

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

Schiedmayer Celesta GmbH,)	
)	
Petitioner,)	
)	
v)	Cancellation No. 92/061,215
)	Reg. No.: 3,340,759
Piano Factory Group, Inc. and)	Mark: SCHIEDMAYER
Sweet 16 Musical Properties, Inc.)	Registration Date: 11/20/2007
)	
Respondents.)	
)	
<hr style="width: 40%; margin-left: 0;"/>		

PETITIONER'S NOTICE OF RELIANCE

Pursuant to the provisions of 37 CFR 2.122, Petitioner herewith gives notice of its intention to rely upon, make of record and introduce into evidence the following discovery documents:

1. Respondents' responses to Petitioner's First and Second Set of Interrogatories and documents produced in connection therewith dated December 29, 2015.

2. Respondents' amended responses to Petitioner's First and Second Set of Interrogatories and documents produced in connection therewith dated January 8, 2016.

3. Respondents' Supplemental Response to Petitioner's First and Second Set of Interrogatories and First and Second Set of Document Requests and documents produced in connection therewith dated January 20, 2016.

4. Respondents' responses to Petitioner's Third Set of Document Requests and exhibits produced in connection therewith dated June 22, 2016.

5. Respondents' responses to Petitioner's Fourth Set of Document Requests dated January 24, 2017, and documents produced in connection therewith.

6. Respondents' Initial Disclosure dated November 27, 2015.

The subject responses and Initial Disclosures of Respondents are submitted for the purpose of establishing and proving Petitioner's assertion that Respondents have abandoned the trademark SCHIEDMAYER and therefore the trademark SCHIEDMAYER should be cancelled.

The said discovery responses will prove that Respondents have not sold or offered for sale or transported in commerce any Schiedmayer marked piano of any type for well more than three years.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the attached Notice of Reliance was served upon counsel for Respondents this 23rd day of May, 2017, via email at the following address:

Adam@iptech.com

This 23rd day of May, 2017.


MICHAEL J. STRIKER

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

Schiedmayer Celesta GmbH,

Cancellation No.: 92/061,215

Petitioner,

Reg. No. 3,340,759

v.

Mark: SCHIEDMAYER

Piano Factory Group, Inc.

Registration Date: November 20, 2007

Respondent.

**RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SET
OF INTERROGATORIES**

December 29, 2015

Respondent herewith submits the following responses to Petitioner's First and Second Set of Interrogatories as requested. At the outset, Respondent would like to inform the Petitioner that over the 8 years the registration has been in place, Respondent has experienced one or more computer system crashes that has resulted in the loss of data relating to Respondent's business, including the sales of pianos branded with the SCHIEDMAYER trademark. Respondent has been working diligently to attempt to reconstruct as much information as can be recovered, but there will be sales data and other information missing that Respondent is not likely to be able to produce despite its best efforts.

Respondent will address each interrogatory as follows:

INTERROGATORY NO. 1:

Identify by name and address all purchasers of Schiedmayer Pianos of any type within the past five years.

Due to the computer data loss, Respondent is not able to conclusively determine 1) the total quantity of all SCHIEDMAYER branded pianos sold and, correspondingly, 2) the name and address of every purchaser of the pianos for the past five years.

Respondent has been able to locate contact information on one purchaser but that purchaser has refused to allow name and address information to be shared at this time.

Respondent is aware that two or more SCHIEDMAYER branded pianos are currently in the piano rental pool of the Hollywood Piano Company.

INTERROGATORY NO. 2:

Identify the name and address of the manufacturer of the piano photographed as a specimen and submitted to the United States Patent and Trademark Office in connection with the Declaration of Use as filed for Registration No. 3,340,759.

American Sejung Corporation (ASC, now defunct)

1590 S. Milliken Ave, Unit H

Ontario, CA 91761

INTERROGATORY NO. 3:

Identify and explain the origin of the piano photographed and submitted to the United States Patent and Trademark Office in connection with the Declaration of Use filed in support of Registration No. 3,340,759.

This digital piano was purchased from ASC with no nameplate and then branded with a SCHIEDMAYER nameplate and placed on the sales floor.

INTERROGATORY NO. 4:

With respect to the photograph of an alleged Schiedmayer piano submitted to the USPTO in connection with the filing of a Declaration of Use, was a label or other object bearing the name Schiedmayer affixed to the piano in such manner that it would cover up the true manufacturer of the piano.

No.

INTERROGATORY NO. 5:

Does registrant manufacture pianos.

No, in the sense that it does not physically assemble the pianos sold in its own factory. It does manufacture pianos, however, in that it orders already manufactured pianos it has selected for use as SCHIEDMAYER branded pianos and sells them to consumers with a label/name plate affixed identifying the piano as a SCHIEDMAYER branded piano. In this sense, Respondent does manufacture pianos because until

Respondent affixes the label/name plate, the pianos are not branded for sale as any particular piano brand.

INTERROGATORY NO. 6:

If the answer to the above interrogatory is in the affirmative, set forth the name and address of the manufacturer of any such pianos.

American Sejung Corporation (ASC, now defunct)

1590 S. Milliken Ave, Unit H

Ontario, CA 91761

North American Music, Inc.

11 Holt Drive

Stony Point, NY 10980

INTERROGATORY NO. 7:

Set forth each type of advertising or other promotions with respect to Schiedmayer pianos of any type and for each such area of promotion and advertising, identify an example of any such advertisement or promotion.

The pianos are marketed directly to purchasers through being placed on the sales floor. An example of such promotion can be found in the specimens filed with the Statement of Use filed 9/10/2007 and with the renewal filed 4/18/2014.

INTERROGATORY NO. 8:

With respect to the Declaration of Use filed with respect to Registration No. 3,340,759, set forth the basis for the allegation that the trademark SCHIEDMAYER was in use in commerce in the United States at the time of filing of the Declaration of Use.

As the photograph of the piano filed as the specimen with the Declaration of Use indicates, a piano forte bearing the mark SCHIEDMAYER was for sale on the sales floor of the Hollywood Piano Company. As the Hollywood Piano Company is frequented by buyers from in and out of the state of California, markets its activities on the internet (an instrumentality of interstate commerce), etc., the trademark SCHIEDMAYER was in use in interstate commerce as of the time of filing of the Declaration of Use.

Respondent reserves the right to supplement/correct the foregoing with relevant information as discovery progresses.

