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# **Incoming Correspondence Routing Sheet**

**To: TMO LAW OFFICE 111 - AWAITING RESPONSE DOCKET**

**Word Mark: SCHIEDMAYER**

**Serial No: 78157552**



**Mail Date: 03152004**



**Doc. Type: Responses to Office Actions**



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**No Fee**

**RAM Mail Date: 031504**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Piano Factory Group )  
Serial No.: 78/157,552 ) Trademark  
Filed: August 24, 2002 ) SCHIEDMAYER  
Trademark ) Class 15  
Attorney: Darlene D. Johnson ) Law Office 111

**RESPONSE**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Sir:

In the Official Action of September 12, 2003, the Examining Attorney has refused registration under Section 2(a) stating that the mark SCHIEDMAYER may falsely suggest a connection with the pianos previously manufactured by the Schiedmayer family. For reasons given below, applicant respectfully traverses this refusal as being not justified under substantive law.

As a preliminary matter, attached hereto is a POWER OF ATTORNEY AND REVOCATION OF PRIOR POWERS OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS whereby undersigned counsel is made of record. Please direct all further contacts to same as instructed therein.



03-15-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #72

SALIENT FACTS

During the following discussion, the following facts must be kept in mind. Specifically, the Schiedmayer family's piano business was sold in 1980 to IBACH (Attachment to Office Action). The trademark SCHIEDMAYER was subsequently used by Schiedmayer Piano Gmbh of Wuppertal, Germany, a subsidiary of Rud Ibach Sohn and was made under license by Kawai Piano of Japan. However, Kawai Piano ceased manufacture of SCHIEDMAYER a few years prior to 2002. (See attached message board report entitled Tuning Pin Size). A search of current Kawai Piano web sites shows no reference to SCHIEDMAYER pianos (see attached page listing current Kawai piano models).

With regard to Schiedmayer Piano Gmbh, a web page thereof which was attached to the Office Action, requests for information including current prices and models have gone unanswered (see copy of email as sent). Other web pages relating to this subsidiary on the Rud Ibach Sohn web site are being revised (see attachment of translated web page). Lastly, a comparison of the model numbers listed on the Rud Ibach Sohn web site (attached translated web site pages entitled Upright Pianos made by Rud. Ibach Sohn and Grand Pianos made by Rud. Ibach Sohn) does correlate with the Schiedmayer Piano Gmbh model numbers on the attachment to the office action.

Thus, Applicant, on information and belief, avers that no entity is currently manufacturing SCHIEDMAYER pianos. Further, there is no evidence of record showing sales of SCHIEDMAYER pianos in the United States.

RESPONSE

The Examining Attorney has refused registration because the mark allegedly consists of or comprises matter which may falsely suggest a connection with the Schiedmayer Piano Company, 35 USC 1052(a).

However, the record shows that no entity is presently using the mark at issue. Clearly, the abandonment of the mark at issue has been established (Lanham Act, Section 45, 15 U.S.C. §1127). Thus, the Office Action is now asserting a Section 2(a) refusal based on an abandoned mark which is not currently being used by anyone in the United States.

However, the validity of exactly such an assertion has been rejected by the Trademark Trial and Appeal Board as being directly contrary to settled law. In the relevant portion of the opinion, the Board stated:

"Rather than demonstrating that a basis exists for refusing registration to applicant under Section 2(a), what the Examining Attorney has essentially done is assert that applicant's trademarks are likely to cause confusion with the mark that was abandoned more than thirty years ago by the truck company that no longer exists. This is not a proper basis for refusing registration. Under the Examining Attorney's reasoning, a trademark that was once used and recognized as such, but has since been abandoned, could never be adopted, used and registered by another entity until all memory of the original owner had been lost by the relevant purchasing public. It is well settled, however, that after a mark has become abandoned, if it is then adopted by an entity unrelated to the original owner, the rights to the mark vest with the first to adopt and use it, providing that the new user takes precautions to prevent confusion. " In re Wielinski, 49 USPQ2d 1754, 1758 (TTAB 1998).

The present facts are directly on point with the Board's analysis in the In re Wielinski case. The cited case involved two applications to register marks previously used but now abandoned for about thirty years despite a fan base of old truck aficionados. The Board overturned a Section 2(a) rejection grounded in the abandoned mark which denied registration of said marks by an unrelated third party.

Additionally, the cases cited in the Office Action are all easily distinguishable from the present application by another fact, namely, that no entity has manufactured SCHIEDMAYER pianos since 1980. In all the cited cases, the allegedly infringed name or identity actually was being used at the time of the case by some specific identifiable entity.

