

ESTTA Tracking number: **ESTTA190113**

Filing date: **01/31/2008**

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

Proceeding	91177036
Party	Defendant Mjuahid Ahmad
Correspondence Address	STEPHANIE MORRIS CARMODY STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036 UNITED STATES scarmody@steptoe.com
Submission	Motion for Summary Judgment
Filer's Name	Rachel M. Hofstatter
Filer's e-mail	rhofstatter@steptoe.com,scarmody@steptoe.com,tmiller@steptoe.com,ipdoCKETing@steptoe.com,czazzaro@steptoe.com
Signature	/Rachel M. Hofstatter/
Date	01/31/2008
Attachments	91177036 Motion for Summary Judgment.pdf (44 pages)(1068542 bytes)

I. FACTS

Applicant filed on April 20, 2006, an application to register the mark NATIONSTAR for its various real estate related services. Application Serial No. 78/866,376. Opposer filed on April 28, 2006, applications to register the marks NATIONSTAR MORTGAGE and NATIONSTAR MORTGAGE and Design. Application Serial Nos. 78/871,883 and 78/872,148.

On January 31, 2008, Applicant moved to amend the filing basis of its application to § 1(b), thereby amending its application to an intent-to-use application while retaining the April 20, 2006 filing date.

Applicant's priority date is therefore April 20, 2006. Opposer's priority date is April 28, 2006. Accordingly, Applicant's priority date precedes Opposer's.

II. ARGUMENT

A. **Summary Judgment Is Appropriate Because There Is No Genuine Issue as to Any Material Fact and Because Applicant Is Entitled to Judgment as a Matter of Law**

Summary judgment is appropriate here because there can be no genuine issue as to any material fact concerning the issues of this proceeding. Fed. R. Civ. P. 56; *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *BellSouth Corp. v. DataNational Corp.*, 60 F.3d 1565, 1569, 35 U.S.P.Q. 1554, 1557 (Fed. Cir. 1995); *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 223 U.S.P.Q. 909, 911 (T.T.A.B. 1984). These irrefutable facts themselves establish as a matter of law that Applicant's registration of the NATIONSTAR mark is based on a priority date earlier than Opposer's and that the application was made in good faith. The purpose of summary judgment is to avoid an unnecessary trial and to save the time and the expense of litigation where there is no genuine issue of material fact exists and where no evidence in addition to the evidence submitted with respect to the summary judgment motion could

reasonably change the outcome. *Pure Gold v. Syntax (U.S.A.) Inc.*, 739 F.2d 624, 222 U.S.P.Q. 741, 743 (Fed. Cir. 1984); *Nature's Way Products, Inc. v. Nature's Herbs, Inc.*, 9 U.S.P.Q.2d 2077, 2080 (T.T.A.B. 1989).

This matter is ripe for decision because Applicant's priority date is earlier than Opposer's.

B. Applicant Is Entitled to Summary Judgment Because Applicant's Priority Date Predates the Filing Date of Opposer's NATIONSTAR MORTGAGE and NATIONSTAR MORTGAGE and Design Intent-To-Use Applications

On January 31, 2008, Applicant moved to amend the filing basis of its application for the NATIONSTAR mark, Serial No. 78/866,376, from § 1(a) to § 1(b). At that time Applicant declared that he stated in good faith that he was using the NATIONSTAR mark for the services he identified in the application as early as April 4, 2005, and that he had the intention to use the NATIONSTAR mark in connection with these services at least as early as the filing date of the application, April 20, 2006. Such an amendment is acceptable PTO practice. *See Leeds Technologies Ltd. v. Topaz Comm'ns*, 65 U.S.P.Q.2d 1301, 1307 (T.T.A.B. 2002) (explaining that Under Trademark Rule 2.35, Applicant may amend its application to substitute § 1(b) so long as it has a continuing valid basis for registration).

In light of this amendment from § 1(a) to § 1(b), the application retains the original filing date, thereby giving Applicant a priority date of April 20, 2006. *Karsten Manufacturing Corp. v. Editoy AG*, 79 U.S.P.Q.2d 1783, 1789 (T.T.A.B. 2006); Trademark Rule 2.35(b)(3).

Applicant's new priority date is April 20, 2006. Opposer filed intent to use applications to register the marks NATIONSTAR MORTGAGE and NATIONSTAR MORTGAGE and Design, Serial Nos. 78/872,148 and 78/871,883, on April 28, 2006. In response to discovery requests, Opposer has offered no evidence that it used its mark in commerce to advertise its services prior

to April 28, 2006. *See* Ex. B. Therefore its application filing date is its constructive use date. Moreover, Opposer states that it first used the mark prior to April 20, 2006, by “registering several domain names consisting of or comprising the mark.” Opposer’s Interrogatory Response No. 4, Ex. C. Such use does not constitute use in commerce as that term is defined by 15 U.S.C. § 1127. *See* TMEP §§ 901.01 (defining use in commerce), 1215.02(a) (declaring that a domain name in and of itself is not a trademark). Applicant’s filing date predates opposer’s; therefore, Applicant’s application retains priority over Opposer’s as a matter of law, and this opposition proceeding should be dismissed. *See, e.g., Larami Corp. v. Talk To Me Programs Inc.*, 36 U.S.P.Q.2d 1840, 1845 (T.T.A.B. 1995) (“In a proceeding before the Board, whose jurisdiction is limited solely to the registration of a party's mark, it would defeat the purpose of filing an intent-to-use application if an applicant were not able to rely upon its constructive use date in defending its right to registration . . .”); Lanham Act § 7(c), 15 U.S.C. § 1057(c).

