

**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.

Registration Date: November 20, 2007

Respondent.

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**RESPONDENT'S INITIAL DISCLOSURES**

**November 27, 2015**

Pursuant to TBMP § 401.02 and FRCP Rule 26(a)(1), Respondent herewith submits the following initial disclosures. Respondent also formally objects to Petitioner's First Set of Interrogatories and Petitioner's Request for Production of Document served October 28<sup>th</sup>, 2015, and formally objects to Petitioner's Second Request for Production of Documents and Petitioner's Second Set of Interrogatories served November 11, 2015 as untimely served as all of these were served in violation of 37 C.F.R. § 2.120(a)(3) and TBMP § 403.03 by being served before Petitioner made its initial disclosures. Respondent notes, however, that all four of these requests were served with Petitioner's Initial Disclosures received on November 25, 2015. Respondent will accordingly respond to them in due course counting time to respond from the date of November 25, 2015.

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that

information — that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment

Glenn Treibitz  
323 S. Front St.  
Burbank, CA 91502  
818.954.8500

Mr. Treibitz is the owner of Sweet 16 Musical Properties, Inc. which owns by succession the trademark and employed Ms. Cheryl Fox. He is familiar with all aspects relating to the use and selection of the SCHIEDMAYER trademark for pianos, as well as the publicly available information on the sale/abandonment of the mark for pianos by the Schiedmayer family.

Frank J. McGue  
6612 Birchleigh Way  
Alexandria, VA 22315  
571.270.5987

Mr. McGue was the attorney who argued for the allowance of the registration of the SCHIEDMAYER trademark at issue and signed the Statement of Use in 2007. He would be familiar with all non-attorney/client privileged information provided during prosecution of the trademark.

Peter Hong  
American Segung Corporation (defunct)  
Address currently unknown, but will be provided with available  
Telephone number will be provided when available.

Mr. Hong was president of American Segung Corporation (ASC) which made some of the pianos which were sold as SCHIEDMAYER branded pianos by Respondent. He is familiar with the timing and circumstances of sales of pianos to Respondent that were used to be sold as SCHIEDMAYER pianos.

Gary Galanti  
North American Music, Inc.  
11 Holt Drive  
Stony Point, NY 10980  
Telephone number will be provided when available.

Mr. Galanti operates North American Music, Inc. from whom Respondent bought some of the pianos that were then sold as SCHIEDMAYER branded pianos. He would be familiar with the timing and circumstances of sales of pianos to Respondent that were used to be sold as SCHIEDMAYER pianos.

That person currently at or formerly with the Schiedmayer family/Schiedmayer Celesta GmbH who contacted Glenn Treibitz via telephone regarding the above registration at issue approximately 10 or so years ago.

That person so designated by Petitioner as having the most knowledge of the issues set forth in the Petition for Cancellation and the Answer thereto.

2. A copy — or a description by category and location — of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment ...

Respondent submits herewith documentation on which it intends to rely in support of its defenses to the allegations made in the Petition for Cancellation. The categories of documents intended to be relied upon by Respondent are as follows:

- Documents relating to sales of SCHIEDMAYER branded pianos in the United States by Respondent.

- Documents relating to purchase of pianos to be sold as SCHIEDMAYER branded pianos in the United States by Respondent.
- Documents relating to purchasers of SCHIEDMAYER branded pianos in the United States by Respondent.
- Documents relating to the history of Schiedmayer Pianos GmbH's products offered for sale in the United States
- Documents relating to the sale of Schiedmayer Pianos GmbH to IBACH in approximately 1980.
- Documents relating to the licensing of the SCHIEDMAYER trademark to the Kawai Piano Company of Japan.
- Documents relating to the ceasing of manufacture of pianos with the SCHIEDMAYER trademark by the Kawai Piano Company of Japan a few years prior to 2002.
- Documents relating to the abandonment of the SCHIEDMAYER trademark for piano fortes by the licensees of the mark and/or by the Schiedmayer family and/or Schiedmayer Pianos GmbH and/or IBACH.
- Documents found in the prosecution history of the above registration and all non-attorney/client privileged documents in the attorney file for the above registration including renewals.
- Documents regarding the non-similarity and non-identity between a Celesta and a piano forte.

- Documents relating to the last date of actual sales of SCHIEDMAYER branded pianos in the United States by Petitioner, the Schiedmayer family, Schiedmayer Pianos GmbH, and/or its licensees.
- Documents relating to Petitioner's current pending US trademark applications.
- Documents relating to the abandoned trademark application for SCHIEDMAYER from 1984 filed by Schiedmayer Pianos GmbH and successfully opposed by Steinway Piano citing as a date of first use in commerce in the US of 1960.
- Documents relating to a telephone contact between a member of the Schiedmayer family or employee or agent of Schiedmayer Celesta GmbH and Mr. Glenn Treibitz around 10 years ago regarding the above trademark registration.

Respondent reserves the right to locate additional documentation in the above categories and to add additional categories of documents containing relevant information as discovery progresses.

Dated: November 27, 2015

Respectfully submitted,  
/s/ Adam R. Stephenson  
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Attorney for Respondent, Piano Factory  
Group, Inc.

## CERTIFICATE OF SERVICE

It is hereby certified that one (1) copy of the foregoing RESPONDENT'S INITIAL DISCLOSURES 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](mailto:striker@strikerlaw.com)

Dated: November 27, 2015

/s/ Adam R. Stephenson  
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