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

Proceeding	91177036
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1 AHMAD

2 Q. Did you send out a general mailing to numerous
3 prospective customers or just the letters that we have
4 here from APP008 through APP0012?

5 A. I send out general to multiple clients, but these
6 are the ones that I was having when I give to my lawyer.

7 Q. So these are the ones that you saved?

8 A. No. These are the ones that I found at the time
9 when my lawyer ask me about the documents.

10 Q. And this is your signature right here above your
11 name?

12 A. That's right.

13 Q. And the same is true for the documents that
14 appears at APP009 through 12; is that right?

15 A. That's right. Yeah.

16 Q. Did you solicit these customers for anything
17 other than the purchase of residential commercial and land
18 properties as stated here in your letters?

19 A. Any transaction that is associated with real
20 estate, if it is commercial, residential, if it is finance
21 for their business, commercial property, for residential
22 property, anything, renting their house, managing their
23 house, anything.

24 Q. But you didn't specifically say real estate
25 management in this letter here?

1 AHMAD

2 A. Yeah, but I don't have to say, I mean, what kind
3 of services I'm offering. It's a general letter I write
4 to them that I will be helping with anything that you are
5 interested in.

6 Q. Could you turn to APP0013, please?

7 A. Okay.

8 Q. Do you know what this is?

9 A. Yes, I know.

10 Q. What is this?

11 A. These are all the transactions that I did.

12 Q. Here in the document it lists your name, Mujahid
13 Ahmad? Did I pronounce your name correctly?

14 A. That's right. Yeah.

15 Q. And then it says listings found, nine; for the
16 period 1-1-2005 to 12-31-2005?

17 A. That's right.

18 Q. And there's a list of transactions underneath?

19 A. That's right.

20 Q. Can you tell me specifically are these real
21 estate sales?

22 A. That's right. Yeah.

23 Q. Is there any other services associated with these
24 real estate transactions?

25 A. Yeah. I mean, I cannot tell you specifically

1 AHMAD

2 what kind of services associated with each of them, but
3 most of them have different services related to real
4 estate transactions.

5 Q. For the property listed at 6401 Pioneer Drive, it
6 says sold date February 10, 2005. It lists you as selling
7 agent. Do you see that?

8 A. Okay. That's right. I see that, yeah.

9 Q. So were you the selling agent for this property?

10 A. I was the buyer's agent for this property.

11 Q. You were buyer's agent?

12 A. Yeah.

13 Q. Were you an agent for First American at the time?

14 A. My client came to me as NationStar, right, and I
15 brought them this property under NationStar.

16 Q. How do you know your client came to you under
17 NationStar?

18 A. Yeah, because through word of mouth, through
19 business card, and through referrals.

20 Q. Do you remember the name of this client?

21 A. I'm not sure, but I believe I do.

22 Q. What do you think the client's name is?

23 A. On top of my head -- well, I don't remember it
24 now, but I will tell you when I remember it. I know the
25 guy.

1 AHMAD

2 Q. Do you remember how you first encountered this
3 client?

4 A. Yeah. He came to me through referral. He heard
5 from some of his friends that I was doing real estate and
6 he was trying to buy a house and that's how he came to me,
7 and I helped him to buy property.

8 Q. Did he call you?

9 A. Yes, he called me. His name is Niazi.

10 Q. Can you spell that, please?

11 A. N-i-a-z-i.

12 Q. Is that his last name?

13 A. I'm not sure.

14 Q. Do you know if he visited your website or saw one
15 of your fliers?

16 A. I'm sure he did.

17 Q. What makes you sure?

18 A. Yeah, because came to me through friends and
19 through my other clients that they knew that I was doing
20 real estate and I was offering real estate services to all
21 my clients, and he was interested to buy property and he
22 called me. I met with him. I ask him specific question
23 what kind of thing he need and we did the transaction.

24 Q. Were you an agent for First American also at this
25 same time?

1 AHMAD

2 A. That's right. Yeah.

3 Q. So would your client have also encountered you as
4 an agent of First American?

5 A. No, because I do not advertise my services under
6 the name of First American Real Estate.

7 Q. Other than acting as Mr. Niazi's real estate
8 broker, do you remember if you provided him any other
9 services?

10 A. Anything that has to do with real estate. I'm
11 not sure what kind of services, but if he has any problem
12 in the house, he would call me after that. I will provide
13 the services.

14 Q. You see several other transactions listed here
15 for year 2005?

16 A. Okay.

17 Q. You acted as the real estate broker in each one
18 of these transactions; is that correct?

19 A. I acted as real estate agent and also under the
20 name of NationStar Mortgage. All of these clients came to
21 me under the name of NationStar.

22 Q. But you were an agent for First American under
23 this time as well?

24 A. That's right. Yeah.

25 Q. Do you know if you provided any other specific

1 AHMAD

2 services to any of these other clients other than as their
3 real estate agent for these transactions?

4 A. What kind of specific service?

5 Q. Any other services other than real estate agent
6 services?

7 A. Of course I did because when I advertise my
8 services, I says "one stop for all your real estate need."
9 It has to be, I mean, management, insurance, finance, real
10 estate brokerage, mortgage brokerage, any services that
11 that they might need.

12 Q. Do you have any invoices or any documents showing
13 these other services you provided?

14 A. We give you all the documents. Most of these
15 transactions that I produced we give you all the
16 documents.

17 Q. Can you please turn to the next page? Can you
18 tell me what this is, please?

19 A. Yeah, it's transactions from 1-1-2006 to
20 12-31-2006.

21 Q. And there are two transactions listed here under
22 your name; is that right?

23 A. That's right. Yeah.

24 Q. And it shows you as an agent for these two
25 transactions?

1 AHMAD

2 A. That's right. Yeah.

3 Q. Are there any other transactions that should be
4 listed here that aren't?

5 A. I'm not sure. It depends on the system whatever
6 they put there or not. I don't have any control of that.

7 Q. Do you know what system this report came out of?

8 A. I think it says on the record; MRIS.

9 Q. What is MRIS?

10 A. Multiple listing system.

11 Q. So MRIS stands for -- is it actually MRLS;
12 Multiple Real Estate Listing System? Is that what the
13 acronym stands for, do you know?

