

ESTTA Tracking number: **ESTTA190119**

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 to Compel Discovery
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 to Compel Production of Documents.pdf (72 pages)(1452594 bytes)

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

In the Matter of Application Serial No. 78/866,376
Published in the Official Gazette on January 2, 2007

Nationstar Mortgage LLC, <p style="text-align: center;">Opposer,</p> v. Mujahid Ahmad, <p style="text-align: center;">Applicant.</p>
--

Opposition No. 91177036

**APPLICANT'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND
THINGS AND MEMORANDUM OF LAW IN SUPPORT OF MOTION**

In the event that the Board denies Applicant's Motion to Amend Application Filing Basis and Motion for Summary Judgment, Applicant, Mujahid Ahmad, moves the Board, pursuant to 37 CFR § 2.120(e), for an order compelling Opposer, Nationstar Mortgage LLC, to produce certain documents designated in Request Nos. 4, 5, and 6 of Applicant's First Set of Requests for Production of Documents and Things. If Opposer cannot or will not produce such documents, Applicant moves the Board for an order compelling Opposer to amend its Response to Interrogatory No. 1, regarding its date of first use in commerce.

Applicant further moves, pursuant to 37 CFR § 2.120(e)(2), that the Board issue an order suspending the proceeding pending the disposition of this motion.

In support of this motion, Applicant, through its attorneys, states as follows:

I. Introduction

Applicant has issued several discovery requests to determine Opposer's date of first use in commerce, as defined by 15 U.S.C. § 1127, of the mark NATIONSTAR MORTGAGE. The date of Opposer's first use in commerce is material to the opposition proceeding because it is germane to the issue of whether Opposer or Applicant has superiority with respect to the NATIONSTAR mark. Applicant filed on April 20, 2006, an application to register the mark NATIONSTAR for its various real estate services with a first use date of April 4, 2005. Application Serial No. 78/866, 376. Opposer challenges this first use date and also claims that it began use of its mark prior to the filing date of Applicant's NATIONSTAR application, April 20, 2006. In its response to Applicant's First Set of Interrogatories, Opposer claimed a first use date of March 24, 2006, through its registration of domain names consisting of the mark. Opposer has produced no documents showing this first use date.

Applicant has repeatedly requested interrogatory responses and documents from which it can be determined the date of first use *in commerce* as well as specimens showing use of the mark. Opposer has failed to provide Applicant with the date it first used the NATIONSTAR MORTGAGE mark in commerce and has not produced even one document showing any use of the mark, despite a response in which Opposer stated that such documents would be forthcoming.

II. History of Communications

On October 1, 2007, Applicant served the following Interrogatories on Opposer, seeking both the date and manner of Opposer's first use in commerce of the NATIONSTAR MORTGAGE mark:

1. Identify the date that Opposer first used in commerce the mark NATIONSTAR MORTGAGE, alone or with other elements.
4. Explain the manner in which Opposer first used the NATIONSTAR MORTGAGE mark, alone or with other elements, in commerce.

Ex. A. Applicant received Opposer's response on November 9, 2007, wherein Opposer claimed it first used NATIONSTAR MORTGAGE on or about March 24, 2006 by registering domain names consisting of or comprising the mark:

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

Ex. B. Because the registration of domain names is not trademark use as that term is defined in 15 U.S.C. § 1127,¹ Applicant sent a second set of interrogatories seeking the date and manner of the first use in commerce, as defined by 15 U.S.C. § 1127, of the NATIONSTAR MORTGAGE mark:

¹ "Use in commerce' means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. . . . [A] mark shall be deemed to be in use in commerce . . . on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services." 15 U.S.C. § 1127.

1. Identify the date of Opposer's first use in commerce, as that term is defined in 15 U.S.C. § 1127, of the mark NATIONSTAR MORTGAGE, alone or with other elements.
2. Identify the manner of Opposer's first use in commerce, as that term is defined in 15 U.S.C. § 1127, of the mark NATIONSTAR MORTGAGE, alone or with other elements.

Ex. C. Even though Opposer had not yet provided a date of first use in commerce, Opposer responded on January 23, 2008, by objecting to the interrogatories as overly broad, vague, ambiguous, cumulative and duplicative:

1. Opposer objects to this request as overly broad, vague and ambiguous, and cumulative and duplicative. Specifically, Opposer's Interrogatory No. 1 is duplicative of Opposer's Interrogatory No. 1 in Opposer's First Set of Interrogatories.
2. Opposer objects to this request as overly broad, vague and ambiguous, and cumulative and duplicative. Specifically, Opposer's Interrogatory No. 1 is duplicative of Opposer's Interrogatory No. 4 in Opposer's First Set of Interrogatories.

Ex. D.

In its First Set of Requests for Production of Documents and Things, served on October 1, 2007, Applicant requested documents that illustrated Opposer's use of the mark:

4. Documents from which it can be determined the date of first use by Opposer of NATIONSTAR MORTGAGE, alone or with other elements.
5. A specimen or representation of each advertisement and item of promotional material of Opposer referencing the designation NATIONSTAR MORTGAGE, alone or with other elements, including but not limited to television commercials, radio commercials, billboards, brochures, catalogs, internet advertisements and web pages, and drafts or mockups of such advertisements or materials.
6. Copies of all newspaper, magazine and journal articles and stories, press releases and other references in any media, that refer to Opposer or its services by the designation NATIONSTAR MORTGAGE, alone or with other elements.