C. Fraud claim

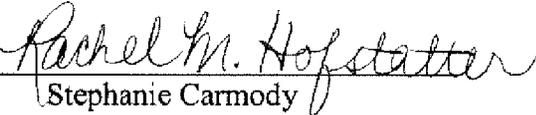
In fact, Applicant began to advertise a full range of real estate related services under the NATIONSTAR mark at least as early as December 2004. *See* Ex. A to Declaration of Mujahid Ahmad, attached hereto. Applicant in good faith stated in his application that he was using the NATIONSTAR mark for all of the identified goods and services since as early as April 4, 2005, the date of first use identified in the trademark application. Applicant, in conjunction with his work as a real estate agent, advised his clients in connection with real estate brokerage, rental of real estate, real estate management, real estate investment, residential and commercial property, insurance brokerage, mortgage brokerage and business finance procurement. Based upon his advertisements bearing the NATIONSTAR mark and the services provided to his client’s,

Applicant held the honest and reasonable belief that he was using the NATIONSTAR mark. See Declaration of Mujahid Ahmad, attached hereto.

III. Conclusion

Wherefore, Applicant respectfully requests that the Board grant its motion for summary judgment and dismiss Opposition No. 91177036.

STEPTOE & JOHNSON LLP

By: 
Stephanie Carmody
Rachel M. Hofstatter
1330 Connecticut Avenue, N.W.
Washington, DC 20036-1795
(202) 429-8135
scarmody@steptoe.com
rhofstatter@steptoe.com

Attorneys for Applicant, Mujahid Ahmad

Dated: January 31, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR SUMMARY JUDGMENT was mailed on this 31st day of January, 2008, by first-class mail, postage prepaid, on:

Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street
Alexandria, VA 22314-2727

Rachel M. Hofstatter

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

Application Serial No. 78/866,376
Published in the Official Gazette on

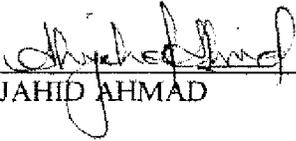
_____)	
NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
_____)	

**DECLARATION UNDER 37 C.F.R. § 2.34(a)(2) IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

I, Mujahid Ahmad, hereby declare:

1. I am the owner of Application Serial No. 78/886,376 for the mark NATIONSTAR filed in the United States Patent and Trademark Office on April 20, 2006.
2. Attached as Ex. A are copies of advertisements of my services promoted under the NATIONSTAR mark that I distributed and posted prior to April 20, 2006.
3. Prior to April 20, 2006, I advised clients regarding real estate brokerage, rental of real estate, real estate management, real estate investment, residential and commercial property, insurance brokerage, mortgage brokerage and business finance procurement.
4. In the application, I stated in good faith that the NATIONSTAR mark was in use for all of the identified goods and services since as early as April 4, 2005.

I declare under penalty of perjury that the above facts are true to the best of my knowledge. Executed JAN 31, 2008.



MUJAHID AHMAD

EXHIBIT A

Your Partner for SUCCESS

One Stop for all your Real Estate Needs.
Buying Selling Refinancing
Residential - Commercial - Land



**ADDRESSING THE NEEDS OF INDIVIDUAL
INVESTORS AND PLANTING THE SEEDS
FOR A SECURE FUTURE.**

Interest-Only Loan Programs.

PayOption ARMs

100% financing – No down payment with our 80/20 program

Home Equity Lines of Credit

**Fast & Easy and other low documentation requirements for
qualified borrowers with excellent credit.**

- **Experience**
- **Commitment**
- **Enthusiasm**
- **Hard Work**
- **Integrity**
- **Service**
- **Trust**
- **Results!**

“Buyin a home just got alot more affordable.”

Various documentation Options:

- **Full documentation**
- **Limited documentation**
- **No documentation**
- **Stated Income**

NationStar
Mortgage, Inc.

Mujahid Ahmad
Mortgage Broker

Cell: 703-732-9899

Off: 703-525-8770

MakRealtor@Yahoo.com

Please call for a free financial consultation ►►►

2001 North Daniel Street, # 102, Arlington, VA 22201

Your Partner for Success

One Stop for all your Real Estate Needs.
Buying Selling Refinancing
Residential - Commercial - Land



**ADDRESSING THE NEEDS OF INDIVIDUAL
INVESTORS AND PLANTING THE SEEDS
FOR A SECURE FUTURE.**

Interest-Only Loan Programs.

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**Fast & Easy and other low documentation requirements for
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- Commitment
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NationStar

Mortgage, Inc.

Mujahid Ahmad
Mortgage Broker

Cell: 703-732-9899

Off: 703-525-8770

MakRealtor@yahoo.com

Please call for a free financial consultation ▶▶▶

2001 North Daniel Street, # 102, Arlington, VA 22201

Specimen

Your Partner For Success

One Stop for all your Real Estate Needs.
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Residential - Commercial - Land



ADDRESSING THE NEEDS OF INDIVIDUAL
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- No documentation
- Stated Income

Please call for a free financial consultation >>>

NationStar
Mortgage, Inc.

Mujahid Ahmad
Mortgage Broker

Cell: 703-732-9899

Off: 703-525-8770

MakRealtor@yahoo.com

2001 North Daniel Street, # 102, Arlington, VA 22201

NationStar Mortgage, Inc.

