

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 THIRD SET OF
DOCUMENT REQUESTS

June 22, 2016

Respondent herewith submits the following responses to Petitioner's Third Set of Document Requests as requested.

Respondent will address each document request as follows:

DOCUMENT REQUEST NO. 12:

Produce all documents representing promotion and advertising material of any kind for Schiedmayer marked pianos which are in the possession, custody or control of the Respondent, within the past 10 years.

Respondent has produced in this disclosure a letter to a Chinese piano manufacturer from 2005 who was contracted to produce pianos that would ultimately become SCHIEDMAYER branded pianos. SCHIEDMAYER branded pianos are currently being advertised for sale on the website of the Hollywood Piano Company, affiliated with Respondent (see p. 5 of the print out).

DOCUMENT REQUEST NO. 13:

Produce all documents within the possession, custody or control of the Respondent relating to sales or offering for sale of pianos of any type under the trademark SCHIEDMAYER, taking place within the past 10 years.

Respondent produces the enclosed photograph of a computer report detailing sales and rental of various SCHIEDMAYER branded pianos that took place during the relevant time period. The other photographed computer report details the rental history of one of the SCHIEDMAYER branded pianos in the rental pool controlled by the Hollywood Piano Company, affiliated with Respondent..

DOCUMENT REQUEST NO. 14:

Produce all documents within the possession, custody or control of Respondent relating to any transport in commerce of Schiedmayer marked pianos within the past 10 years.

Respondent's production of the photos of the computer printouts demonstrates sales and rental activities conducted by Respondent of SCHIEDMAYER branded pianos which were transported in commerce.

DOCUMENT REQUEST NO. 15:

Produce all documents within the possession, custody or control of the Respondent, including without limitation itemized invoices, emails, letters and the like, which in any

way relate to or support Respondent's allegation that certain documents may have been lost or destroyed due to alleged "computer crashes."

Respondent is continuing to work to respond to this request and will supplement its disclosure for this point as documents relating to this request are found. Obviously, it will be impossible for Respondent to produce any documents in response that are already lost due to the crashes.

DOCUMENT REQUEST NO. 16:

Produce all documents within the possession, custody or control of the Respondent relating to any use, including without limitation use in commerce of pianos of any type under the trademark SCHIEDMAYER taking place within the past ten years.

The produced documents demonstrate use of the mark in sales, rental, and manufacturing activity involving pianos occurring during the past 10 years.

DOCUMENT REQUEST NO. 17:


State the full name and business address of that person having the most knowledge of the issues involved in the subject cancellation proceeding employed by Respondent.

As previously disclosed, the person with the most knowledge is Glenn Treibitz, business address 323 S. Front St., Burbank, CA 91502.

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

Dated: 6/28, 2016

Respectfully submitted,



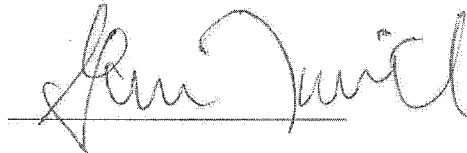
Glenn Treibitz

Respondent, Piano Factory Group, Inc.

VERIFICATION

STATE OF CALIFORNIA)
County of LA) ss.

I have read the foregoing RESPONDENT'S RESPONSES TO PETITIONER'S THIRD 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 28 day of June, 2016, by Candice Galt, 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 THIRD SET OF DOCUMENT REQUESTS is being sent via 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: ~~6/28~~, 2016

7/5

/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.

*****CHECK OUT THIS ONE OF A KIND HAND BUILT SCHULZE POLLMANN FROM ITALY*****

search here ...

Go

Hollywood Piano

Burbank
323 S. Front St.

Pasadena
2084 E. Foothill Blvd.



