

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

Schiedmayer Celesta GmbH,)
)
 Petitioner,)
)
 v)
)
 Piano Factory Group, Inc. and)
 Sweet 16 Musical Properties, Inc.)
)
 Respondents.)
 _____)

Cancellation No. 92/061,215
Reg. No.: 3,340,759
Mark: SCHIEDMAYER
Registration Date: 11/20/2007

**PETITIONER'S NOTICE OF FILING TRANSCRIPT
OF DISCOVERY DEPOSITION OF GLENN TREIBITZ**

Petitioner hereby provides notice that it has today filed the certified transcript of the Discovery Deposition of Glenn Treibitz, taken on February 14, 2017, and copies of the exhibits marked and identified in that deposition.

Copies of the certified transcript and exhibits are also being provided to counsel for respondents with a copy of this Notice.

Respectfully submitted,



Michael J. Striker
Attorney for Petitioner
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the attached document was served upon Counsel for the Respondents at his email address of record:

adam@iptech.law

This 24th day of May, 2017.

Dated: 5/24/17

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Michael Striker

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

Schiedmayer Celesta GmbH,)

)

)

Petitioner,)

)

vs.)

)

Piano Factory Group, Inc., and)

Sweet 16 Musical Properties,)

)

)

Respondents.)

)

_____)

DEPOSITION OF GLENN TREIBITZ
BURBANK, CALIFORNIA
TUESDAY, FEBRUARY 14, 2017

JOB NO. 119034
CHERYL ASADA, CSR 13496

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL & APPEAL BOARD
3

4 Schiedmayer Celesta GmbH,)
5)

6 Petitioner,)
7)

8 vs.)
9)

10 Piano Factory Group, Inc., and)
11 Sweet 16 Musical Properties,)
12)

13 Respondents.)
14)
15)
16)
17)
18)

19 DEPOSITION OF GLENN TREIBITZ, taken on behalf
20 of PETITIONER at 323 South Front Street, Burbank,
21 California 91502, commencing at 9:32 a.m. and
22 concluding at 11:36 a.m., Tuesday, February 14, 2017,
23 before CHERYL ASADA, Certified Shorthand Reporter
24 No. 13496.
25

1 A P P E A R A N C E S :

2

3 For the Petitioner:

4 STRIKER, STRIKER & STENBY

5 By: MICHAEL STRIKER, Esq.

6 103 East Neck Road

7 Huntington, New York 11743

8

9

10

11 In Propria Persona:

12 GLENN TREIBITZ

13 323 Front Street

14 Burbank, California 91502

15

16

17 Also Present:

18 RIC OVERTON

19

20

21

22

23

24

25

I N D E X

W I T N E S S :

GLENN TREIBITZ

PAGE

EXAMINATION BY MR. STRIKER

6

INFORMATION REQUESTED:

(NONE)

QUESTIONS INSTRUCTED NOT TO ANSWER:

(NONE)

E X H I B I T S

PETITIONER'S

DESCRIPTION

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E X H I B I T S

(continued)

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1 BURBANK, CALIFORNIA;

2 TUESDAY, FEBRUARY 14, 2017, 9:32 A.M.

3 ***

4 GLENN TREIBITZ,

5 having been duly administered an oath

6 in accordance with CCP 2094, was

7 examined and testified as follows:

8 ***

9 EXAMINATION

10 BY MR. STRIKER:

11 Q. Can you state your full name for the record,
12 please?

13 A. Glenn Richard Treibitz.

14 MR. STRIKER: Before I proceed with the taking
15 of this deposition, I need to make a statement for the
16 record. I was informed yesterday afternoon by e-mail
17 from Mr. Stephenson, attorney for the respondents, that
18 he would not be attending this deposition today.

19 I understand from his e-mail that he has no
20 objection to the deposition proceeding and that he
21 expects it to do so.

22 I further understand that he is not attending
23 today because Mr. Treibitz preferred that he not attend
24 today for some reason.

25 The e-mail also indicated that Mr. Stephenson

1 desired or at least Mr. Treibitz desired to have
2 Mr. Overton attend the deposition. As I understand the
3 situation, Mr. Overton is not an officer or director of
4 either of the respondents in this case. And if that is
5 the case, then Mr. Overton does not have the right to
6 attend this deposition.

7 Nevertheless, as a matter of courtesy, I will
8 not object to having Mr. Overton attend the deposition
9 provided that it is understood that he is only as an
10 observer, and that he will not in any way coach or in any
11 way suggest any answers or otherwise to the witness. And
12 if he does so, then I will ask him to leave.

13 So on that basis, I will not object to having
14 Mr. Overton attend the deposition merely as an observer.

15 BY MR. STRIKER:

16 Q. Mr. Treibitz, as I understand the situation
17 from the e-mail that I received, you preferred to not
18 have Mr. Stephenson here today. Can you give me a reason
19 for that?

20 A. The reason is simple. I think the facts speak
21 for themselves and I thought it would be a waste of his
22 time and money.

23 Q. Well, you don't mean his time and money, do
24 you? You mean your --

25 A. His time, my money.

1 Q. So you felt and continue to feel that his
2 attending of the deposition here today would be a waste
3 of your money?

4 A. Yes.

5 Q. Are you paying Mr. Stephenson for his services
6 rendered in connection with this petition for
7 cancellation?

8 A. Yes, I am.

9 Q. You pay him over the period of time of this
10 proceeding?

11 A. Yes.

12 Q. Okay. How do you pay him? Do you pay him by
13 check or by wire transfer?

14 A. He's paid by check.

15 Q. Periodically?

16 A. When there's a -- a bill due.

17 Q. Uh-huh. Okay. I, for my own reasons, have a
18 problem with that. And the way we can resolve that is
19 very simple. What I would like you to do, since we're
20 still in the discovery stage of this proceeding, is to
21 take those checks and delete the amounts, because I'm not
22 interested in the amounts, and produce those checks in
23 connection with this proceeding. Will you agree to do
24 that?

25 A. I object on the relevancy of the checks.

1 Q. Well, I have reason to believe that you're not
2 being charged for your services in this case, and that
3 there is an ulterior motive involved in the proceeding.
4 I believe you don't really care about the Schiedmayer
5 trademark registration, but that there is some ulterior
6 motive that you have in proceeding in defending the case
7 and I think that is something that the trademark trial
8 and appeal board would frown upon. And, therefore, I
9 think it's relevant. And it's certainly not burdensome
10 for you, is it? So will you agree to it?

11 A. Based on that, I -- I have no problem with it.

12 Q. So you will produce that within -- within the
13 next 30 days?

14 A. Yes.

15 Q. Okay. Good. Can you give me an indication of
16 your employment background starting with your association
17 with the sale of pianos?

18 A. I'm not quite sure I understand what your
19 question is.

20 Q. All right. Give me, if you would, a brief
21 summary of your business background.

22 A. Okay. I've been in the piano business as a
23 salesperson in management for right about 30-some-odd
24 years. And I have sold most brands of pianos, new and
25 used.

1 Q. For what companies?

2 A. Very first company was Altenburg Piano House,
3 then the Baldwin factory stores in Manhattan, and --

4 Q. About what time period was that?

5 A. Baldwin factory stores were '85 to '87;
6 Altenburg was '81 to '85; California, the Colton Piano
7 Company, 1988; Brian Lee Music --

8 Q. When did you become associated with Piano
9 Factory Group?

10 A. 1994.

11 Q. Did you form Piano Factory Group?

12 A. It was formed by my father.

13 Q. Was your mother involved, as well?

14 A. No, she was not.

15 Q. What was the business of Piano Factory Group?

16 A. Selling, renting pianos.

17 Q. Did there come a time when Piano Factory Group
18 ceased to exist?

19 A. There was a time, yes, when they ceased to
20 exist.

21 Q. Can you explain what transpired at that time?

22 A. The company went through an assignment for
23 benefit of creditors. And my father, who was the
24 principal, had passed in 2000. And at that point, my
25 mother assumed the ownership of the company.

1 Q. Well -- are you finished with your answer?

2 A. Yes.

3 Q. Okay. Why was there an assignment for the
4 benefit of creditors? Were there some financial
5 problems?

6 A. There weren't necessarily financial problems,
7 but there was an issue that could not be resolved with a
8 particular manufacturer.

9 Q. What was the issue?

10 A. It's a very complicated issue and I don't
11 believe it has any relevance on this case.

12 Q. But there was some issue with some manufacturer
13 and for that reason, you wanted to dissolve Piano Factory
14 Group. Is that correct --

15 A. My mother chose to form a new company at that
16 time.

17 Q. What was the new company?

18 A. It was Sweet 16 Musical Properties.

19 Q. Okay. In the course of this deposition, I'm
20 going to, from time to time, probably refer to Sweet 16
21 Musical Properties as Sweet 16 --

22 A. Im fine with that.

23 Q. -- and I will refer to Piano Factory Group,
24 Inc., a California corporation, I'll just refer to it as
25 Piano Factory.

1 A. Okay.

2 Q. Do we understand each other?

3 A. Yes.

4 Q. Okay. Did there come a time, then, when Piano
5 Factory assigned all of its assets to a third-party,
6 Equitable Transitions, Inc., which, in turn, assigned the
7 assets to Sweet 16?

8 A. It -- it wasn't quite an assignment. There was
9 a purchase of the assets.

10 Q. Okay. We -- we generally refer to -- to that
11 as an assignment, but if you prefer to call it a
12 purchase. There was a purchase of all of the assets by
13 Equitable Transitions?