Ex. E. Opposer responded on November 9, 2007 as follows:

4. Opposer objects to this request as cumulative and duplicative. Subject to and without waiving the above objections, Opposer will produce responsive documents to the extent such documents exist.

5. Opposer objects to this request as overly broad and unduly burdensome. Subject to and without waiving the above objections, Opposer will produce a representative sampling of the requested documents.
6. Opposer objects to this request as overly broad and unduly burdensome and calling for documents equally available to Applicant. Subject to and without waiving the above objections, Opposer will produce a representative sampling of the requested documents.

Ex. F. Opposer produced no documents in conjunction with its responses. On November 19, 2007 counsel for Opposer stated that the documents would be forthcoming shortly. Ex. G. By December 20, 2007, Opposer still had not produced any documents, prompting Applicant to request again that Opposer produce the documents. Ex. H (email message to Opposer's counsel). On January 3, 2008, Applicant again requested the production of documents. Ex. I (letter to Opposer's counsel). Applicant's letter informed Opposer that Applicant would file a motion to compel production if Opposer did not produce documents by January 11, 2008. *Id.* On January 11, 2008, Opposer's counsel finally produced documents responsive to Applicant's document requests. Ex. J. Nevertheless, Opposer did not produce any documents responsive to Request Nos. 4, 5 and 6.

On January 24, 2008, Applicant's counsel left a voicemail message for Opposer's counsel, Bryce Maynard, asking Mr. Maynard to return the call. On January 29, 2008, Applicant's counsel left a second voicemail message for Mr. Maynard and sent an email requesting to speak with Mr. Maynard. Ex. K (email messages between Applicant's counsel and B. Maynard). Counsel for Applicant informed Mr. Maynard that either Opposer's document production was incomplete or the identified date of first use in commerce was incorrect. *Id.* Mr. Maynard replied to this email, assuring that he would call regarding the issues. *Id.* In response, Applicant's counsel informed Mr. Maynard that it would file this Motion if he did not call before noon of January 31, 2008. *Id.* Mr. Maynard did not call or contact Applicant's counsel by that

time. Ultimately, Mr. Maynard replied that he would discuss Document Request Nos. 5 and 6 with the Opposer, four months after the initial requests were sent, but insisted that documents responsive to Request No. 4 had already been produced. *Id.* Counsel for Applicant responded by asking Mr. Maynard if he was willing to discuss the matter. *Id.* Mr. Maynard had not yet to respond at the time this motion was filed.

III. The Board Should Order Opposer to Produce Documents Responsive to Request Nos. 4, 5, and 6 of Applicant's First Set of Requests for Production of Documents and Things

Applicant moves the Board, pursuant to 37 CFR §2.120(e), for an order compelling Opposer to produce documents responsive to Request Nos. 4, 5, and 6 of Applicant's First Set of Requests for Production of Documents and Things. These documents are proper objects of discovery as they are material to the issue of which party had the earlier priority date. Furthermore, the request is no broader than necessary for Applicant to determine when and how Opposer has used the mark in commerce. Applicant has repeatedly requested documents in connection with Opposer's first use in commerce date and has attempted to resolve the issue without involving the Board. Opposer, however, has failed to produce any responsive documents and has chosen to avoid Applicant's phone calls, letters and email messages.

Document Request No. 4 seeks documents from which the date of first use in commerce could be determined. Opposer has produced no documents showing trademark use in commerce of the mark as defined by 15 U.S.C. § 1127. In contrast, all the documents produced by Opposer show that the mark was not in use in commerce on March 24, 2006. 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 #4, Ex. B. 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). Thus, Opposer has not produced any documents responsive to Request No. 4.

Document Request Nos. 5 and 6 seek any advertisements, promotional material, or any references in any media that refer to Opposer or its services by the designation NATIONSTAR MORTGAGE. Opposer has not yet produced any documents responsive to these requests. Opposer's latest statement that it will provide such documents in the near future, 87 days after the response due date, is insufficient.

In the event Opposer can not or will not produce such documents, Applicant moves the Board for an order compelling Opposer to amend its Response to Interrogatory No. 1, Ex. D, to reflect the first date of use in commerce of the mark. No produced document supports the current asserted date of March 24, 2006. In fact, all documents produced thus far show that the mark was not in use in commerce on that date.

Applicant further seeks that the Board order that the proceedings be suspended until the disposition of this motion. According to the Rules of Practice in Trademark Cases, when a party files a motion to test the sufficiency of an answer, or to compel discovery, "the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion." 37 CFR §§ 2.120(e)(2), (h)(2). *See also* TBMP §§ 523.01, 524.01.

IV. Conclusion

For the foregoing reasons, should the Board deny Applicant's Motion to Amend Application Filing Basis and Motion for Summary Judgment, Applicant requests that the Board issue an order compelling Opposer to produce all documents responsive to Document Requests 4, 5, and 6. In the event Opposer cannot or will not produce such documents, Applicant moves the Board to issue an order compelling Opposer to amend its Interrogatory responses to reflect

the date of first use in commerce. Applicant further requests that proceedings be suspended until this motion is decided by the Court.

