

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

Schiedmayer Celesta GmbH,)	
)	
Petitioner,)	Cancellation No. 92/061,215
)	
v)	Reg. No. 3,340,759
)	
Piano Factory Group, Inc. and)	Mark: SCHIEDMAYER
Sweet 16 Musical Properties, Inc.,)	
)	
Respondents.)	
_____)	

PLAINTIFF'S REBUTTAL DISCLOSURES

Plaintiff, pursuant to Section 702 of the Trademark Trial and Appeal Board Manual of Procedure and 37 CFR 2.121, herewith sets forth its rebuttal disclosures:

Elianne Schiedmayer
c/o Schiedmayer Celeste GmbH
Further Information Previously Provided

Elianne Schiedmayer is expected to submit rebuttal testimony relating to the manufacture and sale of Schiedmayer branded pianos manufactured by Schiedmayer and the allegations of Defendants as to third party sales. Elianne Schiedmayer is also expected to testify as to the lack of transfer of any trademark rights to any third parties. Elianne Schiedmayer is also expected to testify as to the origin and operation of the Celeste Instrument and its relationship to the piano. This rebuttal testimony is in response to the Declaration testimony submitted by Defendants of Russell Kassmann

and Glenn Treibitz. It is expected that the testimony of Elianne Schiedmayer shall be by Declaration.

Helga Kasimoff
Further Information Previously Provided

Helga Kasimoff is expected to testify by Declaration as to the history if Schiedmayer branded pianos. This testimony is in response to the Declaration testimony of Russell Kassmann and Glenn Treibitz.

Michael Floymayr
Bergstrasse 8/1
71106 Magstadt
Germany
Telephone: 49-7159-7059500

Michael Floymayr is a German Patent Attorney.

Michael Floymayr is expected to testify by Declaration as to the trademark registration status of the Plaintiff and third parties of the mark SCHIEDMAYER in Germany and elsewhere in the world. This is in Rebuttal as to the claims of third party use of the Schiedmayer Trademark.

NOTATION: This Notice of Rebuttal Testimony Disclosures is submitted in view of the currently set term for filing of July 9, 2018. Plaintiff has filed a Motion for Suspension of Terms pending the Oral Cross Examination of the witness Glenn Treibitz. Plaintiff reserves the right to amend and supplement this Notice of Rebuttal Disclosures after the Oral Cross Examiner of the witness Glenn Treibitz.

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
Collard & Roe, PC
1077 Northern Blvd.
Roslyn, New York 11576
Striker@collardroe.com

CERTIFICATE OF SERVICES

It is hereby certified that a true and complete copy of the attached Plaintiff's Document was served upon counsel for Defendant's at his email address of record:
adam@iptech.law

This 5th day of July, 2018.



Michael J. Striker

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

Proceeding	92061215
Party	Plaintiff Schiedmayer Celesta GMBH
Correspondence Address	MICHAEL J STRIKER COLLARD & ROE PC 1077 NORTHERN BLVD ROSLYN, NY 11576 UNITED STATES striker@collardroe.com, sbellus@collardroe.com
Submission	Motion to Extend
Filer's Name	MICHAEL J. STRIKER
Filer's e-mail	striker@collardroe.com
Signature	/Michael J. Striker/
Date	07/05/2018
Attachments	SCHIEDMAYER MOTION.pdf(59098 bytes)

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**PLAINTIFF'S MOTION FOR SUSPENSION OF PROCEEDINGS PENDING
PLAINTIFF'S TAKING OF ORAL CROSS-EXAMINATION OF DEFENDANTS'
WITNESS, GLENN TREIBITZ**

Pursuant to Section 703.01 (e) of the Trademark Rules of Practice, Plaintiff herewith moves for the issuance of an Order suspending proceedings pending the completion of the oral cross-examination of the witness, Glenn Treibitz in Los Angeles, California.

Defendant's term for the filing of its Testimony in Chief closed on June 24, 2018. Counsel for Plaintiff received the testimony Declaration of Glenn Treibitz by email on the evening of June 24, 2018. Therefore, Defendants' testimony term had already closed by the time counsel for Plaintiff received the Declaration testimony of Glenn Treibitz.

Accordingly, and in compliance with Rule 703.01 (e) and 37 CRF 2.123, Plaintiff herewith moves that an Order be issued suspending proceedings so that the oral cross-examination of the witness, Glenn Treibitz, may be taken in an orderly manner prior to the submission of Plaintiff's rebuttal testimony.

Interlocutory Attorney Geoffrey McNutt was informed via voicemail as to the filing of this Motion and has not objected thereto.

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
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adam@iptech.law

This 5th day of July, 2018.



Michael J. Striker

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Proceeding	92061215
Party	Plaintiff Schiedmayer Celesta GMBH
Correspondence Address	MICHAEL J STRIKER COLLARD & ROE PC 1077 NORTHERN BLVD ROSLYN, NY 11576 UNITED STATES striker@collardroe.com, sbellus@collardroe.com
Submission	Other Motions/Papers
Filer's Name	MICHAEL J. STRIKER
Filer's e-mail	striker@collardroe.com
Signature	/MICHAEL J. STRIKER/
Date	07/05/2018
Attachments	SCHIEDMAYER NOTICE OF ELECTION.pdf(57607 bytes)

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**PLAINTIFF'S NOTICE OF ELECTION TO TAKE ORAL CROSS-EXAMINATION
OF GLENN TREIBITZ**

Pursuant to Section 703.01 (e) of the Trademark Rules of Practice and 37 CFR Sec. 2.123 (h), Plaintiff herewith gives notice of its election to take oral cross-examination of declarant, Glenn Treibitz, in Los Angeles, California.

On June 24, 2018 (the last day of its Testimony Term), Defendants caused to be filed and served, their Testimony in Chief.

In this connection, Defendants served and filed a Declaration of witness Glenn Treibitz, together with a series of exhibits appended thereto.

Pursuant to TBMP § 703.01 (e), Plaintiff herewith gives notice of its intention to take oral cross-examination of the witness, Glenn Treibitz, in Los Angeles, California, on a date to be agreed upon between counsel.

Pursuant to TBMP § 703.01 (e) and 37 CFR 2.123, Plaintiff has simultaneously caused to be filed and served a Motion for Suspension of Proceedings so that Plaintiff may take the oral cross-examination deposition of the witness, Glenn Treibitz, in an orderly manner, prior to the submission of Plaintiff's rebuttal testimony.

Respectfully submitted,




Michael J. Striker
Attorney for Petitioner
Reg. No.: 27233
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1077 Northern Blvd.
Roslyn, New York 11576
Striker@collardroe.com

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adam@iptech.law

This 5th day of July, 2018.



Michael J. Striker