14 A. Correct.

15 Q. Would it be correct that that took place in
16 2006?

17 A. I believe so, yes.

18 MR. STRIKER: Okay. I'm going to hand you a
19 document. Well, first I'm going to have it marked for
20 identification as Petitioner's Exhibit 1.

21 (Exhibit 1 was marked for identification
22 by the shorthand reporter.)

23 BY MR. STRIKER:

24 Q. Can you identify that?

25 A. Okay.

1 Q. Can you identify it?

2 A. Yes.

3 Q. What is it?

4 A. What is this (indicating)?

5 Q. Yes.

6 A. It's a -- it's my affidavit.

7 Q. And you signed it, sir?

8 A. Yes, I did.

9 Q. Okay. And what is attached to it?

10 A. Attached to it is the -- looks like the
11 Equitable Transitions information.

12 Q. Okay. In the affidavit, you say that you
13 control Sweet 16. Is that correct?

14 A. Uh-huh.

15 Q. Do you own Sweet 16?

16 A. Now I'm -- I'm the -- one of the shareholders.

17 Q. Well, who are the other shareholders?

18 A. The other shareholder -- well, I -- I'm the
19 main shareholder. But my brother has some shares as
20 well.

21 Q. Who is Cheryl Fox?

22 A. Cheryl Fox is my sister.

23 Q. Does she have any interest in Sweet 16?

24 A. No, she doesn't.

25 Q. Did she have any interest in Sweet 16?

1 A. No, she didn't.

2 Q. Did she have an interest in Piano Factory?

3 A. Yes, she did.

4 Q. What interest did she have in Piano Factory?

5 A. In a -- in a trust that my father put together.

6 Q. Did there come a time when the assignment was
7 recorded with the trademark office?

8 A. The assignment --

9 Q. Or the purchase documents, if you will, of --
10 of Sweet 16 that are attached to your affidavit, did
11 there come a time when those were recorded with the
12 trademark office?

13 A. I believe there was a recent recording of
14 those.

15 Q. Was there any reason why the -- the document
16 wasn't recorded in 2006?

17 A. We were continuing to use all of the names that
18 we purchased, including Piano Factory Group, as a dba
19 and --

20 Q. But my question is: Was there a reason why the
21 documents weren't recorded in 2006 --

22 A. There -- there was no reason.

23 Q. Is it not correct that the -- the documents
24 attached to your affidavit and the documents that were
25 recorded with the trademark office are incomplete?

1 A. Can you repeat the question?

2 Q. Do you have any reason to believe that the
3 documents that you recorded with the trademark office
4 at -- which are the documents attached to your affidavit,
5 do you have any reason to believe that they are
6 incomplete?

7 A. I'm not sure what you mean by "incomplete."

8 Q. Okay. Are there any, to your knowledge, parts
9 of the assignment or purchase documents, if you will,
10 that formed a part of the transfer but were not recorded
11 with the trademark office? Would you prefer that I
12 rephrase the question?

13 A. Okay.

14 Q. I'm going to refer to the document attached to
15 Exhibit 1, which is entitled, "Verification of Creditor
16 Claims." And I'm going to read into the record what it
17 says because it's brief, (reading):

18 "I, Rhoda Treibitz, in my capacity as
19 president of the Piano Factory Group, dba
20 Hollywood Piano, hereby declare and state
21 under penalties of perjury under the laws
22 of the State of California that the
23 attached list is, to the best of my
24 knowledge and information, a complete
25 list of the names, addresses and amounts

1 owed for each of the creditors of the
2 Piano Factory Group, Inc., dba Hollywood
3 Piano."

4 And is it not correct, sir, that there is no
5 such attachment to the documents attached to your
6 affidavit?

7 A. Again, I'm not quite sure what you're -- what
8 you're meaning that --

9 Q. Well --

10 A. I didn't -- I didn't produce a statement such
11 as that. Is that what you're referring to?

12 Q. The declaration of -- the verification of Rhoda
13 Treibitz refers to a complete list, and there is no
14 complete list here. Would you agree with me?

15 A. No complete list of what?

16 Q. Of the creditors of Piano Factory.

17 A. Yes, I'll agree there's no complete list here.

18 Q. So the document, then, is incomplete?

19 A. The document -- my document?

20 Q. Yes, the doc- -- the assignment document is
21 incomplete because part of it is a list of the creditors
22 which is not here. Correct?

23 A. I wouldn't call it incomplete. We -- we tried
24 to find as much as we can from what is -- amounts to
25 ancient history.

1 Q. I noticed that when referring to Piano Factory
2 in the -- the purchase documents, it is referred to as
3 a -- with the dba Pia- -- Hollywood Piano. Is that
4 correct, sir?

5 A. Yes.

6 Q. So did Piano Factory, then, do business under
7 Hollywood Piano?

8 A. There was a time when both names were used. It
9 was Piano Factories' Hollywood Piano.

10 Q. What kind of recordkeeping does Sweet 16
11 maintain?

12 A. Normal business recordkeeping.

13 Q. And how would you describe that?

14 A. How would I describe my recordkeeping --

15 Q. Yeah.

16 A. -- our recordkeeping?

17 Q. For Sweet 16 or Hollywood Piano.

18 A. I'm not -- I'm not quite sure what you mean by
19 how would I describe it.

20 Q. Well, do you keep files, filing cabinets with
21 documents regarding the sales and rentals of pianos?

22 A. Yes, we do for a certain amount of time.

23 Q. Uh-huh. What -- what amount of time?

24 A. Usually, we -- we'll keep them a few years.

25 Q. Well, you would be required under tax laws to

1 keep them for about three years, wouldn't you?

2 A. Yes, whatever the requirement is.

3 Q. And you keep files of these various
4 transactions relative to the sale or promotion or rental
5 of the pianos. Would that be correct?

6 A. That's correct.

7 Q. Are they maintained here or in Pasadena or some
8 other location?

9 A. They're maintained here.

10 Q. Okay. Do you sell upright pianos?

11 A. Yes, we sell upright pianos.

12 Q. Grand pianos?

13 A. We sell grand pianos.

14 Q. And what is a grand piano?

15 A. Grand piano is a piano on three legs that opens
16 up.

17 Q. What is a baby piano?

18 A. That's a smaller version of the same thing.

19 Q. What's a digital piano?

20 A. That's a piano that plugs into the wall.

21 Q. So it's an electronic piano?

22 A. Right.

23 Q. Do you sell electronic pianos?

24 A. Yes.

25 Q. Do you sell electronic pianos under the

1 trademark Schiedmayer?

2 A. We have.

3 Q. When?

4 A. When we were dealing with a company that was
5 giving us pianos that we were able to add our name to.

6 Q. And when was that? What time frame?

7 A. I don't remember.

8 Q. Or how long ago was it, about?

9 A. It was quite a while ago --

10 Q. How many years?

11 A. -- because that company is no longer in
12 business.

13 Q. What company is that?

14 A. That's a -- American Sejung Corporation.

15 Q. Can you give me -- American what?

16 A. American Sejung, S-e-j-u-n-g.

17 Q. When did they go out of business?

18 A. I guess it's going to be about six or seven
19 years. Maybe not that long. Maybe four or five years.

20 MR. STRIKER: I'm going to hand the court
21 reporter another document. Ask that it be marked as
22 Petitioner's Exhibit 2.

23 (Exhibit 2 was marked for identification
24 by the shorthand reporter.)

25 ///

1 BY MR. STRIKER:

2 Q. Can you identify that document?

3 A. Well, it looks like a printout from the
4 trademark search system.

5 Q. Correct. It is. I'll represent to you that it
6 is a patent office printout of the Schiedmayer trademark
7 registration. Okay? It is the registration which is
8 involved in this proceeding.

9 Now, I notice that the owner, which was
10 presumably the Applicant, is Piano Factory Group, Inc.,
11 corporation of California. Do you agree with that?

12 A. Do I agree that that is the owner stated on
13 this page?

14 Q. Yes.

15 A. Yes, I agree.

16 Q. So according to this document, the application
17 was filed on August 24th, 2002, by Piano Factory Group, a
18 California corporation. Correct?

19 A. Correct.

20 Q. And in the course of the prosecution of this
21 registration, it became necessary for the registrant,
22 Piano Factory Group, a California corporation, to file a
23 declaration of use.

24 MR. STRIKER: I hand the court reporter two
25 photographs and ask that they be marked as Petitioner's

1 Exhibit 3.

2 (Exhibit 3 was marked for identification
3 by the shorthand reporter.)

4 BY MR. STRIKER:

5 Q. Do you have them in front of you now, sir?

6 A. Yes.

7 Q. Okay. I'm going to represent to you that those
8 were the photographs submitted in connection with the
9 declaration of use with respect to maintaining the
10 subject trademark registration. Do you recognize them as
11 such?

12 A. Okay. So you're representing to me that these
13 photographs are from this 2002 filing?

14 Q. The declaration of use, which was filed within
15 the 5th to 6th year of the registration, that those are
16 the -- those are the photographs submitted to show the
17 current use and continuous use of the Schiedmayer
18 trademark on pianos which were filed together with the
19 declaration of use. I'm representing that to you. Okay?

20 And my question to you with regard to those
21 photographs: Is that the typical way in which a
22 Schiedmayer piano is offered for sale?

