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

Proceeding	92061215
Party	Plaintiff Schiedmayer Celesta GMBH
Correspondence Address	MICHAEL J STRIKER COLLARD & ROE PC 1077 NORTHERN BLVD ROSLYN, NY 11576 UNITED STATES striker@collardroe.com, sbellus@collardroe.com 516-365-9802
Submission	Plaintiff's Notice of Reliance
Filer's Name	MICHAEL J. STRIKER
Filer's email	striker@collardroe.com
Signature	/Michael J. Striker/
Date	10/09/2018
Attachments	NOTICE OF RELIANCE.pdf(1330756 bytes)

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FEDERAL GOVERNMENT

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.)	
)	
Respondents.)	
_____)	

NOTICE OF RELIANCE

Petitioner, pursuant to 37 CFR 2.122(e); TTAB Rule 704.08(b) and TTAB Rule 704.02 herewith submits the subject Rebuttal Notice of Reliance upon the following documents:

EXHIBIT A:
Extract from book entitled:
THE COMPLETE IDIOTS GUIDE TO BUYING A PIANO
Pages 188,189
Mary C. Finn and Jennifer B Finn
2008 Alpha Books

Exhibit B:
Internet Article: DO YOU KNOW WHAT A STENCIL PIANO IS
<http://www.britanniapianoauctions.wordpress.com>
Printed: July 12, 2018

Exhibit C:
Internet Article: FREQUENTLY ASKED QUESTIONS
WHAT IS A STENCIL PIANO
<http://www.jacobsmusic.com>
Printed July 12, 2018

Exhibit D:
Internet Article: THE TOP 5 PIANO SCAMS
Robert Estrin
<http://www.virtualsheetmusic.com>
Printed July 12, 2018

Internet Advertisement
FACEBOOK HOLLYWOOD PIANO
ADVERTISEMENT
<https://www.facebook.com/bargainsLA/photos/the-hollywood-piano-factory-90th/101565...>
Printed September 13, 2018

STATEMENT OF RELEVENCY

Exhibit A, B and C are relevant for the following reasons:

In the Trial Deposition of Glenn Treibitz he admitted that the Schiedmayer pianos which the Defendants have sold are no-name pianos manufactured in China to which a Scheidmayer Trademark Decal has been applied. In the cross examination deposition of Glenn Treibitz he admitted that all Schiedmayer pianos sold or offered for sale by Defendants are Stencil Pianos.

Exhibits A, B, and C explain what a Stencil piano is and rebut Defendants assertion that such usage represents bona fide trademark use.

These Exhibits also rebut Defendants assertion made during its Trial Testimony Term that it has a right to assert laches, since the admission as to stencil pianos represents an act of unclean hands thereby preventing the assertion of laches.

Exhibit D is relevant because it is an advertisement of Defendants for a Schiedmayer piano showing numerous references to Germany thereby demonstrating a clear attempt to pass off the piano as a genuine Schiedmayer product.

This is relevant as it relates to Defendants assertion that its use of the trademark Schiedmayer is bona fide and is also relevant as it demonstrates unclean hands which mitigates against the assertion of a laches defense.

Respectfully submitted,

/Michael J. Striker/

Michael J. Striker
Attorney for Petitioner
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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 ⁹ day of October, 2018.