Dated: December 29, 2015

Respectfully submitted,
/s/ Adam R. Stephenson
Adam R. Stephenson, LTD.
40 W. Baseline Rd., Ste 101
Tempe, AZ 85283
Tel: 480.264.6075
Fax: 480.718.8336
Email: adam@patentproblempro.com
Attorney for Respondent, Piano Factory
Group, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that one (1) copy of the foregoing RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SET OF INTERROGATORIES is being sent via email and U.S. Mail to Petitioner Schiedmayer Celesta GmbH's attorney of record as follows:

Michael J. Striker
Striker, Striker & Stenby
103 East Neck Road
Huntington, NY 11743
striker@strikerlaw.com

Dated: December 29, 2015

/s/ Adam R. Stephenson
Adam R. Stephenson, LTD.
40 W. Baseline Rd., Ste 101
Tempe, AZ 85283
Tel: 480.264.6075
Fax: 480.718.8336
Email: adam@patentproblempro.com
Attorney for Respondent, Piano Factory
Group, Inc.

SCHIEDMAYER



Adam Stephenson

Subject: FW: No Name

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

From: "Gary Galanti" <nam.garyg@gmail.com>

Sent: Tuesday, December 29, 2015 10:49am

To: glennt@hollywoodpiano.com

Subject: No Name

Hi Glenn,

For numerous years we have sold Hollywood Piano/Piano Factory no name pianos for use with their house brands. As far as we understand, the brands used on these pianos are registered to Hollywood Piano or one of it's affiliates. One of these being the Schiedmayer brand.

Hope all is well and I will see you soon.

Best regards,

Gary
President
North American Music

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

Schiedmayer Celesta GmbH,	Cancellation No.: 92/061,215
Petitioner,	Reg. No. 3,340,759
v.	Mark: SCHIEDMAYER
Piano Factory Group, Inc.	Registration Date: November 20, 2007
Respondent.	

**RESPONDENT'S AMENDED RESPONSES TO PETITIONER'S FIRST AND
SECOND SET OF INTERROGATORIES**

January 8, 2016

Respondent herewith submits the following responses to Petitioner's First and Second Set of Interrogatories as requested. At the outset, Respondent would like to inform the Petitioner that over the 8 years the registration has been in place, Respondent has experienced one or more computer system crashes that has resulted in the loss of data relating to Respondent's business, including the sales of pianos branded with the SCHIEDMAYER trademark. Respondent has been working diligently to attempt to reconstruct as much information as can be recovered, but there will be sales data and other information missing that Respondent is not likely to be able to produce despite its best efforts.

Respondent will address each interrogatory as follows:

INTERROGATORY NO. 1:

Identify by name and address all purchasers of Schiedmayer Pianos of any type within the past five years.

Due to the computer data loss, Respondent is not able to conclusively determine 1) the total quantity of all SCHIEDMAYER branded pianos sold and, correspondingly, 2) the name and address of every purchaser of the pianos for the past five years.

Respondent has been able to locate contact information on one purchaser but that purchaser has refused to allow name and address information to be shared at this time.

Respondent is aware that two or more SCHIEDMAYER branded pianos are currently in the piano rental pool of the Hollywood Piano Company.

INTERROGATORY NO. 2:

Identify the name and address of the manufacturer of the piano photographed as a specimen and submitted to the United States Patent and Trademark Office in connection with the Declaration of Use as filed for Registration No. 3,340,759.

American Sejung Corporation (ASC, now defunct)

1590 S. Milliken Ave, Unit H

Ontario, CA 91761

INTERROGATORY NO. 3:

Identify and explain the origin of the piano photographed and submitted to the United States Patent and Trademark Office in connection with the Declaration of Use filed in support of Registration No. 3,340,759.

This digital piano was purchased from ASC with no nameplate and then branded with a SCHIEDMAYER nameplate and placed on the sales floor.

INTERROGATORY NO. 4:

With respect to the photograph of an alleged Schiedmayer piano submitted to the USPTO in connection with the filing of a Declaration of Use, was a label or other object bearing the name Schiedmayer affixed to the piano in such manner that it would cover up the true manufacturer of the piano.

No.

INTERROGATORY NO. 5:

Does registrant manufacture pianos.

No, in the sense that it does not physically assemble the pianos sold in its own factory. It does manufacture pianos, however, in that it orders already manufactured pianos it has selected for use as SCHIEDMAYER branded pianos and sells them to consumers with a label/name plate affixed identifying the piano as a SCHIEDMAYER branded piano. In this sense, Respondent does manufacture pianos because until

Respondent affixes the label/name plate, the pianos are not branded for sale as any particular piano brand.

INTERROGATORY NO. 6:

If the answer to the above interrogatory is in the affirmative, set forth the name and address of the manufacturer of any such pianos.

American Sejung Corporation (ASC, now defunct)

1590 S. Milliken Ave, Unit H

Ontario, CA 91761

North American Music, Inc.

11 Holt Drive

Stony Point, NY 10980

INTERROGATORY NO. 7:

Set forth each type of advertising or other promotions with respect to Schiedmayer pianos of any type and for each such area of promotion and advertising, identify an example of any such advertisement or promotion.

The pianos are marketed directly to purchasers through being placed on the sales floor. An example of such promotion can be found in the specimens filed with the Statement of Use filed 9/10/2007 and with the renewal filed 4/18/2014.

INTERROGATORY NO. 8:

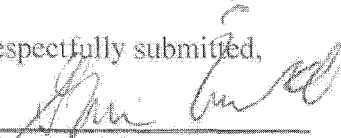
With respect to the Declaration of Use filed with respect to Registration No. 3,340,759, set forth the basis for the allegation that the trademark SCHIEDMAYER was in use in commerce in the United States at the time of filing of the Declaration of Use.

As the photograph of the piano filed as the specimen with the Declaration of Use indicates, a piano forte bearing the mark SCHIEDMAYER was for sale on the sales floor of the Hollywood Piano Company. As the Hollywood Piano Company is frequented by buyers from in and out of the state of California, markets its activities on the internet (an instrumentality of interstate commerce), etc., the trademark SCHIEDMAYER was in use in interstate commerce as of the time of filing of the Declaration of Use.

Respondent reserves the right to supplement/correct the foregoing with relevant information as discovery progresses.

Dated: January 8, 2016

Respectfully submitted,



Glenn Treibitz

Respondent, Piano Factory Group, Inc.

Adam Stephenson

Subject: FW: No Name

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

From: "Gary Galanti" <nam.garyg@gmail.com>

Sent: Tuesday, December 29, 2015 10:49am

To: glennt@hollywoodpiano.com

Subject: No Name

Hi Glenn,

For numerous years we have sold Hollywood Piano/Piano Factory no name pianos for use with their house brands. As far as we understand, the brands used on these pianos are registered to Hollywood Piano or one of it's affiliates. One of these being the Schiedmayer brand.

Hope all is well and I will see you soon.

Best regards,

Gary
President
North American Music

SCHIEDMAYER



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

Schiedmayer Celesta GmbH,	Cancellation No.: 92/061,215
Petitioner,	Reg. No. 3,340,759
v.	Mark: SCHIEDMAYER
Piano Factory Group, Inc.	Registration Date: November 20, 2007
Respondent.	