March 25, 2005

Mr. Ikram U. Danish
1444 Cottonwood Court
Woodbridge, VA 22191

Dear Sir/Madam:

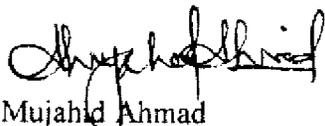
NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

We can help you with multiple loan options available to you in today's market, such as home equity line of credit, interest only loan, no down payment with 80/20 program, full documentation, limited or no documentation loan and stated income loans.

We are here to help you make your real estate transaction as smooth as possible. If you are not ready at the moment, please feel free to forward this information to your friends or family members who might be interested to buy a real estate.

Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 02, 2005

Mr. Ahmed U Sayed
222 North Thomas Street, # 103
Arlington, VA 22203

Dear Sir/Madam:

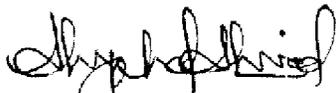
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 03, 2005

Mr. Shafiq Ahmad
830 S. Greenbrier Street # 3
Arlington, VA 22204

Dear Sir/Madam:

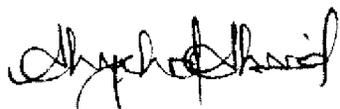
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Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 16, 2005

Mr. Abdul Haq
1205 South Thomas Street, # 3
Arlington, VA 22204

Dear Sir/Madam:

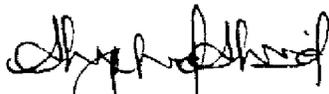
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Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

July 17, 2005

Mr. Rahat Mushtaq
6135 Leesburg Pike, # 404
Falls Church, VA 22041

Dear Sir/Madam:

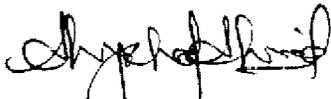
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

October 14, 2005

Mr. Abid Hussain
6143 Leesburg Pike, # 308
Falls Church, VA 22041

Dear Sir/Madam:

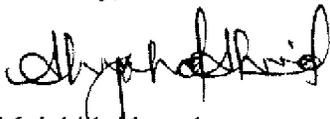
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

February 05, 2006

Mr. Tahir Majeed
6143 Leesburg Pike, # 501
Falls Church, VA 22041

Dear Sir/Madam:

NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

APPLICANT'S EXHIBIT B

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

Bryce J. Maynard
703 838 6625
bryce.maynard@bipc.com

P.O. Box 1404
Alexandria, VA 22313-1404

1737 King Street, Suite 500
Alexandria, VA 22314-2727

T 703 836 6620
F 703 836 2021

www.buchananingersoll.com

January 11, 2008

VIA COURIER

Rachel M. Hofstatter
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

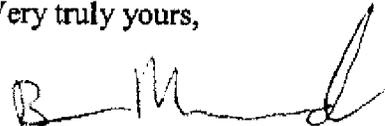
Re: Nationstar Mortgage, LLC
Mark: **NATIONSTAR**
Our Ref.: 0055673-000033

Dear Andrew:

Enclosed please find our documents regarding the above-identified opposition.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Bryce J. Maynard

BJM/maj
Enclosures

RECEIVED

JAN 14 2008

STEPTOE & JOHNSON LLP

Nationstar Mortgage LLC timeline

- 3/5/06 Name ideation session for additional names (Nationstar Mortgage name generated)
- 3/10/06 15 names sent to Prizm Marketing Partners to conduct preliminary TM searches (Nationstar Mortgage included)
- 3/20/06 Preliminary TM search results received (Nationstar Mortgage included) from Prizm Marketing Partners (*Exhibit A – Preliminary Search*)
- 3/20/06 Requested Landor (NY based agency) to do additional preliminary TM search of Nationstar Mortgage
- 3/21/06 Requested Buchanan Ingersoll to do full legal search on Nationstar Mortgage
- 3/23/06 Receive back final legal report from Buchanan Ingersoll on Nationstar Mortgage (*Exhibit B – Full Search*)
- 3/24/06 Steve Hess, CHEC EVP Marketing and Rob Greenbaum, CHEC SVP Marketing present final 7 name recommendations to Tony Barone, President and CEO of Centex Home Equity. Mr. Barone selects Nationstar Mortgage as new name. Mr. Hess sends name recommendation to Fortress Investment Group (new parent company) for final approval. (*Exhibit C – Final Name Recommendation and Exhibit D – Final Name Legal Summary*)
- 3/24/06 Rob Greenbaum, CHEC SVP Marketing, reserves several URLs with "Nationstar" on GoDaddy.com (*Exhibit E – URL List*)
- 3/31/06 Wes Edens, CEO of Fortress Investment Group, approves Nationstar Mortgage as the new name for Centex Home Equity. Rob Greenbaum, SVP Marketing, requests CHEC Legal Department to have Buchanan Ingersoll complete final investigation of Nationstar, negotiate purchase of Nationstarmortgage.com and .net URLs and begin TM application.
- 4/3/06 Rob Greenbaum, CHEC SVP Marketing meets with Avrea Foster (Dallas based advertising agency) to review initial logo designs and provide creative feedback for Nationstar Mortgage. Niemann Design submits several logo designs to CHEC Marketing Department
- 4/6/06 Rob Greenbaum, CHEC SVP Marketing reserves additional "Nationstar" URL addresses
- 4/18/06 Rob Greenbaum, CHEC SVP Marketing sends 6 logo designs to Buchanan Ingersoll for TM review
- 4/20/06 Bryce Maynard, Buchanan Ingersoll, sends logo TM results to Rob Greenbaum, CHEC SVP Marketing. Steve Hess, CHEC EVP Marketing, presents 2 final logo designs to Tony Barone, President & CEO of Centex Home Equity and principals of Fortress Investment Group. Final logo is selected and approved.
- 4/28/06 Receive confirmation of TM applications: NATIONSTAR MORTGAGE (word mark only): Serial No. 78/871,883, NATIONSTAR MORTGAGE and Design (composite mark): Serial No. 78/872,148, House w/ shooting star (design only): Serial No. 78/872,152