In University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co., 217 USPQ 505 (Fed. Cir. 1983) the rights at issue were asserted by the University of Notre Dame in South Bend, Indiana which is still in operation. In University of Alabama v. BAMA-Werke Curt Baumann, 231 USPQ 408 (TTAB 1986), the rights were asserted by the University of Alabama which is currently in operation. In In re Cotter & Co., 228 USPQ 202 (TTAB 1985) the rights involved belonged to the U.S. Military Academy which is currently in operation at West Point. In Buffett v. Chi-Chi's, Inc., 226 USPQ 428 (TTAB 1985) the rights were asserted by Jimmy Buffett who still sings a song entitled MARGARITAVILLE.

In contrast, there is no one currently extant who is entitled to assert a property right or a right of publicity for the mark SCHIEDMAYER on pianos. Assertion of a §2(a) rejection of the basis of a defunct company is improper as "A juristic person's rights under 2(a) are extinguished when the juristic person ceases to exist." In re Wielinski, 49 USPQ2d 1754 (TTAB 1998), quoted in TMEP 1203.03(a). Rud. Ibach Sohn is apparently no longer making SCHIEDMAYER pianos.

Note that such an entity is necessary to assert a §2(a) rejection even for a deceased natural person. TMEP 1203.03(a). See Lucien Piccard Watch Co. V. Since 1868 Crescent Corp., 165 USPQ 459 (S.D.N.Y. 1970) (The court rejected defendant's challenge the validity of plaintiff's trademark registrations on the basis of a §2(a) false connection with Leonardo Da Vinci for the mark DA VINCI) and In re Wielinski, 49 USPQ2d 1754, 1758 (TTAB 1998) ("A natural person's right to the use of a designation which points uniquely to his or her persona may not be protected under Section 2(a) after his or her death unless heirs or other successors are entitled to assert that right").

As the Board stated in the latter case with regard to a juristic person:

"There could be someone who stands in the shoes of the former truck company, but this record does not establish who that might be. In any event, it is not up to the Examining Attorney to assert whatever rights such an unknown entity might possess. This is one of the purposes of the opposition procedure". In re Wielinski, 49 USPQ2d 1754, 1758 (TTAB 1998).

Attached to the Office Action was a copy of a web site page from Schiedmayer Pianos GmbH. However, three additional pages attached hereto from related sites indicate that no one is currently manufacturing SCHIEDMAYER pianos or selling same in the United States. Thus, there is nothing in the current record establishing the existence of a viable entity, whether a natural or juristic person, able to assert rights to the mark today.



As further evidence, the piano manufacturing industry has a long established tradition of the revival of famous old trademarks by new, unrelated companies. Some examples of revived marks (copies of registrations<sup>1</sup> are attached) are:

- 1) WINTER, originally owned by Winter & Company which went out of business in 1982, revived by Sherman, Clay & Co. who now owns Reg. No. 2,754,085;
- 2) BRAMBACH, originally owned by Brambach Piano Company, merged with Kohler & Campbell which went out of business in 1983, revived by Sherman, Clay & Co. who now owns Reg. No. 2,710,079;
- 3) HENRY F. MILLER, originally owned by Henry F. Miller, revived by Sherman, Clay & Co. who now own Reg. Nos. 2,557,063 and 2,384,260;
- 4) HARDMAN, originally owned by Hardman Music Company which went out of business in 1982, revived by North American Music, Inc. who now owns Reg. No. 2,486,870; and
- 5) HALLET, DAVIS & CO., originally owned by a company of that name, last made in 1957, revived by North American Music, Inc. who now owns Reg. No. 2,417,440.

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<sup>1</sup>To make registrations of record, soft copies of .. the complete electronic equivalent (i.e., printouts of the registrations taken from the electronic search records of the United States Patent and Trademark Office) must be submitted. TMEP 710.03.

Thus, the relevant public, namely, purchasers of pianos, is well aware of the practices of the industry regarding the revival of old, famous name piano manufacturers. By these means, these famous old names are kept alive for future generations.

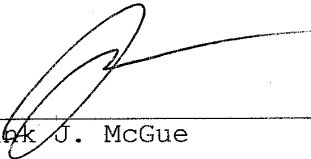
For reasons set forth above, applicant avers that the mark SCHIEDMAYER does not falsely suggest a connection with the now defunct Schiedmayer Piano Company or its successors in interest and respectfully requests withdrawal of the rejection of same under 15 U.S.C. §1052(a).