**RESPONDENT'S AMENDED RESPONSES TO PETITIONER'S FIRST AND
SECOND SET OF DOCUMENT REQUESTS**

January 20, 2016

Respondent herewith submits the following amended responses to Petitioner's First and Second Set of Document Requests as requested.

Respondent will address each document request as follows:

DOCUMENT REQUEST NO. 1:

Produce examples of all promotion and advertising for Schiedmayer Pianos which have taken place within the past five years.

Respondent has produced in its initial disclosures an example via the photograph of the SCHIEDMAYER branded piano on sale in the past 5 years at the Hollywood Piano company as of the date of the filing of the renewal.

DOCUMENT REQUEST NO. 2:

Produce all documentation supporting the allegation made to the United States Patent and Trademark Office, that the trademark Schiedmayer was used on all of the goods set forth in the subject registration at the time Registrant's Declaration of Use was filed.

Respondent has produced in its initial disclosures a sales information screen indicating that an upright SCHIEDMAYER branded piano manufactured by ASC was on the sales floor between May to September of 2007, sold, and delivered to a customer on October 9, 2007. Due to computer system failures the Respondent is unable at this time to further comply with this request by producing additional sales documents.

DOCUMENT REQUEST NO. 3:

Produce all billing information and all other related information regarding all sales of any Schiedmayer Pianos which have taken place within the past five years.

Respondent has produced in its initial disclosures a sales information screen indicating that a grand SCHIEDMAYER branded piano manufactured by ASC was on the sales floor in April of 2010, sold, and paid off May 24, 2010. Due to computer system failures the Respondent is unable at this time to further comply with this request by producing additional sales documents.

DOCUMENT REQUEST NO. 4:

Produce all documents which support good cause for filing of a Declaration of Use and Incontestability with respect to Registration No. 3,340,759.

Respondent has produced in its initial disclosures a photograph of a SCHIEDMAYER branded piano forte. Respondent produces a second photograph it is possession of that is of the same piano. The remaining documents that support good cause are already of public record in the trademark file with the USPTO, i.e., the signature of Cheryl Fox, etc.

DOCUMENT REQUEST NO. 5:

Produce documents relating to the manufacture of the Schiedmayer Piano within the past 5 years.

Due to computer crashes, Respondent's documents relating to the manufacturing activities (i.e., invoices from the factories, etc.) are currently unavailable and Respondent is unable to comply at this time with this request. Respondent is working to identify any potentially relevant documents that it can retrieve. As an aid in this effort, Respondent has asked the former president of ASC to provide Respondent with a letter discussing ASC's manufacturing activities for Respondent but has not yet received that letter as of the due date of this document request. Respondent produces an email from Gary Galanti, President of North American Music, Inc., that contains Mr. Galanti's statement that North American Music, Inc., has been a source of pianos to Respondent that became SCHIEDMAYER branded pianos. Respondent will supplement its disclosures with all information it is able to locate documents relevant to this request.

DOCUMENT REQUEST NO. 6:

Produce all documents relating to the offering for sale of Schiedmayer Pianos.

Respondent is unable to comply beyond what it has produced during its initial disclosures due to the reasons outlined in Document Request No. 5.

DOCUMENT REQUEST NO. 7:

Produce all documents relating to the promotion of Schiedmayer Pianos within the past 5 years.

Respondent has produced in its initial disclosures photographs of pianos bearing the SCHIEDMAYER trademark which were located and offered for sale on the sales floor.

DOCUMENT REQUEST NO. 8:

Produce all documents relating to why and how Registrant adopted the name Schiedmayer as a trademark.

Respondent refers the Petitioner to the 2004 Office Action in the file history of the registration produced in Respondent's initial disclosures that explains the reason why Registrant adopted the SCHIEDMAYER trademark following its abandonment by Kawai Piano Company, the licensee of IBACH, which purchased the SCHIEDMAYER trademark for piano fortes from the Schiedmayer family in 1980.

DOCUMENT REQUEST NO. 9:

On April 18, 2014, Cheryl Fox, Vice President of Respondent, having agreed that willful false statements and the like are punishable by fine or imprisonment or both, stated that the mark SCHIEDMAYER has been in continuous use in commerce for five consecutive years from the date of registration or the date of publication, and is still in use in commerce in connection with digital pianos. Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of digital pianos which supports this allegation.

Respondent is unable to comply beyond what it has produced during its initial disclosures due to the reasons outlined in Document Request No. 5.

DOCUMENT REQUEST NO. 10:

On April 18, 2014, Cheryl Fox, Vice President of Registrant, having agreed that willful false statements and the like are punishable by fine or imprisonment or both, stated that the mark SCHIEDMAYER has been in continuous use in commerce for five consecutive years from the date of registration or the date of publication, and is still in use in commerce in connection with upright pianos. Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of upright pianos which supports this allegation.

Respondent is unable to comply beyond what it has produced during its initial disclosures due to the reasons outlined in Document Request No. 5.

DOCUMENT REQUEST NO. 11:

On April 18, 2014, Cheryl Fox, Vice President of Registrant, having agreed that willful false statements and the like are punishable by fine or imprisonment or both, stated that the mark SCHIEDMAYER has been in continuous use in commerce for five consecutive years from the date of registration or the date of publication, and is still in use in commerce in connection with grand pianos. Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of grand pianos which supports this allegation.

Respondent is unable to comply beyond what it has produced during its initial disclosures due to the reasons outlined in Document Request No. 5. Respondent notes that the piano in the photograph used as a specimen for the renewal appears to be a grand piano.

Respondent reserves the right to supplement/correct the foregoing with relevant information as discovery progresses.

Dated: 1/29, 2016

Respectfully submitted,

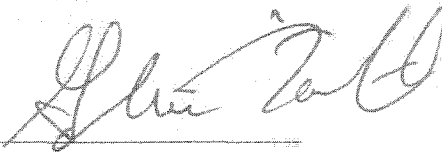

Glenn Freibitz

Respondent, Piano Factory Group, Inc.

VERIFICATION

STATE OF CALIFORNIA)
County of Los Angeles SS.

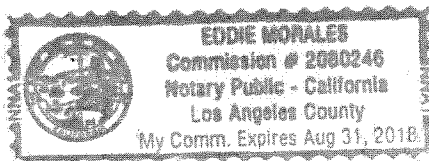
I have read the foregoing RESPONDENT'S AMENDED RESPONSES TO PETITIONER'S FIRST AND SECOND SET OF DOCUMENT REQUESTS and know its contents. The facts contained therein are true and correct to the best of my information and belief.



Glenn Treibitz

Subscribed and sworn to (or affirmed) before me this 29th day of January, 2016, by GLENN TREIBITZ, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.