STEPTOE & JOHNSON LLP

By: Rachel M. Hofstatter
Stephanie Morris Carmody

Rachel M. Hofstatter
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000 (telephone)
(202) 429-3902 (facsimile)

Attorneys for Mujahid Ahmad

Dated: January 31, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND THINGS 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. Hozstetter

STATEMENT BY COUNSEL IN AN ATTEMPT TO RESOLVE

On numerous dates, the undersigned has in good faith attempted to contact Bryce Maynard, counsel for Opposer, to discuss the insufficiency of documents Opposer has produced in response to Request Nos. 4, 5, and 6 of Applicant's First Set of Requests for Production of Documents and Things. Exs. H, I, K. In these communications, the undersigned informed Mr. Maynard that Applicant would file this motion if the missing documents were not produced. Mr. Maynard, however, has been unwilling to discuss the issue. As such, the parties have been unable to reach an agreement concerning the issue within this motion.

I hereby certify that the above statements with respect to communications with opposing counsel are true.

STEPTOE & JOHNSON LLP

By: 
Stephanie Morris Carmody
Rachel M. Hofstatter
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000 (telephone)
(202) 429-3902 (facsimile)

Attorneys for Mujahid Ahmad

APPLICANT'S EXHIBIT A

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

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

APPLICANT'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Trademark Rule 2.120, Applicant, Mr. Mujahid Ahmad, through its undersigned counsel, requests that Opposer, Nationstar Mortgage LLC, by an officer or agent thereof, answer the following interrogatories fully and separately in writing and under oath within 35 days of the date of service of these requests for admission in accordance with Trademark Rules 2.119(c) and 2.120.

DEFINITIONS AND INSTRUCTIONS

1. "Applicant" means Applicant, its predecessors, successors, and assigns, and any of its affiliates, officers, directors, agents, employees, or other persons, including, but not limited to, its attorneys, accountants and advisors, acting or purporting to act on its behalf.
2. "Opposer" means Nationstar Mortgage LLC, its predecessors, successors, and assigns, and any of its affiliates, officers, directors, agents, employees, or other persons, including, but not limited to, its attorneys, accountants and advisors, acting or purporting to act on its behalf.

3. "Person" means, without limiting the generality of its meaning, any natural person, group of natural persons (such as a committee or board of directors), corporation, partnership, unincorporated association, joint venture and any other incorporated or unincorporated business, governmental, public or social entity.

4. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed as outside their scope.

5. "Concerning" means containing, consisting of, referring to, supporting, prepared in connection with, used in preparation for, commenting upon, or being in any way legally, logically or factually connected with or pertaining to, in whole or in part, the matter discussed.

6. Whenever appropriate in these interrogatories, the singular and plural forms of words shall be interpreted interchangeably so as to bring within the scope of these interrogatories any matter which might otherwise be construed to be outside of their scope.

7. Where an individual person is required to be identified, state (i) his or her full names, (ii) his or her present or last known business address, (iii) his or her present or last known employer and places of employments, and (iv) his or her present position and title.

8. Where a firm, partnership, corporation, proprietorship, joint venture, incorporated or unincorporated association, or other legal or commercial organization or entity is required to be identified, state its organization nature (e.g., firm, partnership, profit-making corporation, fraternal association, etc.) and its present or last known address.

9. If any information requested by these Interrogatories is claimed to be immune from discovery on the grounds of privilege or otherwise:

- a. identify the communication or document;

- b. identify the person or persons making the communication or authoring the document and all persons receiving the information;
- c. specify the type of privilege or other reason asserted for withholding the requested information;
- d. specify the basis for the assertion; and
- e. describe the withheld information to a degree sufficient to enable the court to decide if such claim has been properly invoked.

10. These Interrogatories are to be regarded as continuing. In accordance with Rule 26(e) of the Federal Rules of Civil Procedure, Opposer is required to supplement or modify any answer given as additional or different information becomes known to you until the conclusion of the trial of this action.

INTERROGATORIES

INTERROGATORY NO. 1

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

INTERROGATORY NO. 2

Identify the date when Opposer selected the mark NATIONSTAR MORTGAGE.

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.

INTERROGATORY NO. 4

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

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.

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.

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.

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.

STEPTOE & JOHNSON LLP

By: *Rachel M. Marmer*
Stephanie Morris Carmody
Rachel M. Marmer
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

Attorneys for Applicant

Dated: October 1, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES was served this 1st day of October, 2007 by hand delivery, on:

Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street
Alexandria, VA 22314-2727
Telephone: 703-836-6620
Facsimile: 703-836-2021

Rachel M. Marmer

APPLICANT'S EXHIBIT B

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:

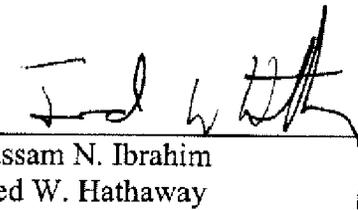
INTERROGATORY NO. 8

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

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. 91177036
)	
MUJAHID AHMAD,)	
)	
Applicant.)	
)	

APPLICANT'S SECOND SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Trademark Rule 2.120, Applicant, Mr. Mujahid Ahmad, through its undersigned counsel, requests that Opposer, Nationstar Mortgage LLC, by an officer or agent thereof, answer the following interrogatories fully and separately in writing and under oath within 30 days of the date of service of these requests for admission in accordance with Trademark Rules 2.119(c) and 2.120.

DEFINITIONS AND INSTRUCTIONS

1. "Applicant" means Applicant, its predecessors, successors, and assigns, and any of its affiliates, officers, directors, agents, employees, or other persons, including, but not limited to, its attorneys, accountants and advisors, acting or purporting to act on its behalf.
2. "Opposer" means Nationstar Mortgage LLC, its predecessors, successors, and assigns, and any of its affiliates, officers, directors, agents, employees, or other persons, including, but not limited to, its attorneys, accountants and advisors, acting or purporting to act on its behalf.

3. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed as outside their scope.

4. “Use in commerce” shall be given the same meaning as ascribed to it in 15 U.S.C. §1127. “‘Use in commerce’ means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark.” “[A] mark shall be deemed to be in use in commerce... on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services.”

5. Whenever appropriate in these interrogatories, the singular and plural forms of words shall be interpreted interchangeably so as to bring within the scope of these interrogatories any matter which might otherwise be construed to be outside of their scope.

6. If any information requested by these Interrogatories is claimed to be immune from discovery on the grounds of privilege or otherwise:

- a. identify the communication or document;
- b. identify the person or persons making the communication or authoring the document and all persons receiving the information;
- c. specify the type of privilege or other reason asserted for withholding the requested information;
- d. specify the basis for the assertion; and
- e. describe the withheld information to a degree sufficient to enable the court to decide if such claim has been properly invoked.

7. These Interrogatories are to be regarded as continuing. In accordance with Rule 26(e) of the Federal Rules of Civil Procedure, Opposer is required to supplement or modify any answer given as additional or different information becomes known to you until the conclusion of the trial of this action.

INTERROGATORIES

INTERROGATORY NO. 1

Identify the date of Opposer's first use in commerce, as that term is defined in 15 U.S.C. § 1127, of the mark NATIONSTAR MORTGAGE, alone or with other elements.

INTERROGATORY NO. 2

Identify the manner of Opposer's first use in commerce, as that term is defined in 15 U.S.C. § 1127, of the mark NATIONSTAR MORTGAGE, alone or with other elements.

STEPTOE & JOHNSON LLP

By: Rachel M. Hofstatter
Stephanie Morris Carmody
Rachel M. Hofstatter
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

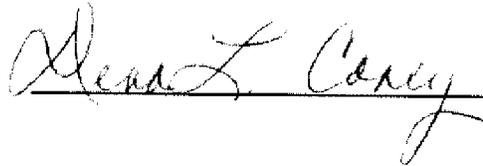
Attorneys for Applicant

Dated: December 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S SECOND SET OF INTERROGATORIES was served this 21st day of December, 2007 by hand-delivery on counsel for Opposer:

Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street
Alexandria, VA 22314-2727
Telephone: 703-836-6620
Facsimile: 703-836-2021



APPLICANT'S EXHIBIT D

**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”) Second Set of Interrogatories.

GENERAL OBJECTIONS

Applicant incorporates by reference the objections to Applicant’s First Set of Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1

Identify the date of Opposer’s first use in commerce, as that term is defined in 15 U.S.C. § 11257, of the mark NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 1

Opposer objects to this request as overly broad, vague and ambiguous, and cumulative and duplicative. Specifically, Opposer’s Interrogatory No. 1 is duplicative of Opposer’s Interrogatory No. 1 in Opposer’s First Set of Interrogatories.

INTERROGATORY NO. 2

Identify the manner of Opposer's first use in commerce, as that term is defined in 15 U.S.C. § 11257, of the mark NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO INTERROGATORY NO. 2

Opposer objects to this request as overly broad, vague and ambiguous, and cumulative and duplicative. Specifically, Opposer's Interrogatory No. 1 is duplicative of Opposer's Interrogatory No. 4 in Opposer's First Set of Interrogatories.

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

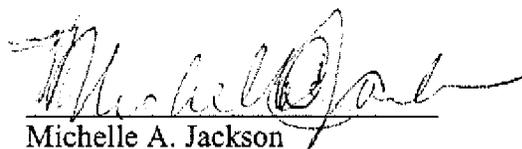
Attorneys for Opposer

Dated: January 18, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF INTERROGATORIES was served this 18th day of January, 2008 by first class mail, postage prepaid, on:

Rachel M. Hofstatter
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036


Michelle A. Jackson

APPLICANT'S EXHIBIT E

including, but not limited to, its attorneys, accountants and advisors, acting or purporting to act on its behalf.

3. "Person" means, without limiting the generality of its meaning, any natural person, group of natural persons (such as a committee or board of directors), corporation, partnership, unincorporated association, joint venture and any other incorporated or unincorporated business, governmental, public or social entity.

4. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests any information which might otherwise be construed as outside their scope.

5. "Concerning" means containing, consisting of, referring to, supporting, prepared in connection with, used in preparation for, commenting upon, or being in any way legally, logically or factually connected with or pertaining to, in whole or in part, the matter discussed.

6. Whenever appropriate in these Requests, the singular and plural forms of words shall be interpreted interchangeably so as to bring within the scope of these requests any matter which might otherwise be construed to be outside of their scope.

7. If any information requested by these Requests is claimed to be immune from discovery on the grounds of privilege or otherwise:

- a. identify the communication or document;
- b. identify the person or persons making the communication or authoring the document and all persons receiving the information;
- c. specify the type of privilege or other reason asserted for withholding the requested information;
- d. specify the basis for the assertion; and

e. describe the withheld information to a degree sufficient to enable the court to decide if such claim has been properly invoked.

8. These Requests for Production of Documents and Things are to be regarded as continuing. In accordance with Rule 26(e) of the Federal Rules of Civil Procedure, Opposer is required to supplement or modify any answer given as additional or different information becomes known to you.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST NO. 1

All documents concerning the selection and adoption by Opposer of the designation NATIONSTAR MORTGAGE, alone or with other elements, including all other designations consisting of or containing the term NATIONSTAR considered by Opposer for its name.