For the foregoing reasons, applicant believes its application is in condition for allowance and an early passage to publication is respectfully solicited.

Respectfully submitted,

Date: March 12, 2004

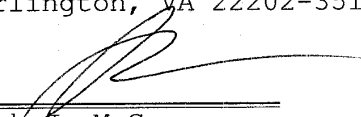
By

  
\_\_\_\_\_  
Frank J. McGue

10801 N. 32nd Street  
Suite 5  
Phoenix, AZ 85028  
(602) 494-0311

**CERTIFICATE OF MAILING**

I hereby certify that the annexed RESPONSE and its attachments, namely, a POWER OF ATTORNEY AND REVOCATION OF PRIOR POWERS OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS, a copy of a web pages entitled "Upright Pianos made by Rud. Ibach Sohn", "Grand Pianos made by Rud. Ibach Sohn", "We Revise our Web appearance", "Tuning Pin Size", "Kawai America Home Page", copy of email sent to Schiedmayer@wtal.de, and copies of six registration records from the U.S. Patent and Trademark Office database, are are being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on March 12, 2004.

  
\_\_\_\_\_  
Frank G. McGue

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Piano Factory Group )  
Mark: SCHIEDMAYER ) International Class 15  
Serial No.: 78/157,552 ) Trademark Attorney: Darlene D. Johnson  
Filed: August 24, 2002 ) Law Office 111

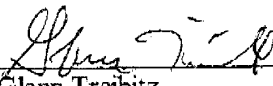
**POWER OF ATTORNEY  
AND  
REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Applicant hereby revokes all previous powers of attorney given in the above identified application and appoints Frank J. McGue, a member of the bar of the State of Arizona, their attorney, with full power of substitution, delegation and revocation, 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. Please direct all further correspondence relating to the above identified application to:

Frank J. McGue  
10801 North 32nd Street, Suite 5  
Phoenix, Arizona 85028  
(602) 494-0311  
(602) 996-8190 (FAX)  
fjmpatent@aol.com

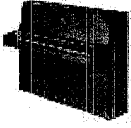
Respectfully submitted,


Date: 2/23/04


By   
Glenn Treibitz  
General Manager  
Piano Factory Group  
Applicant


Upright pianos made by  
**RUD. IBACH SOHN**  
 est. 1794

Please click the thumbnail-pictures

<p><b>B - 114 Modern</b></p>	
<p>black or white polished</p>	
<p>optional: school equipment (castors, two locks)                  Hight: 114 cm, Width: 144 cm, Depths: 59 cm, Weight: 200 kg [ <a href="#">dimensions</a> ]</p>	

<p><b>B - 114 Classic</b></p>	
<p>black polished</p>	
<p>Hight: 114 cm, Width: 146 cm, Depths: 58 cm, Weight: 200 kg [ <a href="#">dimensions</a> ]</p>	

<p><b>B - 114 Tradition</b></p>	
<p>black or white polished</p>	
<p>walnut, mahogany or cherry polished</p>	
<p>beech, alder or oak open grain</p>	
<p>maple or cherry open grain</p>	
<p>Hight: 114 cm, Width: 146 cm, Depths: 58 cm, Weight: 200 kg [ <a href="#">dimensions</a> ]</p>	

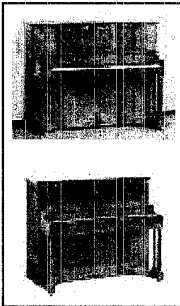
<p><b>C - 118 Elegance</b></p>	
<p>with castors</p>	
<p>black or white polished</p>	
<p>beech, alder or oak open grain</p>	
<p>maple or cherry open grain</p>	
<p>walnut, burr-walnut, mahogany und cherry polished</p>	
<p>Hight: 118 cm, Width: 145 cm, Depths: 60 cm, Weight: 215 kg [ <a href="#">dimensions</a> ]</p>	

**C - 118 Edition**

*Design Bruno Paul 1911*

with castors  
 black or white polished  
 cherry and rosewood with inlay polished  
 oak oiled und rosewood open grain

Height: 118 cm, Width: 148 cm, Depths: 59 cm [ dimensions ]

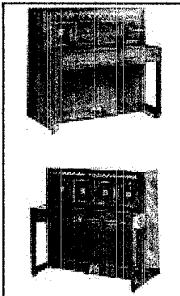


**H - 128 Edition**

*Design Peter Behrens 1905*

with castors  
 black polished  
 burr-walnut with inlay, polished

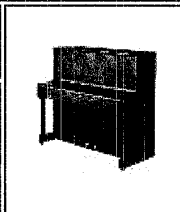
Height: 128 cm, Width: 138 cm, Depths: 64 cm [ dimensions ]