23 A. Okay. So you're asking if these pictures
24 represent how a Schiedmayer piano is offered for sale?

25 Q. Yes.

1 A. Yes.

2 Q. All right. How is the label affixed to the
3 piano?

4 A. How is it affixed?

5 Q. Yes.

6 A. It's glued on.

7 Q. So there's a -- a plaque of some sort of with
8 adhesion on it, adhesive, and you stick it on the piano?

9 A. That's correct.

10 Q. How much do these pianos cost?

11 A. How much do they cost? Is that a -- a retail
12 cost? Wholesale cost?

13 Q. A retail cost to the consumer.

14 A. Baby grand like this may be \$6,000.

15 Q. So are you suggesting to me, sir, that a
16 consumer is going to buy a \$6,000 piano where the label
17 is stuck on?

18 A. Yes.

19 Q. And can be simply removed, just popped off?

20 A. Well, it's not very easy to pop off.

21 Q. But it could be simply popped off because it's
22 just stuck on there.

23 A. It could be popped off.

24 Q. And somebody is willing to pay \$6,000 for a
25 baby grand piano, is that your testimony, with a pop-off

1 -- pop-off label on it?

2 A. Well, I object to the question because
3 you're -- you're inserting an assumption in there.

4 But I will say for the record, in a question
5 I've already answered that, yes, absolutely people will
6 buy a piano that has a plate on the front.

7 Q. Who manufactured this piano?

8 A. Beijing Piano Factory.

9 Q. So this is a Chinese piano?

10 A. Yes, it is.

11 Q. Now, we spoke earlier of the declaration of use
12 and you testified with respect to the photographs of the
13 baby grand piano with the removable label which cost
14 \$6,000. And these were used as specimens in connection
15 with the declaration of use. I'm now going to hand you
16 the combined declaration of use with respect to which
17 these photographs were submitted.

18 MR. STRIKER: I will ask the court reporter to
19 mark this for the next successive exhibit.

20 (Exhibit 4 was marked for identification
21 by the shorthand reporter.)

22 BY MR. STRIKER:

23 Q. Now, this document, I will represent to you, is
24 a copy of the declaration of use that was filed in
25 connection with the subject registration.

1 And referring to the top of the first page, I'm
2 going to read into the record what it says under the
3 trade- -- under the statement Mark Schiedmayer,
4 (reading):

5 "The owner, Piano Factory Group, a
6 corporation of California."

7 So would it be correct, sir, that the
8 declaration of use was filed in the name of Piano Factory
9 Group, a corporation of California?

10 A. Yes, it would seem that the filing was
11 submitted that way.

12 Q. And is it not correct, sir, that at the date of
13 filing of the declaration of use Piano Factory Group, a
14 corporation of California, was not the owner of the
15 registration?

16 A. Can you rephrase the question?

17 Q. Okay. This declaration of use was filed in
18 2014. The notice of acceptance is dated May 6, 2014. Is
19 it not correct, sir, that in the year 2014, Piano Factory
20 Group, a California corporation, was not in existence?

21 A. Piano Factory Group was a subsidiary of
22 Sweet 16 Musical Properties. And at the time of this
23 filing, there were still a great many things that were
24 under that name.

25 Q. Well, let me rephrase the question. Is it not

1 true that in the year 2014, Piano Factory Group, a
2 corporation of California, did not own the trademark
3 registration that we're talking about in this proceeding?

4 A. I believe I've answered the question, but I'll
5 restate the fact that Piano Factory Group was operating
6 under a dba from the main corporation and had all legal
7 authority at that point.

8 Q. Was there not an assignment in the year 2006 of
9 all of the assets of Piano Factory Group, a California
10 corporation?

11 A. I believe we've covered that already.

12 Q. Can you answer the question?

13 A. Can I answer the question? I've answered the
14 question. I object to that.

15 Q. It's either a "yes" or "no." Is it not true
16 that in 2006, Piano Factory Group, a California
17 corporation, assigned all of its assets, including,
18 presumably, all of its assets would include the trademark
19 registration and, therefore, did not own the trademark or
20 the registration after 2006? Isn't that correct?

21 A. After 2006, Sweet 16 Musical Properties
22 purchased the assets of Piano Factory Group, which
23 included the trademarks owned by Piano Factory Group.

24 Q. Correct. And is it correct, sir, that the
25 declaration of use was never signed by Sweet 16?

1 A. The declaration of use, you're talking about
2 this Exhibit 4?

3 Q. Yes.

4 A. It was signed by someone who was working at the
5 time for Sweet 16.

6 Q. That's not my question.

7 A. What is your question?

8 Q. My question is: Is it correct that the
9 declaration of use was never signed on behalf of Sweet 16
10 as the owner?

11 A. That's not correct. Whoever signed the
12 declaration at the time signed on behalf of Sweet 16 and
13 its dbas.

14 Q. But this is not a dba. I don't want to argue
15 with you. But what it says is "Piano Factory Group, a
16 corporation of California." That's not a dba. That's a
17 corporation. Correct?

18 A. Yes.

19 Q. So this was not signed by a dba. This was
20 signed by a corporation called Piano Factory Group. And
21 what I'm ascertaining or trying to ascertain is that, in
22 fact, in 2006, Piano Factory Group, a California
23 corporation, assigned all of its assets and no longer
24 existed. It had no assets. Correct? It had no
25 authority to sign this declaration of use, did it?

1 A. It signed on behalf of Sweet 16, which was a --
2 it was a fully-owned subsidiary of -- Sweet 16 subsidiary
3 was Piano Factory Group.

4 Q. Okay. And do -- do you have any documents that
5 show that Piano Factory Group is a subsidiary of
6 Sweet 16? There must be some corporate records that show
7 that. Can you produce those for me?

8 A. Well, you have that in the -- in the equitable
9 transition assignment for benefit of creditors.

10 Q. All right. Is that your testimony, that that's
11 the only documentation to prove that it's a subsidiary?

12 A. Other than advertising which combines the --
13 the names, that would be the main document.

14 Q. Okay. But you have no governmental records,
15 State records, City, or any other records other than
16 the --

17 A. Yeah, I -- I believe there were dbas filed with
18 the State of California.

19 Q. Well, you didn't refer to a dba. You referred
20 to a subsidiary. Is that correct, sir?

21 A. Yes, but I was using them, unfortunately,
22 interchangeably. But, yeah, the -- the functions of
23 Piano Factory Group were continued under Sweet 16 who
24 purchased them.

25 Q. Right. So Sweet 16, as of 2006, became the

1 owner of the registration. Is that correct?

2 A. Along with the subsidiary names.

3 Q. In the course of this proceeding, I, as counsel
4 for the petitioner, caused to be served on Mr. Stephenson
5 four series of document requests. Did you receive those
6 document requests?

7 A. Yes.

8 Q. And what did you do with those document
9 requests?

10 A. Read them.

11 Q. Well, did you do anything else?

12 A. Provided what I could provide.

13 Q. Okay. Did you conduct searches of your
14 records?

15 A. Yes.

16 Q. And did you understand the document requests?

17 A. Yes.

18 Q. And you searched your records and you supplied
19 to Mr. Stephenson those records which you could locate in
20 response to the document requests. Is that correct?

21 A. Yes.

22 Q. So as far as you know, there are no other
23 documents. You've completed your searches, I presume?

24 A. Yes.

25 Q. Okay. I'm going to represent to you that I

1 conferred with Mr. Stephenson and I gathered together all
2 of the documents that you produced other than the file
3 history of the trademark application. And they come to a
4 total of 21 pages, which I have marked with Bates
5 numbers, that is, consecutive numbers, 21 pages. This
6 represents all of the documents that I received, and I
7 have conferred with Mr. Stephenson and he agrees with
8 that.

9 MR. STRIKER: I'm going to hand the court
10 reporter these 21 pages and ask it be marked with the
11 next consecutive exhibit number.

12 (Exhibit 5 was marked for identification
13 by the shorthand reporter.)

14 BY MR. STRIKER:

15 Q. Okay. Do you want to review that?

16 A. Okay.

17 Q. All right. Do you have any problem with that
18 exhibit, any -- any disagreement with those 21 pages?

19 A. No.

20 Q. Okay. And the four document requests that I
21 served and that you received, I repeatedly asked for all
22 documents relating to any type of promotion of the
23 Schiedmayer brand piano, and the only thing that I
24 received are the first six pages of that exhibit which
25 represents your website.

1 Would you look at the first six pages and tell
2 me if you agree that that's your current website?

3 A. Yes.

4 Q. And would it be correct that the only reference
5 to Schiedmayer appears on Page 5, the last page, in small
6 type with all of the other piano brands there? Is that
7 correct?

8 A. That's correct.

9 Q. And is that the only promotion material that
10 you've been able to locate relative to the Schiedmayer
11 brand piano?

12 A. Yes.

13 Q. That's it. Correct?

14 A. Uh-huh. Yes.

15 Q. All right. I notice that on the first page of
16 your website, there's a search engine. Is that correct,
17 sir?

18 A. Yes.

19 Q. What is the purpose of the search engine?

20 A. Just to allow people to search a website.

21 Q. For what? What's the purpose of searching the
22 website?

23 A. The purpose of searching the website is to
24 search out information on the website.

25 Q. So, for instance, if I were to put in Young

1 Chang, could I get some information about Young Chang?

2 A. This was something that was put in by our web
3 guy, so I'm not quite sure what it's hooked to.

4 Q. You don't know what your own search engine is
5 used for?

6 A. It was to simplify the user experience.

7 Q. So if somebody wanted to learn something more
8 about a piano, they could insert that information in the
9 search engine and then they would get some information.
10 Is that correct?

11 A. Well, I object to the question in that you're
12 character- -- characterizing this as a search engine.
13 It's not a search engine. It's a --

14 Q. Well, a search -- it says "search" here. Yeah.

15 A. It says "search."

16 Q. But if -- if you prefer not to use the
17 "engine," it --

18 A. Well, that implies something different than
19 what this is.

20 Q. Well, I don't want to do that. I want to -- to
21 understand that this is an area where the website can be
22 searched. Is that correct, sir?