CERTIFICATE OF SERVICE

It is hereby certified that one (1) copy of the foregoing RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SET OF DOCUMENT REQUESTS is being sent via email and U.S. Mail to Petitioner Schiedmayer Celesta GmbH's attorney of record as follows:

Michael J. Striker
Striker, Striker & Stenby
103 East Neck Road
Huntington, NY 11743
striker@strikerlaw.com

Dated: ~~January 14~~, 2016

Feb 3

ARS

/s/ Adam R. Stephenson
Adam R. Stephenson, LTD.
40 W. Baseline Rd., Ste 101
Tempe, AZ 85283
Tel: 480.264.6075
Fax: 480.718.8336
Email: adam@patentproblempro.com
Attorney for Respondent, Piano Factory
Group, Inc.



INT. CL.
15
PRIOR USE
36

475680
475680

SCHIEDMAYER PIANOS, GmbH
Mittelstrasse 34
5830 Schwelm, West Germany

Has been used in connection with pianos in commerce with the United States or interstate commerce by a predecessor in interest of applicant at least as early as 1960.

For:
MUSICAL INSTRUMENTS, IN PARTICULAR
PIANOS, CHIMES, CELESTES, AND
KEYBOARD INSTRUMENTS



TRADEMARK APPLICATION FILE DATA WORKSHEET

F2	1. SERIAL NUMBER 475680	2. FILING DATE 04 16 84	3. LAW OFFICE 3
	4. REGISTER TYPE PR		5. MARK DRAWING CODE 3
SCHIEDMAYER			

F3	1. INT. CL. 015	2. 1st USE DATE 00001960	3. 1st COMMERCE 00001960	4. PAID Y	5. PRIOR U.S. CLASSES 036	6. GOODS/ SERVICES SEE APPLI- CATION	

F4	APPLICANT INFORMATION				F8	ENTRY NO.	APPLICANT ADDRESS
	1. ENTITY	2. ENTRY NO.	3. CITIZENSHIP	4. NAME		01	SEE APPLICATION
	1st	SEE APPLICATION				02	
	2nd					03	
3rd							

F6,7 CORRESPONDENCE ADDRESS (F6) and ATTORNEYS (F7) - SEE APPLICATION

F8	01	ENTRY NO.	COUNTRY CODE	FOREIGN APPLICATION NO.	FOREIGN FILING DATE
		FOREIGN REGISTRATION NO.	FOREIGN REGISTRATION DATE	EXPIRATION DATE	
		RENEWAL REGISTRATION NO.	RENEWAL DATE	RENEWAL EXPIRATION DATE	
	02	ENTRY NO.	COUNTRY CODE	FOREIGN APPLICATION NO.	FOREIGN FILING DATE
		FOREIGN REGISTRATION NO.	FOREIGN REGISTRATION DATE	EXPIRATION DATE	
		RENEWAL REGISTRATION NO.	RENEWAL DATE	RENEWAL EXPIRATION DATE	

F9 PRIOR U.S. REGISTRATIONS - SEE APPLICATION

F10	TEXT TYPE CODE	ADDITIONAL TEXT (SEE APPLICATION OR ENTER TEXT BELOW)

EMPLOYEE NUMBER P.C.

MAIL ROOM
APR 16 1984
PT. & TRADEM. DIV.

475680

LAW OFFICES

ANDRUS, SCEALES, STARKE & SAWALL

PATENTS AND TRADEMARKS

735 NORTH WATER STREET

SUITE 1102

MILWAUKEE, WISCONSIN 53202

CLYDE S. ANDRUS
1916-1982
E. SCEALES
LENN D. STARKE
EUGENE R. SAWALL
GUENTHER W. HOLTZ
FRANK S. ANDRUS
DANIEL D. FETTERLEY
GEORGE H. SOLVESON

GARY A. ESSMANN
THOMAS H. WOZNY
MICHAEL E. TAKEN

TELEPHONE
(414) 271-7500
CABLE:
ANDSTARK
TELEX:
26 832
ANDSTARK MIL

April 13, 1984

Hon. Commissioner of Patents & Trademarks
Trademark Examining Operations
Washington, D. C. 20231

TMC. 1305-1
(Theirs: 68)

Sir:

Enclosed herewith for filing are the complete application papers of SCHIEDMAYER PIANOS, GmbH of Mittelstrasse 34, 5830 Schwelm, West Germany for the mark SCHIEDMAYER.

The enclosures are:

- Statement and Declaration
- Power of Attorney
- Inked Drawing
- Five (5) Specimens (one original and four photocopies)
- Check for \$175.00
- Certified Copy of West German Registration 1,042,684

This application is being filed under Sec. 44 based on use of the mark and an issued German registration and on use in U.S. Commerce.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01.2000. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL



Daniel D. Fetterley
(Reg. No. 20,323)

DDF/km
enc.



175.00-301-TM
475680

APPLICATION FOR TRADEMARK REGISTRATION
Principal Register

) Mark: SCHIEDMAYER
)
) Class: Int. 15
)

To the
Hon. Commissioner of Patents & Trademarks
Trademark Examining Operations
Washington, D. C. 20231

F4(98)
DEX
F5(DEX)

[SCHIEDMAYER PIANOS, GmbH] having its principal place of
business at [Mittelstrasse 34, 5830 Schwelm, West Germany] and
organized and existing under and by virtue of the laws of West
Germany.

The above identified Applicant has adopted and is using
the trademark shown in the accompanying drawing for

+3(015)

[MUSICAL INSTRUMENTS, IN PARTICULAR PIANOS, CHIMES,
CELESTES, AND KEYBOARD INSTRUMENTS]

and requests that said mark be registered in the United States
Patent and Trademark Office on the Principal Register established
by the Act of July 5, 1946.

Pursuant to Section 44 of the Act of July 5, 1946 (15
U.S.C. §1126), applicant is the owner of West German Trademark
Registration 1,042,684 for the same mark for the same goods. A
certified copy of this registration is attached to this
application.

The trademark has been used in connection with pianos
in commerce with the United States or interstate commerce by a
predecessor in interest of applicant at least as early as 1960.

The mark is used by applying it to the goods and five
(5) specimens showing the mark as actually used are attached
hereto.

04/23/64 475680

1 301

175.00 CK

DECLARATION

The undersigned Christian Ibach declares:
that he is the manager of applicant and is
authorized to make this declaration on behalf of said Applicant;
that he believes said Applicant to be the owner of the mark
sought to be registered; that to the best of his knowledge and
belief no other person, firm, corporation, or association has the
right to use said mark in commerce, either in the identical form
or in such near resemblance thereto as may be likely, when
applied to the goods, of such other person, to cause confusion,
or to cause mistake, or to deceive; that all statements made
herein of his own knowledge are true and that all statements made
on information and belief are believed to be true; and further
than these statements are made with the knowledge that willful
false statements and the like so made are punishable by fine or
imprisonment or both, under Section 1001 of Title 18 of the
United States Code and that such willful false statements made
jeopardize the validity of the application or document or any
registration resulting therefrom.