14 A. No, sir. MRIS stands for Multiple Regional
15 Information System.

16 Q. And the --

17 A. It could be multiple or could be metropolitan;
18 depends.

19 Q. And this is a printout from that information
20 system?

21 A. I believe so, yeah.

22 Q. Did you supply this printout?

23 A. I'm sure I did. If I give it to my lawyer, then
24 I gave to her. Yeah.

25 Q. Just to be clear, it's your recollection that the

1 AHMAD

2 printouts at APP0013 and 0014 from the MRIS system are
3 accurate to the best of your knowledge and you printed
4 them out yourself?

5 A. I believe so, yeah.

6 Q. Are you aware of any other transactions in 2006
7 that you believe should be included on this list that are
8 not?

9 A. I believe so. I mean, sometime transaction
10 happens that doesn't go through all the way. So sometime
11 they put. Sometime they don't put it. Everything depends
12 on the system, whatever they are required to put there.

13 Q. The two transactions that are listed here on
14 APP0014, did you provide any services other than real
15 estate agent services to these customers?

16 A. Yes, I provide all kind of services to them under
17 the name of NationStar, whatever they ask for. These are
18 real estate transaction. It might show there is one
19 transaction, but I did a lot of things and more in one
20 these things. Can be insurance, can be commercial
21 property, can be, I mean, anything that you can think of.

22 Q. If we were to go down the list of APP0013 and
23 0014 of all of these transactions, would you be able to
24 specifically tell me with respect to each transaction what
25 services you provided for each one of these customers

1 AHMAD

2 other than real estate agent services?

3 A. I give you all those documents. I give to my
4 lawyer. He will give it to you guys and it says
5 specifically what kind of services I provide to them and
6 you guys have those documents.

7 Q. So we would have to refer to the document to
8 figure that out?

9 A. I believe so, but I'm not sure how you do your
10 work.

11 Q. I'm trying to understand what it is you recall.
12 I know that's transactions were several years ago.

13 A. That's right.

14 Q. But do you recall any specific services that you
15 provided to any of these customers on this list other than
16 the real estate agent services that are listed here?

17 A. Yeah, most services that I provide, a client ask
18 me any service and I'm ready and able to provide those
19 services to them. Either they want me to refinance the
20 house for them, I can do it. They want to take equity
21 from the house, I will do that. If they want to sell the
22 house, I will do it.

23 If they want to buy the house, I will do it. If
24 they want to manage it, rent it, finance it, anything, I
25 will do for them because my service is one stop services

1 AHMAD

2 for all real estate needs.

3 Q. I understand that. What I'm trying to determine
4 is if you have any specific recollection for each of these
5 transactions?

6 A. I'm not sure because, once again, we provided you
7 with the documents, and I think it says clearly what kind
8 of services I provide to them.

9 Q. So you're not specifically sure with respect to
10 any of these transactions what you may have specifically
11 provided?

12 A. We give you the documents and it says
13 specifically.

14 Q. Could you please turn to APP0015?

15 A. Okay.

16 Q. Through APP0023.

17 A. Okay.

18 Q. There are several pages which are titled at the
19 top "Settlement Statements"?

20 A. Okay.

21 Q. Can you tell me what these are?

22 A. These are most transactions that you saw
23 previously. The documents that you showed to me.

24 Q. Are you saying that these are the settlement
25 statements for the transactions listed on 0013 and 0014?

1 AHMAD

2 A. I believe so, yes.

3 Q. On page APP0015, it says name of borrower?

4 A. Okay.

5 Q. Farzana Shaheen, was that your client?

6 A. Yes. The name that I told you; Niazi, she's the
7 wife.

8 Q. What does this settlement statement present?

9 A. It represent real estate transaction.

10 Q. Why would it be in your files?

11 A. Because any transaction that I do, I would like
12 to have copy of it.

13 Q. Do you remember what your specific involvement
14 was in this particular transaction represented here on
15 APP0015?

16 A. Yeah. My client Niazi, he came to me under the
17 name of NationStar, and then I ask him specific questions.
18 He told me his needs, what he wants to do and what kind of
19 property he wants to buy, and I helped him to buy
20 property.

21 Q. Is that the property here, 6415 Pioneer Drive?

22 A. I believe so.

23 Q. Can you tell me your specific involvement in the
24 transaction that represents APP0016?

25 A. Yeah. Once again, real estate transaction and my

1 AHMAD

2 client, he came to me under the name of NationStar
3 Mortgage and I helped him to do this transaction, buy him
4 a house.

5 Q. Do you know if Mr. Hussain encountered the name
6 First American while he was working with you?

7 A. I don't think so.

8 Q. How do you know he came to you under the name of
9 NationStar?

10 A. Because only services that I advertise is under
11 NationStar.

12 Q. When you say "advertise," you're referring to the
13 website and the --

14 A. Website, fliers, business card, word of mouth,
15 through friends, referrals, anything.

16 Q. So the documents that we see here in Exhibit 5
17 and the referrals and word of mouth that you're speaking
18 to?

19 A. Whatever materials that you guys have on file
20 that we produced to you guys for advertising purposes,
21 yes.

22 Q. Did you have the same involvement in the
23 transactions represented at APP0017 through APP0023?

24 A. All these clients came to me, once again, under
25 the name of NationStar and I helped them with multiple

1 AHMAD

2 services related to real estate transactions.

3 Q. Mr. Ahmad, I'd like to refer you to the document,
4 page APP0024 and 25.

5 A. Okay.

6 Q. Can you tell me what these two pages are?

7 A. These are the, I believe, the printout of my
8 website.

9 Q. In the bottom right-hand corner, it says
10 8-1-2007. Do you see that?

11 A. That's right.

12 Q. Does that refresh your recollection when you may
13 have printed these out?

14 A. I'm not sure, but these are -- I mean, they're
15 printed out of my website.

16 Q. To the best of your recollection, is this what
17 your website looked like in August 1st, 2007?

18 A. I change it from time to time and I'm not sure if
19 it look like exactly the same or it was because when you
20 print it, it looks different. When you see it online,
21 it's different.