23 A. That's correct.

24 Q. Presumably, you sell pianos. If somebody puts
25 in a piano name, there would be some information about

1 the piano. Would be that correct?

2 A. Correct.

3 MR. STRIKER: All right. I hand the court
4 reporter the next exhibit, ask that it be marked.

5 (Exhibit 6 was marked for identification
6 by the shorthand reporter.)

7 BY MR. STRIKER:

8 Q. So I'm going to represent to you, sir, that
9 those are the recently-printed search results from your
10 search facility, if you will, on the first page of your
11 website.

12 Would it be correct that when inserting
13 information on various pianos, I believe Young Chang and
14 Kurzweil and three or four others, information about the
15 piano appears. Is that correct?

16 A. That's correct.

17 MR. STRIKER: All right. I'm going to ask the
18 court reporter to mark this next exhibit.

19 (Exhibit 7 was marked for identification
20 by the shorthand reporter.)

21 BY MR. STRIKER:

22 Q. All right. This next exhibit that I'm handing
23 to you is a result for a search en- -- a search for
24 Schiedmayer. I'm going to read into the record the
25 result. (Reading):

1 "Your search for Schiedmayer did not
2 match any entries."

3 Why is that?

4 A. You're asking me why --

5 Q. Yes, I am.

6 A. There are no entries in Schiedmayer.

7 Q. There are entries for other pianos. Why aren't
8 there entries for Schiedmayer?

9 A. Schiedmayer is what we call a house brand. And
10 at the time of the Schiedmayer filing, there were other
11 brands that we filed at the same time to be used as house
12 brands and this is one of them.

13 So none of those other pianos that are on that
14 -- were -- were part of that initial filing in, I believe
15 2002, none of them also have a page here because we just
16 use them as needed.

17 Q. So because it's a house brand, there are no
18 entries for it. Is that correct, sir?

19 A. That's correct.

20 Q. What do you mean by "house brand"?

21 A. It's a brand owned by the house and it may not
22 be a complete line of pianos.

23 Q. Can you give me some other house brands of
24 Sweet 16?

25 A. Sure. The B. Shoninger. And there could be

1 one other. I -- I don't recall off the top of my head.
2 Vose & Son (sic) was another one that we registered at
3 the same time.

4 Q. You say you registered it?

5 A. We trade -- we -- we trademarked a number of
6 names on the same occasion, and Schiedmayer was one of
7 those names.

8 Q. Right. Did you say you -- you trademarked Vose
9 & Sons?

10 A. Yes.

11 Q. You own the registration for it?

12 A. No, we -- we no longer own the registration for
13 it.

14 Q. Did you have a registration?

15 A. We did.

16 Q. And what happened?

17 A. A notorious trademark theft -- thief in the
18 piano musical industry set their sights on it and...

19 Q. And who is this notorious thief?

20 A. I don't remember his name any longer. It was
21 so long ago. He was involved in other trademark theft
22 from Yamaha and from another company. But anyway,
23 that -- that was part of that.

24 Q. So you had a registration, but you lost it
25 because of some thief. Is that your testimony? I'm just

1 trying to understand.

2 A. Yeah, the -- the -- it was an unscrupulous
3 person. And at the time, we didn't want to spend the
4 money on the defense.

5 Q. But you owned the registration?

6 A. Yes.

7 Q. How long did you own the registration for Vose
8 & Sons?

9 A. It was for -- for a number of years.

10 Q. So you owned the registration for a number of
11 years, and then some thief came along. Is that correct?

12 A. Yeah, basically. Someone who, basically, has
13 a -- a -- he tries to take on trademarks and he's
14 been successful with the --

15 Q. Tried to cancel it. Is that right?

16 A. I don't remember the details of what happened.
17 All I remembered was at that point, we just decided not
18 to spend money on it.

19 Q. On the registration?

20 A. On the fight for the registration.

21 Q. Well, you had -- did you have the registration
22 and then this thief came along? Is that -- is that --

23 A. Someone who is like a trademark raider. Maybe
24 not characterize him as a thief, but a trademark
25 raider --

1 Q. Okay.

2 A. -- in the piano industry.

3 Q. Just so I understand, you -- is it your
4 testimony that you had a registration. You had it for a
5 period of time. Some kind of trademark raider came along
6 and you did not want to spend the money defending the
7 registration. Is that correct?

8 A. Yeah, I believe that that was what happened.
9 But I -- I -- I'm -- I don't -- it was quite a long while
10 ago, so I don't remember all the details.

11 Q. All right. But did you or did you not have the
12 registration?

13 A. We had the registration.

14 Q. And that's clear?

15 A. I believe so, yes.

16 Q. Yeah, uh-huh. And do you recall how long you
17 had the registration?

18 A. I don't remember for how long we had it, but we
19 had it for a -- a little while.

20 Q. The registration?

21 A. Yeah.

22 MR. STRIKER: Okay. I hand the court reporter
23 the next exhibit.

24 (Exhibit 8 was marked for identification
25 by the shorthand reporter.)

1 BY MR. STRIKER:

2 Q. Can you identify that?

3 A. Yeah, Vose & Sons.

4 Q. Right. Now, I'm going to represent to you that
5 that's a -- a -- a printout from the trademark office,
6 okay, of the registration.

7 A. Right.

8 Q. Or I should say of the application. Because,
9 sir, according to that document -- if I could have it
10 back for a moment just to check one thing, please.

11 Because, in fact, sir, you never had a
12 registration, did you? It was abandoned before it ever
13 registered.

14 A. I don't remember the details of this.

15 Q. But you told me it was registered and, in fact,
16 that's --

17 A. I believed it was registered.

18 Q. You told me it was registered and some thief
19 came along. But it was never registered. Why is your
20 testimony false?

21 A. I object.

22 Q. It's either true or it's false. It's one of
23 the two. Why did you testify that this registration
24 issued to you and you had it for a period of time and
25 some thief came along --

1 A. Okay.

2 Q. -- when, in fact, --

3 A. So let me -- let me explain that we filed this
4 in 2002 and began using it and had pianos with that mark
5 on there.

6 Q. Wait. That's not what I'm asking you. I'm
7 asking you why you told me it was registered when it
8 wasn't. You must know whether your trademarks are
9 registered or not.

10 A. Quite frankly, sir, I don't remember the
11 details of something that happened 15 years ago. I do
12 remember that we registered the trademark or we --

13 Q. But --

14 A. -- applied for the registration. I don't
15 remember what the details were where we didn't follow
16 through with it.

17 Q. But there was no thief, was there?

18 A. Yes, there was.

19 Q. There was a -- it never registered.

20 A. There was a gentleman who tried to obtain the
21 mark and I can try to find out this gentleman's name.
22 Frank McHugh might have that information.

23 Q. Okay.

24 A. But that was four years after the filing.

25 Q. There came a time, did there not, when you

1 decided you would like to own the trademark Schiedmayer
2 for pianos. Is that correct, sir?

3 A. Yes.

4 Q. Why?

5 A. Why do I want to own the trademark?

6 Q. Schiedmayer for pianos.

7 A. Because they were being sold by a company named
8 Kawai.

9 Q. When you say "they," what does that -- what
10 does that mean?

11 A. The Schiedmayer trademark was used on pianos
12 made by the Kawai piano company. We were a dealer for
13 the Kawai piano company, and we sold some of the
14 Schiedmayer-branded pianos which we purchased from them.

15 Q. Did you know at that time anything about the
16 history of Schiedmayer?

17 A. No.

18 Q. So was it just a name that was taken out of a
19 book. You had no idea about the history?

20 A. No.

21 Q. When did you find out?

22 A. It was long after the purchase of the -- of the
23 trademark, your client, Elaine Schiedmayer, called me --
24 and this was about ten years ago. And she was interested
25 in Schiedmayer.com, and she asked me why I had it. And

1 she was interested in it. I told her that we owned the
2 name and make pianos under that name.

3 Q. I'm not asking -- is that how you found out
4 that --

5 A. Yeah --

6 Q. -- she --

7 A. -- when she -- when she contacted me, then I
8 researched it a bit. And that was really my first -- my
9 first knowledge of who she was and what the company was.

10 Q. Okay. So about ten years ago, you found out
11 something about the history of Schiedmayer, and
12 previously, you didn't know anything about it?

13 A. Yeah, previously I was just reviving a -- an
14 abandoned trademark.

15 Q. Well, you say it was reviving an abandoned
16 trademark. How did you know that it was abandoned?

17 A. I searched the same electronic system that you
18 searched in this paper that you gave me, and looked
19 for -- I just wrote down names that I thought sounded
20 good and that was one of them.

21 Q. So you thought Schiedmayer sounded good?

22 A. No, I knew that Kawai ceased manufacturing
23 pianos under that name.

24 Q. So your testimony is that Kawai ceased
25 manufacturing Schiedmayer pianos, and you just liked the

1 name but knew nothing about the history and so you
2 commenced using the mark. Is that correct?

3 A. It was a name that I liked.

4 Q. Why did you like it?

5 A. Because Kawai had put some effort into it and
6 it seemed like a no-brainer.

7 Q. What do you mean, "no-brainer"? What --
8 what -- why was it a no-brainer?

9 A. Well, in looking for potential trademarks, it
10 had been one that had been worked not so long prior to
11 the abandonment.