3/20/06 Email from Stephen Curran, Prizm Marketing Partners – preliminary TM search results attached (Exhibit A – Preliminary Search)

The screenshot shows an email client window with the following details:

- Sender:** Stephen Curran <Stephen@prizm.com>
- Subject:** New Stone Trademark Research
- To:** Rob Curran <rob@centex.com>
- From:** Stephen Curran <Stephen@prizm.com>
- Date:** 03/20/06 01:38 PM

Body Text:

Hi Rob and Courtney,

Attached is a write up of the interpretation of the Federal Trademark Searches by our trademark group. There are a sizable number of names that have potential for moving forward.

I will call to discuss further.

Thanks again for the opportunity to be of assistance.

Stephen Curran
PRISM Marketing Partners
(714) 254-3807

[Open this message in your browser](#)

3/20/06 Email from Elyze Kazarinoff, Landor, NY (advertising agency) – confirming request to do initial TM searches on Nationstar Mortgage, Home National Mortgage, NationCentral Mortgage and NationHouse Mortgage

The screenshot shows an email client window with the following content:

From: ELYZE KAZARINOFF <ELYZE_KAZARINOFF@landor.com>
To: "John Overholser" <JohnOverholser@centex.com>
Subject: RE: TM Search

Hi John,

Hope you had a nice trip. Had checks for the update.

FTI, Meritaid and Meritaid Capital were on your selected list of 3 names that did not have our permission according. Your legal counsel may have a different perspective. We just wanted you to know we already notified them. I'll email you and you're advised by us. We're assuming you send them to full legal and don't need a pro-actives.

We will use our lawyers to get them the 4 names below for reference sake:

1. Home National Mortgage
2. Home National Mortgage
3. Nationstar Mortgage
4. Nationstar Mortgage

Elyze M. Kazarinoff
 Creative Director, Marketing
 Landor Associates
 230 Park Avenue South
 New York, NY 10003
 Phone: (212) 614-5139
 Fax: (212) 506-5574
 e-Mail: elyze_kazarinoff@landor.com

