to us already; is that right?

A. Whatever we give to you, I give it to my lawyer and my lawyer give it to you. These are the documents that we had.

Q. Okay. On the next flier, APP006, it says October 2005. This appears to be very similar or the same to the other fliers we just looked at; is that right?

A. That's right.

Q. Was there ever a time where you created an entirely different or entirely new flier prior to April of 2006?

A. I created most of these fliers with a different

time beginning with January 2005 and I might have produced different ones. I might have produced the same one with a different date because I'm only one person. I'm not big entity.

Q. I'm trying to determine if there was a flier that was destroyed that you no longer have that had something completely different from what's on here. I want to make sure these are all the fliers that you distributed at this time?

A. I don't know.

Q. But you don't have any copies of anything else?

A. Well, we give you all the documents that you guys have. Especially like if you see on APP0007, on the next document, this is the postcard that you were asking me, and it says real estate right there.

Q. Okay. So let's turn to that document, APP0007. What exactly is this?

A. It's a NationStar and it says real estate.

Q. And this is a postcard?

A. Postcard, yeah.

Q. What was the postcard used for?

A. For advertising.

Q. Do you still use a postcard similar to this?

A. From time to time, yeah.

Q. How many of the postcards did you send out prior to April of 2006?

A. I don't remember how many.

Q. Do you remember approximately how many?

A. No, I don't know, but I mailed out a lot.

Q. Do you remember who they were mailed to?

A. To my clients.

Q. Were they mailed to perspective clients as well?

A. I'm not sure. I mean, I give these cards. I mean, I mail it out to anyone that is interested. Even if it's not interested, I just send it out with regular mail that I do, but these things are very expensive to mail out. It's not that cheap, so you have to do it from time to time. You cannot to it every day.

Q. Did you create these postcards yourself?

A. No. I went to a place like business and they did it for me.

Q. Do you remember where?

A. No, sir; I don't. It's been a while. It's 2005.

Q. Do you remember how you paid for the postcards?

A. No, sir; I don't know.

Q. There's an email address that says mak35@mris.com?

A. That's right.

1 AHMAD

2 Q. Is that your email address?

3 A. That's also my email address, right.

4 Q. So in April of 2006, when you filed your

5 application, you had this email address and the NationStar

6 Mortgage email address and also the Yahoo address as well;

7 is that right?

8 A. My emails are very old and I started using them

9 from time to time beginning of 2005.

10 Q. When you say "your emails are really old," what

11 do you mean; your email addresses?

12 A. Yeah, I've been using for long time. That's what

13 it means.

14 Q. Do you still have this mak35@mris.com email

15 address as well?

16 A. I believe I do, yeah.

17 Q. Did you search your emails for document

18 production for this case?

19 A. I do not understand the question.

20 Q. Did anyone ask you to look at your emails for

21 correspondence concerning use of the NationStar mark for

22 this case?

23 A. No, sir.

24 Q. Do you know if you have any emails showing use of

25 the NationStar mark prior to April 2006?

1 AHMAD

2 A. Most of these emails I used for my NationStar.

3 Q. Right. But you didn't produce any emails in this

4 case showing use of the NationStar mark; is that right?

5 A. What kind of mark? I don't understand. Why

6 would I have a mark in my email address?

7 Q. Okay. I'd like to flip to APP 008. Who is Ikram

8 Danish?

9 A. That's my client.

10 Q. Do you remember why you were writing Mr. Danish?

11 A. Yeah, because they're prospects and I have to

12 send these letters to them just to make sure they're

13 interested any time in the property they can contact me

14 and I can help them with any real estate transaction.

15 Q. How do you know Mr. Danish?

16 A. Just a client.

17 Q. Did you actually conduct any real estate

18 transactions with him?

19 A. Yes, I did.

20 Q. What type of real estate transactions did you

21 conduct?

22 A. Real estate, his residential house. You have all

23 the documents that we provide to you and it says

24 specifically his name, what kind of services I provide to

25 him.