/Michael J. Striker/

Michael J. Striker

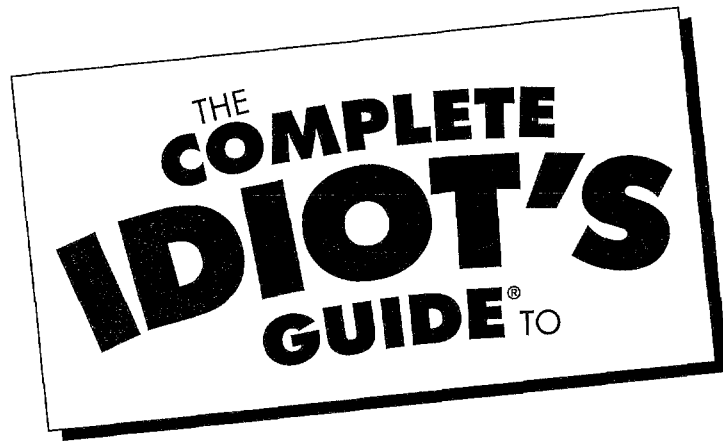
EXHIBIT A

THE
**COMPLETE
IDIOT'S
GUIDE[®] TO**

A goof-proof
guide that's in tune
with your needs

Buying a Piano

Marty C. Flinn and
Jennifer B. Flinn



Buying a Piano

by Marty C. Flinn and Jennifer B. Flinn



A member of Penguin Group (USA) Inc.

Stencil Pianos: What They Are

Not all pianos are what they appear to be. For decades, some manufacturers have built generic, lower-quality pianos for distributors and retailers with a variety of names stenciled on the front. These are called *stencil pianos*. Often the stenciled name sounds close to that of a more famous and recognizable brand. Frequently these names come from old, defunct American companies that still command some recognition in the marketplace. Names are usually chosen because they sound American or German, even though the piano may be made in Indonesia or mainland China. Unfortunately, many customers are hoodwinked into paying top dollar for lesser-quality instruments and are deliberately led to believe the product comes from Germany or another high-profile location.

def•i•ni•tion

A *stencil piano* is an instrument built by a manufacturer with another brand name placed on it.



Key Note

Important questions to ask when considering the purchase of a stencil piano are:
 Who made this piano? In what city and country was it made?
 What is the factory warranty?
 Besides you, who backs the warranty, should your company fail or I move? To be safe, double-check what you are told.

Typically these pianos are built under contract with a retailer, distributor, or another manufacturer. Often the manufacturer of a stencil piano wishes to increase its market distribution by adding additional brand names under its own auspices without jeopardizing the reputation of the factory name.

Stencil pianos are not intrinsically of poor quality, but they are usually less impressive than pianos bearing the true factory name. The concern with stencil pianos is not that the quality is always bad but that the makers and/or sellers of these pianos mislead customers into thinking they are buying something they're not. The reputations and value of piano brand names are built on decades of consistency in quality, durability, performance, and predictable resale values. It is not uncommon for once renowned, but now defunct, manufacturers to trade or sell their name to the highest bidder. Unsuspecting customers see that name on a piano and assume they are getting great value, when in fact, the actual instrument may or may not be at the level of quality that name implies.

Finding a Quality Stencil Piano

In recent years, Samick Music Corporation (SMC) downsized its Inchon, South Korea, piano factory and moved production of its lower lines of production pianos to

Jakarta, Indonesia. Samick re-tooled the smaller Inchon operation to produce a limited number of higher-end pianos that did not resemble their other lines.

Their lower lines share the characteristics of other Asian pianos with mahogany plywood rims, V-Pro cast plates, and typical high-polish polyester finishes. The special pianos built in SMC's Inchon facility today represent a departure from the norm. The brand names produced there are Wm. Knabe & Co., Sohmer & Co., and Pramberger (see Chapter 13). All three lines feature hardwood rims (maple and/or oak), sand-cast plates, spruce support beams, and premium action components; they are often available in hand-rubbed fine furniture finishes.

Several of the Knabe and Sohmer models feature original American scale designs from the 1920s and 1930s, as well as a faithful use of original materials and parts specifications. We are told that the Pramberger line is an extension of the late Joseph Pramberger's design work. These three lines of pianos do not fit the classic definition of a stencil piano in that they are distinct and varied products from Samick's other lines. Their specifications, materials, fits and finishes, and, more importantly, their performance in touch and tone surpass the Samick-branded instrument line. These are not cheap knock-offs or re-badged inferior instruments by any means.