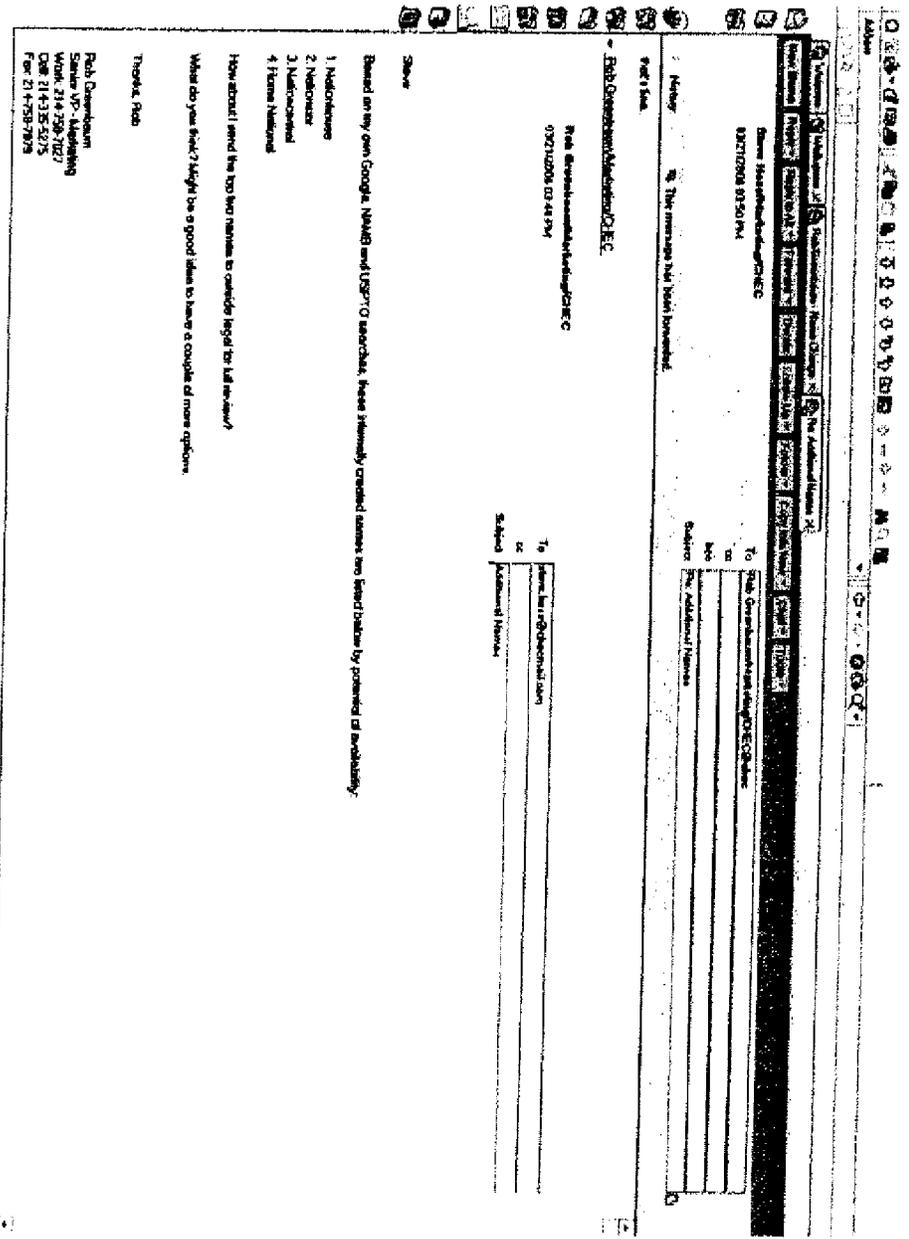
John Overholser
 centex.com

03/20/06 01:43 PM

TO: JOHN OVERHOLSER
 <JOHN_OVERHOLSER@CENTEX.COM>
 FROM: ELYZE KAZARINOFF

Centex Home Equity Company, L.L.C. Confidential

3/21/06 Email from Steve Hess, EVP Marketing to Rob Greenbaum, SVP Marketing –
 confirming request to send 4 names to Buchanan Ingersoll for full legal searches
 (Nationstar Mortgage is 1 of 4 names)



Centex Home Equity Company, L.L.C. Confidential

3/21/06 Email from Andrew Cline, CHEC Legal to Bryce Maynard, Buchanan Ingersoll - requesting Buchanan Ingersoll to conduct full legal searches on 4 names (Nationstar Mortgage is 1 of 4 names)

Andrew Cline
Senior Vice President
Nationstar Mortgage
Call: 214-758-7022
Fax: 214-758-7079
Email: andrew.cline@checc.com

Bryce Maynard
Senior Vice President
Nationstar Mortgage
Call: 214-758-7022
Fax: 214-758-7079
Email: bryce.maynard@checc.com