REQUEST NO. 2

All documents consisting of or concerning each search, inquiry and investigation into the availability of NATIONSTAR, alone or with other elements, as a name or mark.

REQUEST NO. 3

All documents relating to the discussions, presentations and determinations by the Opposer's employees or outside consultants concerning the adoption of the name NATIONSTAR MORTGAGE, alone or with other elements.

REQUEST NO. 4

Documents from which it can be determined the date of first use by Opposer of NATIONSTAR MORTGAGE, alone or with other elements.

REQUEST NO. 5

A specimen or representation of each advertisement and item of promotional material of Opposer referencing the designation NATIONSTAR MORTGAGE, alone or with other elements, including but not limited to television commercials, radio commercials, billboards, brochures, catalogs, internet advertisements and web pages, and drafts or mockups of such advertisements or materials.

REQUEST NO. 6

Copies of all newspaper, magazine and journal articles and stories, press releases and other references in any media, that refer to Opposer or its services by the designation NATIONSTAR MORTGAGE, alone or with other elements.

REQUEST NO. 7

For each expert whose opinions may be relied upon in this proceeding, each document which concerns: (i) any opinions that may be presented at trial; (ii) the reasons for any such opinions; (iii) any data or information considered by the witness in forming the opinions; (iv) any exhibits used in support of or summarizing the opinions; (v) the qualifications of the witness, including all publications from January 1, 2000, to date; (v) the compensation being paid to the witness, and (vi) any cases in which the witness has testified at trial or by deposition from 1995 to date.

REQUEST NO. 8

Each document identified in response to Applicant's First Set of Interrogatories on
Opposer.

STEPTOE & JOHNSON LLP

By: *Rachel M. Marmer*
Stephanie Morris Carmody
Rachel M. Marmer
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

Attorneys for Applicant

Dated: October 1, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS was served this 1st day of October, 2007 by hand delivery, on:

Bryce J. Maynard
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street
Alexandria, VA 22314-2727
Telephone: 703-836-6620
Facsimile: 703-836-2021

Bryce J. Maynard

APPLICANT'S EXHIBIT F

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

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

**OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

Opposer Nationstar Mortgage LLC ("Opposer"), pursuant to Federal Rule 34 and the applicable rules of the Trademark Trial and Appeal Board, hereby responds to Applicant Mujahid Ahmad's ("Applicant") First Set of Requests for Production of Documents and Things.

GENERAL OBJECTIONS

Opposer incorporates by reference its general objections as stated in response to Applicant's Interrogatories.

REQUEST NO. 1

All documents concerning the selection and adoption by Opposer of the designation NATIONSTAR MORTGAGE, alone or with other elements, including all other designations consisting of or containing the term NATIONSTAR considered by Opposer for its name.

RESPONSE TO REQUEST NO. 1

Opposer objects to this request as overly broad, cumulative and duplicative. Opposer further objects to the extent the request seeks information protected by attorney/client privilege and/or the work product doctrine. Subject to and without waiving the above objections, Opposer will produce responsive documents to the extent such documents exist.

REQUEST NO. 2

All documents consisting of or concerning each search, inquiry and investigation into the availability of NATIONSTAR, alone or with other elements, as a name or mark.

RESPONSE TO REQUEST NO. 2

Opposer objects to this request as overly broad, cumulative and duplicative. Opposer further objects to the extent the request seeks information protected by attorney/client privilege and/or the work product doctrine. Subject to and without waiving the above objections, Opposer will produce responsive documents to the extent such documents exist.

REQUEST NO. 3

All documents relating to the discussions, presentations and determinations by the Opposer's employees or outside consultants concerning the adoption of the name NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO REQUEST NO. 3

Opposer objects to this request as vague, ambiguous, cumulative and duplicative. Opposer further objects to the extent the request seeks information protected by attorney/client privilege and/or the work product doctrine. Subject to and without waiving the above objections, Opposer will produce responsive documents to the extent such documents exist.

REQUEST NO.4

Documents from which it can be determined the date of first use by Opposer of NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO REQUEST NO. 4

Opposer objects to this request as cumulative and duplicative. Subject to and without waiving the above objections, Opposer will produce responsive documents to the extent such documents exist.

REQUEST NO. 5

A specimen or representation of each advertisement and item of promotional material of Opposer referencing the designation NATIONSTAR MORTGAGE, alone or with other elements, including but not limited to television commercials, radio commercials, billboards, brochures, catalogs, internet advertisements and web pages, and drafts or mockups of such advertisements or materials.

RESPONSE TO REQUEST NO. 5

Opposer objects to this request as overly broad and unduly burdensome. Subject to and without waiving the above objections, Opposer will produce a representative sampling of the requested documents.

REQUEST NO. 6

Copies of all newspaper, magazine and journal articles and stories, press releases and other references in any media, that refer to Opposer or its services by the designation NATIONSTAR MORTGAGE, alone or with other elements.

RESPONSE TO REQUEST NO. 6

Opposer objects to this request as overly broad and unduly burdensome and calling for documents equally available to Applicant. Subject to and without waiving the above objections, Opposer will produce a representative sampling of the requested documents.