Christian Ibach
(Signature)

2nd April 1984

(Date)

POWER OF ATTORNEY

Applicant hereby appoints Glenn O. Starke, Eugene R. Sawall, Frank S. Andrus, Guenther W. Holtz, Daniel D. Fetterley, George H. Solveson, Gary A. Essmann, Thomas M. Wozny, and Michael E. Taken, all of the Bar of the State of Wisconsin, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration.

Correspond with:

(WI)
F7 (FIRM)

ANDRUS, SCEALES, STARKE & SAWALL
735 North Water Street
Milwaukee, Wisconsin 53202
(414) 271-7590

SCHIEDMAYER PIANOS, GmbH

he. Jund
(Signature)

APPOINTMENT OF A DOMESTIC REPRESENTATIVE

The above firm and the individual members thereof are hereby designated Applicant's representative upon whom notices or processes in proceedings affecting the mark may be served.

SCHIEDMAYER PIANOS, GmbH

he. Jund
(Signature)

BUNDESREPUBLIK DEUTSCHLAND



BESCHEINIGUNG
über die Eintragung des umstehenden Zeichens

Das Zeichen ist mit umstehenden Angaben in der Zeichenrolle des Deutschen Patentamts eingetragen.

Der Schutz des Zeichens dauert 10 Jahre, die mit dem Tag beginnen, der auf die Anmeldung folgt. Die Schutzfrist kann um jeweils 10 Jahre verlängert werden (§ 9 Abs. 1 und Abs. 2 Satz 1 des Warenzeichengesetzes).

Die derzeitige Schutzfrist des Zeichens endet am **19.6.1990**

München, den **23. Dez. 1983**

Der Präsident des Deutschen Patentamts
im Auftrag

A handwritten signature in black ink, appearing to read 'Maackus'.

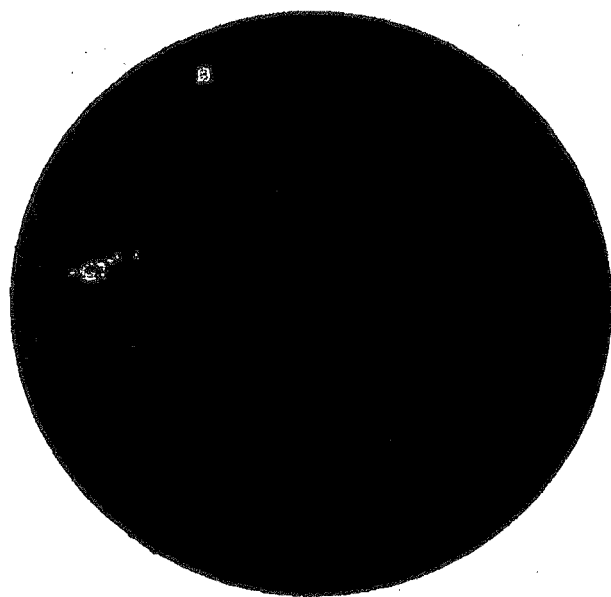
Maackus

475680

Translation of German Registration

Business: Manufacture and sale of musical instruments

Goods/Services: Musical instruments (with the exception of phonographs and apparatus for wireless telegraphy and telephony) in particular pianos, chimes, and keyboard instruments.





Thomson Reuters File Histories



THOMSON REUTERS™

THE WORLD'S LEADING IP DECISION MAKERS TURN TO US FOR ONE REASON

Trust. IP Services from Thomson Reuters.

Good decisions require reliable intelligence. That's why more IP decision makers rely on us.

We empower companies to build and protect their valuable assets with services that span the full IP life cycle. Our blend of global expertise, resources, and technology translates to results you can rely on with certainty. In any language, we're the name you can trust.

THOMSON REUTERS IP SERVICES OFFERINGS

Patent search and analytics

- Prior art search
- Patent watch
- Patent profiles

IP analytics

- Technology landscaping
- Patent portfolio audit
- Competitive portfolio assessment

Patent licensing

- Patent-to-product mapping
- Standards mapping
- Licensing opportunity analysis
- Patent acquisition analysis
- Claims charting

IP management

- Data validation services
- IP payments
- IP docketing
- IP management consulting
- Paralegal services
- Proofreading

Patent preparation and prosecution

- Patent drafting
- Prosecution services

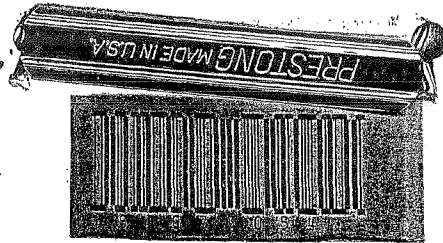
Translation services and file histories

For more information, call us at 800-445-9760
or email ts.cm-fhservice@thomsonreuters.com

73,054

OPP. NO.

15
CLASS NO.



TRADEMARK

NOTICE OF OPPOSITION

TO

REGISTRATION

TERMINATED

FEB 24 1987

OPPOSER Steinway & Sons

VS.

APPLICANT Schiedmayer Pianos, GMBH

SERIAL NO. 475,680 FILED 4-16-84

FOR Musical instruments, namely, pianos, chimes, celestes, and keyboards.

PUBLISHED (PAGE) O. G. 6-25-85 (DATE)

Req. to extend line granted to 8-26-

REC'D In duplicate 8-22 198

FEE \$200.00 8-22 198

SPECIMENS 19

FORWARDED 19

TS
Loaded - PG
1/27/86

73,054

Steinway & Sons
vs.

Schiedmayer Pianos, GmbH

- 1 7-26-85 Req. to Extend Time wanted to 8-26-85
- 2 8-22-85 Notice of Opposition in duplicate
- 3 9-3-85 "letter" Opp. gives NO consideration
- 4 9-18-85 Petition to Commissioner
- 5 ~~9-18-85~~ letter
- 6 9-30-85 Response to NO#3 above
- 7 12-4-85 Commissioner Decision Petition started
- 8 1-21-86 Notice Sent; answer due 3-3-86
- 9 2-28-86 Def's Mot to Ext. Time w/const. App. 3-25-86
- 10 3-31-86 Rev. P/A For Opposed P.V. 4-18
- 11 4-7-86 Def's mot to ext time w/consent App. 4-29-86 5-18
- 12 5-2-86 Def's mot to ext time w/consent approved 5-28-86
- 13 6-9-86 Answer 6-18
- 14 6-23-86 Trial Dates Set 5-16
- 15 10-12-86 P. for consented motion to extend discovery ^{approved} 11-6-86
- 16 11-12-86 Def's mot to ext time w/consent 5-16
- 17 12-4-86 #16 gtd. trial dates reset 8-9
- 18 12-11-86 Pl's mot to ext time w/consent
- 19 12-9-86 Def's mot to withdraw appl. 1-13
- 20 12-22-86 Plaintiff's consent to abandonment
- 21 1-20-87 appl. abandoned; op. dismissed w/o prej
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30