22 Q. Would this printout also be an accurate
23 representation of what your website looked like at the
24 time you filed your trademark application that is the
25 subject of this proceeding?

1 AHMAD

2 A. I believe so, yeah.

3 Q. What services are you offering on these website
4 printouts?

5 A. Once again, all services because it says right
6 there, "one stop for all your real estate and mortgage
7 needs."

8 Q. Were these the same services that you were
9 offering at the time you filed your application on your
10 website?

11 A. I was providing all real estate services related
12 to NationStar Mortgage before I file my application since
13 January beginning of 2005.

14 Q. Let me ask you again because my question wasn't
15 clear. Were you referring and advertising the services on
16 your website at the time that you filed your application?

17 A. I'm not sure, but I was advertising it if not
18 through website through other means, business card,
19 fliers, word of mouth, through referrals.

20 Q. So you're not sure whether you were offering all
21 of these services in your trademark application on your
22 website at the time that you filed your trademark
23 application?

24 A. No, I'm sure. When I file my trademark
25 application with the United States Patent and Trademark

1 AHMAD

2 Office, I was offering all the services way before that
3 date that I file my application.

4 Q. Yes. I don't want to confuse you. Let me
5 restate.

6 But you're not sure that you're offering all the
7 services on your website at the time you filed your
8 application?

9 A. No, I'm sure that I was offering all the services
10 because it says "one stop for all your real estate needs."

11 Q. Do you know if you were specifically listing real
12 estate brokerage services on your website at the time that
13 you filed your trademark application?

14 A. No, sir. I was providing all the services as it
15 says right here "one stop for all your real estate needs."

16 Q. Do you know if you were specifically listing the
17 services that are actually described in your trademark
18 application on your website at the time that you filed
19 your trademark application?

20 A. I did this website by myself and I'm not an
21 expert on how to do, I mean, prepare website. I did the
22 best that I could at the moment.

23 Q. But you don't know whether you were actually
24 listing the services in your trademark application on your
25 website at the time?

1 AHMAD

2 A. No. When I say my application with the United
3 States Patent and Trademark, I knew exactly what kind of
4 services I was offering to my clients.

5 Q. I'm just trying to focus in on what was listed on
6 your website because we don't have an earlier printout.

7 A. Yeah, all services that I was providing. I mean,
8 all the services that I said in my application of United
9 States Patent and Trademark Office, I was offering it
10 through website, through fliers, through everything.
11 Because when I say "one stop for all your real estate
12 needs," it means any transaction that has to do with real
13 estate.

14 Q. I'm just trying to be clear what was actually
15 listed on your website. Was the listing of services that
16 appeared in your application, was that same listing of
17 services on your website at the time you filed your
18 application?

19 A. I believe so. I'm not sure because I don't
20 remember when I prepared my website, but I said that I --
21 see, website is just another means of advertising. It is
22 not the whole advertisement.

23 Q. When you say "you believe so," are you referring
24 to this line you discussed earlier "one stop for all your
25 real estate and mortgage needs?" Is that what you're

1 AHMAD

2 referring to?

3 A. Yeah, that's what it says right here. And I'm
4 just looking at page APP0024. And if this is a printout
5 of my website, it says right there. "One stop for all
6 your real estate needs."

7 Q. So it's that line there that you're referring to
8 that list the services -- that refers to the services in
9 your trademark application?

10 A. No, sir. The services that I stated in my United
11 States Patent and Trademark application, it says clearly
12 what kind of services I will be doing.

13 Q. Yes.

14 A. Yeah.

15 Q. I'm just trying to understand if those services
16 were ever listed on your website specifically or if you're
17 referring to your general "one stop for all your real
18 estate and mortgage needs" as offering those services?

19 A. I'm not sure because I don't remember. It's too
20 old, so how would I remember?

21 Q. Do you recall whether you changed your website?

22 A. I believe I did, yeah.

23 Q. Would you have taken services that you were
24 offering off your website?

25 A. No, sir. I'm not sure. But I change from time

1 AHMAD

2 to time. Sometime thing goes wrong with the website, you
3 have to fix it.

4 Q. Do you recall any of the specific changes you've
5 made over the years?

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

7 Q. Do you recall whether you've changed the wording
8 concerning what services you're offering on your website
9 from time to time?

10 A. I don't remember, sir.

11 Q. And you are the sole person responsible for the
12 content of your website; is that right?

13 A. That's right. I'm the one who created it, yeah.

14 Q. Can you tell me what APP0026 is?

15 A. Yeah. These are, again, mailings that I sent to
16 my clients.

17 Q. It's a letter that you sent to one of your
18 clients?

19 A. That's right.

20 Q. Do you remember if you conducted any transactions
21 with Mrs. Leon?

22 A. All the documents that we give to you, it says
23 specifically what I did for her.

24 Q. Please look at APP0027. What is this?

25 A. This is what they call 1099 from First American

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Real Estate.

Q. What is it for?

A. What is it for? Because I'm a real estate agent with them.

Q. Does it represent payments to you for real estate commissions?

A. That's right.

Q. Is APP0028 the same thing?

A. That's right.

Q. But for a different year, for 2006?

A. I believe one is 2006 and another one is 2005, yeah.

Q. Can you look at APP0029. What is this?

A. It's a listing from 01-01-2007 to 12-31-2007, a list of transaction that I did.

Q. And what was your role in this transaction?

A. My client came to me, once again, as name of NationStar and I helped him to do a real estate transaction.

Q. Were you an agent of First American at this time?

A. Yes, I was.

Q. What is APP0031?

A. That's license from the Commonwealth of Virginia.

Q. To engage in business as a mortgage broker; is

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that right?