Request for Legal Review

Four new cases. Please add to the list

Travis, Rob

11. Nationstar
12. Nationstar
13. Broadband
14. Broadband

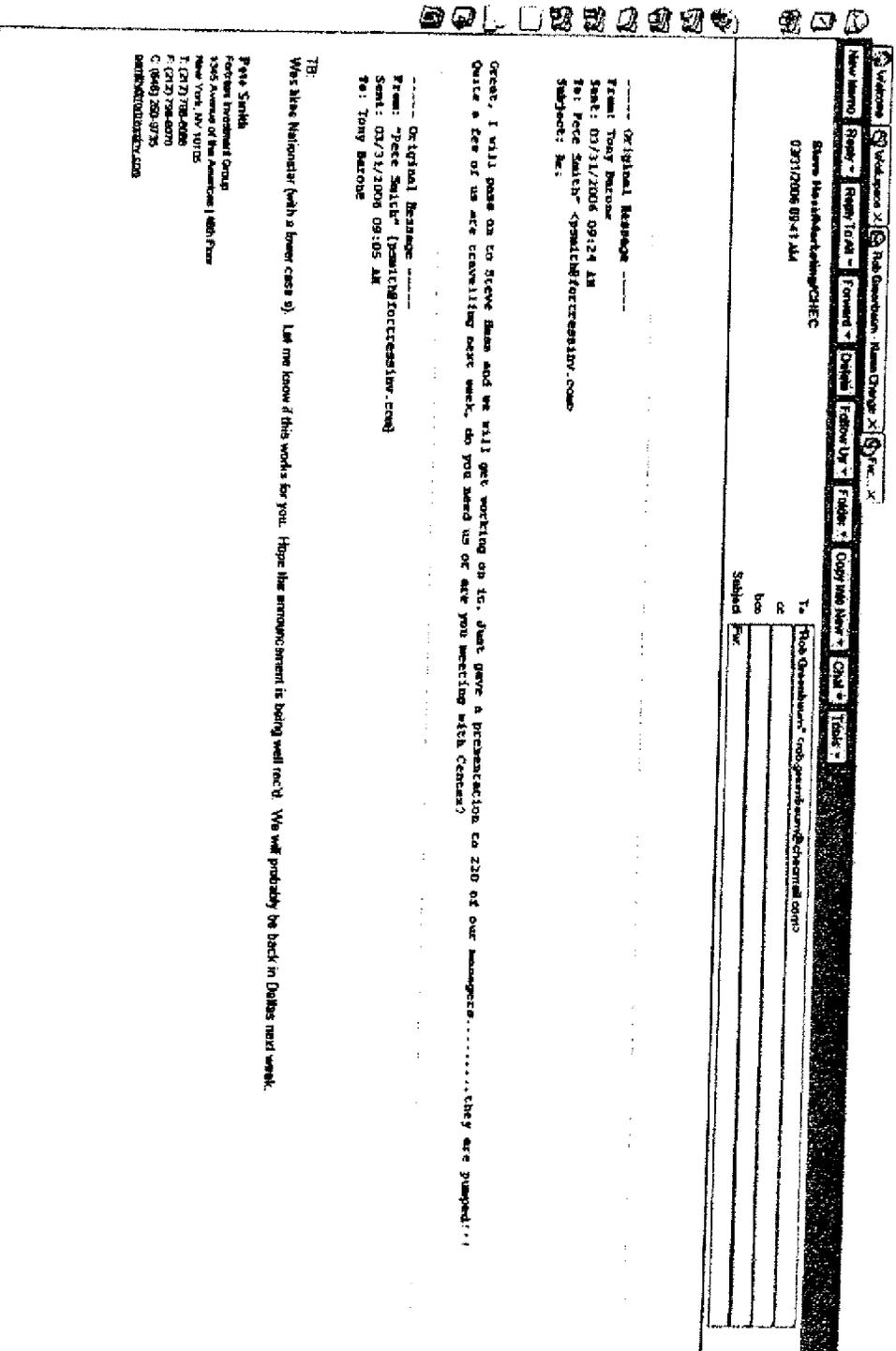
Please send these to Bryce Maynard

Andrew Cline
Senior Vice President and Associate General Counsel
Centex Home Equity Company, LLC
2828 North Rowland Street, 11th Floor
Dallas, TX 75201
(214) 758-7756
(214) 758-7868 (ext)
andrew.cline@checc.com

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Centex Home Equity Company, L.L.C. Confidential

3/31/06 Copy of emails sent between Tony Barone, President & CEO of Centex Home Equity and Pete Smith, Fortress Investment Group – confirming that Nationstar Mortgage has been approved as the new name for Centex Home Equity by Wes Edens, CEO of Fortress Investment Group



Nationstar Mortgage LLC - URLs Reserved

<u>URL</u>	<u>Date Registered with GoDaddy.com</u>
1 AllianceForLending.com	04/06/06
2 AllianceForLending.net	04/06/06
3 AllianceForMortgages.com	04/06/06
4 GetNationstar.com	04/06/06
5 GetNationstar.net	04/06/06
6 LendingPartnership.com	04/27/06
7 LendingPartnership.net	04/27/06
8 LoanPartnership.com	04/27/06
9 LoanPartnership.net	04/27/06
10 MyNationstar.com	04/06/06
11 MyNationstar.net	04/06/06
12 NationsstarMortgage.com	04/27/06
13 NationsstarMortgage.net	04/27/06
14 Nation-star.com	04/27/06
15 Nationstar1.com	04/27/06
16 NationstarAlliance.com	04/06/06
17 NationstarAlliance.net	04/06/06
18 NationstarBroker.com	04/06/06
19 NationstarBroker.net	04/06/06
20 NationstarCompany.com	04/06/06
21 NationstarCompany.net	04/06/06
22 NationstarDirect.com	04/06/06
23 NationstarDirect.net	04/06/06
24 NationstarDocs.com	04/27/06

25	NationstarDocs.net	04/27/06
26	NationstarFunding.com	04/06/06
27	NationstarFunding.net	04/06/06
28	NationstarHome.com	04/06/06
29	NationstarHome.net	04/06/06
30	NationstarHomeLending.com	04/06/06
31	NationstarHomeLending.net	04/06/06
32	NationstarHomeLoans.com	04/06/06
33	NationstarHomeLoans.net	04/06/06
34	NationstarInvestors.com	04/06/06
35	NationstarInvestors.net	04/06/06
36	Nationstarlending.com	03/24/06
37	Nationstarlending.net	03/24/06
38	Nationstarloans.com	04/06/06
39	Nationstarloans.net	04/06/06
40	NationstarM.com	04/06/06
41	NationstarMail.com	04/27/06
42	NationstarMail.net	04/27/06
43	NationstarMC.com	04/06/06
44	NationstarMC.net	04/06/06
45	Nationstar-Mortgage.com	04/27/06
46	Nationstar-Mortgage.net	04/27/06
47	NationstarMortgage.us	03/24/06
48	NationstarMortgageLLC.com	04/27/06
49	NationstarMortgageLLC.net	04/27/06

50	NationstarMtg.com	03/24/06
51	NationstarMtg.net	03/24/06
52	NationstarOnline.com	04/06/06
53	NationstarOnline.net	04/06/06
54	NonprimeAlliance.com	04/06/06
55	NonprimePartnership.com	04/27/06
56	NonprimePartnership.net	04/27/06
57	NonprimeSolution.com	04/27/06
58	NonprimeSolution.net	04/27/06
59	NonprimeSolutions.com	04/27/06
60	NonprimeSolutions.net	04/27/06
61	NSMCLLC.com	04/06/06
62	NSMLLC.com	04/27/06
63	StarNationMortgage.com	04/06/06
64	YourNationstar.com	04/06/06
65	YourNationstar.net	04/06/06
66	YourNonprimeSolution.com	04/27/06
67	YourNonprimeSolution.net	04/27/06



March 20, 2006

To: Rob Greenbaum
Courtney Green

From: Stephen Curran

Subject: Federal Trademark Search Results

Here is the net take away from the trademark searches that were conducted last week on the potential new company names. This is the interpretation from our trademark group. Please recognize, however, that your attorneys may have their own judgements about these names.

Category One – “No”

American National – NO

This is the biggest “no” of the group of names that were researched, as there is a direct conflict with American National Bank

HomeTime – NO

Similar classes with the exact same name

PointOne – NO

There is a one point, and the registration office often looks at the reverse of words as a conflict. This particularly true when the space is not crowded, and this space is not – there is only one with the OnePoint name.

Category Two – “Maybe”

AmPoint – MAYBE

There is an AmeriPoint that is registered. There is a risk that the examiner will equate Am with Ameri and with American. If you are successful in registering this name, it will likely have poor protectability.