73,054

ATTORNEYS

Steinway & Sons
Steinway Place
Long Island City
New York, New York 10020

Mart E. Richter
c/o Morgan, Finnegan, Pine, Foley
& Lee
345 Park Avenue
New York, New York 10154

and

~~Brumbaugh, Graves, Donohue &
Raymond
30 Rockefeller Plaza
New York, NY 10112~~

Charles C. Winchester and Timothy
A. French
c/o Fish & Richardson
One Financial Center, Suite 2500
Boston, MA 02111

Address

Schiedmayer Pianos, GMBH

ATTORNEYS

Andrus, Sceales, Starke &
Sawall
735 North Water Street
Milwaukee, Wisconsin 53202

PAT. & T.M. OFFICE

JUL 30 1985

TRADEMARK TRIAL
AND APPEAL BOARD



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Schiedmayer Pianos
Serial No. : 475,680
Filed : April 16, 1984
For : SCHIEDMAYER & Design

Time for filing a notice
of opposition is extended to
AUG 26 1985
Henry M. Samones
Trademark Trial and
Appeal Board

REQUEST FOR EXTENSION OF TIME
FOR FILING OF NOTICE OF OPPOSITION

AUG 2 1985

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

#1

6-25

Sir:

On June 25, 1985, Trademark Application Serial No. 475,680, filed April 16, 1984, for the trademark SCHIEDMAYER & Design was published at page TM 100 of the Official Gazette of the United States Patent and Trademark Office.

NOW COMES STEINWAY & SONS. a New York Corporation, whose situs and business address is Steinway Place, Long Island City, New York 11105, and requests in accordance with Section 2.102 of the Trademark Rules of Practice, an extension of time within which it may file a Notice of Opposition to the above-identified application. The extension sought is for thirty days from July 25, 1985 to August 26, 1985.

The reason this extension is sought is to permit petitioner to consider whether or not to file a Notice of Opposition.

Respectfully submitted,

STEINWAY & SONS
By its attorneys,
BRUMBAUGH, GRAVES, DONOHUE & RAYMOND

BY: *Joseph D. Garon*
Joseph D. Garon of the New York Bar
Attorney for Petitioner
30 Rockefeller Plaza
New York, N.Y. 10112
(212) 408-2540

I hereby certify that this paper is being deposited with the U.S. Postal Service as 1st Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks Washington, D.C. 20231
Date of Deposit 7-23-85

JOSEPH D. GARON 20,420
Attorney Name Reg. No.
Joseph D. Garon 7-23-85
Signature Date of Signature

GEORGE B. FINNEGAN, JR.
GRANVILLE M. PINE, P.C.
JOHN D. FOLEY, P.C.
JEROME G. LEE, P.C.
THOMAS P. DOWLING, P.C.
WARREN H. ROTERT
JOHN A. DIAZ, P.C.
JOHN C. VASSIL, P.C.
ALFRED P. EWERT
DAVID H. PFEFFER, P.C.
HARRY C. MARCUS
ROBERT E. PAULSON
STEPHEN R. SMITH
KURT E. RICHTER
J. ROBERT DAILEY
EUGENE MOROZ
JOHN F. SWENEY
ARNOLD I. RADY
CHRISTOPHER A. HUGHES
WILLIAM S. FEILER
JANET DORE
JOSEPH A. CALVARUSO
JAMES W. GOULD

JOHN D. MORGAN
1893-1939
HOBART N. DURHAM
1930-1969

MORGAN, FINNEGAN, PINE, FOLEY & LEE
ATTORNEYS AT LAW
345 PARK AVENUE
NEW YORK, NEW YORK 10154

TEL. (212) 758-4800

TELEX: 421792

CABLE: FINDURPINE NEWYORK

TELECOPIER: (212) 751-6849

THOMAS M. HAMMOND*
RICHARD C. KOMSON
ISRAEL BLUM
CHRISTOPHER HU
BARTHOLOMEW VERDIRAME
MARIA C. H. LIN
ANDREA LOSHIN
GREGORY ATKINSON
JOSEPH A. DEGIROLAMO
ROBERT A. MOLAN
JAY M. BROWN
RICHARD J. McGRATH
DICKERSON M. DOWNING
JOHN C. ANDRES
CHRISTOPHER E. CHALSEN
PATRICIA S. ROCHA
JOSEPH J. BRINDISI
MITCHELL E. RADIN
MICHAEL A. NICODEMA
T. CARTER PLEDGER

*D.C. BAR

August 22, 1985

By: *MISSENGER*

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: Opposition to Registration of
Schiedmayer Lyre Trademark (234-X-027)

Sir:

Enclosed for filing please find:

- a. An original and one copy of a Notice of Opposition whereby Steinway & Sons opposes the registration by Schiedmayer Pianos, GmbH of the Lyre mark (Serial No. 475,680) which was published in the Official Gazette on June 25, 1985;
- b. A check for \$200.00 to cover the cost of filing said Notice of Opposition; and
- c. A Deposit Account Order Form requesting two (2) status copies of the 2 registrations relied upon in said Notice of Opposition.

Please acknowledge safe receipt of the above by date stamping and returning the enclosed self-addressed, prepared postcard.

Very truly yours,


Kurt E. Richter

KER:ca
Enc.

cc: Alfred M. Marks, Esq.
David Rubin, Steinway & Sons

EXHIBIT 2

has continuously, extensively and exclusively manufactured, reconstructed, sold, advertised and promoted STEINWAY pianos of the highest quality throughout the United States and the world under its lyre trademark, consisting of a stylized lyre form (hereinafter "Steinway LYRE" mark). Such trademark generally comprises a lyre form in which the side portions thereof are two "S" letter shapes arranged back-to-back, with an ampersand symbol placed on the strings.

2. Opposer's pianos are world-famous instruments of unique and distinctive quality which have long been recognized for superior performance by professional pianists, concert artists and other music authorities, as well as by amateur musicians, students, prospective buyers and the public in general throughout the United States and the world.

3. Opposer's LYRE mark, in one or the other of its versions has, since long prior to the date of first use alleged by Applicant, come to be recognized by the public and the trade in the United States and throughout the world as a trademark of excellence designating musical instruments originating exclusively from Opposer.

4. Since long prior to the date of first use alleged by Applicant, Opposer has also used its LYRE mark on literature, stationery, promotional items, data sheets, specifications, price lists, commercial bulletins, piano tools and house news publications as well as in connection with piano

repair services and in extensive advertising totalling in excess of twenty million dollars.