1800 MY-PIANO
(1800-697-4266)

Home

About

Our Pianos

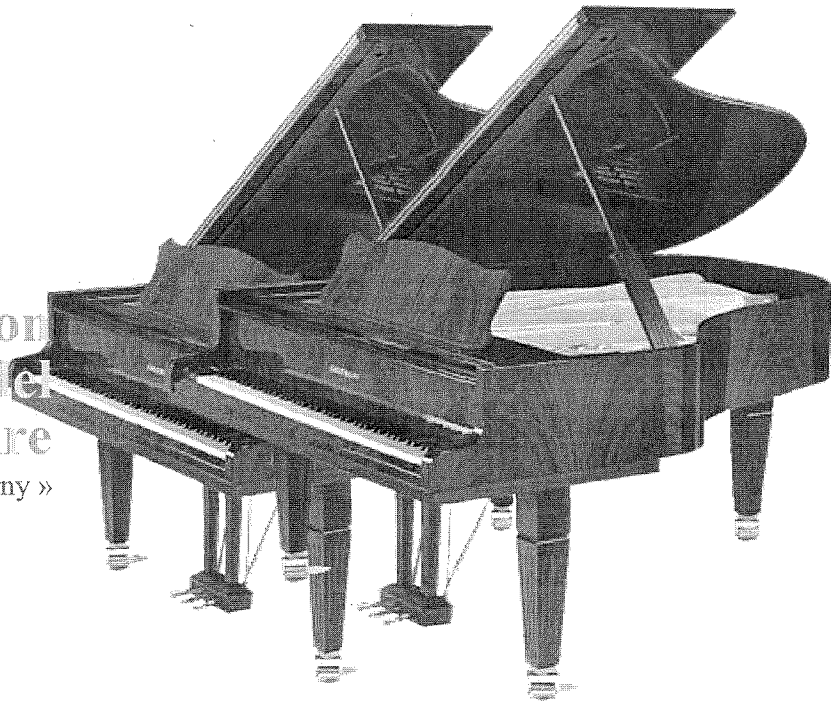
Rentals

Piano 101

Services

Education

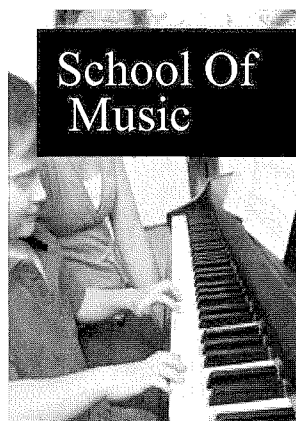
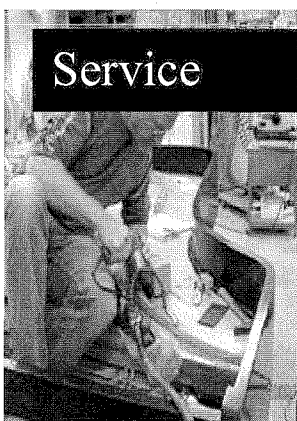
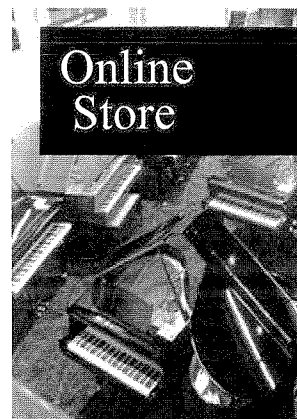
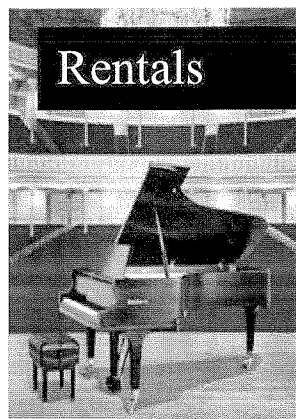
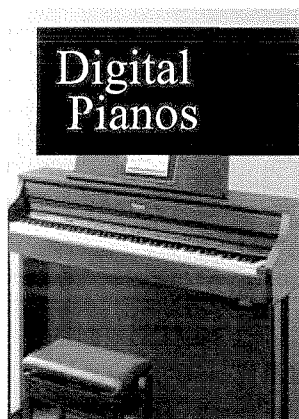
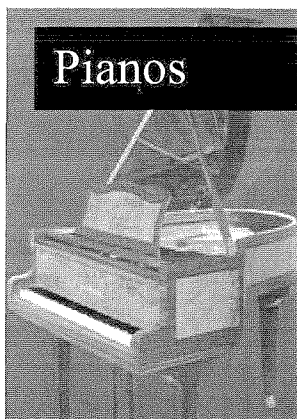
Shop



