

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

Mailed: May 27, 2010

Opposition No. 91177036

Nationstar Mortgage LLC

v.

Mujahid Ahmad

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

This case now comes up on opposer's motion (filed May 14, 2010) for an extension of time, and opposer's motion (filed May 20, 2010) to quash the notice of deposition of Zulfikhar Sharieff.

Because of the nature of the motion to quash, the Board exercised its discretion and held a telephone conference to resolve both motions prior to the expiration of time in which opposer could file a reply brief in support of the motion to quash.<sup>1</sup> Trademark Rules 2.120(i)(1) and 2.127(a).

On May 25, 2010, at approximately 4:15 p.m. EDT, the Board convened a telephone conference between Bruce A. McDonald, counsel for opposer; Patrick I. Rea, counsel for

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<sup>1</sup> Opposer properly telephoned the assigned Interlocutory Attorney to alert the Board to the motion to quash. See TBMP §521 (2d ed. rev. 2004) ("When time is of the essence, the moving party may telephone the Board attorney to whom the case is assigned and ask that the motion be resolved by telephone conference call.").

applicant; and the above-referenced Board attorney responsible for resolving interlocutory matters in this case.<sup>2</sup>

The Board considered the comments made by both parties during the telephone conference, as well as the supporting motion and briefs. The Board presumes familiarity with the issues, and for the sake of efficiency this order does not summarize the parties' arguments raised in the motion, briefs, or during the telephone conference. Instead, this order outlines the decisions made by the Board.

#### Motion to Extend

As an initial matter, the Board granted opposer's consented motion to extend the testimony period by thirty days.

#### Motion to Quash

Following a (lively) discussion of the motion, the Board granted opposer's motion to quash. Accordingly, the deposition of Mr. Sharieff will not be held on May 26, 2010.

#### Trial Schedule

Having granted the motion to quash, the Board *sua sponte* extended applicant's testimony period by sixty days to allow applicant to re-notice the testimony deposition of Mr. Sharieff. Such an extension should accommodate Mr. Sharieff's work and travel schedule, accommodate applicant's

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<sup>2</sup> The Board appreciates the quick availability of both parties.

desire to take the testimony deposition of Mr. Sharieff, and allow the parties to find a mutually convenient time for Mr. Sharieff's prospective deposition.<sup>3</sup> The close of testimony periods was reset by the Board as follows.

30-day testimony period for party in position of plaintiff to close:	Closed
30-day testimony period for party in position of defendant to close:	8/23/2010
15-day rebuttal testimony period to close:	10/7/2010

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.

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<sup>3</sup> Dates were extended to allow applicant time in which to accommodate Mr. Sharieff's alleged work and travel schedules. The notices of deposition (served May 18, 2010) of Abid Hussain, and Mujahid Ahmad, were not at issue in the motion to quash and were not discussed in the telephone conference. The Board presumes the depositions of Messrs. Hussain and Ahmad will be conducted as scheduled.