**L - 132 Tradition**

with castors  
 black polished

Height: 132 cm, Width: 151 cm, Depths: 66 cm, Weight: 245 kg [ dimensions ]



**Prices for other designs, veneers, shade and finish on request.**

**Accessories for upright and grand pianos (prices on request)**

- Locks
- hand operated celeste
- 3rd pedal

candle-holder for H-128 Edition school-equipment (castors, two locks)  
electronic mute-system (TECHNICS)


### **Pianobenches**


STANDARD bench in beech, colour to be matched, open grain  
IBACH bench matching to model C-118 edition  
    black or white, polished  
    or matching oak, cherry or rosewood  
IBACH bench, matching to our grand piano models


*letzte Änderung: Wed, 29 Oct 2003 11:38:42 UTC*  
© by Florian Speer


**Grand pianos made by  
RUD. IBACH SOHN  
est. 1794**

To enlarge the pictures, please click the thumbnails.


<p><b>Grand piano F - I 165</b></p>	
<p>black polished</p>	
<p>Length: 165 cm, Width: 143 cm, Weight: 290 kg</p>	


<p><b>Grand piano F - II 183 TH</b></p>	
<p>black polished oak black open grain</p>	
<p>Length: 183 cm, Width: 153 cm, Weight: 310 kg</p>	


<p><b>Grand piano F - II 183 TH Edition 1994</b></p>	
<p><i>designed by Rud. Ibach Sohn in 1913</i></p>	
<p>details: legs      desk</p>	
<p>black polished</p>	
<p>fiddelback-mahogany polished</p>	
<p>burr walnut tree polished</p>	
<p>Length: 183 cm, Width: 153 cm, Weight: 310 kg</p>	



<p><b>Grand piano F - II 183 TH Jubilee grand</b></p>	
<p>black polished</p>	
<p>fiddelback-mahogany polished</p>	
<p>burr walnut tree polished</p>	
<p>Length: 183 cm, Width: 153 cm, Weight: 310 kg</p>	



<p><b>Grand piano F - III 215 TH</b></p>	
<p><i>Model "Richard Strauss"</i></p>	
<p>black polished Length: 215 cm, Width: 153 cm, Weight: 370 kg</p>	

<p><b>Grand piano F - III 215 TH</b></p>	
<p><i>Model "Richard Strauss"</i> designed by Richard Meier</p>	
<p>Please notice our <i>extra-page</i></p>	

<p><b>Grand piano F - IV 240 TH</b></p>	
<p><i>Model "Richard Wagner"</i></p>	
<p>black polished Length: 240 cm, Width: 155 cm, Weight: 430 kg</p>	

<p><b>Exceptional Wishes ... ?</b></p>	
<p>Please notice our <i>extra - page</i> of IBACH - editions and extraordinary grands and uprights ! ...no idea is too crazy not to be interesting...please mail us!</p>	
<p>example: grand piano airbrushed, a very individual order by one of our customers (unique).</p>	
<p>example: grand piano, design "CLASSICISM". A special order by one of our customers, hand-made, unique instrument.</p>	

**Every IBACH-Grand Piano is equipped with Duplexscala and Sustenutopedal.  
Every model is available by request in other shades, colours, different kinds of wood and veneer as to your colour sample.**

**Additional accessories by request**

**Lock**  
**School equipment (2 locks, castors)**  
**Electronic mute-system**

**Pianobenches**

**STANDARD bench in beech satin with matching colour**  
**IBACH bench in beech with matching wood or colour (adjustable height with stuffed upholstery)**  
**BEETHOVEN bench, leather upholstery and matching to all F-II 183 TH Edition**

**Grand pianos of "RUD. IBACH SOHN" are top-class instruments.**

*letzte Änderung: Wed, 29 Oct 2003 11:33:07 UTC*  
© by Florian Speer

**We revise our Web appearance!**  
**Please you visit our ladengeschaeft in Wuppertal!**

**Thus you reach us:**

<p><b>SCHIEDMAYER PIANOS GmbH</b> in the PianoCenter Wuppertal</p> <p>Federal avenue 235 - D 42107 Wuppertal Telephone: 0202 - 49 38 610 fax: 0202 - 49 38 611</p> <p>opposite of Cinemaxx and schauspielhaus</p>
<p>Data as per § 6 Teledienstgesetz:</p> <p>Schiedmayer pianos GmbH Federal avenue 235 - D 42107 Wuppertal Email: schiedmayer@wtal.de Management Martin Pueckel/Rolf Ibach Trade register with the district court Wuppertal HR B 9879 USt ID. No. DE 114207327</p>