REQUEST NO. 7

For each expert whose opinions may be relied upon in this proceeding, each document which concerns: (i) any opinions that may be presented at trial; (ii) the reasons for any such opinions; (iii) any data or information considered by the witness in forming the opinions; (iv) any exhibits used in support of or summarizing the opinions; (v) the qualifications of the witness, including all publications from January 1, 2000, to date; (v) the compensation being paid to the witness, and (vi) any cases in which the witness has testified at trial or by deposition from 1995 to date.

RESPONSE TO REQUEST NO. 7

Opposer objects to this request as premature and unduly burdensome. Subject to and without waiving the above objections, Opposer will produce an appropriate expert report for each expert witness whose opinions may be relied upon in this proceeding after such witnesses, if any, have been identified.

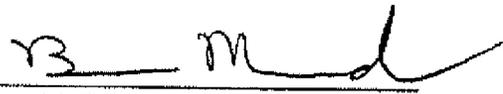
REQUEST NO. 8

Each document identified in response to Applicant's First Set of Interrogatories on Opposer.

RESPONSE TO REQUEST NO. 8

Opposer objects to this request as cumulative and duplicative. Subject to and without waiving the above objections, Opposer will produce responsive documents to the extent such documents exist.

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: **November 5, 2007**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS was served this 5th day of November, 2007 by first class mail, postage pre-paid, on:

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


Michelle A. Jackson

APPLICANT'S EXHIBIT G

Carmody, Stephanie

From: Maynard, Bryce [bryce.maynard@bipc.com]
Sent: Monday, November 19, 2007 2:10 PM
To: Carmody, Stephanie
Cc: Marmer, Rachel; Zazzaro, Carol; Jackson, Michelle
Subject: RE: NATIONSTAR discovery responses

Stephanie - the information in response to Interrogatory No. 7 is below. The documents will be forthcoming shortly.

Thanks,

Bryce

Supplemental Response to Interrogatory No. 7:

Robert Greenbaum

Maryanne Harwood

Andrew Cline

From: Carmody, Stephanie [mailto:scarmody@steptoe.com]
Sent: Tue 11/13/2007 3:50 PM
To: Maynard, Bryce
Cc: Marmer, Rachel; Zazzaro, Carol
Subject: Re: NATIONSTAR discovery responses

Bryce:

Thank you for this. It appears, however, that number 7 was not answered. Also, we have not received the documents in response to our document requests. Please advise.

Stephanie

----- Original Message -----

From: Maynard, Bryce <bryce.maynard@bipc.com>
To: Carmody, Stephanie
Cc: Zazzaro, Carol; Jackson, Michelle <michelle.jackson@bipc.com>
Sent: Tue Nov 13 14:28:01 2007
Subject: RE: NATIONSTAR discovery responses

Stephanie:

Sorry for the delay - I was out of the office last week. The responses are attached.

Thanks,

Bryce

-----Original Message-----

From: Carmody, Stephanie [mailto:scarmody@steptoe.com]
Sent: Tuesday, November 13, 2007 12:16 PM
To: Carmody, Stephanie; Maynard, Bryce
Cc: Zazzaro, Carol
Subject: RE: NATIONSTAR discovery responses

APPLICANT'S EXHIBIT H

Carmody, Stephanie

From: Carmody, Stephanie
Sent: Thursday, December 20, 2007 3:16 PM
To: 'Maynard, Bryce'
Cc: Zazzaro, Carol
Subject: NATIONTAR

Bryce:

It appears that we never received the actual documents in response to our document requests. When should we expect to receive them?

REDACTED

Stephanie Carmody
Stephoe & Johnson LLP

APPLICANT'S EXHIBIT I

STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

Stephanie Morris Carmody
202 429 8135
scarmody@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202 429 3000
Fax 202 429 3902
steptoe.com

January 3, 2008

Via E-MAIL and FEDERAL EXPRESS

Bassan N. Abraham, Esq.
Bryce J. Maynard, Esq.
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, VA 22314
Bassam.ibrahim@bipi.com
Bryce.maynard@bipi.com

RE: Nationstar Mortgage LLC v. Mujahid Ahmad

Dear Messrs. Abraham and Maynard:

As I mentioned in the voice mail message left for Bryce Maynard today and in e-mails also to Mr. Maynard dated November 13 and December 20, 2007, we have not received the documents in response to Applicant's First Set of Requests for Production of Documents and Things. Opposer's Response stated that such documents would be produced. Mr. Maynard further stated in an e-mail dated November 19, 2007 that the "documents will be forthcoming shortly."

Contrary to Mr. Maynard's statement, the documents have not been produced. Unless such documents are produced by Friday, January 11, 2008, we will file a Motion to Compel with the Trademark Trial and Appeal Board.