AmNational – MAYBE

There is an American National Remittance, so there is the same Am = American question. Also there has been AmeriNational registrations that were abandoned. It is often questionable when you see abandoned names as to why they were abandoned.

Category Three - "Pretty Good"

CreditWide - PRETTY GOOD

NationWide is closest. It is unlikely that this will be seen as a conflict. However, NationWide is such a large company, they may choose to take action against use of the CreditWide name. Although it is unlikely that this challenge would be successful, it could delay and complicate matters.

NationCentral - PRETTY GOOD

No major obvious conflicts.

NationHouse - PRETTY GOOD

No major obvious conflicts.

NationStar - PRETTY GOOD

There are Lone Star registrations, but that is likely too generic to be seen as a conflict.

Category Four - Good

CornerPoint - GOOD

No real conflicts.

Home National - GOOD

This is a very crowded space, including Nation Home (a word reversal), but it is so crowded that it may be a good rationale for approval of Home National .

HomeWide - GOOD

There is a website for financial information by this name that is registered. Others have abandoned, which raises questions. But this name is a good candidate for registration.

NewWay - GOOD

There are tag lines but no company name that uses NewWay.

Rob and Courtney, I hope this provides the input that you are looking for on these new name candidates. As discussed, we can rapidly field consumer research (including verbatims) if this next round of discovery yields more than one potential name.

Please advise if you have any questions or if I can be of further assistance.

APPLICANT'S EXHIBIT C

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

NATIONSTAR MORTGAGE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91/177,036
)	
MUJAHID AHMAD,)	
)	
Applicant)	
_____)	

OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES

Opposer Nationstar Mortgage LLC ("Opposer"), pursuant to Federal Rule 33 and the applicable rules of the Trademark Trial and Appeal Board, hereby responds to Mujahid Ahmad's ("Applicant") First Set of Interrogatories.

GENERAL OBJECTIONS

In addition to the objections stated below, Opposer notes that any responses given to Applicant's interrogatories will be based on present knowledge and belief. In all cases, while the responses set forth below are believed to be complete and accurate, Opposer reserves the right to modify or supplement its responses to conform to the results of Opposer's continuing investigations during the course of this proceeding and any changes in circumstances. Moreover, Opposer's responses are not to be construed as a waiver of any rights or objections, or as an admission of relevancy, materiality or admissibility in evidence of any information or documents provided to Applicant.

Opposer raises the following objections to each of Applicant's Interrogatories.

1. Opposer objects to each interrogatory to the extent it seeks information and documents protected by the attorney-client privilege, the attorney work product doctrine, or any other evidentiary privilege applicable under the Federal Rules of Evidence or other applicable rules or decisions. Opposer further objects to identifying any information or documents protected by such privileges generated after the date of the filing of the Notice of Opposition.

2. Opposer objects to each interrogatory to the extent it requests Opposer to identify or produce "all" information or documents in a specified category when that category is vaguely defined, ambiguous, or overbroad, thereby making the response unduly burdensome.

3. Opposer objects to each interrogatory to the extent it is not limited to any relevant time frame and thus, if literally interpreted, would require a search of all of Opposer's files, thereby making the response unduly burdensome.

4. In responding to Opposer's interrogatories, to the extent not otherwise objected to, Opposer has used reasonable diligence to locate responsive information and documents based on an examination of those offices and files, and interviews with those current employees, that reasonably may be expected to yield responsive information. Subject to Opposer's objections, all information and/or documents that appears in Opposer's judgment to be responsive, if any, is being produced, consistent with the Federal Rules of Civil Procedure and applicable rules, and provided that such information and documents are not otherwise privileged. To the extent Applicant seeks to require Opposer to do more than that just described, Opposer objects to each interrogatory on the grounds it is vague, ambiguous, overbroad, burdensome, seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence, and subjects Opposer to oppression, harassment, and undue burden and expense unsupported by Applicant's legitimate discovery needs.

5. Opposer objects to each interrogatory to the extent it calls for the production of information and documents already in Applicant's possession, custody or control or which Applicant could secure itself with essentially the same or less effort as would be required of Opposer to secure.

6. Opposer objects to each interrogatory to the extent it calls for information and documents which are not in Opposer's possession, custody or control.

7. Opposer objects to any requirement of the interrogatories, including the definitions provided therewith, which seeks to compel actions outside the scope of the Federal Rules of Civil Procedure or other applicable rules or decisions.

8. Opposer also objects to each of Applicant's interrogatories to the extent that they seek information regarding Opposer's use of the mark outside of the United States.

INTERROGATORIES

INTERROGATORY NO. 1

Identify the date that Opposer first used in commerce the mark NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 1

Opposer objects to this request as overly broad and vague and ambiguous. Subject to and without waiving the above objections, Opposer first used the mark NATIONSTAR MORTGAGE on or about March 24, 2006.

INTERROGATORY NO. 2

Identify the date when Opposer selected the mark NATIONSTAR MORTGAGE.

RESPONSE TO INTERROGATORY NO. 2

Opposer objects to the interrogatory as overly broad, vague and ambiguous, and cumulative and duplicative. Subject to and without waiving the above objections, Opposer made final its selection of the NATIONSTAR MORTGAGE mark no later than March 24, 2006.

INTERROGATORY NO. 3

Identify the date when Opposer made public its selection or intention to use the mark NATIONSTAR MORTGAGE, alone or with any other elements.