Many stencil pianos being produced today are built under contract by one manufacturer for another manufacturer. And, in fact, the piano may be a decent instrument with a pretty good value. After a few years, it may begin to build a reputation and acceptance in the market place, resulting in a certain expectation of resale value and longevity. As the business climate turns, the contracting manufacturer may decide to award the contract to a cheaper builder. If this transpires, the lineage of that label becomes clouded and is especially problematic when subsequent manufacturers are lower bidders with not only lower profiles, but lower standards of materials and build quality.

In short, tread carefully with pianos of questionable origin. You don't want to end up paying a hand-made German price for a mass-produced piano bearing a German-sounding name that was built in China.



B-Sharp

Dealers sometimes resort to the stencil piano ploy when they cannot earn authorized representation status of a particular high-profile brand. These dealers buy container loads of Chinese pianos, put German names on them, and try to market them as an exclusive line. Selling this one-of-a-kind, unknown brand name opens the gates for price gouging.

EXHIBIT B

Do you know what a 'stencil piano' is?

This week at Britannia Piano Auctions the topic of 'stencil pianos' came up fairly often in various conversations, we wondered how many of our auction goers and followers know what a stencil piano is? And if they truly understand what it is all about.

Well if you didn't you will after reading this!

For decades many piano manufactures have designed and made pianos that are of inferior quality. These instruments were designed to be sold to traders and retailers and would have a variety of names 'stencilled' on the front of the piano.

A typical example of this is the 'Archer family' who own a local piano shop. They would purchase a number of stencil pianos for their showroom floor that would display 'Archer' on the fall board as the name of the instrument. The word 'Archer' thus being the stencil.

Another classic example of stencil pianos is when manufactures produce a cheap end piano that has a German sounding name, or a name that sounds like one of the top established makers, for instance;

Steinwell (sounds like Steinway)

Bachstein (sounds like Bechstein)

Arard (sounds like Erard)

Schiedmayar (sounds like Schiedmayer & Soehne)

Interestingly many stencil pianos are made in Indonesia or Mainland China. And many buyers are deceived into believing that these pianos are produced in famous geographical location that are recognized for their production of quality instruments, most notably Germany.

It does have to be pointed out that stencil pianos are not always poor in their quality, but they are generally made of cheaper material and are less impressive than the pianos that bear the true factory name.

<http://www.britanniapianoauctions.com> (<http://www.britanniapianoauctions.com>)

info@britanniapianoauctions

0161 977 0075

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This entry was posted on January 15, 2014, 8:18 am and is filed under [Education](#), [Pianos](#). You can follow any responses to this entry through [RSS 2.0](#). You can [leave a response](#), or [trackback](#) from your own site.

EXHIBIT C



Click on a city location below for more information.

Pennsylvania

Center City Philadelphia

1718 Chestnut Street
Philadelphia, PA 19103
215-568-7800

Willow Grove

1135 N. Easton Road
Willow Grove, PA 19090
215-658-0888

Ephrata

1391 W. Main Street
Ephrata, PA 17522
717-715-8888

West Chester

1572 Wilmington Pike
West Chester, PA 19382
484-723-2700

New Jersey

Cherry Hill

1409 Route 70 East
Barclay Farms Shopping
Center

Cherry Hill, NJ 08034
856-663-8888

Lawrenceville

2540 Brunswick Pike
Lawrenceville, NJ 08648
609-434-0222

Frequently Asked Questions

1) Why do people say that "Music Makes You Smarter?"

A ten-year study tracking more than 25,000 students shows that music-making improves academic test scores. Regardless of socioeconomic background, music-making students got higher marks in standardized tests than those who had no music involvement.

2) How do I select a piano?

Click here for a [piano buyers guide](#).

3) What is a Stencil Piano?

Manufacturers of questionable quality pianos acquire the names of respected American pianos that are long out of business, like Knabe, Pramberger, Story & Clark, Falcone, Hardman Peck, and other venerable names and put only the "labels" on their pianos to induce naïve purchasers into purchasing their products from dealers who are unable to acquire instruments of foremost merit. Most of these pianos today are made in Asia and they bear no relationship to the musical performance, workmanship and stability that were representative of the "stenciled" names that are on the pianos.