12 Q. Okay. So you, then, just decided to file a
13 trademark application thinking that Kawai had abandoned
14 the trademark?

15 A. I went, as I said prior, to the United States
16 Patent and Trademark Office electronic search system and
17 put in the name and found that it had been abandoned, I
18 believe, in 1987.

19 Q. I see. And, therefore, you thought it was
20 available for you and then you filed a trademark
21 application?

22 A. Yes.

23 Q. And you found out that it was, in fact, the
24 name of a historical piano name only when Ms. Schiedmayer
25 telephoned you. Is that your testimony?

1 A. Correct.

2 Q. Which was about ten years ago?

3 A. Yes.

4 MR. STRIKER: All right. Okay. Would you
5 please have this marked as the next consecutive exhibit?

6 (Exhibit 9 was marked for identification
7 by the shorthand reporter.)

8 MR. STRIKER: What number is that?

9 THE REPORTER: Nine.

10 BY MR. STRIKER:

11 Q. Exhibit 9, would you have a look at that,
12 please. It's -- I will represent to you that's a office
13 action which issued in connection with the Schiedmayer
14 trademark registration which we seek to cancel.

15 A. Okay.

16 Q. Do you remember that document?

17 A. No.

18 Q. Okay. I'm going to represent to you that that
19 is an office action which issued in connection with the
20 filing of the Schiedmayer trademark application. And I'm
21 going to represent to you that it is dated sometime in
22 the year 2003.

23 Can you hand it to me, if you would. Let me
24 just double-check the date. It is dated September 12th,
25 2003. And I'm going to read something into the record

1 from the office action, (reading):

2 "The examining attorney refuses
3 registration."

4 I'm going to sub -- subparagraph it, (continued
5 reading):

6 "Pianos are currently being made under
7 the method previously used by Schiedmayer
8 and carries the name and the Schiedmayer
9 trademark. And as such, Applicant's mark
10 suggests a false connection with pianos
11 previously and currently manufactured
12 under the trademark Schiedmayer."

13 And I'm going to further represent that there's
14 an attachment designated "Schiedmayer upright pianos
15 and -- "und" grands since 1809."

16 Now, that is dated 2003. So you must have
17 known in 2003 the background of the Schiedmayer piano.
18 Isn't that correct, sir?

19 A. No, it's not.

20 Q. You didn't read this?

21 A. I don't remember this document.

22 Q. You may have read it. You don't remember?

23 A. I -- I -- I don't remember this document and
24 the attorney just handled everything.

25 Q. Well, wouldn't the attorney have sent you a

1 copy of the office action?

2 A. Possibly.

3 Q. Are you suggesting that he would not have
4 issued -- sent you a copy of the office action?

5 A. I don't remember. It's 14 years ago.

6 Q. But an attorney would normally send you a copy
7 of a document received in the course of a prosecution of
8 an application. Wouldn't you agree with that?

9 A. No, I wouldn't.

10 Q. Well, I'm going to represent to you there was a
11 very long and detailed response filed by Mr. McHugh in
12 response to this office action. Do you have any
13 recollection of that?

14 A. No, I don't.

15 Q. So this just -- but -- but the -- you may --
16 you may have remembered it and forgotten it? Is
17 that possible?

18 A. Well, I mean, you're putting a -- a kind of a
19 compound question in there.

20 Q. You're right. And I'm -- I'm going to withdraw
21 the question. That's -- that's correct.

22 But wouldn't your attorney have sent you a copy
23 of Mr. McHugh's response? After all, he would've billed
24 for it.

25 A. It's -- it's quite possible, but I was not

1 really very -- very close to the kind of day-to-day
2 paperwork that came through the office.

3 Q. You didn't pay attention to it?

4 A. I -- I -- I -- I really don't remember.

5 Q. Don't remember what?

6 A. I don't remember this document and I don't
7 remember discussions on the document.

8 Q. Well, let's agree on this much: During the
9 year 2003, years before your testimony with regard to
10 this telephone call, if that -- this alleged telephone
11 call, years before that, in the course of prosecution of
12 the Schiedmayer trademark application, it was made
13 abundantly clear before any registration issued that
14 Schiedmayer is the name of a famous piano. Isn't that
15 correct?

16 A. This document does talk about a Schiedmayer
17 piano.

18 Q. Since 1809.

19 A. But I'm not sure which Schiedmayer piano this
20 is.

21 Q. There's more than one Schiedmayer piano?

22 A. Yes, there are.

23 Q. Okay.

24 A. There could be two or three Schiedmayer pianos.

25 Q. Now, I want to be clear as to your testimony as

1 to acquiring the Schiedmayer trademark. It's your
2 testimony, is it not, that you liked the Schiedmayer
3 mark, but you had no idea as to the history of the
4 Schiedmayer mark, is that correct, at that time?

5 A. That's correct.

6 Q. And that you believed that the Schiedmayer mark
7 had become abandoned because you did a search on the
8 trademark office, and you saw that -- you didn't see any
9 evidence of use. Is that correct?

10 A. Well, I found an evidence of abandonment.

11 Q. And what did you do, an e-mail search of
12 Schiedmayer?

13 A. An e-mail search?

14 Q. I'm sorry. Correction.

15 Did you do a Google search of -- or Bing
16 search, did you search Schiedmayer on the Internet?

17 A. Well, in 2002, that wasn't really something we
18 did.

19 Q. Why not? Why would you go to the trademark
20 office but not just simply put in the word Schiedmayer
21 and see what came up?

22 A. Well, it was a different -- different world on
23 the Internet back then.

24 Q. There was Google. There was Bing. There was
25 the Internet. Why didn't you just put the word

1 Schiedmayer in and see what came up?

2 A. I was just fixated on what was available at the
3 trademark office. At the -- at the -- at -- I was
4 looking for abandoned trademarks.

5 Q. Wouldn't you agree with me that that would be a
6 logical thing to do, just to go on and put in Schiedmayer
7 and see what came up?

8 A. Today, it would be. In 2002, not.

9 Q. Why not?

10 A. You -- your brain wasn't thinking about Google
11 searches in 2002.

12 Q. Why not? You searched the trademark office
13 online.

14 A. Trademark office was a different thing. It was
15 a -- it was a focussed particular thing.

16 Q. Okay. So your testimony is you did not do any
17 search for Schiedmayer online because it was a different
18 world. Is that right?

19 A. It -- you just didn't think about going to
20 search engines in those days.

21 Q. Okay. But if I understand correctly -- and
22 it's important -- you thought it was abandoned and you,
23 therefore, felt free to use -- to -- to apply for the
24 trademark. Correct, sir?

25 A. Correct.

1 Q. Do you recall yesterday -- were you in this
2 showroom here yesterday?

3 A. Yes.

4 Q. Do you recall a conversation with a young man
5 who had a beard? Let me help you. He took some pictures
6 of your Schiedmayer piano.

7 A. Oh, okay.

8 Q. Do you remember?

9 A. Yes.

10 Q. And do you remember that what you told him
11 regarding the acquisition of the Schiedmayer trademark?

12 A. No.

13 Q. Well, I'll tell you. You told him that you
14 bought it from Conway. Now, why did you tell him -- and
15 trust me that that's what you said. We know that. Why
16 did you say something different to him than what you're
17 saying to me under oath today?

18 A. I don't recall my conversation with him.

19 Q. It was yesterday afternoon.

20 A. No, I don't think it was yesterday afternoon.

21 Q. Trust me. It was yesterday afternoon.

22 A. Okay. I really don't remember my conversation
23 with him.

24 Q. Okay. Sir, could I have the first exhibit
25 back, please? That's Exhibit 1, I believe. Not your

1 affidavit, but the -- the website. Maybe it's 2 or 3.
2 There's the website. Thank you, sir.

3 Okay. You can put them back together there.

4 MR. STRIKER: All right. I hand the court
5 reporter another sheet of paper, ask that it be marked.

6 (Exhibit 10 was marked for identification
7 by the shorthand reporter.)

8 BY MR. STRIKER:

9 Q. Sir, can you identify the most recent exhibit?

10 A. Yes.

11 Q. What is it?

12 A. It's an e-mail from Gary Galanti of North
13 American Music.

14 Q. It is dated December 29th, 2015. Is that
15 correct, sir?

16 A. That's correct.

17 Q. All right. I'm going to read it into the
18 record because it's very short and it's easier this way.
19 (Reading):

20 "Hi, Glenn. For numerous years we
21 have sold Hollywood Pianos/Piano Factory
22 no-name pianos for use with our house
23 brands. As far as we understand, the
24 brands used on these pianos are
25 registered to Hollywood Piano or one of

1 its affiliates. One of these being the
2 Schiedmayer brand.

3 "Hope all is well and I will see you
4 soon."

5 Why did Gary Galanti send you this e-mail?

6 A. Based on your request.

7 Q. So what did you do? Did you contact
8 Mr. Galanti?

9 A. We contacted him and asked him to state that we
10 buy pianos from him for use for our house brands, as the
11 letter stated.