RESPONSE TO INTERROGATORY NO. 3

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Subject to and without waiving the above objections, Opposer "made public" its intention to use the mark at least as early as March 24, 2006.

INTERROGATORY NO. 4

Explain the manner in which Opposer first used the NATIONSTAR MORTGAGE mark, alone or with other elements, in commerce.

RESPONSE TO INTERROGATORY NO. 4

Opposer objects to the interrogatory as overly broad, vague and ambiguous, and cumulative and duplicative. Subject to and without waiving the above objections, Opposer first used the

NATIONSTAR MORTGAGE mark by registering several domain names consisting of or comprising the mark.

INTERROGATORY NO. 5

Identify each person responsible for or who participated in the conception, selection, adoption and the first use by Opposer of the NATIONSTAR MORTGAGE designation, alone or with other elements, and, for each such person, state in detail his or her responsibilities, role or participation in connection therewith.

RESPONSE TO INTERROGATORY NO. 5

Opposer objects to the interrogatory as overly broad, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above objections, Applicant identifies the following persons who participated significantly in the conception, selection, adoption, and/or first use by Opposer of Opposer's NATIONSTAR MORTGAGE mark:

Robert Greenbaum - SVP Marketing - principal involved in creating and coordinating the creation of possible names for the successor entity to Centex Home Equity Company LLC. Mr. Greenbaum was also involved in the name selection process, including coordinating market research, conducting searches, developing tag lines and logos for the new name.

Steve Hess - EVP Marketing - Supervisor to Mr. Greenbaum. Mr Hess was involved in meetings and discussions with executive management regarding the various name options available to Centex Home Equity.

Maryanne Harwood - SVP Marketing – Ms. Harwood was leader of the name transition task force, coordinated the implementation and use of the new company name, including creating new advertising.

Andrew Cline - SVP and Associate General Counsel – Mr. Cline is inside counsel to Nationstar Mortgage and participated in the name selection process, including coordinating outside counsel, as well as advising management on the legal aspects of the name selection.

Anne Sutherland - EVP and General Counsel – Ms. Sutherland is supervisor to Mr. Cline and advised executive management regarding the various name options available to Centex Home equity and advised management on the legal aspects of the name selection.

Anthony Barone - President and CEO - Participant in the name selection process including selection of the final name.

Pete Smith - EVP Nationstar Mortgage (also Managing Director of Fortress Investment Group) - Participant in the name selection process including selecting the final name.

Wes Edens - Chief Executive Officer and Chairman of the Board of Fortress Investment Group - Participant in the name selection process including selecting the final name.

INTERROGATORY NO. 6

Identify each search, inquiry or investigation conducted by or on behalf of Opposer concerning the availability of the name or mark NATIONSTAR, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 6

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Opposer also objects to the extent the information seeks information protected by attorney-client privilege and/or

the work product doctrine. Subject to and without waiving the above objections, Opposer conducted both a preliminary availability search and a full trademark search for the mark NATIONSTAR MORTGAGE prior to filing Application Serial Nos. 78/871,883 and 78/872,148.

INTERROGATORY NO. 7

Identify each person responsible for or who participated in each search, inquiry and investigation into the availability of the name NATIONSTAR, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 7

Opposer objects to the interrogatory as overly broad, vague and ambiguous. Opposer also objects to the extent the information seeks information protected by attorney-client privilege and/or the work product doctrine. Subject to and without waiving the above objections, Opposer identifies the following persons who participated in any search, inquiry, and investigation into the availability of the mark NATIONSTAR MORTGAGE:

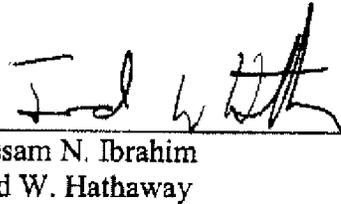
INTERROGATORY NO. 8

Identify each expert witness Opposer intends to call to testify on its behalf in connection with these proceedings, and state the subject matter and summarize the testimony each such witness is expected to give.

RESPONSE TO INTERROGATORY NO. 8

Opposer objects to the interrogatory as premature. Subject to and without waiving the above objection, Opposer will provide Applicant with a list of all expert witnesses expected to testify on Opposer's behalf when such witnesses have been identified by Opposer.

NATIONSTAR MORTGAGE LLC

By: 

Bassam N. Ibrahim
Fred W. Hathaway
Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY PC
1737 King Street, Suite 500
Alexandria, VA 223 14-2727
Telephone: 703-836-6620
Facsimile: 703-836-2021
Attorneys for Opposer

Dated: 11/2/07

On behalf of Nationstar Mortgage LLC,
I hereby declare and affirm under penalty of perjury that
the foregoing Responses are true and correct to the best
of my knowledge, information and belief.

NATIONSTAR MORTGAGE LLC

By: _____

Name: _____

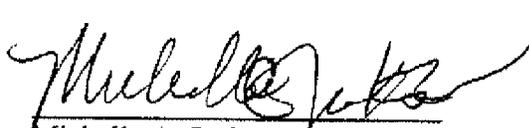
Title: _____

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO
APPLICANT'S FIRST SET OF INTERROGATORIES was served this 7th day of November, 2007
by first class mail, postage prepaid, on:

Stephanie Morris Carmody
Rachel M. Mariner
1330 Connecticut Avenue, NW
Washington, DC 20036


Michelle A. Jackson