A. That's right.

Q. The license is dated October of 2006?

A. That's right.

Q. Did you have a license prior to October 2006 to engage in business as a mortgage broker in Virginia?

A. In Virginia, I was a real estate agent as independent contractor with the First American Real Estate. And also most of my clients that came to me under the name of NationStar, I was taking them to different business association that they were having mortgage broker licenses.

Q. Did NationStar Mortgage, Inc. have a license to engage in business as a mortgage broker prior to October 2006 in Virginia?

A. No.

Q. Can you tell me what APP0032 is?

A. This is license from State of Maryland.

Q. Is this a mortgage lender's license?

A. I believe so, yeah.

Q. See here the effective date is February 28, 2007?

A. Okay.

Q. Did NationStar Mortgage, Inc. have a license in Maryland as a mortgage lender prior to this date?

1 AHMAD

2 A. Once again, I mean, most of these licenses that
3 you are referring to, mortgage broker license in Virginia,
4 mortgage broker license in Maryland and also in D.C.,
5 which is going to be come up next, I believe so. It takes
6 a long time. It's not easy process. You have to apply.
7 You have to wait for them. They check your background and
8 everything and then after that they give you license.

9 So even though -- in my case, I was a real estate
10 agent since 2004 and I was producing even mortgages and
11 also any transaction real estate, commercial and
12 residential. And if I don't have a license but people
13 come to me as NationStar, I can always take them to my
14 associates. They will have a license and I can do the
15 transaction with them because they were licensed properly.

16 Q. So back to my question. NationStar Mortgage,
17 Inc. did not have a license as a mortgage lender in
18 Maryland prior to February 28, 2007; is that right?

19 A. I have a license as a real estate agent prior to
20 this date with them, but the lender license, no.

21 Q. What is APP0033?

22 A. That's, again, license from District of Columbia,
23 Washington, D.C.

24 Q. Valid for March 16, '07, through June 30, '08; is
25 that right?

AHMAD

1
2 A. I believe so, yeah.

3 Q. Does NationStar Mortgage, Inc. have a mortgage
4 broker or mortgage lender's license in any state other
5 than Maryland, D.C., or Virginia?

6 A. No, sir.

7 Q. Has it ever had such a license in any state other
8 than those three locations?

9 A. No, sir.

10 Q. Please look at APP0034.

11 A. Okay.

12 Q. Can you tell me what this is?

13 A. Yeah. It's a license from the Commonwealth of
14 Virginia once again.

15 Q. It says "real estate boards salesperson's
16 license"?

17 A. That's right.

18 Q. So is this your real estate license?

19 A. This is my real estate license with the State of
20 -- with the Commonwealth of Virginia, yeah.

21 Q. Do you know when it was granted to you?

22 A. Yeah, September 2004.

23 Q. Have you renewed this license?

24 A. Multiple times.

25 Q. It says here it expired on September 30, 2008?

1 AHMAD

2 A. Every state has different rules and regulation
3 how they expire the licenses and then you have to renew
4 it.

5 Q. The license says "post in a conspicuous place."
6 Did you post this license in a conspicuous place?

7 A. It's not my job to post it. It's the job of the
8 broker.

9 Q. Which broker?

10 A. First American.

11 Q. So First American would post this license in a
12 conspicuous place?

13 A. I believe so, yeah.

14 Q. Do you visit First American Real Estate Inc.'s
15 office with your customers?

16 A. When there's a transaction, then I visit, yeah.

17 Q. What transaction?

18 A. Settle.

19 Q. So the settlement transactions that we looked at
20 earlier on APP0013 and 014 and also represented in the
21 documents earlier on some of the settlement statements,
22 you would have visited First American Real Estate office
23 with your clients in order to conduct these transactions?

24 A. Yeah, because when you are a real estate agent
25 and also you are a real estate broker or mortgage broker,

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1
2 you are not in the business of closings. Title companies
3 are usually separate. You can choose any company you
4 want.

5 Q. So what services does First American Real Estate
6 provide for?

7 A. Closings. They have a title company.

8 Q. They're a title company?

9 A. Yeah.

10 Q. And you're a broker affiliated with that title
11 company?

12 A. Any broker can be affiliated with any title
13 condition. There is no law you that says that you have to
14 be specifically with one. We give option to our clients
15 and they can choose whatever they want to choose.

16 Q. Are they a real estate brokerage company as well?

17 A. I believe so, yeah.

18 Q. Next two pages, APP0035 and 0036; what do these
19 documents represent?

20 A. Once again, transaction for my clients that came
21 under the name of NationStar and these are the services
22 that I provide to them.

23 Q. On APP0036, it lists Pak-America Corporation?

24 A. Which one?

25 Q. 0036.

1 AHMAD

2 A. Okay.

3 Q. Was that one of your clients?

4 A. That's right. Yeah.

5 Q. What is Pak-America Corporation?

6 A. It's warehouse, mechanical shop, plus a
7 dealership.

8 Q. What type of dealership?

9 A. Car dealership.

10 Q. What services did you provide for them?

11 A. I help them buy a second property, commercial
12 property.

13 Q. Can you please turn to APP0037? Can you briefly
14 tell me what this is?

15 A. Yeah, it's copy of my license.

16 Q. Your real estate license?

17 A. That's right.

18 Q. Is it the predecessor to the license that appears
19 at APP0034?

20 A. Predecessor mean came before?

21 Q. Yes.

22 A. I don't think so. I think it's exact copy of it.

23 MR. REA: Different expiration dates.

24 THE WITNESS: Yeah, that's right.

25 Q. So did this refresh your recollection as to how

1 AHMAD

2 often you have to renew your license?

3 A. The APP0037, that's previous license with
4 different expiration date than the one we had on APP0034.

5 Q. And APP0034, you indicated you thought you had
6 obtained that in 2004, I believe?

7 A. That's right.

8 Q. And just for clarification, after seeing this
9 earlier license, are you still certain that you obtained
10 the license at APP0034 in 2004?