«
Grotrian Salon
Grand Piano Model
189 Empire
Pyramide-Mahogany »

"Grotr.
The B »
Subjec
Times
"Granc
Odyss

"Since 1928 the trusted home of the world's finest pianos"



Los Angeles County's Only A+ Rated Piano Stores

Blog

Famous People Who Played the Piano

When in school, many of us were trotted away to music class each day, were taught the art of a ...

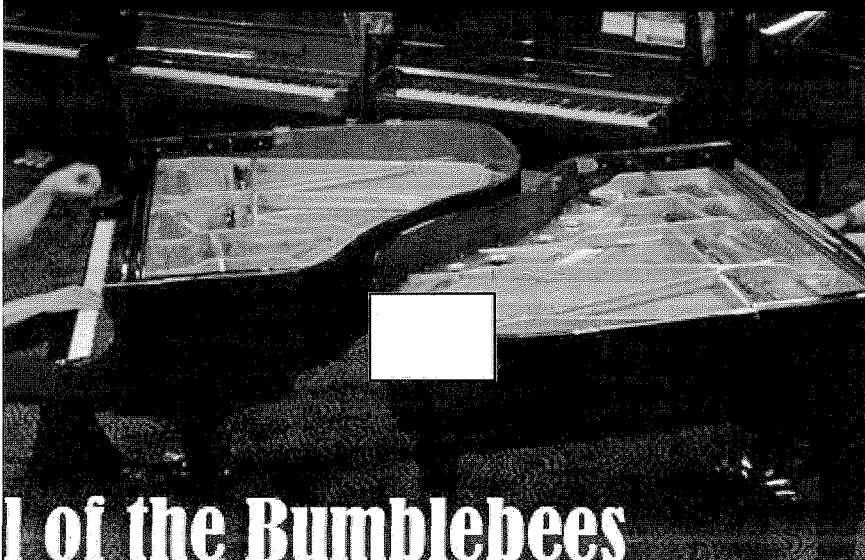
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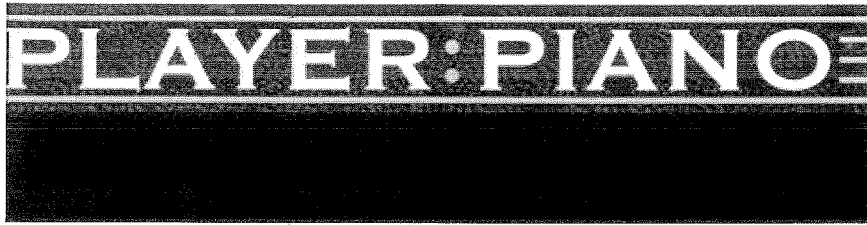
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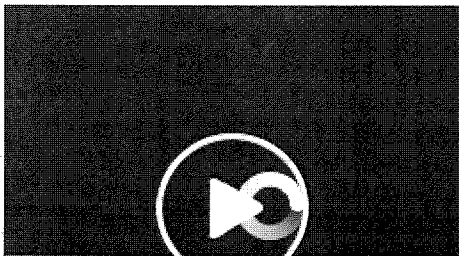


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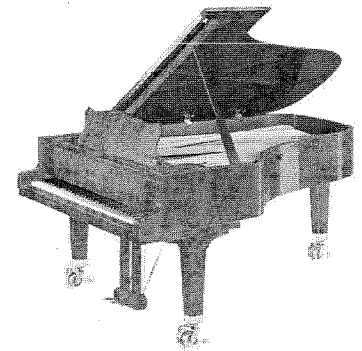


Hollywood Piano Company
18 hrs

Wow, this is amazing. Watch as Ludovico Einaudi plays in the arctic to battle for the protection of this precious land!



