

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

Mailed: March 29, 2010

Opposition No. 91177036

Nationstar Mortgage LLC

v.

Mujahid Ahmad

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

On February 19, 2010, opposer filed a motion to amend the notice of opposition to include a ground of lack of bona fide intent to use the mark in commerce, based on the Board's earlier grant of applicant's motion to amend the filing basis of the involved application. The record shows no response by applicant thereto. Accordingly, the motion to amend is granted as conceded, and opposer's amended notice is the operative complaint in this proceeding. Trademark Rule 2.127(a).

In view thereof, applicant is allowed until April 21, 2010 in which to file an answer to the amended notice of opposition.

Inasmuch as the motion indicates that the amendment is merely "procedural," that "the parties have already taken discovery on the [additional ground] of applicant's bona

fide intent," that "no additional discovery [is] required on [applicant's] part," and that "the reopening of the discovery period is unnecessary," discovery remains closed.

It is noted that opposer filed a notice of reliance on March 24, 2010, during the pendency of the motion to amend the notice of opposition. Without discussing the merits of opposer's grounds for opposition, it appears that opposer included its case in chief on the new ground of a lack of bona fide intent to use the mark in commerce during opposer's 30-day testimony period which ended March 25, 2010.¹ In view thereof, opposer's request that proceedings be suspended pending disposition of the motion is denied.

As noted hereinabove, answer is due April 21, 2010. Dates otherwise remain as set. For the parties' convenience, the schedule is reproduced below.

Answer to amended notice due:	4/21/2010
Discovery period to close:	Closed
30-day testimony period for opposer to close:	Closed
30-day testimony period for applicant to close:	5/24/2010
15-day rebuttal testimony period for opposer to close:	7/8/2010

¹ Opposer should immediately inform the Board if opposer did not include its case in chief on the new ground of a lack of bona fide intent to use the mark in commerce during its 30-day testimony period which ended March 25th.

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