

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

Schiedmayer Celesta GmbH,            )  
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  )  
v    )  
  )  
Piano Factory Group, Inc.,            )  
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Cancellation No. 92061,215  
Reg. No. 3,340,759  
Mark: SCHIEDMAYER  
Registration Date: 11/20/2007

**PETITIONER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

November 11, 2015

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Petitioner herewith requests that Respondent produce the following documents within 30 days:

Document Request No. 9:

On April 18, 2014, Cheryl Fox, Vice President of Respondent, having agreed that willful false statements and the like are punishable by fine or imprisonment or both, stated that the mark SCHIEDMAYER has been in continuous use in commerce for five consecutive years from the date of registration or the date of publication, and is still in use in commerce in connection with digital pianos.

Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of digital pianos which supports this allegation.

Document Request No. 10:

On April 18, 2014, Cheryl Fox, Vice President of Registrant, having agreed that willful false statements and the like are punishable by fine or imprisonment or both, stated that the mark SCHIEDMAYER has been in continuous use in commerce for five consecutive years from the date of registration or the date of publication, and is still in use in commerce in connection with upright pianos.


Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of upright pianos which supports this allegation.

Document Request No. 11:

On April 18, 2014, Cheryl Fox, Vice President of Registrant, having agreed that willful false statements and the like are punishable by fine or imprisonment or both, stated that the mark SCHIEDMAYER has been in continuous use in commerce for five consecutive years from the date of registration or the date of publication, and is still in use in commerce in connection with grand pianos.

Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of grand pianos which supports this allegation.

Respectfully submitted,

  
Michael J. Striker  
Attorney for Petitioner  
103 East Neck Road  
Huntington, New York 11743

to

to

to

Certificate of Service

It is hereby certified that a true and complete copy of the attached document was served upon counsel for the Respondent at his address of record via first class mail and email on November 12, 2015 as follows:

ADAM R. STEPHENSON LTD.  
40 West Baseline Road Ste. 101  
Tempe. AZ  
85283

[adam@patentproblempro.com](mailto:adam@patentproblempro.com)



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Michael Striker

UNITED STATES PATENT AND TRADEMARK OFFICE  
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Cancellation No. 92/061,215  
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Mark: SCHIEDMAYER  
Registration Date: 11/20/2007

**PETITIONER'S REQUEST FOR PRODUCTION OF DOCUMENTS**

October 28, 2015

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Petitioner herewith requests that Registrant produce the following documents within 30 days.

DOCUMENT REQUEST NO. 1:

Produce examples of all promotion and advertising for Schiedmayer Pianos which have taken place within the past five years.

DOCUMENT REQUEST NO. 2:

Produce all documentation supporting the allegation made to the United States Patent and Trademark Office, that the trademark Schiedmayer was used on all of the goods set forth in the subject registration at the time Registrant's Declaration of Use was filed.

DOCUMENT REQUEST NO. 3:

Produce all billing information and all other related information regarding all sales of any Schiedmayer Pianos which have taken place within the past five years.

DOCUMENT REQUEST NO. 4:

Produce all documents which support good cause for filing of a Declaration of Use and Incontestability with respect to Registration No. 3,340,759.

DOCUMENT REQUEST NO. 5:

Produce documents relating to the manufacture of the Schiedmayer Piano within the past 5 years.

DOCUMENT REQUEST NO. 6:

Produce all documents relating to the offering for sale of Schiedmayer Pianos.

DOCUMENT REQUEST NO. 7:

Produce all documents relating to the promotion of Schiedmayer Pianos within the past 5 years.

DOCUMENT REQUEST NO. 8:

Produce all documents relating to why and how Registrant adopted the name Schiedmayer as a trademark.

Respectfully submitted,



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 document was served upon counsel for the Respondent at his address of record via first class mail and email on October 28, 2015 as follows:

Adam R. Stephenson LTD.  
40 West Baseline Road, Ste. 101  
Tempe AZ  
85283

[adam@patentproblempro.com](mailto:adam@patentproblempro.com)

A handwritten signature in black ink, appearing to read 'MS', is written above a solid horizontal line.

Michael Striker



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**PETITIONER'S FIRST SET OF INTERROGATORIES TO RESPONDENT**

October 28, 2015

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Trademark Rules of Practice 2.116 and 2.120, 37 CFR § 2.116 and 2.120, Petitioner herewith requests that Registrant answer under oath the following Interrogatories within 30 days after service thereof. These requests are deemed to be continuing so as to require prompt supplemental interrogatory answers should Registrant obtain additional responsive information between the time the answers are served and the time of the final hearing of this Opposition proceeding.

### Definitions

The term 'identify' as used herein shall be deemed to include, without limitation in the case of an individual, the full name, business address and business title. In the case of a product or service, the term identify shall be deemed to include without limitation a complete indication of the type and intended purpose of each such product or service.

The terminology "each of" as used herein is intended to mean that the response thereto shall state the required information separately.

#### INTERROGATORY NO. 1:

Identify by name and address all purchasers of Schiedmayer Pianos of any type within the past five years.

#### INTERROGATORY NO. 2:

Identify the name and address of the manufacturer of the piano photographed as a specimen and submitted to the United States Patent and Trademark Office in connection with the Declaration of Use as filed for Registration No. 3,340,759.

INTERROGATORY NO. 3:

Identify and explain the origin of the piano photographed and submitted to the United States Patent and Trademark Office in connection with the Declaration of Use filed in support of Registration No. 3,340,759.

INTERROGATORY NO. 4:

With respect to the photograph of an alleged Schiedmayer piano submitted to the USPTO in connection with the filing of a Declaration of Use, was a label or other object bearing the name Schiedmayer affixed to the piano in such manner that it would cover up the true manufacturer of the piano.

INTERROGATORY NO. 5:

Does registrant manufacture pianos.

INTERROGATORY NO. 6:

If the answer to the above interrogatory is in the affirmative, set forth the name and address of the manufacturer of any such pianos.


INTERROGATORY NO. 7:

Set forth each type of advertising or other promotions with respect to Schiedmayer pianos of any type and for each such area of promotion and advertising, identify an example of any such advertisement or promotion.

INTERROGATORY NO. 8:

With respect to the Declaration of Use filed with respect to Registration No. 3,340,759, set forth the basis for the allegation that the trademark SCHIEDMAYER was in use in commerce in the United States at the time of filing of the Declaration of Use.

Respectfully submitted,

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