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Locations
Irwin & Rhoda Treibitz
Performance Hall @
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GROTRIAN

Mason & Hamlin


ESTONIA

PianoDisc

Pitmillor


BRODMANN
THE JOSEPH BRODMANN GROUP

HARDMAN


HARDMAN PECK & CO
ESTD 1842 NEW YORK

CASIO

 Roland

KURZWEIL
It's the Sound.

Albert Weber

YOUNG  CHANG



LIVE
Performance
Model LX

Hollywood Piano is one of the largest piano dealers in the Los Angeles Metro area serving the San Fernando Valley, San Gabriel Valley, Vatura County, Conejo Valley, Orange County, San Bernardino County, Riversdie County, Inland Empire, Lancaster, Palmdale, Burbank, Glendale, Pasadena, Hollywood, West Hollywood, Arcadia, San Moreno, Alhambra, Monterey Park, Baldwin Hills, West Covina, Walnut, Diamond Bar, Eastvale, Duarte, Hancock Park, Culver City, West LA, Santa Monica, Westwood, Brentwood, Beverly Hills, South Bay, Redondo Beach, Manhattan Beach, Palos Verdes, Long Beach, and North Hollywood. Hollywood Piano is the largest Baldwin piano dealer in the United States of America. Our Company sells new pianos, used pianos, and is the largest piano rental agency in the Los Angeles metropolitan region. The models of new and used acoustic pianos that it sells include Steinway & Sons, Mason & Hamlin, Seiler, Estonia, Albert Weber, Brodmann, Steingraeber, Sohmer, Knabe, Young Chang, Petrof, Pleyel, Weber, Bergmann, Falcone, George Steck, Hobart M. Cable, Brodmann, Schiedmayer, Bernard Shoninger, Kawai, Yamaha, Samick, Chares Walter, Shigeru Kawai, Schimmel, Perzina, Star, Hallet & Davis, Kingsburg, Chickering, Kimball, Boston, Essex, Kohler & Campbell, Bosendorfer, Bechstein, Bohemia, Fazioli, Bluthner, Vose and Sons, Kurtzmann, Pramberger, Story & Clark, Hallet & Davis, Knabe, Wurlitzer, Adagio, Hailun, Ritmuller, Pearl River, Yamaha Disklavier, August Forester, Grotrin Steinweg, Sauter, Schulze Pollman and Hardman Peck. Also digital pianos from Roland, Kurzweil, Yamaha Clavinova, Casio, AvantGrand, The One, Dynatone, and Korg. Finally, we carry player piano systems from Pianomation, Piano Disc and QRS, Pianoforce and Live Performance LX.

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Location	MAKE	MODEL	FINISH	SERIAL	Florig	N/U	DATE	PRICE	College	Delete
Burbank	Schiedmayer	C118	SnwWht	129354	XXXX	N		2500		Sold
Best Buy	Schiedmayer	C118	SnWht	129347	XXXX	N		2500		Sold
Burbank	Schiedmayer	Console	Mah Pol	R0845	XXXX	N		1096.5		Sold
Burbank	Schiedmayer	NU09	Ebv Pol	GJ0885	XXXX	N	11/23/2005	1054.5		Sold
Burbank	Schiedmayer	UH09	Ebv Pol	LZ0387	XXXX	N	05/24/2007	1096.5		Sold
Pasadena	Schiedmayer	NU195T	Ebv Pol	GJ0787	XXXX	N	12/26/2007	708		Long Term
Pasadena	Schiedmayer	C183	Ebv Pol	S1317080976	XXXX	N	03/23/2010	5675		Sold
Burbank	Schiedmayer	108	Ebv Pol	620511284	XXXX	N	8/29/2012	1195		Sold
Pasadena	Schiedmayer	108	Ebv Pol	620510254	XXXX	N	8/29/2012	1195		Sold
Burbank	Schiedmayer	108SM	Mah Pol	660814204	XX	N	10/24/2014	1501		Sold
Encore	Schiedmayer	115	Mah Pol	650713578	XXXX	N	1/28/2016	1595		Rental
Encore	Schiedmayer	117	Mah Pol	670711641	XXXX	N	1/28/2016	1645		Rental
Encore	Schiedmayer	120	Ebv Pol	670102315	XXXX	N	1/28/2016	1595		Rental