5. Opposer has been duly granted the below-listed registrations for its LYRE trademark on the Principal Register of the United States Patent and Trademark Office:

<u>Reg. No.</u>	<u>Trademark</u>	<u>Registered Since</u>	<u>Goods</u>
45,411	LYRE	August 15, 1905	Pianos
607,992	LYRE	June 28, 1955	Pianos

6. Opposer has also duly registered each of the following trademarks on the Principal Register of the United States Patent and Trademark Office:

<u>Reg. No.</u>	<u>Trademark</u>	<u>Registered Since</u>	<u>Goods</u>
45,846	"STEINWAY & SONS"	August 29, 1905	Pianos
141,687	"STEINWAY"	April 26, 1921	Pianos
285,732	"STEINWAY - THE INSTRUMENT OF THE IMMORTALS"	August 4, 1931	Pianos
522,479	"STEINWAY NEWS"	March 14, 1950	Periodical Publication
1,239,328	"STEINWAY ACCELERATED ACTION"	May 24, 1983	Mountings For Piano Keys

7. Opposer is the owner of each of the registrations listed in paragraph 5 and 6 hereof and of all of the business and goodwill of the business in connection with which each mark is used. Each registration is valid, subsisting and remains in full force and effect. (Pursuant to 15 U.S.C. §1059 an application to renew said registration No. 45,411 is being

prepared for filing prior to expiry of the time allocated therefor.) Pursuant to the provisions of 15 U.S.C. §1065, each registration (other than the 1983 registration for "STEINWAY ACCELERATED ACTION") is now incontestable and Opposer is entitled to all of the benefits of incontestable registration on the Principal Register by virtue thereof. Copies of the registrations identified in paragraph 5 are annexed hereto as Exhibits 1 and 2.

8. Applicant herein, SCHIEDMAYER PIANOS, GMBH, Schwelm, Federal Republic of Germany ("Schiedmayer"), seeks to register a mark consisting of a representation of a lyre (hereinafter "Schiedmayer LYRE") for "musical instruments, namely pianos, chimes, celestes, and keyboards" in International Class 15 based on an alleged first use of 1960 and an alleged first use in commerce of 1960. Said Schiedmayer Lyre generally comprises a lyre form in which the side portions thereof are two symmetrical "S" letter shapes arranged back-to-back, with a letter "S" symbol placed on the strings, and is essentially identical and confusingly similar to said registered Steinway LYRE trademark.

9. Opposer will be damaged by the registration of the Schiedmayer LYRE mark as aforesaid in that said trademark so resembles Opposer's Steinway LYRE trademark as to be likely, when applied to the goods of Applicant, to cause confusion, mistake and deception with consequent damage to Opposer's business and goodwill in that persons are likely to erroneously

believe that Applicant's goods originate with Opposer or that Opposer sponsors or is in some way responsible for the quality of such goods, or that Opposer is in some manner legitimately connected with the manufacture and sale of the goods, all to the detriment and irreparable damage of Opposer.

10. The issuance of the registration opposed herein will support and assist Applicant in the confusing and misleading use of the mark sought to be registered in that it will subject the goodwill and reputation of Opposer's Steinway LYRE mark to hazards attending the commercial activities of Applicant over whom Opposer has no control, in that it will dilute the distinctive quality and high character of Opposer's mark, and in that it will otherwise give color of exclusive statutory ownership rights in said trademark to Applicant in violation and derogation of the prior and superior rights of Opposer.

11. Registration should, therefore, be refused pursuant to §2(d) of the Trademark Act of 1946, as amended, ("Lanham Act", 15 USC §1052(d)) on the ground that Applicant's Schiedmayer Lyre mark so resembles Opposer's Steinway LYRE mark as to cause confusion or mistake or to deceive.

WHEREFORE, Opposer Steinway prays that this opposition be sustained and that the application by Schiedmayer to register the Schiedmayer LYRE mark, as aforesaid, for "musical instruments, namely pianos, chimes, celestes and keyboards" be refused.

Opposer hereby appoints as its attorneys in this proceeding George B. Finnegan, Jr.; Granville M. Pine; Thomas P. Dowling, P.C.; John A. Diaz, P.C.; Warren H. Rotert; John D. Foley, P.C.; Jerome G. Lee, P.C.; John C. Vassil, P.C.; Alfred P. Ewert; David H. Pfeffer; Harry C. Marcus; Robert E. Paulson; Stephen R. Smith; Kurt E. Richter; J. Robert Dailey; Eugene Moroz; John F. Sweeney; Arnold I. Rady; Christopher A. Hughes, William S. Feiler, Janet Dore, James W. Gould and Joseph A. Calvaruso whose address is:

MORGAN, FINNEGAN, PINE, FOLEY & LEE
345 Park Avenue
New York, New York 10154

All correspondence should be addressed to Kurt E. Richter at the above address.


Pursuant to 37 CFR 2.6(e) submitted herewith is a check in the amount specified therein in payment of the requisite fee for filing this Notice of Opposition.

Dated: August , 1985 MORGAN, FINNEGAN, PINE, FOLEY & LEE

By:

Kurt E. Richter
345 Park Avenue
New York, New York 10154
(212) 758-4800

Attorneys for Opposer

Form 270-140 (Rev. 75) AUG 28 1985 DEPOSIT ACCOUNT ORDER FORM		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		BEFORE USING THIS ORDER FORM read the important information on the reverse side																			
MAIL ROOM Commission of Patents and Trademarks Washington, D.C. 20231		Date 8/22/85		FOR OFFICE USE ONLY																			
Account No. 134500		Order No. 353		<table border="1"> <thead> <tr> <th>ITEM OR SERVICE</th> <th>VALUE FURNISHED</th> </tr> <tr> <th></th> <th>ACTION Off. Use</th> </tr> </thead> <tbody> <tr> <td>408</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>		ITEM OR SERVICE	VALUE FURNISHED		ACTION Off. Use	408													
ITEM OR SERVICE	VALUE FURNISHED																						
	ACTION Off. Use																						
408																							
Name and Address of Depositor: MORGAN, FINNEGAN, PINE, FOLEY & LEE 345 PARK AVENUE NEW YORK, N.Y. 10154																							
DESCRIPTION OF ARTICLES OR SERVICES TO BE FURNISHED																							
Applicant : Steinway & Sons																							
Filing Date : August 22, 1985																							
Serial No. : 475,680																							
Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231																							
Sir:																							
Please prepare two status copies of each of the following																							
registrations. The registrations numbers are 45,411 and 607,992.																							
Please send to the undersigned.																							
If additional space is needed attach separate sheet.																							
<div style="text-align: right;">  Kurt E. Richter (Signature) Reg. No. 24,052 </div>																							

FOR PROMPT, ACCURATE SHIPMENT PLEASE COMPLETE THE FOLLOWING MAILING LABEL—PLEASE PRINT OR TYPEWRITE

U.S. DEPARTMENT OF COMMERCE
 PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 OFFICIAL BUSINESS
 RETURN AFTER FIVE DAYS

YOUR ORDER NO.