Similar, and equally misleading, is the practice by which a piano dealer that is unable to acquire quality products of proven respectability puts its own name on a piano and then represents that they are either the manufacturer or designer of the instrument, when neither is the truth, in order to mislead prospective purchasers into erroneously believing that they are buying an instrument that is a superior product to the piano they have actually selected for their home or institution.

THE HIGHEST QUALITY AND MOST RESPECTED PIANO MANUFACTURERS NEVER ALLOW A DEALER TO PUT ITS OWN DEALER NAME ON A FINE QUALITY INSTRUMENT.

4) How do you authentically restore a Steinway piano?

If your *Steinway piano* is in need of restoration services, the only way to ensure that 100% genuine Steinway parts and methodology are being used is to use the *Steinway & Sons* Restoration Center at the Steinway & Sons Factory. Some parts, such as the proprietary Steinway soundboard, are simply not available to other piano restoration companies or individuals and only available at the Steinway factory. In other cases, Steinway parts may be available, but restoration companies will replace them with cheaper parts - often claiming that they are somehow superior to the genuine Steinway parts.

5) Should my child learn piano on a portable keyboard?

Portable keyboards do not provide your child with the ability to develop proper touch, tone and musical expression. Music Educators agree that learning on a portable keyboard is counterproductive.

6) How often should I have my piano tuned?

Piano manufacturers recommend that new pianos should be **tuned** a minimum of three to four times the first year and a minimum of two times a year thereafter.

7) Why does a piano go out of tune?

Your piano's overall pitch is dependent upon changes in the relative humidity. In some temperate regions of the country, the relative humidity increases in the summer resulting in a higher moisture content in the soundboard and a higher string tension (pitch). In the winter, when heating systems dry the air, the soundboard loses moisture and contracts, causing the pitch to drop. The drop in the winter tends to exceed the rise in the summer, so the net result is a drop in pitch each year that the piano isn't serviced. Additionally, this change does not occur evenly across the notes.

8) How many keys does a piano have?

88 is the standard number of keys for a piano. In an effort to reduce costs, some piano manufacturers have made pianos with fewer keys. Low cost portable keyboards will often have fewer than 88 keys.

[Jacobs Music Main Contact](#)

888-887-8888

[Center City Philadelphia](#)
1718 Chestnut Street

[West Chester](#)
1572 Wilmington Pike
West Chester, PA

[Lawrenceville](#)
2540 Brunswick Pike
Lawrenceville, NJ

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July 26th, 2017

DISCLAIMER: The views and the opinions expressed in this video are those of the author and do not necessarily reflect the views of Virtual Sheet Music and its employees.

Video Transcription

Hi, this is Robert Estrin at livingpianos.com and virtualsheetmusic.com with the top five piano scams of all time. Actually, there are probably more than this. Sadly, I don't know why I'm laughing about this, this is actually a very serious subject. And after I get done telling you these scams, it will alert you about these, but I really welcome others to add to the conversation to warn other people about what's going on out there, and we'll all learn something from this video.

All right, sadly, not everybody in this world is honest and upright, and it can be really distressing sometimes for people. One of the first scams I ever heard about, years ago, and, fortunately, I never experienced it, but I heard about this very unscrupulous couple. And here's the way their scam worked. They go out to some unsuspecting home of somebody who had a piano listed for sale, and they'd say, "Yeah, I like the piano. I want to buy it. And could I give you, you know, \$100, or \$200, or whatever it is? I'll give you that, and then I'll bring the truck to the movers over later, and to...you know, here's \$500." They'll give them a certain amount of money for a piano, and they'll say, "Oh! I noticed there's a little blemish on the fallboard. So do you mind if I take the fallboard?" Oh, they go, "Oh, sure!" He goes, "We could start working on it." Well, time passes. They never hear from this person again, and then this is where the scam comes in. The partner, who makes reference to the first person at all, says, "Oh, I noticed your ad awhile back, and I never got a chance to talk to you. Do you still have the piano?" Well, you could see where this is going. They say, "Yeah, but..." and



they explain the situation, "Well, I might be interested." The second person comes in and swoops it up for, you know, pennies on the dollar. Isn't that disgusting? I know, that's one scam, but there are others that are equally disturbing.