11 A. APP0034?

12 Q. Yes; the one that expires on September 30th,
13 2008.

14 A. License usually have different expiration date
15 because you -- they expire and you renew them from time to
16 time. This one, the one that you are referring to,
17 APP0034, the first time when I got my license, the first
18 time, not this expiration date was 2004 September. This
19 might be the second or third one that I have to renew it.

20 Q. So APP0034 is the renewal?

21 A. That's right.

22 Q. APP0038, what is that?

23 A. It's license from State of Maryland.

24 Q. Do you see the expiration date, July 13, 2007?

25 A. That's right. Yeah.

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2 Q. Do you know if this Maryland license has been
3 renewed by you?

4 A. Of course, I always renew my licenses.

5 Q. Do you always renew them as Mujahid Ahmad from
6 First American Real Estate, Inc.?

7 A. You have to. There is no choice.

8 Q. What do you mean "there's no choice"?

9 A. Yeah. Because if you are salesperson, you have
10 to be associated as independent contractor with a broker.

11 Q. Is there any reason you can't associate yourself
12 with NationStar Real Estate, Inc.?

13 A. I don't want to.

14 Q. Why don't you want to?

15 A. Yeah, because you need an office. You need a big
16 force. You need a lot of money for that. I'm only one
17 person.

18 Q. So First American Real Estate provides you with
19 an office and a big force?

20 A. No, they do not provide me with office. It's
21 just that they are authorized to have real estate agents.
22 That's it.

23 Q. Do they provide you with advertising support?

24 A. No.

25 Q. What do they provide you with?

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2 A. Nothing. I provide them. When I do a
3 transaction, they make money from me.

4 Q. APP0039, is that the renewal for the document
5 that appears at APP0038?

6 A. Talking about APP0038 and 0039?

7 Q. Yes.

8 A. I believe so, yeah. Because one is expiration
9 2007 and other one is 2009, yeah.

10 Q. APP0041 appears to be your real estate license in
11 the District of Columbia; is that right?

12 A. That's right. Yeah.

13 Q. And is APP0040 the renewal of that real estate
14 license?

15 A. I believe so, yeah.

16 Q. Is there any reason that you didn't renew in the
17 name of NationStar Real Estate, Inc.?

18 A. Once again, same reason that I told you earlier.

19 Q. That reason being -- I'm sorry. Can you please
20 restate the reason?

21 A. Yeah. I mean, if you are a real estate agent
22 salesperson, you have to be associated with a broker.

23 Q. What is the document that appears in APP0042?

24 A. It's document from NVAR, which is Northern
25 Virginia Association of Realtors. It's certificate of

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1 membership.

2 Q. What is the document that appears at APP0043?

3 A. Once again, it's document from NVAR, which is
4 Northern Virginia Association of Realtors. It's a
5 certificate to a salesperson to produce multi-million
6 dollar sales club.
7

8 Q. Is APP0040 the same thing?

9 A. It's almost the same thing, but it's not the same
10 thing because one says first time member and another one
11 just a certificate.

12 Q. What is APP00450?

13 A. It's printout from Network Solutions website
14 which shows my domain name, nationstarmortgage.com, when
15 it was created on April 2005.

16 Q. And what is APP0046?

17 A. It's second document from Network Solution that
18 shows the website domain name, nationstarmortgage.net, and
19 it was also produced -- was created in April 2005.

20 Q. Can you please look at APP0049?

21 A. Okay.

22 Q. Could you tell me what this is?

23 A. It's a document from Washington, D.C., District
24 of Columbia, and it's good-standing certificate for
25 NationStar.

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2 Q. What does a good-standing certificate represent?

3 A. Corporation.

4 Q. Did you file the documents necessary to obtain
5 this certificate in the District of Columbia?

6 A. I believe so, yeah.

7 Q. Do you know when you filed them?

8 A. I don't know exact date, but I did, yeah.

9 Q. Was it around the time of March 7, 2007?

10 A. I believe so. I'm not sure how long it takes for
11 them to produce it.

12 Q. Do you know if you filed the documents in 2005?

13 A. What kind of documents?

14 Q. The documents necessary to obtain this
15 certificate.

16 A. I'm not sure about that.

17 Q. Do you know if you filed them in 2006?

18 A. I'm not sure.

19 Q. Do you know how APP0050 is different from
20 APP0049?

21 A. Yeah. Both documents are from Washington, D.C.
22 and one is -- the previous one, which was APP0049, is a
23 good-standing certificate for NationStar Mortgage and the
24 second one it's corporation. It says right there.

25 Q. Why did you file to obtain this certificate of

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2 authority in the District of Columbia?

3 A. Yeah, because I don't do on choice. It's their
4 requirement. You have to have it.

5 Q. Have to have it for what?

6 A. In order for me to register my company, I mean,
7 in D.C., they have their on rules and regulation you have
8 to follow.

9 Q. Did you need this to conduct business in the
10 District of Columbia?

11 A. I don't think so, no.

12 Q. So you needed it to register your company?

13 A. That's right.

14 Q. Register your company for what?

15 A. Any company that you are registering, you have to
16 have some kind of documents from them.

17 Q. What is APP0051?

18 A. It's from Commonwealth of Virginia and it's also
19 corporation document for NationStar.

20 Q. What is APP0052?

21 A. Again, that's from Commonwealth of Virginia and
22 it's from State Corporation Commission, SCC.

23 Q. This shows that your NationStar Mortgage, Inc.
24 was incorporated on May 19, 2006?

25 A. I believe so, yeah.

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Q. Is there any reason that you did not incorporate prior to this date?

A. Yeah, because, once again, I'm only one person. I have to learn everything by myself. I'm not a lawyer and I never did business before. So I was trying to learn everything slowly and to do things one step at a time.

(Deposition Exhibit Number 7 was marked for identification by the reporter.)

Q. For the record, Exhibit 7 is a declaration of Mujahid Ahmad executed October 31st, 2007. Do you recognize this document?