12 Q. Okay. What is a no-name piano?

13 A. That's a piano that's sold to piano dealers so
14 they can put their own name on it.

15 Q. Where are these pianos manufactured?

16 A. Everywhere in the world.

17 Q. Well, these pianos are manufactured in China,
18 are they not?

19 A. You're talking about these specific pianos?

20 Q. Yes.

21 A. They're not house-brand pianos.

22 Q. I'm talking about these no-name pianos.

23 A. Yeah, these are manufactured in China.

24 Q. Okay. So you purchased these from time to
25 time. Is that correct?

1 A. That's correct.

2 Q. And then you put your house brand on it?

3 A. Correct.

4 Q. And your house brand, one of them -- what was
5 the other -- the house brands you have again?

6 A. The other one that we've used is B. Shoninger.

7 Q. And what about Hollywood Piano? Do you sell
8 pianos with that --

9 A. Sometimes, yes.

10 Q. So that's a house brand also?

11 A. Yes.

12 Q. So you have Hollywood Piano, house brand. You
13 have Schiedmayer, house brand. You have B. Shoninger?

14 A. Yes.

15 Q. By the way, where did you get B. Shoninger
16 from?

17 A. B. Shoninger was a -- a -- an abandoned
18 trademark.

19 Q. Did you know anything about the history of
20 B. Shoninger?

21 A. No. I just liked the way the logo looked.

22 Q. What about Vose & Sons? Did you know about the
23 history of Vose & Sons?

24 A. No. I liked the way the logos looked. That's
25 how I selected these brands. There's a book of piano

1 brand decals.

2 Q. So you selected Schiedmayer and you selected
3 B. Shoninger and you selected Vose & Son because you
4 liked the way they sound. Is that correct, sir?

5 A. Because I like the way they looked.

6 Q. You like the way they looked?

7 A. On paper, yeah.

8 Q. But you had no idea whether they had any
9 historical significance at all?

10 A. That wasn't a concern.

11 Q. That's not what I asked you. You had no idea
12 that they had -- were of historical importance or had a
13 history of piano manufacturers? You didn't know that?

14 A. I didn't know the specific histories, but yes,
15 any old name out there is going to have a history.

16 Q. So you knew that there was a history. Correct?

17 A. I knew that there was a history to the brands,
18 but I didn't know the specific history.

19 Q. But you know there was a history to each these
20 brands. Correct?

21 A. Of course there's a history to a -- to a brand.

22 Q. Well, isn't it likely somebody is purchasing a
23 piano -- and that's a big investment -- and they may well
24 know something about the history of pianos, wouldn't they
25 just assume, if they see a B. Shoninger, that it might

1 have some association with the historical manufacturing
2 and sale of those pianos?

3 A. I don't think so.

4 Q. No? Well, what about Schiedmayer? Somebody
5 sees Schiedmayer on a piano and they had known something
6 about the pianos because they're prepared to spend
7 thousands of dollars on one, and they see the name of
8 historically-important piano -- a piano name on it, isn't
9 it logical that they would assume that there is some
10 association with the historical significance of that
11 name?

12 A. No.

13 Q. It's not logical?

14 A. No. You have a --

15 Q. So the -- the customer comes in, he knows about
16 the historical importance, the greatness of the
17 Schiedmayer brand, comes into Hollywood Piano, sees a
18 Schiedmayer piano. Is it your testimony that person is
19 not going to assume some connection with the Schiedmayer
20 brand? Is that your testimony?

21 A. You're assuming that the customer knows
22 something about brands before they come in.

23 Q. I do, yes.

24 A. Okay. Well, that's not correct.

25 Q. That's not correct?

1 A. Right.

2 Q. What's not correct?

3 A. The fact that the customer is going to know
4 something about brands prior to coming in.

5 Q. So you think no -- no customer will know about
6 the historical significance of B. Shoninger or Vose &
7 Sons or Schiedmayer? No customer coming in here is going
8 to know that?

9 A. In my experience, very, very rarely is -- other
10 than famous brands that people know, is that an issue for
11 people.

12 Q. Why did you pick for these house brands; Vose &
13 Sons, which you've used for awhile; B. Shoninger;
14 Schiedmayer, why did you -- in each event, your only
15 house brands are the names of historically-significant
16 piano manufacturers. Can you explain why?

17 A. I've already explained this in a prior
18 question, but I will repeat it one final time. I had a
19 book of decals. I looked through the book and I saw
20 which ones I liked, made a list of a long 20 or 30 of
21 them, then went to the trademark office search and
22 searched every one of those. And that's how I selected.

23 Q. Tell me about this book of decals. Do you have
24 it?

25 A. Possibly, yeah.

1 Q. Where is it?

2 A. I don't have it here. This is not my -- my
3 room.

4 Q. Well, what is it? What book is that?

5 A. It's a book -- if -- if you're selling pianos
6 and say you're refinishing a piano, there's a book with
7 all the decals of all the pianos from all time.

8 Q. What's the name of this book? I want a copy of
9 it. Where -- where do I get this book?

10 A. I don't know where you can get it, but I can
11 find that information out for you. I'd be happy to do
12 that.

13 Q. Okay. Please do that. And we agree you'll do
14 that, you'll --

15 A. Yes.

16 Q. -- give me information --

17 A. Yes.

18 Q. On this book so --

19 A. Absolutely.

20 Q. And you will produce that information, let's
21 say, within the next 30 days?

22 A. Sure.

23 Q. Okay.

24 A. It's called Decals, Et Cetera or something. I
25 don't remember.

- 1 Q. Okay.
- 2 A. May I -- may I ask --
- 3 Q. No.
- 4 A. -- Ric if he knows the -- the name?
- 5 Q. No. Ric is here as an observer only.
- 6 A. Okay.
- 7 Q. Let's get back to the last exhibit, which is
8 this e-mail from Mr. Galanti. As I understand it, you
9 requested him to send you this e-mail. Correct?
- 10 A. Yes.
- 11 Q. Okay. And he refers to no-name pianos, which,
12 I believe, we've established are manufactured in China.
13 Correct?
- 14 A. Yes.
- 15 Q. And just so we understand each other, these
16 pianos are then used for your house brands. Correct?
- 17 A. That's correct.
- 18 Q. So a house brand being B. Shoninger, house
19 brand might be something else. The pianos come in. Is
20 it correct, then, that you have yourself then a -- a --
21 some kind of adhesive plaque or label that you put on the
22 piano?
- 23 A. That's correct.
- 24 Q. So the pianos come in and you have a Shoninger
25 label and a -- where do you have these labels made?

1 A. Trophy shops mostly.

2 Q. Trophy shops. Okay. So you have the labels
3 that are adhesive. Correct?

4 A. Uh-huh.

5 Q. And you have these Chinese pianos coming in.
6 You take the labels. Correct?

7 A. Uh-huh.

8 Q. You put them on the pianos. Could be the
9 Shoninger, the next one could be a Schiedmayer.

10 A. Correct.

11 Q. Okay. Now, we talked about the document
12 requests and the fact that four series of documents --
13 requests were made which you received and reviewed and
14 you searched your records. Is that correct, sir?

15 A. That's correct.

16 Q. Okay. And the result of that was one of the
17 exhibits where there are 21 pages of documents. Now, I
18 requested repeatedly all documents relating to the sale
19 or the offering for sale or the use or rental or
20 transporting commerce of all Schiedmayer-marked pianos of
21 any type.

22 A. Uh-huh.

23 Q. Is that your understanding?

24 A. Yes.

25 Q. In response -- oh, well, let me stop. I also

1 requested copies of all promotional material of any type
2 relating to Schiedmayer pianos. Is that your
3 understanding?

4 A. Yes.

5 Q. Okay. And in response, the only promotional
6 material that I saw that was produced was your website
7 where, on Page 5, the name Schiedmayer appears.

8 A. Correct.

9 Q. Is that correct, sir?

10 A. Correct.

11 Q. You have no other promotional material of any
12 type for the Schiedmayer piano other than Page 5 of your
13 website. Is that correct, sir?

14 A. That's correct.

15 Q. Okay. Now, returning to sales and offering for
16 sales and rentals or any use of the Schiedmayer
17 trademark, the only documents that were produced, which I
18 presume are the only documents available to you, are
19 those documents which are attached as part of the exhibit
20 which has been identified as all of the documents that --
21 that were produced, the 21 pages of documents. Is that
22 correct?

23 A. That's correct.

24 Q. And you made a search and those are the only
25 documents available?

1 A. Correct.

2 MR. STRIKER: Okay. All right. This is -- I
3 hand the court reporter this -- a document and ask that
4 it be marked for -- as an exhibit.

5 (Exhibit 11 was marked for identification
6 by the shorthand reporter.)

7 BY MR. STRIKER:

8 Q. Can you identify that?

9 A. Uh-huh.

10 Q. What is it?

11 A. It's a Schiedmayer piano that came into our
12 inventory here.

13 Q. What does flooring date mean?

14 A. Flooring date was the date it was taken in.

15 Q. And where is this taken from, this -- this
16 sheet of paper?

17 A. It's taken from a -- a program that we have.

18 Q. What kind of program is that?

19 A. It's a database program.

20 Q. Is that FileMaker Pro --

21 A. Yes.

22 Q. -- is the program?

23 A. Yes.

24 Q. So this is printed from your FileMaker Pro data
25 program. Is that correct, sir?

1 A. That's correct.

2 Q. And I have a date -- an e-mail date here of
3 November 25th, 2015, that says "Hollywood Piano."

4 A. Correct.

5 Q. Do you see that?

6 A. Yes.

7 Q. What does that represent?

8 A. What -- I'm not --

9 Q. Well, this logo -- the -- the -- the typing up
10 here on November 25th, 2015. Then there appears to be a
11 time, 2:30. There appears to be a telephone number and
12 there -- maybe not. I don't know. But a number. And
13 then it says "Hollywood Piano Co., Page 1."

14 A. This is a -- a -- fax. Looks like a fax.

15 Q. From Hollywood Piano Co.?

16 A. Yeah.

17 Q. I see. So this -- this was taken -- now, how
18 did you take this? Did you bring this up on the screen
19 and then print it?