Record 2
Found 13
Total 18036
Unsorted

HOLLYWOOD PIANO COMPANY INVENTORY

Name: Grand Grand
Serial #: 110757
Description: Console Piano
Last Inventory: 4/11/2014
Date Received: 12/26/2007

Model No.: NU19ST
Category: Console
New / Used: New
Status: Long Term
Location: Pasadena

Model #	17A53
Finish	Ebony Pol
Type of prod.	Piano
Minuses	update

Buying Price:	1474.00
PAID AMT:	
Refund:	
Deposit:	
Amount:	500.00
Total Paid:	5700.00
Actual Cash Debt:	
Grand Margin %:	
FLI:	333.00

Flooring Date	12-26-2007
Flooring Co.	HPC
Flooring ID #	702434
Principal paid	\$856.00
Balance Due	\$0.00
Date Paid Off	02/02/2008
Check #	2472
Flooring Charge	

Printed: 4/11/2015 10:00 AM
 User: edby
 110757 6060 05 03 07 W
 Weeks: Edward 043013
 for 12 mos / 11/19/04/13 0
 10445 ON THREE DEL
 04/2013
 RR Jones 7/27/08 Jones,
 Bradley 12/18/07 for 12
 mos 0 RR Russell 12/18/07
 Russell, Abby 10/13/08 0
 RR Highway 9/25/07 0
 Murphy, Sam 3/6/05
 364.95 for 6 mos. deg
 30.00 value 5/16/08 0
 at home 3/25/08, Maria
 1/21/08 0 5/15 5/16/08,
 0/10/08 0 (heavy)
 0/10/08 0



Alton Chan
Yohayi Piano Company
GZ, China

December 13, 2005

Dear Alton,

This is to confirm the NAMM product for the B. Shoninger America corporation. The piano product that you ship will be considered as part of the investment in this new corporation. This company (B. Shoninger America) will be a joint venture of Yohayi piano company and the Trizak Corporation. Please give me the details of shipping so we can arrange the pick up at this end of the B. Shoninger and Schiedmayer pianos.

Best Wishes,

Glenn Treibitz
Piano Factory Group , Inc

**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.; and	Registration Date: November 20, 2007
Sweet 16 Musical Properties, Inc.	
Respondent	

**RESPONDENT'S RESPONSES TO PETITIONER'S FOURTH SET OF
DOCUMENT REQUESTS**

January 24, 2017

Respondent herewith submits the following responses to Petitioner's Fourth Set of Document Requests as requested.

Respondent will address each document request as follows:

DOCUMENT REQUEST NO. 1:

Produce all documents relating in any way to promotion and advertising for Schiedmayer pianos of any type which has taken place in the past seven year.

Respondent has already produced the relevant documents relating to its and its predecessor in interest regarding promotion and advertising of SCHIEDMAYER branded pianos in the three previous document productions made in this proceeding. SCHIEDMAYER branded pianos are currently being advertised for sale on the website of the Hollywood Piano Company, affiliated with Respondent as represented in those

documents previously produced. Respondent supplements its previous disclosures with a printout of the Whois record for Schiedmayer.com indicating that Respondent via its affiliated DBA Hollywood Piano Company owns this domain and that it redirects to the website of the Hollywood Piano Company.