Sincerely,



Stephanie Morris Carmody

APPLICANT'S EXHIBIT J

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

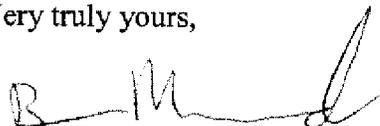
Re: Nationstar Mortgage, LLC
Mark: **NATIONSTAR**
Our Ref.: 0055673-000033

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

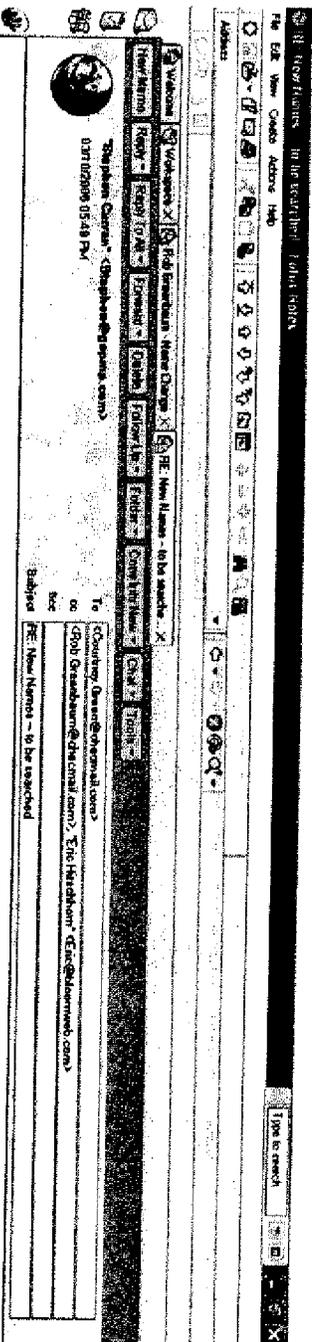
JAN 14 2007

STEPTOE & JOHNSON LLP

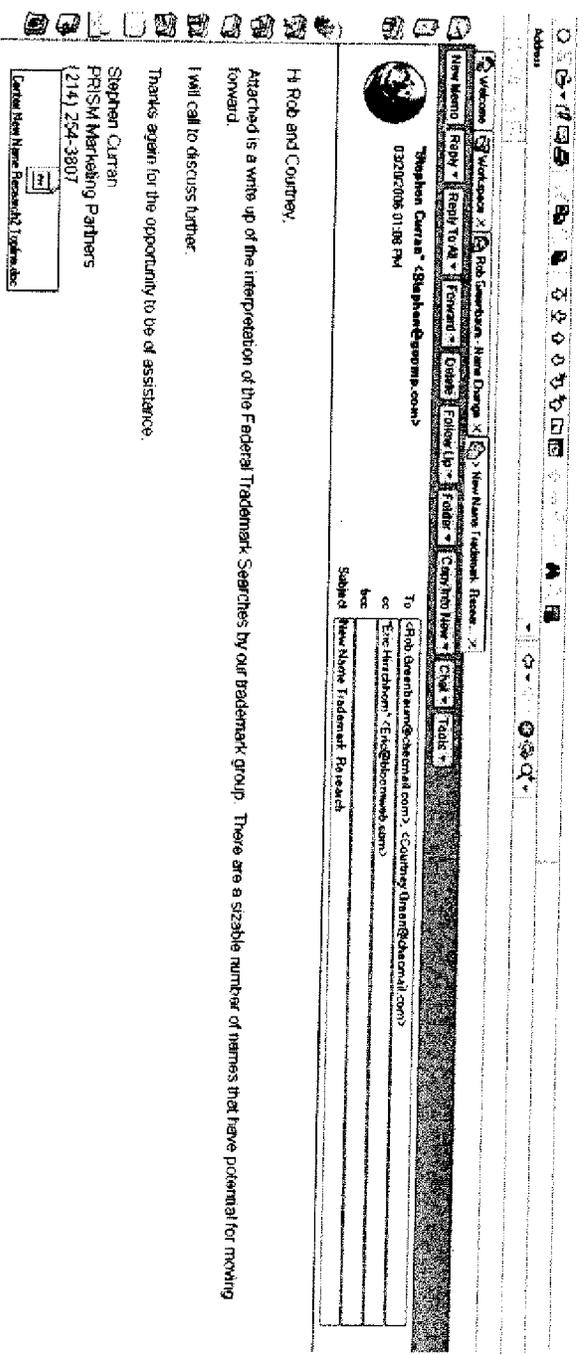
Nationstar Mortgage LLC timeline

- 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

3/10/06 Email from Stephen Curran, Prizm Marketing Partners – acknowledging request to conduct preliminary TM search



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



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 interface. At the top, there's a menu bar with 'File', 'Edit', 'View', 'Create', 'Actions', and 'Help'. Below that is a toolbar with various icons. The main window displays an email from 'ELYZE KAZARINOFF <ELYZE_KAZARINOFF@nyr.com>' to 'Rob Greenbaum <RobGreenbaum@nyr.com>'. The email content includes a list of mortgage companies and a request for trademark searches.

From: ELYZE KAZARINOFF <ELYZE_KAZARINOFF@nyr.com>
To: Rob Greenbaum <RobGreenbaum@nyr.com>
Subject: Re: Any Ideas?

Hi Rob,

I hope you had a nice trip. And thanks for the update.

BTW, Nationlink and NationCapital were on your selected list of 8 names that did not pass our preliminary screening. Your legal counsel may have a different perspective but just wanted you to know we already received their storefront is new and not screened by us. We're assuming you sent that to full legal and don't need a pre-screen.

We will hit our lawyers to screen the 8 names below for reference sake:

1. Home National Mortgage
2. HomeCentral Mortgage
3. NationHouse Mortgage
4. NationStar Mortgage

Elyze N. Kazarinoff
 Creative Director, Marketing
 Landor Associates
 230 Park Avenue South
 New York, NY 10003
 Phone: (212) 614-5139
 Fax: (212) 698-5576
 e-Mail: elyze_kazarinoff@nyr.com

Rob Greenbaum
 Email: rgreenb@nyr.com
 03/20/06 04:41 PM

TO: KEN BINKEL
 <KEN_BINKEL@nyr.com>
 CC: 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)

03/21/2006 03:50 PM

From: Steve Hess<Steve.Hess@CIBC>

To: Rob Greenbaum<Rob.Greenbaum@CIBC>

Re: Additional Names

Hi Rob,

This message has been forwarded.

