

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

Schiedmayer Celesta GmbH,)
)
 Petitioner,)
)
v)
)
Piano Factory Group, Inc. and)
Sweet 16 Musical Properties, Inc.)
)
 Respondents.)
_____)

Cancellation No. 92/061,215
Reg. No.: 3,340,759
Mark: SCHIEDMAYER
Registration Date: 11/20/2007

**PETITIONER’S MEMORANDUM IN REPLY TO RESPONDENTS’
RESPONSE TO PETITIONER’S OBJECTION TO NOTICE TO TAKE TESTIMONIAL
CROSS-EXAMINATION BY WRITTEN QUESTION**

Petitioner has previously objected to the Notice of Taking Cross-Examination on Written Questions because the Notice did not set forth the either the name of the deponent or a descriptive title thereof, as required by the Rules.

Respondents have now responded by indicating that they “...hereby amends(sic) its original notice to request that the written questions be answered by Ms. Schiedmayer before a Germany(sic) notary – if possible the same Germany(sic) notary that certified Exhibit 1 to Petitioner’s Response to Respondents’ Motion to Strike filed June 8, 2017 and who is identified therein.”

First, It is noted that the German Notar who prepared and certified the Certificate of Inheritance is employed as a Notar by the city of Stuttgart, and acts for the city of Stuttgart in matters such as preparing and authenticating a Certificate of Inheritance.

Due to his position with the city of Stuttgart, he cannot act as a deponent in an independent matter such as a U.S. Petition to Cancel.

Respondents should prepare and file a proper Notice of Cross Examination on Written Questions indicating either the name of the person who will act as the Deponent, or a description of the person and title. The current Notice is clearly defective.

For the record, Petitioner confirms that it timely advised counsel for the Respondents that the witness would be in the U.S. during July and offered to make the witness available for an oral deposition.

Respondents argument that the Testimony term would have been closed in July, has a hollow ring, as the term could easily have been extended or the deposition taken outside of the Testimony term by stipulation.

The plain fact is that Respondents refused the offer of an oral deposition and preferred to proceed with written questions.

The least that Respondents can do is prepare and file a proper Notice which they clearly have not done.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Petitioner
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743


CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the attached Memorandum was served upon counsel for the Respondents at his email address of record:

adam@iptech.law

this 11th day of July, 2017

Dated: 7/11/17



Michael Striker