

**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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**AFFIDAVIT OF GLENN TREIBITZ**

1. I, Glenn Treibitz, control Sweet 16 Musical Properties, Inc. (Sweet 16). As such, I am directly involved in and fully familiar with the business operations of Sweet 16, including sales, marketing, and advertising activities, as well as all historical and current aspects of its business and acquisitions.
2. This affidavit is made based on my personal knowledge, and I am competent to testify to the matters herein should be called upon to do so.
3. On or about the 17<sup>th</sup> of August, 2006, all of the assets of Piano Factory Group, Inc., California Entity Number C1740917, were assigned for the benefit of creditors to Equitable Transitions Inc. A true copy of the executed general assignment document, executed by Rhoda Treibitz, my mother, now deceased, who was then President of Sweet 16, is included with this affidavit as Exhibit A. The general assignment included all property, including intellectual property and trademarks, owned by Piano Factory Group, Inc. at the time of the assignment.
4. On or about that same date, all of the assets of Piano Factory Group, Inc. held by Equitable Transitions, Inc. were then sold to Sweet 16 through a Bill of Sale executed by Nigel Hamer on behalf of Equitable Transitions, Inc. and Rhoda Treibitz, President of Sweet 16. A true copy of the executed Bill of Sale is included with this affidavit as Exhibit B.
5. As the trademark application that matured into the registration that is the subject of this proceed was property held by Piano Factory Group at the time of assignment and sale, all

of the rights of Piano Factory Group were legally transferred to Sweet 16 as of the dates of execution of the various agreements.

6. Since that time, Sweet 16 has continued to legally use the name PIANO FACTORY GROUP as a DBA or fictitious business name, as it lawfully acquired all of Piano Factory Group's rights to the name as well as all of its assets.
7. Any failure to record on the records of the USPTO information relating to the above changes of ownership of the application which matured into the registration at issue in this proceeding was done without any intent to deceive the USPTO or any member of the public.
8. From the date of the assignment, Sweet 16, through its business activities under the PIANO FACTORY GROUP fictitious business name, has carried on use of the SCHIEDMAYER trademark in interstate commerce. Because of this, agents of Sweet 16, such as Cheryl Fox and Frank McGue, signed statements of use and renewals using their identities relative to Piano Factory Group, Inc. This was done without any intent to deceive the USPTO or any member of the public regarding the identity of the lawful owner of the SCHIEDMAYER trademark. Rather it accurately reflects the business identity of the particular arm of Sweet 16 that was engaged in use of the mark in the public's eye.
9. In view of the issues raised by the Petitioner regarding the identity of the owner of the trademark registration, I have directed my counsel in this proceeding to record the appropriate documents with the USPTO and move to have the Board change the name in this proceeding to update the ownership of the registration that is the subject of this proceeding.

I hereby swear under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

8/26/2016  
Date

Glenn Treibitz  
Glenn Treibitz  
Sweet 16 Musical Properties, Inc.