# Tuning Pin Size

John Delacour JD@Pianomaker.co.uk

Thu, 24 Jan 2002 23:02:30 +0000

- Previous message: [Wapin bridge](#)
- Next message: [Moisture control of soundboard wood](#)
- Messages sorted by: [ date ] [ thread ] [ subject ] [ author ]

At 7:51 AM -0800 1/24/02, David Love wrote:

>John:

>

>Re the tensions on the Schiedmayer. You're right, they were all over the place, zigzagging back and forth. When I recalculated the scale it came out >quite different. What gives with the original idea, do you know?

There were two Schiedmayer factories: Schiedmayer Pianofortefabrik (formerly J. & P. Schiedmayer) and Schiedmayer und Soehne. The history of the family and the relations between the two is probably either interesting or unprintable. I've spoken a couple of times with the last surviving representative who, until a few years ago was having the Schiedmayer uprights and grands made by Kawai - and they were quite nice. By this time the firm was making only celestes but they owned a huge tract of prime land in central Stuttgart. So far as I know, this land has now been sold for a considerable fortune and presumably old Mr. Schiedmayer is retired in great comfort. Both firms were very highly regarded in their day and won all the medals and the royal appointments etc. each victory of the one firm presumably increasing the chagrin of the other. I guess at the family feuds only from the few conversations I've had with Mr S.

Both firms used very high tensions on the covered strings and the Schiedmayer und Soehne also in the plain wire. I've mentioned this before on the list. There was a craze at one time followed by certain makers for taking the wire to its limits in the quest for more power. I own a S&Soehne overstrung which certainly achieves that end, but I know they could have got as good results with a shorter scale and a different design. Nevertheless they are tremendous pianos. I always rescale the bass to make it more lively but simply make what adjustments I can in the plain wire scale without changing the bridge.

I have only restored one S. Pianofortefabrik and loved it -- even better than the S & Soehne. That was a while ago and I lost the book years ago in which I used to record the scales, so I'm only familiar with the scaling of the bass.

At 7:34 AM -0800 1/24/02, David Love wrote:

>I don't know the metric, but the pins were .276" and .278" respectively. I >went to a # 2 at .282".

That would be our 7.00 and 7.10 which is to say two and three sizes up from what I'd call the #0

I go 6.75, 6.90, 7.00, 7.10, 7.25, new plank, < back to zero < 7.35. 7.5 etc.

<http://www.ptg.org/pipermail/pianotech/2002-January/101802.html>

3/11/2004

JD

- 
- Previous message: [Wapin bridge](#)
  - Next message: [Moisture control of soundboard wood](#)
  - Messages sorted by: [\[ date \]](#) [\[ thread \]](#) [\[ subject \]](#) [\[ author \]](#)

**Welcome to the official web site for Kawai in the U.S. and Canada**

Over 75 years of proven craftsmanship and painstaking research have enabled Kawai to offer the most advanced acoustic and digital pianos available today.

---

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**What you should know about buying a used Kawai piano**

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**Articles of Interest**

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**Last update 10/23/03 - Please Refresh**

Here at Kawaius.com you will find information about our world-class acoustic pianos and critically-acclaimed digital pianos. Our **Why Kawai** page includes links to our company history and other important resources where you will learn why Kawai is the *world's most advanced piano*. Visit **Kawai News** for links to our Keynotes Newsletter, Articles of Interest, Concert News, Product Reviews and information on our newest products and latest achievements. Our **Download** page offers you FREE patch libraries, sound demos and operating system updates for our electronic products. **Contact Us** opens our doors to your thoughts and ideas. Our **Links** page includes links to music industry resources, Kawai Japan, our foreign subsidiaries and **The Shigeru Kawai Piano Company - Home of the Premier Piano of Japan.**

Welcome to the world of Kawai.