353

NAME **MORGAN, FINNEGAN, PINE, FOLEY & LEE**
 STREET ADDRESS **345 PARK AVENUE**
 CITY, STATE, ZIP CODE **NEW YORK, N.Y. 10154**

Form 202-140
MAIL 13-751
AUG 22 1985
MAIL TO: Commissioner of Patents and Trademarks
Washington, D.C. 20231
TRADE MARKS
Account No. **13-4500** Order No. **353**

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
DEPOSIT ACCOUNT ORDER FORM

BEFORE USING THIS ORDER FORM
read the important information on the
reverse side

FOR OFFICE USE ONLY	
ITEM OR SERVICE	VALUE FURNISHED ACTION Off. Use

Name and Address of Depositor:
MORGAN, FINNEGAN, PINE, FOLEY & LEE
345 PARK AVENUE
NEW YORK, N.Y. 10154

DESCRIPTION OF ARTICLES OR SERVICES TO BE FURNISHED

Applicant : Steinway & Sons

Filing Date : August 22, 1985

Serial No. : 475,680

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Please prepare two status copies of each of the following registrations. The registrations numbers are 45,411 and 607,992.
Please send to the undersigned.

If additional space is needed attach separate sheet.

Kurt E. Richter
Kurt E. Richter (Signature) Reg. No. 24,052

THIS FORM MAY BE REPRODUCED WITHOUT PERMISSION OF THE PATENT AND TRADEMARK OFFICE.

FOR PROMPT, ACCURATE SHIPMENT PLEASE COMPLETE THE FOLLOWING MAILING LABEL—PLEASE PRINT OR TYPEWRITE

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
OFFICIAL BUSINESS
RETURN AFTER FIVE DAYS

YOUR ORDER NO.

353

NAME **MORGAN, FINNEGAN, PINE, FOLEY & LEE**

STREET ADDRESS **345 PARK AVENUE**

CITY, STATE, ZIP CODE **NEW YORK, N.Y. 10154**



GEORGE B. FINNEGAN, JR.
GRANVILLE M. PINE, JR.
JOHN D. FOLEY, P.C.
JEROME G. LEE, P.C.
THOMAS P. DOWLING, P.C.
WARREN H. ROTERT
JOHN A. DIAZ, P.C.
JOHN C. VASSIL, P.C.
ALFRED P. EWERT
DAVID H. PFEFFER, P.C.
HARRY C. MARCUS
ROBERT E. PAULSON
STEPHEN R. SMITH
KURT E. RICHTER
J. ROBERT DAILEY
EUGENE MOROZ
JOHN F. SWEENEY
ARNOLD I. RADY
CHRISTOPHER A. HUGHES
WILLIAM S. FEILER
JANET DORE
JOSEPH A. CALVARUSO
JAMES W. GOULD

JOHN D. MORGAN
1893-1938
HOBART N. DURHAM
1930-1969

MORGAN, FINNEGAN, PINE, FOLEY & LEE
ATTORNEYS AT LAW
345 PARK AVENUE
NEW YORK, NEW YORK 10154

TEL. (212) 758-4800

TELEX: 421792

CABLE: FINDURPINE NEWYORK

TELECOPIER: (212) 751-6849

THOMAS M. HAMMOND*
RICHARD C. KOMSON
ISRAEL BLUM
CHRISTOPHER HU
BARTHOLOMEW VERDIRAME
MARIA C. H. LIN
ANDREA LOSHIN
GREGORY ATKINSON
JOSEPH A. DEGIROLAMO
ROBERT A. MOLAN
JAY M. BROWN
RICHARD J. McGRATH
DICKERSON M. DOWNING
JOHN C. ANDRES
CHRISTOPHER E. CHALSEN
PATRICIA S. ROCHA
JOSEPH J. BRINDISI
MITCHELL E. RADIN
MICHAEL A. NICODEMA
T. CARTER PLEDGER

*D.C. BAR

August 22, 1985

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: Opposition to Registration of
Schiedmayer Lyre Trademark (234-X-027)

Sir:

Enclosed for filing please find:

- a. An original and one copy of a Notice of Opposition whereby Steinway & Sons opposes the registration by Schiedmayer Pianos, GmbH of the Lyre mark (Serial No. 475,680) which was published in the Official Gazette on June 25, 1985;
- b. A check for \$200.00 to cover the cost of filing said Notice of Opposition; and
- c. A Deposit Account Order Form requesting two (2) status copies of the 2 registrations relied upon in said Notice of Opposition.

Please acknowledge safe receipt of the above by date stamping and returning the enclosed self-addressed, prepared postcard.

Very truly yours,


Kurt E. Richter

KER:ca

Enc.

cc: Alfred M. Marks, Esq.
David Rubin, Steinway & Sons



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DiCocco

September 3, 1985

Applicant: Schiedmayer Pianos, GmbH
Serial No. 475,680
Filed: April 16, 1984
Mark: SCHIEDMAYER and Design

3

On August 22, 1985, Steinway & Sons filed an
opposition to the above-identified application.

However, a review of the opposition reveals that it is
defective because it was not signed by opposer or by counsel
for opposer.⁽¹⁾

Under the circumstances, the opposition cannot be
entertained by the Board.

Janet E. Rice
Janet E. Rice

Member, Trademark
Trial and Appeal Board

(1) It should be noted that effective February 27, 1983,
Section 13 of the Trademark Act of 1946 and Trademark Rule
2.101 were amended to eliminate the requirement for
verification of oppositions, with the result that an opposition
need no longer be verified, and may be signed either by the
opposer or by its attorney.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DiCocco

September 3, 1985

234-X-027

Applicant: Schiedmayer Pianos, GmbH
Serial No. 475,680
Filed: April 16, 1984
Mark: SCHIEDMAYER and Design

RECEIVED
DOCKET DEPT

SEP - 9 1985

M.F.P.F. & L

On August 22, 1985, Steinway & Sons filed an opposition to the above-identified application.

However, a review of the opposition reveals that it is defective because it was not signed by opposer or by counsel for opposer. (1)

Under the circumstances, the opposition cannot be entertained by the Board.

Janet E. Rice
Janet E. Rice

Member, Trademark
Trial and Appeal Board

(1) It should be noted that effective February 27, 1983, Section 13 of the Trademark Act of 1946 and Trademark Rule 2.101 were amended to eliminate the requirement for verification of oppositions, with the result that an opposition need no longer be verified, and may be signed either by the opposer or by its attorney.

EXHIBIT 1