A. Yes, I do.

Q. What is this?

A. It just says, "I'm the applicant in this Opposition 91177036," and it says that I started my business in 2005. I have business cards printed with my NationStar mark on them for purpose of promoting NationStar services.

Q. Is this your signature at the bottom?

A. My lawyer sign on behalf of me.

Q. Did you give your lawyer permission to sign on your behalf?

A. That's right. Yeah.

Q. In paragraph 2, it says, "In 2005, I had business

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2 cards printed with my NationStar mark on them for the
3 purpose of promoting my NationStar services." Do you see
4 that?

5 A. That's right.

6 Q. You don't recall where they were printed?

7 A. No, sir.

8 Q. You testified earlier that you don't know whether
9 you paid for them with a check or credit card or cash?

10 A. That's right.

11 Q. Do you know whether you had one set printed in
12 2005 or more than one set?

13 A. More than one set.

14 Q. What is the basis of the 2005 date?

15 A. Yeah, because I started advertising my services
16 under the name of NationStar in the beginning of 2005.

17 Q. It comes from your recollection? The 2005 date
18 comes from your recollection?

19 A. Yeah, I know that I start beginning of 2005.
20 Yeah.

21 Q. In paragraph 3, you give a good faith estimate
22 that you spent approximately \$280 having business cards
23 printed. Do you see that?

24 A. That's right. Yeah.

25 Q. How did you come up with the amount \$280?

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2 A. Like it says right there; good faith estimate.
3 It was plus/minus 280. It's not exact.

4 Q. Is that from your memory?

5 A. At the time, I mean, whatever I can come up with
6 how much money I could be spending on credit cards and how
7 much I spend in the past, so I just says good faith
8 estimate, plus/minus 280.

9 Q. Did you consult any business records in arriving
10 at \$280 estimate?

11 A. No, I just checked, I mean, how much money I
12 could be spending on these things and I did in the past.

13 Q. And four, it says, "I've had fliers printed with
14 my NationStar mark for purpose of promoting my NationStar
15 services." Do you see that?

16 A. That's right.

17 Q. Does that refer to the fliers that we looked at
18 in Exhibit 5?

19 A. I believe so, that file and could be some other
20 fliers too.

21 Q. What other fliers could it be?

22 A. Yeah, from time to time, the one that you have
23 that different dates.

24 Q. Paragraph 5 contains a good faith estimate that
25 between December 2004 and the present you spent

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2 approximately \$50 copying these fliers. Do you see that?

3 A. That's right. It's a good faith estimate. It's
4 not exact plus/minus.

5 Q. How did you come up with \$50?

6 A. I just came up with it because I was just
7 thinking how much I produce and that's cause it depends.
8 If you have cheap copies, could be cheaper. Expensive
9 copies, could be expensive. I just came up with number 50
10 plus/minus.

11 Q. How many fliers for \$50 produce?

12 A. I'm not sure. Depends what business you go to.

13 Q. Did you consult any business records in arriving
14 at the \$50 figure?

15 A. No, sir.

16 Q. How did you come up with the December 2004 date?

17 A. What December? Paragraph 5. Starting from the
18 December, like I say, I started my business, advertising
19 my services under the name of NationStar Mortgage early of
20 2005. So it could be December. Could be January. It's
21 just a good faith estimate. I mean, it's not exact dates.

22 (Deposition Exhibit Number 8 was marked for
23 identification by the reporter.)

24 Q. Do you recognize this document?

25 A. Yes, sir; I do.

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Q. What is this?

A. It says -- middle it says "Declaration Under C.F.R. 2.34 in Support of Motion for Summary Judgment."

Q. On the second page of the document, it says it was executed January 31, 2008. There's a signature there. Is that your personal handwriting there?

A. That's right.

Q. Paragraph 2, it says, "Attached to Exhibit A are copies of advertisements of my services promoted under the NationStar mark that I distributed and posted prior to April 20, 2006." It refers to flyers and letters attached.

A. Okay.

Q. Are you aware of any other fliers or advertisement you may have distributed prior to April 20, 2006?

A. I'm not sure. These are documents that we have given to you guys, and I'm sure if there are other ones, then you have it too. I mean, these are not only ones. There are other ones too. This is limited letters and -- but we give you more documents than this one.

Q. You have more to give me?

A. No. You guys have more than whatever is here.

Q. When you say "we have more," you mean that you

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2 have given us everything in our document production that
3 you have?

4 A. I believe so, almost everything. I mean, before
5 checking this motion for summary judgment document, you
6 showed me other documents which were different than the
7 one that --

8 Q. And that is what you were referring to?

9 A. I believe so.

10 Q. The other documents?

11 A. That's right. Could be that one or some more
12 maybe you have in the file. I'm not sure about that.

13 Q. In paragraph 3, you refer to real estate
14 brokerage, rental of real estate, real estate management,
15 real estate investment, residential and commercial
16 property, insurance brokerage, mortgage brokerage and
17 business finance procurement. Do you see that?

18 A. Yes, I see that.

19 Q. Can you show me specifically on the attached
20 fliers where these services are advertised, if they are?

21 A. Yeah. I mean, the fliers, once again, is only
22 one-page document, so I cannot put everything there and
23 also it says right there "one stop for all your real
24 estate needs."

25 I provide all these services that they are listed

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2 here in paragraph 3. I'm providing all those services.
3 It says "one stop for all your real estate needs" is
4 buying, selling, refinancing, residential, commercial, and
5 any transaction that has to do with real estate comes
6 under the services that are listed here.

7 Q. So "one stop for all your real estate needs"
8 represents the services that are listed here in
9 paragraph 3 on Exhibit 8?

10 A. That's right. Yeah.

11 Q. And the services that are listed in paragraph 3
12 are not specifically listed because "one stop for all your
13 real estate needs" covers all of that?

14 A. I believe so, yeah.

15 Q. In paragraph 4, you refer to use of all of the
16 identified goods and services since as early as April 4,
17 2005?