20 A. Yes.

21 MR. STRIKER: Okay. I'm going to hand the
22 court reporter another sheet of paper, ask that it be
23 marked.

24 (Exhibit 12 was marked for identification
25 by the shorthand reporter.)

1 BY MR. STRIKER:

2 Q. Can you identify that?

3 MR. STRIKER: What exhibit is that?

4 THE REPORTER: Twelve.

5 MR. STRIKER: Twelve, okay.

6 THE WITNESS: Okay.

7 BY MR. STRIKER:

8 Q. Can you identify that?

9 A. Yes.

10 Q. What is it?

11 A. It's the same thing, another printout from
12 FileMaker Pro.

13 Q. Okay. And this is -- this -- I see a date of
14 May 24th, 2010. The indication is it's sold. Where did
15 this come from?

16 A. What does "this" refer to?

17 Q. Where did it come from?

18 A. This page?

19 Q. Yes.

20 A. It came from the same source that the last one
21 came from.

22 Q. Okay. And it indicates that it's been -- the
23 status is sold. Is that correct, sir?

24 A. Yes.

25 Q. It was sold for \$5,600. Correct?

1 A. No, that was the billing --

2 Q. Okay.

3 A. -- price from the manufacturer.

4 Q. So what would you sell this for, typically?

5 Your -- if you paid \$5,600?

6 A. \$8,000, \$9,000.

7 Q. Okay. And this was printed off of the

8 FileMaker Pro program?

9 A. Yes.

10 Q. Okay. How many computers do you have?

11 A. We only have one that has the FileMaker Pro on
12 it.

13 Q. What are the others -- are used for?

14 A. For other things. They can log into the
15 FileMaker Pro, but it's only on one computer.

16 Q. So you have one computer?

17 A. For FileMaker Pro.

18 Q. You have other computers?

19 A. Yes.

20 Q. And what are they used for?

21 A. For business.

22 Q. Like what?

23 A. Word processing, spreadsheets, the usual
24 computer use.

25 Q. So FileMaker Pro, what do you keep on the

1 FileMaker Pro? What information do you keep there?

2 A. Inventory.

3 Q. Only inventory?

4 A. Yes.

5 Q. So this comes from your inventory files?

6 A. Right.

7 Q. Now, when you receive a piano at any time from
8 anywhere, does it go into inventory?

9 A. Yes.

10 Q. So all the pianos, then, go into inventory when
11 they're received. Correct?

12 A. Yes.

13 Q. The answer is "yes"?

14 A. That -- yes.

15 Q. Okay. So that inventory really would -- would
16 represent a complete indication of all of the pianos that
17 are coming into your firm for sale. Is that correct?

18 A. Yes, but it -- also the -- the accuracy depends
19 on the input --

20 Q. Okay.

21 A. -- so...

22 MR. STRIKER: Now, I'm going to ask the court
23 reporter to mark this exhibit.

24 (Exhibit 13 was marked for identification
25 by the shorthand reporter.)

1 BY MR. STRIKER:

2 Q. Can you identify that last exhibit, please?

3 A. Yes. It's another -- another printout.

4 Q. Well, is it your testimony that it -- it has
5 been printed directly off the FileMaker Pro?

6 A. Yes.

7 Q. Are you certain of that?

8 A. Yes.

9 Q. It doesn't look that way. I want you to direct
10 your attention to the memo that appears there.

11 A. Yes.

12 Q. That memo doesn't appear on a printed copy,
13 does it?

14 A. It can if you highlight that field.

15 Q. No, because that field is for a picture and for
16 sales info.

17 A. No, that's below that. You're incorrect.

18 Q. And --

19 A. The memo -- the memo field is above the line.
20 The picture is below the line. So you're looking at the
21 memo field from above the line currently.

22 Q. But the memo covers both the picture and the
23 sales info. Correct?

24 A. That's correct. When you -- when you highlight
25 the memo, it -- it supercedes what's below it.

1 Q. But that wasn't printed off of FileMaker Pro
2 directly, was it?

3 A. Yes, it was.

4 Q. No, look at information at the top. That
5 doesn't appear on the other inventory sheets.

6 A. We can print it out on a number of ways, so
7 this is -- these are all from FileMaker Pro.

8 Q. So it's your testimony, then, in FileMaker Pro
9 that that memo appears in the picture and actually
10 obliterates the icon for sales info. Is that correct?

11 A. No, it's -- it's just covering the picture
12 only.

13 Q. What about below that, the icon for sales info?

14 A. Sales info.

15 Q. Yeah, look at the prior exhibits.

16 A. Oh. Yeah, that's just a button that we push,
17 and it -- it -- it's -- it's -- doesn't give any other
18 information, just another representation of the same
19 information.

20 Q. You see, what I think is that's not a printout.
21 I think that's a photograph and that's why it shows the
22 information on the top when the other inventory ones
23 don't.

24 A. I object to your assertion there.

25 Q. Well, I'm just telling you what I'm thinking

1 and -- that the memo is simply put on there. That's --
2 that's where if I'm wrong, I'd like to know why I'm
3 wrong. And what you seem to be saying is that there are
4 two different ways of printing it?

5 A. Yes, that's correct.

6 Q. For FileMaker Pro?

7 A. Yes.

8 Q. How would you change the way it's printed?

9 A. Well, there is an individual -- an individual
10 printout, and then there is this search sort of printout.
11 So anyway, we can go right to the FileMaker Pro and make
12 more copies of them so you can see the consistency, if
13 you'd like.

14 Q. Well, maybe we'll do that.

15 MR. STRIKER: I have another sheet, apparently,
16 also from the FileMaker Pro, and ask that this be marked
17 as an exhibit.

18 (Exhibit 14 was marked for identification
19 by the shorthand reporter.)

20 BY MR. STRIKER:

21 Q. Can you identify that?

22 A. That's another printout from the FileMaker Pro.

23 Q. Who in your firm operates the FileMaker Pro
24 program? Do you do it or can you do it?

25 A. I can do it, but I don't do it.

1 Q. But you could do it?

2 A. Sure.

3 Q. And what does this document represent?

4 A. This document represents a search of the
5 Schiedmayer brand name in our system.

6 Q. On the FileMaker Pro?

7 A. Yes.

8 Q. Okay. Unfortunately, my copy is not very --
9 well, strike that.

10 If I go back to the prior exhibits -- well,
11 strike that also.

12 I notice that there are, on this exhibit,
13 references to -- well, strike that out also. I'm sorry.

14 Q. What is this reference to? Is this -- are
15 these sold Schiedmayer pianos or rented Schiedmayer
16 pianos?

17 A. It looks like they're both sold and rented.

18 Q. Okay. Now, I'm going to go to the reference to
19 a piano one, two, three, four, five -- the sixth one from
20 the bottom which says "Burbank Schiedmayer, Model 108."
21 And it has a date of August 29th, 2012. Do you see that?

22 A. Yes.

23 Q. What does that represent?

24 A. I'm not quite sure what your question --

25 Q. What does that information mean? Does it mean

1 that a piano was sold on that date?

2 A. I'm not quite sure of the parameters of this
3 search, and I don't know if that's the date received or
4 the date sold. More than likely, it's the date received.

5 Q. Okay.

6 A. But it could be the date sold also.

7 Q. All right. Would the --

8 A. No, it would probably be the date received
9 because there's two received on the same day.

10 Q. I see. Okay. And would the same thing --
11 well, apart from the -- okay. Now, we have the one which
12 is a fourth from the bottom, and I see a date of
13 October 24th, 2014. Now, would that be a received date
14 or a sold date? Do you know?

15 A. Well, if the others are received, then they'd
16 all be received.

17 Q. Okay. And below that I see three references to
18 rentals.

19 A. Right.

20 Q. And a date of January 28th, 2016.

21 A. Uh-huh.

22 Q. Correct?

23 A. Correct.

24 Q. What does that tell you?

25 A. Those were pianos we purchased for the purpose

1 of renting.

2 Q. I see. And you purchased them on January 28th,
3 2016?

4 A. Or received them on those days.

5 Q. Or received them on that day?

6 A. Yeah.

7 Q. So is it your testimony that these are probably
8 dates when the pianos were received?

9 A. That's what it looks like.

10 Q. Not when they were sold?

11 A. Right.

12 Q. Well, what does the reference in the far right
13 column mean, "sold, sold, sold, rental"? Is that what
14 they were used for, to be sold rather than be rented?

15 A. That's their status.

16 Q. Okay. What do you mean "status"?

17 A. If it's sold, it's marked sold. If it's
18 rental, it's marked rental.

19 Q. So it's been rented? Are you saying on
20 January 28th, you rented those three pianos?

21 A. No, it -- it -- rental is different than
22 rented. That's a piano we purchased --

23 Q. I see.

24 A. -- solely to rent.

25 Q. And then you have the earlier pianos, they were

1 sold?

2 A. Yes.

3 Q. Is that correct?

4 A. Yes.

5 Q. But you're not sure of the date. These might
6 be inventory dates. Correct?

7 A. Yeah, I -- I would imagine they're inventory
8 dates.

9 Q. Okay.

10 THE WITNESS: I need to use the restroom.

11 MR. STRIKER: Okay. Sure.

12 THE WITNESS: So let's take a short break.

13 MR. STRIKER: Let's take a break.

14 (Recess.)

15 MR. STRIKER: Are we back on the record?

16 THE WITNESS: Yeah.

17 MR. STRIKER: Okay.

18 BY MR. STRIKER:

19 Q. All right. For the -- referring to the
20 most-recent exhibit, in particular, the last three
21 entries for rental, I believe it's your testimony that
22 these were purchased for the purpose of renting to -- to
23 piano players. Is that correct, sir?

