

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

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Schiedmayer Celesta GmbH,

Cancellation No.: 92/061,215

Petitioner,

Reg. No. 3,340,759

v.

Mark: SCHIEDMAYER

Piano Factory Group, Inc. and  
Sweet 16 Musical Properties, Inc.

Registration Date: November 20, 2007

Respondents.

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**RESPONDENT’S AMENDED NOTICE TO TAKE TESTIMONIAL CROSS-  
EXAMINATION BY WRITTEN QUESTIONS**

Pursuant to 37 CFR 2.124(a), Rule 28 of the Federal Rules of Civil Procedure, and TBMP 703.02 et seq., Respondents Piano Factory Group, Inc. and Sweet 16 Musical Properties, Inc. (“Respondents”) hereby submit their amended notice to take testimonial cross-examination of Petitioner’s witness Elianne Schiedmayer by written questions before a German Civil Law Notary located in Stuttgart, Germany. Ms. Schiedmayer is (or a Civil Law Notary located at another location in Germany convenient to Ms. Schiedmayer). Such a German Civil Law Notary will be competent under the Federal Rules of Civil Procedure to record her answers. Exhibit A filed with this Notice indicates the qualifications of such Notaries which include the ability to record Ms. Schiedmayer’s answers to the written questions in a manner admissible in this proceeding.

The undersigned had reached out via telephone this week to Petitioner’s counsel to determine whether a specific Germany Civil Law Notary could be agreed upon to be named in this notice, but in talking with Petitioner’s counsel’s office staff, learned that he

was out of the office until Monday, so an agreement on a specific Notary could not be arranged at this time.

The originally filed notice was filed within the Petitioner's testimony period. This Amended Notice is being filed in response to the Board's order dated August 16, 2017. Since Elianne Schiedmayer presented testimony in this matter only by Declaration, Respondents are entitled to cross-examine her, but as she is not located in the United States and Respondents have no further information that she will be present in the United States during the pendency of this proceeding, cross-examination by written questions is the only option available to Respondents.

Copies of Respondent's questions are being re-served with this notice upon Petitioner's counsel but are not being filed with the Board per the procedure described in TMBP 703.02(c).

Given that the cross-examination will be conducted using written questions per the procedure laid out in the rules and the TMBP, Respondents respectfully request that the proceedings be suspended by the Board following the process outlined in TMBP 703.02(c) until the cross examination is completed.

Dated: August 30, 2017

Respectfully submitted,

/s/ Adam R. Stephenson  
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Attorney for Respondents

**CERTIFICATE OF SERVICE**

It is hereby certified that one (1) copy of the foregoing RESPONDENT'S AMENDED NOTICE TO TAKE TESTIMONIAL CROSS-EXAMINATION BY WRITTEN QUESTIONS is being sent via email to Petitioner Schiedmayer Celesta GmbH's attorney of record at the designated email below:

Michael J. Striker  
Striker, Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743  
[striker@strikerlaw.com](mailto:striker@strikerlaw.com)

Dated: 8/30/2017

/s/ Adam Stephenson