18 A. That's right.

19 Q. What is the basis of the April 4, 2005 date?

20 A. Yeah, there is no basis for the date. Because
21 when I was filing the application with United States
22 Patent and Trademark Office, it says as early as. So it
23 never asked me did I have to put a specific date. I just
24 put it there because I started my services in January
25 beginning of 2005.

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2 (Deposition Exhibit Number 9 was marked for
3 identification by the reporter.)

4 Q. Do you recognize this exhibit?

5 A. Yes, I do.

6 Q. Is that your signature at the bottom?

7 A. Yes.

8 Q. What is this exhibit?

9 A. It says at middle of page "Declaration Under 37
10 C.F.R. 2.34 in Support of Motion to Amend Application
11 Filing Basis."

12 Q. Paragraph 2, it says, "I have had a bona fide
13 intention to use the NationStar mark in commerce in
14 connection with the services in the application since the
15 filing date." Do you see that there?

16 A. That's right.

17 Q. What do you mean by "bona fide intention to use"?

18 A. Well, this question you have to ask my lawyer.
19 She will be better to answer you.

20 Q. So you have no understanding of what a bona fide
21 intention to use is?

22 A. I know what bona fide intention, but you can talk
23 to my lawyer and she will tell you.

24 Q. At the time you filed the application in
25 April 2006 were you actually using the goods listed in the

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2 -- the goods and services listed in the application?

3 A. I was using the goods and services in my
4 application that I filed with United States Patent and
5 Trademark way before that time. I was using it since
6 beginning of 2005.

7 Q. And were you using the goods and services in
8 connection with the NationStar mark?

9 A. That's right. Yeah.

10 Q. Here you're saying you had a bona intention to
11 use the services in the application since the filing date?

12 A. Yeah. Once again, I mean, this is question that
13 you have to ask my lawyer because she's the one that knows
14 clearly than I do. And whatever the documents that we
15 provide to you, it says clearly that we were providing all
16 the services in my application that I file on the date of
17 April of 2006 way before that, starting of -- beginning of
18 2005. Because I'm not a lawyer, so I cannot answer this
19 question.

20 Q. So what I'm trying to make clear then is you're
21 not changing your statement that at the time you filed the
22 application, the goods and services listed in your
23 application for the NationStar mark were actually in use
24 by you?

25 A. Well, I would like to discuss with my lawyer. Is

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2 that okay?

3 Q. Sure.

4 (Whereupon, discussion was held off the record.)

5 MR. REA: I think what we're running into is a
6 little problem in that bona fide intention to use is a
7 very technical term and it has a very specific legal
8 meaning within the trademark application law.

9 Obviously, Mr. Ahmad is not a lawyer and he has a
10 layman's understanding of what bona fide intention to use
11 is, and I think within the context of this particular
12 document what he's saying is he's amending his application
13 to bona fide intention to use, but that is not excluding
14 his actual use or even inconsistent with his actual use of
15 the marks prior to making this declaration here.

16 So in other words, you can have actual use and a
17 bona fide intention to use. Bona fide intention to use
18 does not necessarily include actual use, but in this case,
19 both of them are there.

20 MR. SMITH: I appreciate your objection. I
21 understand that, so we have a long speaking objection now
22 on the record.

23 I'm just trying to understand is Mr. Ahmad's
24 version of the fact. He signed the declaration. I want
25 to understand your understanding and also your version of

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2 the facts and clarify.

3 Q. You testified earlier that you were actually
4 using the goods and services listed in your application
5 with the NationStar mark at the time of your application.
6 I want to confirm that you're not changing that testimony
7 based on this declaration here.

8 A. I'm not changing anything. I said before that I
9 was using it, okay, way before I was filing my
10 application. I file my application in April 2006. I was
11 using my NationStar mark for all the goods and services
12 that I listed in my application with the United States
13 Patent and Trademark Office since beginning of 2005, so
14 I'm not changing anything.

15 Q. What is -- do you have a layman's understanding
16 of what you're stating here in your signed declaration in
17 paragraph 2?

18 A. Yeah, because the thing is it doesn't show any
19 date to me. What bona fide intention from what date?
20 That's why I can't answer this question because it's not
21 clear to me.

22 Q. Paragraph 2 says, "I have had a bona fide
23 intention to use the NationStar mark in commerce in
24 connection with the services in the application since the
25 filing date." Do you have any understanding of what that

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2 means?

3 A. Of course. Since the filing date, I was using my
4 mark for all the services that I listed in my application,
5 and, I mean, the application clearly says that as long as
6 you are using it at the date of filing, then you are okay.
7 I was using it before that date which goes way back to the
8 beginning of 2005. So I had my intention, I mean, to use
9 it in the future, but I also used it in the past.

10 MR. SMITH: Let's go off the record.

11 (Whereupon, discussion was held off the record.)

12 Q. Mr. Ahmad, is NationStar Real Estate, Inc.
13 incorporated?

14 A. Not yet. I'm doing this NationStar Real Estate
15 is under NationStar Mortgage because you need one
16 corporation, not both.

17 Q. So is NationStar Real Estate some kind of
18 separate operating entity?

19 A. It's not separate. It's under the name of
20 NationStar Mortgage.

21 Q. And NationStar Real Estate is owned by you as
22 well?

23 A. That's right.

24 Q. 100 percent?

25 A. 100 percent. Yeah.

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2 Q. Do you have any investors in any either of your
3 NationStar entities?

4 A. No, sir.

5 Q. Do you have any mortgage brokers working for
6 NationStar Mortgage, Inc.?

7 A. No, sir.

8 Q. Do you have any real estate agents or brokers
9 working for NationStar Mortgage, Inc.?

10 A. Nos.

11 Q. Do you have any real estate agents or brokers
12 working for any NationStar company that you own?

13 A. No, sir; I'm the only one.

14 Q. When you selected the name NationStar, did you
15 use any kind of search service?

16 A. Yeah. Like I told you before, I went to the
17 website networksolution.com. I checked it there to see if
18 the name was available, if anybody had it. I checked the
19 whose-who of Network Solution and nobody had it.