Rob Greenbaum<Rob.Greenbaum@CIBC>

03/21/2006 03:44 PM

To: Steve.Hess@CIBC.com

cc: Rob Greenbaum<Rob.Greenbaum@CIBC>

Subject: Additional Names

Show

Based on my own Google, NABR and USPTO searches, these internally created names are listed below by potential of exclusivity:

1. Nationhouse
2. Nationstar
3. Nationcentral
4. Home National

How about I send the top two names to outside legal for full review?

What do you think? Might be a good idea to have a couple of more options

Thanks, Rob

Rob Greenbaum
 Senior VP - Marketing
 WQW, 214-758-7027
 Cell: 214-335-5275
 Fax: 214-758-7878

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

Welcome | Workspace X | Rob Greenbaum | Name Change X | File X
 New Message | Reply | Reply to All | Forward | Delete | Follow Up | Folder | Copy Link New | Chat | Tools

Steve HaasMarketing@CHIEC
 03/31/2006 09:41 AM

To: Rob Greenbaum <rob.greenbaum@centex.com>
 cc: Wes Edens
 Subject: FW:

----- Original Message -----

From: Tony Barone
 Sent: 03/31/2006 09:24 AM
 To: Pete Smith <psmith@fortressinvest.com>
 Subject: Re:

Great, I will pass on to Steve Haas and we will get working on it. Just gave a presentation to 220 of our managers.....they are pumped!!
 Quite a few of us are travelling next week. do you send us or are you meeting with Centex?

----- Original Message -----

From: "Pete Smith" (psmith@fortressinvest.com)
 Sent: 03/31/2006 09:05 AM
 To: Tony Barone

TB:
 Wes likes Nationstar (with a lower case s). Let me know if this works for you. Hope the announcement is being well rec'd. We will probably be back in Dallas next week.

Pete Smith
 Fortress Investment Group
 1565 Avenue of the Americas | 18th Floor
 New York, NY 10105
 T: (212) 756-8000
 F: (212) 756-8070
 C: (646) 250-9725
 psmith@fortressinvest.com

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 K

Carmody, Stephanie

From: Carmody, Stephanie
Sent: Thursday, January 31, 2008 2:07 PM
To: 'Maynard, Bryce'
Subject: RE: NATIONSTAR

Are you willing to discuss this matter with me?

From: Maynard, Bryce [mailto:bryce.maynard@bipc.com]
Sent: Thursday, January 31, 2008 2:03 PM
To: Carmody, Stephanie
Cc: Zazzaro, Carol; Ibrahim, Bassam; Jackson, Michelle
Subject: RE: NATIONSTAR

Stephanie:

We are reviewing Requests 5 and 6 with our client and we will provide you with a sampling of responsive documents, if any, in the near future.

With regard to Document Request No. 4, we have provided you with all responsive documents. We also stand by our interrogatory responses.

We trust that this addresses your concerns.

Very truly yours,

Bryce J. Maynard
Buchanan Ingersoll & Rooney PC

From: Carmody, Stephanie [mailto:scarmody@steptoe.com]
Sent: Tuesday, January 29, 2008 6:06 PM
To: Maynard, Bryce
Cc: Zazzaro, Carol
Subject: RE: NATIONSTAR

Bryce:

If I do not answer, please leave a message and I will call you back. I may be working from home tomorrow and Thursday.

In short, there are no documents in response to document requests 4, 5 and 6. Furthermore, it is clear from the documents provided that Opposer was not "using" the mark as of March 24, 2006, the date of first use identified in response to interrogatories. As you are well aware, registering a domain name is not sufficient to show use of the mark. If I do not hear from you by Thursday at noon, we will file the necessary motions to compel your response.

I look forward to hearing from you.

Stephanie

From: Maynard, Bryce [mailto:bryce.maynard@bipc.com]
Sent: Tuesday, January 29, 2008 5:39 PM
To: Carmody, Stephanie
Cc: Zazzaro, Carol
Subject: RE: NATIONTAR

Stephanie:

Sorry for the delay in responding - I have been tied up most of the day and will be busy tomorrow morning as well. I will try to give you a call tomorrow afternoon or Thursday at the latest. Can you please let me know what you believe the specific problems are with our document production so that I can be prepared for the call?

Thanks,

Bryce

From: Carmody, Stephanie [mailto:scarmody@steptoe.com]
Sent: Tuesday, January 29, 2008 10:25 AM
To: Maynard, Bryce
Cc: Zazzaro, Carol; Carmody, Stephanie
Subject: RE: NATIONTAR

Bryce:

I left a voice mail message for you last week and have not heard from you. Could you please give me a call today about this matter? It appears that we either do not have all the documents in response to our document requests or the identified date of first use is not correct.

Stephanie Carmody
Steptoe & Johnson LLP

From: Carmody, Stephanie
Sent: Thursday, December 20, 2007 3:16 PM
To: 'Maynard, Bryce'
Cc: Zazzaro, Carol
Subject: NATIONTAR

Bryce:

It appears that we never received the actual documents in response to our document requests. When should we expect to receive them?

REDACTED

Stephanie Carmody
Steptoe & Johnson LLP