DOCUMENT REQUEST NO. 2:

Produce all documents relating in any way to billing information and all other related information regarding all sales of Schiedmayer Pianos of any type which have taken place within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses.

DOCUMENT REQUEST NO. 3:

Produce all documents relating to the manufacture of Schiedmayer pianos of any type taking place within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses.

DOCUMENT REQUEST NO. 4:

Produce all documents relating to the offering for sale of Schiedmayer pianos of any type.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 5:

Produce all documents of any type relating to the promotion of Schiedmayer pianos of any type within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 6:

Produce all documents relating to why and how registrant Sweet 16 Musical Properties, Inc. adopted the name Schiedmayer as a trademark.

Respondent has already produced the relevant documents in the three previous document request responses and those produced in its Response in opposition to Petitioner's Motion for Summary Judgment.

DOCUMENT REQUEST NO. 7:

Produce all documents, including without limitation, billing invoices, estimates, etc. relating in any way to any computer crash of any type, including with particularity the computer crash referred to in the response to document request number five addressed to Piano Factory Group, Inc.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 8:

Produce all documents relating in any way to the offering for sale of Schiedmayer pianos of any type within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 9:

Produce all documents relating in any way to the promotion of Schiedmayer pianos of any type within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 10:

Produce all documents representing promotion and advertising material of any kind Schiedmayer marked pianos which are in the possession, custody or control of Sweet 16 Musical Properties, Inc. within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 11:

Produce all documents within the possession, custody or control of Sweet 16 Musical Properties, Inc. relating to any transport in commerce of Schiedmayer marked pianos of any type within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 12:

Produce all documents within the possession, custody or control of Respondent, Sweet 16 Musical Properties, Inc., including without limitation, itemized invoices, emails, letters and the like which in any way relate to or support Respondent's allegation that certain documents may have been lost or destroyed due to alleged "computer crashes."

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 13:

Produce all documents within the possession, custody or control of Respondent, Sweet 16 Musical Properties, Inc., relating to any use, including without limitation, use in commerce of pianos of any type under the trademark Schiedmayer taking place within the past seven years.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

DOCUMENT REQUEST NO. 14:

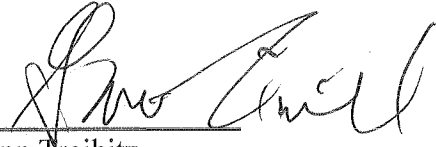
Produce all documents of any type to support the position that Sweet 16 Musical Properties, Inc. has not abandoned U.S. Trademark Registration No. 3,340,759.

Respondent has already produced the relevant documents in the three previous document request responses and those produced herewith.

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

Dated: 1/31, 2017

Respectfully submitted,



Glenn Treibitz

Respondent, Piano Factory Group, Inc.

VERIFICATION

STATE OF CALIFORNIA)
) ss.
County of LOS ANGELES)

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

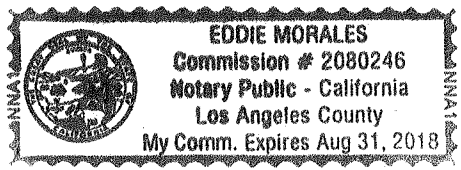
Glenn Treibitz

Glenn Treibitz

Subscribed and sworn to (or affirmed) before me this 31st day of JANUARY, 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

WITNESS my hand and official seal.



u

CERTIFICATE OF SERVICE

It is hereby certified that one (1) copy of the foregoing RESPONDENT'S RESPONSES TO PETITIONER'S FOURTH SET OF DOCUMENT REQUESTS is being sent via email 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: _____, 2017

/s/ Adam R. Stephenson
Adam R. Stephenson, LTD.
8350 E Raintree Dr., Ste 245
Scottsdale, AZ 85260
Tel: 480.264.6075
Fax: 480.718.8336
Email: adam@iptech.law
Attorney for Respondents, Piano Factory
Group, Inc. and Sweet 16 Musical
Properties, Inc.