24 A. Correct.

25 Q. So when they came into your facility here, were

1 they imported from China?

2 A. They were purchased through North American
3 Music.

4 Q. And to your knowledge, did they purchase them
5 from China?

6 A. Yes.

7 Q. Okay. And do you know if they have been, in
8 fact, rented?

9 A. I don't know.

10 Q. But is it your testimony, then, that the fourth
11 entry from the bottom where there's a date of
12 October 24th, 2014, it says "sold," is it your testimony
13 or your understanding that, in fact, that piano was sold?

14 A. Yes.

15 Q. And would that be the same testimony for the
16 two pianos that are dated in 2012?

17 A. Yes.

18 Q. And is it your understanding that those pianos
19 would've been marked with the Schiedmayer trademark?

20 A. Yes.

21 Q. Okay. I did not see any inventory printouts
22 from your FileMaker Pro for any of those pianos. Why
23 not?

24 A. Inventory printout?

25 Q. Yes, such as the prior exhibits.

1 A. It could be easily done.

2 Q. Well, we're not going to do that now. We -- we
3 had a term for filing of -- of -- producing of documents?

4 A. Well --

5 Q. If these were sold, do you have documentation
6 as to the sales?

7 A. We should, yes.

8 Q. But you didn't produce it.

9 A. Well, I'm not quite sure if some of these were
10 prior to getting rid of documents, but we -- we can see
11 if there's any correlation.

12 Q. You have no documentation whatsoever with
13 regard to the sale of any of those pianos?

14 A. I don't know.

15 Q. Well, what about the rentals? They're dated
16 January 28th, 2016, which is barely a year ago. I asked
17 for all documents of any type, and I received what I
18 testified to personal -- previously. There are no
19 documents whatsoever with regard to these rental pianos?

20 A. I'm not sure if they're rented or not.

21 Q. Not what I asked you. Are there any documents,
22 purchase documents, sales documents, anything at all?

23 A. Well, we found what we could find.

24 Q. There is testimony in this case as to a -- as
25 to computer crashes. Do you know what I'm referring to?

1 A. Yes.

2 Q. What am I referring to?

3 A. We lost a lot of data at one point.

4 Q. When?

5 A. It was a while back. I don't remember the
6 exact date.

7 Q. Approximately.

8 A. I don't remember the approximate date, but we
9 had been doing business with a company that went out of
10 business, and they had us tied to a -- a system which
11 they controlled and then --

12 Q. When did this take place?

13 A. I don't remember the date.

14 Q. Do you remember the approximate date?

15 A. No.

16 Q. You will recall, then, that I asked for all
17 documents of any type relating to the computer crash.

18 A. Yes.

19 Q. I didn't receive anything.

20 A. We're still working on getting you documents
21 from the person who tried to save some of the data.

22 Q. You're still working on that?

23 A. Yes.

24 Q. Do you know when I made the request?

25 A. Yes, but we're waiting for a response from

1 someone who hasn't -- hasn't provided it to us.

2 Q. So you have no documents at this time regarding
3 the crash. Is that correct?

4 A. No.

5 Q. No e-mails? No -- no bills? Didn't they bill
6 you for something? Nothing?

7 A. It was quite a long while ago, and the billing
8 was done to Piano Factory Group.

9 Q. Okay. But you're -- you're unable to locate
10 any documents of any type regarding these computer
11 crashes that have been referred to. That's correct?

12 A. Yes.

13 Q. And you have no documentation, other than what
14 you previously produced, regarding the three rental
15 purchases of January 28th, 2016. Is that correct?

16 A. Can -- can you repeat the question?

17 Q. Well, I'm looking at this FileMaker Pro exhibit
18 in which the sales and rentals over the past several
19 years are indicated. And there are three entries for
20 purchases of pianos, and there's a date of January 28th,
21 2016, on this FileMaker Pro readout.

22 A. Right.

23 Q. And I'm asking you, I'm -- I'm trying to get a
24 confirmation that you have no other documentation
25 regarding these rentals because I didn't receive

1 anything.

2 A. Uh-huh.

3 Q. So I just want a confirmation.

4 A. At the time that we looked for documentation,
5 what we provided was all that we had.

6 Q. Okay. And would the same thing be for the 2012
7 and 2014 entries on that exhibit?

8 A. Yes.

9 Q. Let's take, for instance, the entry of
10 October 24th, 2014. No records with respect to that
11 sale? I assume. You just testified to that. Correct?
12 You haven't produced any documents with respect to that
13 sale?

14 A. No, we haven't.

15 Q. Okay. Aren't there records with regard --
16 isn't there a -- strike that, please.

17 Isn't there a purchase agreement?

18 A. Probably.

19 Q. Just a couple more questions, if I may.

20 MR. STRIKER: Hand the court reporter what
21 appears to be a website printout and ask that it be
22 marked.

23 (Exhibit 15 was marked for identification
24 by the shorthand reporter.)

25 ///

1 BY MR. STRIKER:

2 Q. Can you identify that last exhibit?

3 A. Yes.

4 Q. What is it?

5 A. It's a printout from our -- our old website at
6 Pianofactory.com.

7 Q. Do you see a date of printing in the lower
8 right-hand corner?

9 A. Yes.

10 Q. And what date is that?

11 A. 11/30/2015.

12 Q. Okay. Can we agree that on the first page
13 there is a column of pianos which you offer for sale and
14 which does not include Schiedmayer?

15 A. Yes.

16 Q. Can we agree on the second page there is a --
17 on the upper right-hand corner, an extensive listing of
18 pianos which does not mention the Schiedmayer piano?

19 A. That's correct.

20 Q. Okay. Let me just do one last thing. Sir, if
21 I may, I'm going to ask you to take one of those
22 brochures off of your desk behind you.

23 A. Okay.

24 Q. Can you --

25 MR. STRIKER: And I'm going to ask that that be

1 marked as an exhibit.

2 (Exhibit 16 was marked for identification
3 by the shorthand reporter.)

4 BY MR. STRIKER:

5 Q. Can you identify that?

6 A. Yes, it's a brochure that we give out to
7 potential customers.

8 Q. Can we agree that it does not mention the
9 Schiedmayer piano?

10 A. Yes.

11 MR. STRIKER: No further questions.

12 (Whereupon, at the hour of 11:36 a.m.,
13 the proceedings concluded.)

14 -000-

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STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, GLENN TREIBITZ, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition, taken on FEBRUARY 14, 2017; that I have made any corrections, additions, or deletions that appear noted herein; that my testimony as contained herein, as corrected, is a true and accurate transcription of my testimony.

DATED this 12 day of May
2017, at Burbank, CA


GLENN TREIBITZ

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE 1189

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State of California

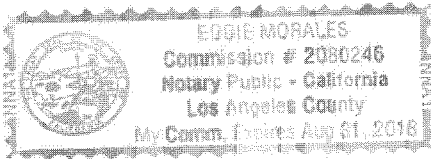
County of Los Angeles

On MAY 17TH 2017 before me Eddie Morales, Notary Public,
personally appeared GLEN RICHARD TREIBITZ

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (is) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Eddie Morales

Notary Public

Eddie Morales
Commission: 2080246
Expire: August 31st, 2018
116 East Olive Ave
Burbank, CA 91502-1819
Phone: (818) 842-2172
Fax: (818) 842-1745

JK

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State of California

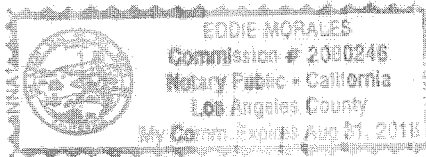
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 17th day of May, 2017,

by GLENN RICHARD TREIBITZ

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Eddie Morales
Notary Public



02

OPTIONAL

Title or Type of document: ERRATA SHEET

Document Date: 05-17-17 Number of Pages: ONE

Signer(s) Other than Named Above: 0

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF LOS ANGELES)
3

4 I, CHERYL ASADA, CSR 13496, a Certified
5 Shorthand Reporter in and for the State of California,
6 County of Los Angeles, do hereby certify;

7 That GLENN TREIBITZ, the witness named in the
8 foregoing deposition, was, before the commencement of the
9 deposition, duly administered an oath in accordance with
10 CCP 2094;

11 That said deposition was taken down in
12 stenograph writing by me and thereafter transcribed
13 into typewriting under my direction.

14 I further certify that I am neither counsel
15 for nor related to any party to said action, nor in
16 any way interested in the outcome thereof.

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18 Executed at LOS ANGELES, CALIFORNIA, this
19 27TH day of FEBRUARY, 2017.
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23 CERTIFIED SHORTHAND REPORTER
24 IN AND FOR THE COUNTY OF
25 LOS ANGELES
STATE OF CALIFORNIA

1 STATE OF CALIFORNIA)
) SS.
2 COUNTY OF LOS ANGELES)
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7 I, CHERYL ASADA, CSR 13496, a Certified
8 Shorthand Reporter, hereby certify that the attached
9 transcript is a correct copy of the original
10 transcript of the testimony of GLENN TREIBITZ, taken
11 before me on FEBRUARY 14, 2017, as thereon stated.

12 I declare under penalty of perjury that the
13 foregoing is true and correct.

14 Executed at LOS ANGELES, CALIFORNIA, this
15 27TH day of FEBRUARY, 2017.

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CERTIFIED SHORTHAND REPORTER
IN AND FOR THE COUNTY OF
20 LOS ANGELES, STATE OF CALIFORNIA
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