There's a trend I've heard of lately, and this is an alert for people in the Southern California area. I'm not sure which auction house this is happening at, but I've heard this from a number of people, so it's verified, because I've heard it from more than one source. Which is, a lot of auctions, you don't get the chance to inspect the piano closely. Things are fast and furious, and people come in and prepare to take a chance on a deal, and what more exciting way to entice people than a Steinway. You see a Steinway there. It looks pretty good. You can't get real close, but it looks all right. Well, you win the auction. You're elated. You pay for the piano. You arrange for delivery. You get the piano, and when you look inside, you find, "No, that's not a Steinway. They just put Steinway on the fallboard." Can you really do that? Well, yeah, it's actually the easiest thing in the world. In fact, any piano that's refinished has a new decal on front. They're available through a variety of sources online, and it's an important thing to have. After all, you have an old Steinway. You rebuild it. You refinish it. Of course, you're not gonna want to leave the fallboard blank. You need the decal. But putting a decal that doesn't match the piano, in my book, is dead wrong.

Now, there are some people who, kind of, you know, ride the line on that, which I still think is absolutely wrong, and I would never do it. But I've seen more than one source, even coming from notable dealers, where they'll have an old Baldwin Monarch or Baldwin Howard, one of Baldwin's lower lines, which would have said "Howard" on the front, or "Hamilton," or "Monarch," and somewhere inside the piano, or maybe little letters on the side of the fallboard, it'll say, "Product of Baldwin." Well, they take the piano. They refinish it. Do they put "Monarch" on the front, "Product of Baldwin?" No, they put "Baldwin" right on the front of that fallboard, and it's really sad that people think they're getting a top-tier piano, and they're actually getting one of the lower-line pianos.

Some people go to extraordinary lengths. I think one of the most unusual situations I've ever heard in piano scams was a Steinert. Steinert was a great American piano company, and they're very, very similar to Steinway in the design. Even inside the piano, the logo that they have has that half-moon shape. Well, there was a Concert Grand Steinway being advertised for sale, and I had somebody ask me, this was a few years ago, they said, "Something doesn't seem right," but I looked at the pictures, looked like a Steinway D, because the Steinert scale design is so close. These people went to such extraordinary lengths, because, usually, the way you know for sure what a piano is, is whatever is cast into the plate, because you can't fake that, or can you? Well, these industrious people, I guess because it was a nine-foot concert grand, they figured they could get a pretty penny for it, did indeed alter the plate and made it say "Steinway" inside.

Now, how did I know it wasn't a Steinway? Just from pictures? Well, on the capo d'astro bar, and other parts of the plate, there are different designations of accelerated action or different words that occur on Steinways that are different from other manufacturers. And indeed, while they did put that Steinway name, they didn't take the care or the time to scrape off everything off that plate and replace it with what would have been on a Steinway D. Thank goodness I spotted that, because whoever contacted me was not sure about whether to get this piano. And there's nothing wrong with a Steinert, but Steinway, because of the name, sells for much more money than any other brand, pretty much in the used market, so it would have been overpaying for that Steinert. It gets worse, huh?