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Subj: **Schiedmayer pianos**  
Date: 3/11/2004  
To: [schiedmayer@wtal.de](mailto:schiedmayer@wtal.de) <[schiedmayer@wtal.de](mailto:schiedmayer@wtal.de)>

Do you have a current price list and dealers in the United States for your pianos? Reply to [fjmpatent@aol.com](mailto:fjmpatent@aol.com).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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### Record 1 out of 1

[Check Status](#) (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

#### Typed Drawing

<b>Word Mark</b>	WINTER
<b>Goods and Services</b>	IC 015. US 002 021 036. G & S: Pianos. FIRST USE: 20030319. FIRST USE IN COMMERCE: 20030319
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76350778
<b>Filing Date</b>	December 14, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 11, 2002
<b>Registration Number</b>	2754085
<b>Registration Date</b>	August 19, 2003
<b>Owner</b>	(REGISTRANT) Sherman, Clay & Co. CORPORATION INDIANA 1111 Bayhill Drive, Suite 450 San Bruno CALIFORNIA 94066
<b>Attorney of Record</b>	Barry J. Parker
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**Logout**

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

**Check Status**

*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

#### Typed Drawing

<b>Word Mark</b>	BRAMBACH
<b>Goods and Services</b>	IC 015. US 002 021 036. G & S: Pianos. FIRST USE: 20021101. FIRST USE IN COMMERCE: 20021116
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76350555
<b>Filing Date</b>	December 14, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 11, 2002
<b>Registration Number</b>	2710079
<b>Registration Date</b>	April 22, 2003
<b>Owner</b>	(REGISTRANT) Sherman, Clay & Co. CORPORATION INDIANA 851 Traeger Avenue San Bruno CALIFORNIA 94066
<b>Attorney of Record</b>	Barry J. Parker
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Henry F. Miller.

**Word Mark** HENRY F. MILLER

**Goods and Services** IC 015. US 002 021 036. G & S: PIANOS. FIRST USE: 20010907. FIRST USE IN COMMERCE: 20010907

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 241525

**Serial Number** 76006343

**Filing Date** March 21, 2000

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 30, 2001

**Registration Number** 2557063

**Registration Date** April 2, 2002

**Owner** (REGISTRANT) Sherman, Clay & Co. CORPORATION INDIANA 851 Traeger Avenue San Bruno CALIFORNIA 94066

**Attorney of Record** BARRY J. PARKER

**Prior Registrations** 2384260

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Other Data** The name "HENRY F. MILLER" does not identify a living individual.  
**Live/Dead Indicator** LIVE

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#### Typed Drawing

<b>Word Mark</b>	HENRY F. MILLER
<b>Goods and Services</b>	IC 015. US 002 021 036. G & S: pianos. FIRST USE: 20000201. FIRST USE IN COMMERCE: 20000201
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75979477
<b>Filing Date</b>	July 8, 1997
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 8, 1998
<b>Registration Number</b>	2384260
<b>Registration Date</b>	September 5, 2000
<b>Owner</b>	(REGISTRANT) Sherman, Clay & Co. CORPORATION INDIANA 851 Traeger Avenue San Bruno CALIFORNIA 94066
<b>Attorney of Record</b>	SHELDON R MEYER
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Other Data</b>	"HENRY F MILLER" does not identify any individual.
<b>Live/Dead Indicator</b>	LIVE

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#### Typed Drawing

<b>Word Mark</b>	HARDMAN
<b>Goods and Services</b>	IC 015. US 002 021 036. G & S: PIANOS. FIRST USE: 19991004. FIRST USE IN COMMERCE: 19991004
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75852505
<b>Filing Date</b>	November 15, 1999
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 19, 2001
<b>Registration Number</b>	<b>2486870</b>
<b>Registration Date</b>	September 11, 2001
<b>Owner</b>	(REGISTRANT) North American Music, Inc. CORPORATION NEW JERSEY 126 Route 303 West Nyack NEW YORK 10994
<b>Attorney of Record</b>	STANLEY J. YAVNER
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# Hallet, Davis & Co.

<b>Word Mark</b>	HALLET, DAVIS & CO.
<b>Goods and Services</b>	IC 015. US 002 021 036. G & S: Pianos and organs. FIRST USE: 19980925. FIRST USE IN COMMERCE: 19980925
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	75879366
<b>Filing Date</b>	December 27, 1999
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 10, 2000
<b>Registration Number</b>	2417440
<b>Registration Date</b>	January 2, 2001
<b>Owner</b>	(REGISTRANT) North American Music, Inc. CORPORATION NEW JERSEY 126 Route 303 West Nyack NEW JERSEY 10994
<b>Attorney of Record</b>	Frank J. McGue
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "& Co." APART FROM THE MARK AS SHOWN

**Type of Mark**      TRADEMARK  
**Register**            PRINCIPAL  
**Live/Dead  
Indicator**          LIVE

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