20 Q. Did you search alternate names as well?

21 A. Yeah, multiple names. NationStar. I put
22 something before the Nation, something after the Nation.
23 Just like when you are thinking about a name, you think
24 about a lot of things. Yeah.

25 Q. Did you engage any outside company to help you

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2 with this search?

3 A. No, sir.

4 Q. Has nationstarmortgage.net ever contained any
5 content?

6 A. Nationstarmortgage.net was linked to
7 nationstarmortgage.com.

8 Q. When was it linked to nationstarmortgage.com?

9 A. I believe from the beginning.

10 Q. Is it still linked to NationStar?

11 A. No, it's not. Not now. I just figured it out.
12 It was, but not to my knowledge. I just checked it and it
13 was not linked, but the website is still up and running
14 for .com.

15 Q. For nationstarmortgage.com?

16 A. That's right.

17 Q. But nationstarmortgage.net is not running at all?

18 A. It's my domain name. It's not linked at this
19 moment.

20 Q. But it was previously --

21 A. It was previously linked, yeah.

22 Q. And it was linked at the time that you submitted
23 your trademark application for NationStar?

24 A. I believe so, yeah.

25 Q. And you understand that when I refer to your

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2 trademark application, I'm referring to the application
3 that you filed in April 2006 for NationStar?

4 A. That's right.

5 Q. Has there been any confusion which trademark
6 application I've been referring to?

7 A. I think that's the only application I filed,
8 yeah. That's the only application I file with the United
9 States Patent and Trademark Office.

10 Q. At the time you chose the NationStar mark you
11 were already an agent of First American, you testified
12 earlier; is that right?

13 A. That's right.

14 Q. Why did you feel the need to select any mark at
15 all to describe your services?

16 A. Because I always wanted to have my own business.

17 Q. Before you had the NationStar mark, what name
18 were you operating under in connection with First
19 American?

20 A. No name.

21 Q. Your personal name?

22 A. You mean with who?

23 Q. Were you advertising yourself as a real estate
24 agent in connection with First American?

25 A. Yeah, First American Real Estate because I became

1 AHMAD

2 an agent with them in December, so there is not much time
3 December and January, so they don't advertise any services
4 for you. You're just associated with them as independent
5 contractor.

6 Q. Do you have any recollection concerning what
7 services you might have provided Mr. Abid Hussain in
8 connection with a home purchase in Falls Church in 2005?

9 A. Yeah. We give you the documents and says
10 specifically what I did for that client.

11 Q. The documents --

12 A. That you have.

13 Q. -- that we looked at earlier?

14 A. Yeah.

15 Q. Are you referring to any documents other than the
16 MIRS document that we looked at?

17 A. It's step-by-step, I mean, listing of my clients,
18 what I did for them, what kind of services I provide, just
19 right there.

20 Q. Where is that; in the documents that we've looked
21 at already?

22 A. I'm not sure if you show it to me or not, but we
23 give it to you. My lawyer give to you.

24 Q. Other than the mortgage broker license that we
25 looked at and the real estate licenses that we looked at,

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2 do you have any other licenses for services contained in
3 your application?

4 A. No, I don't believe so.

5 Q. Have you distributed your fliers outside of
6 Arlington, Virginia?

7 A. Yes, I did.

8 Q. Where else?

9 A. In Alexandria.

10 Q. And this was when?

11 A. In the beginning of 2005 when I started my
12 business.

13 Q. And continuing through when?

14 A. Continuing from time to time.

15 Q. Outside of Arlington and Alexandria, have you
16 distributed fliers anywhere else?

17 A. Annandale.

18 Q. Annandale?

19 A. Fairfax, I mean. Annandale comes under Fairfax.

20 Q. Anywhere else?

21 A. I don't remember where, but these are the places
22 that I remember.

23 Q. What kind of consultation and advice under the
24 NationStar mark have you given to your clients?

25 A. Anything that has to do with any kind of

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2 transaction associated with real estate. I mean, if it is
3 a customer, I mean, I just sit down with them and ask them
4 the specific needs, what they need, they want to buy,
5 sell, rent, manage, they want to take equity from the
6 house. Every situation is different. So I tell them what
7 is the best way to do it and I help them.

8 Q. Do you have any examples of any specific
9 transactions where you've assisted a client in rental
10 services?

11 A. Yes. I mean, few clients that I helped I -- they
12 had a house and they came to me. They asked me that if I
13 can rent the house for them because they couldn't do it by
14 themselves. So what I did, I put the listing in the MLS
15 system. I checked everything for them. I contacted
16 clients. I qualified them, run credit reports and
17 everything and told him my opinion what was that he should
18 rent to these guys or not based on the credit report.

19 Q. Which client was this?

20 A. I'm not sure which client. I don't remember it,
21 but, once again, we give you all the document. It says
22 specifically what I did for what client. Because some of
23 these transaction, I mean, doesn't go all the way to the
24 end. Some of them, I mean, the credit score's not good so
25 you have to drop it. The guy doesn't have any money to

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2 move it, or maybe they just don't want the place.

3 So we provide all the services, but if the
4 transaction is not complete, then there's nothing we can
5 do, but we still provide the services.

6 Q. So all of these examples would appear in some of
7 the documents that you gave to us?

8 A. It's not all of the examples, but some of them,
9 most of them, yeah; the one that I -- that my lawyer
10 provided to you, my previous lawyer.

11 Q. You say some of them but not all of them. Why
12 wouldn't you have provided the rest of them?

13 A. Yeah, because at the moment what I thought and
14 what I remember I put it in those documents. So, I mean,
15 some document never happened, never existed, but we
16 provided services to them. The transaction, I mean,
17 happens only if you go all the way, but so many things can
18 go wrong in a transaction.

19 Q. Can you provide any specific examples of
20 transactions that you would not have revealed to your
21 lawyer that you would like to disclose today?

22 A. Yeah. For example, you meet a client, client
23 wants to buy a house. They so happy, excited. You do all
24 the searches for them. You give them all the listings.
25 You take them to the houses. You show them houses and