Okay, what else could there possibly be? What other scams are there in the industry? Well, the last one I'm gonna tell you is one of the most popular, and it's prevalent, and once again, it's all in presentation, how far somebody goes to represent something honestly and what somebody does to try to really let you know what you're looking at. It could be very confusing in this world of stencil pianos, which I've talked about extensively before, that is, people selling imported pianos mostly from China and Indonesia, they'd have to put a name on the front that people have heard of. So, with the hundreds of piano brands of companies no longer in existence, they pick one, and they stencil it on the front of the piano. Of course, they buy the rights to doing this. It's perfectly legal, so long as you know that you're buying a stencil brand. You know, you shouldn't be buying a piano, like a Kohler and Campbell, for example, they went out of business in the 1980s. Well, the Korean company, Samick, produces pianos in Indonesia and Korea, and they put the Kohler and Campbell name, because people have heard of it more than Samick, even though they're a huge company.

Well, the only time this really becomes deceptive is if somebody tries to present that as an American piano, or the myriad companies trying to tell people that something is a German piano by not quite getting to the fact that it's a Chinese piano by saying, "The German soundboard, and the German design, and the German hammers, and the German strings." Before you know it, you know, you want to get a big blogger and celebrate your piano as being a German instrument. Well, you know, there are very few German instruments around, and the ones that are around are extremely costly. So if you ever go into a piano store, and somebody tells you, "Oh, this \$10,000 piano is made in Germany," no it's not. There aren't any \$10,000 pianos, maybe an upright, if you're lucky, but certainly not a baby grand or a grand piano.

So these are some scams that I've come across in my time with pianos. I hope this has been interesting and helpful for you, and I welcome anybody else who has stories to share so to safeguard others from making a big mistake on an important purchase. Thanks so much for joining me. Again, Robert Estrin here at virtualsheetmusic.com and livingpianos.com, your online piano store. See you next time.

Post a comment, question or special request:

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Comments, Questions, Requests:



How to approach Kuhlau Sonatina Op. 55 No. 1 - Part 1

July 5th, 2017



Tuner Vs. Technician

June 14th, 2017



The Burgmuller's Studies - Part 5

June 7th, 2017



How to Play Legato Octaves

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The Burgmuller's Studies - Part 4


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BargainsLA
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The Hollywood Piano Factory 90th Anniversary Sale, 6/22-7/1. Save 25-68% storewide on new pianos by Roland, Baldwin, Mason & Hamlin Schiedmayer, Kawai, Weber, Ritmuller, Steinway, Estonia and more. A Baldwin Baby Grand that was \$21,425 is now \$10,990. A Roland digital piano is \$990 instead of \$1595. A Baldwin upright is \$5490 instead of \$9265 and a Mason & Hamlin grand piano that was \$59,811 is now \$39,990. 323 Front St., Burbank 91502 2084 E. Foothill Blvd., Pasadena. Cash/ CC/ Financing. Tell Glenn, BargainsLA sent ya!

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Hollywood Piano

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<p>Roland</p> <p>Roland's superior action and touch along with their Super Natural sound engine for an unbelievable price it also will connect with iPad or Android.</p>  <p>Valued at \$1,595 \$990</p> <p>Rated as the best digital grand.</p> <p>Everything about this piano is an all you could expect from Roland, the leader in digital piano technology. In black or white. Valued at \$10,995 \$5,990</p> 	<p>Schiedmayer</p> <p>Over the centuries, piano with a soul has always been German. Strong, expressive tonalities. Action, precise standards. Never to be repeated.</p>  <p>Valued at \$5,495 \$2,990</p> <p>Among the baby grand with German design, German piano, German tonalities. Action, precise standards and 25 years of world leader warranty.</p>  <p>Valued at \$12,785 \$6,990</p>
<p>MASON & HAMLIN</p> <p>The 17 professional tone show demo is considered to be the very best upright made today. The piano has a 100% play and a 100% play here option.</p>  <p>MSRP: \$34,425 \$24,990</p> <p>A Series built like a piano, the brand new with a full new mechanism. Many pianos say this is the absolute best baby grand made regardless of price.</p>  <p>Valued at \$59,811 \$39,990</p>	<p>Burbank 323 South Front St (818) 954-8500</p> <p>Pasadena 2084 E. Foothill Blvd. 626-229-0999 1800 MY-PIANO</p>





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