

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

Schiedmayer Celesta GmbH,)
)
 Petitioner,)
)
 v)
)
 Piano Factory Group, Inc.,)
)
 Respondent.)
_____)

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

PETITIONER'S INITIAL DISCLOSURES

November 25, 2015

Pursuant to TBMP § 401.02 and the Federal Rules of Civil Procedure, Rule 26(a)(1), Petitioner herewith submits the following initial disclosures:

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 supports its claims or defenses, unless the use would be solely for impeachment:

Ellianne Schiedmayer
Officer of Schiedmayer Celesta GmbH
Schaeferhauser Str. 10/2
D-73240 Wendlingen/Stuttgart
Telephone Number 49 07024-5019840

Cheryl Fox
Vice President of Piano Factory Group, Inc.
Address Known to Respondent

That person so designated by Respondent as
Having the most knowledge of the issues set forth
In the Petition for Cancellation and 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 maybe used to support its claims or defenses, unless the use would be solely for impeachment:

Petitioners submits herewith documentation upon which it intends to rely in support of the allegations of the Petition for Cancellation. In the documents submitted herewith, pricing information has been redacted. If Respondent desires this information, then it is requested that Respondent submit a standard protective order. The categories of documents intended to be relied upon by Petitioner are as follows:

- Documents relating to the history of Scheidmayer products offered for sale in the United States.
- Documents relating to the fame of Schiedmayer products in the United States.
- Documents relating to the various orchestra and symphonies utilizing Schiedmayer musical keyboard instruments.

- Documents relating to the similarity and virtual identity between a Celesta and a piano.
- Documents relating to the filing of a trademark application by respondent for the mark Schiedmayer and the filing of a Declaration of Use under Sections 8 and 15 with respect thereto.

Petitioner reserves the right to locate additional documentations in the above categories.

Applicant herewith resubmits its previously submitted First and Second Sets of Interrogatories and Requests for Production of Documents.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

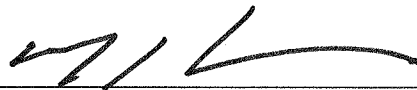
It is hereby certified that a true and complete copy of the attached Petitioner's Initial Disclosures was served upon counsel for Respondent at his address of records:

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

And by EMAIL:

adam@patentproblempro.com

This 25th day of November, 2015.

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

Michael J. Striker

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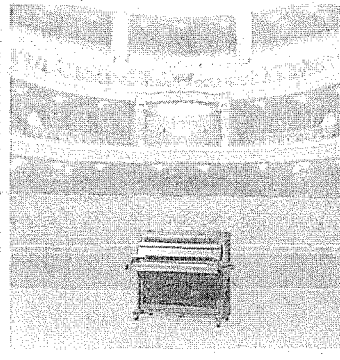
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D-40200 Düsseldorf

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Linda Abberton, Mgr.
abberton@artists-international.de
www.artists-international.de
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info@theater-essen.de www.theater-essen.de
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info@folkwang-kammerorchester.de
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Sinfonieorchester (15)
Gerard Oskamp, Gen. Mus. Dir.
kontakt@sh-landestheater.de www.sh-landestheater.de
Rathausstr. 22 (461) 141 000
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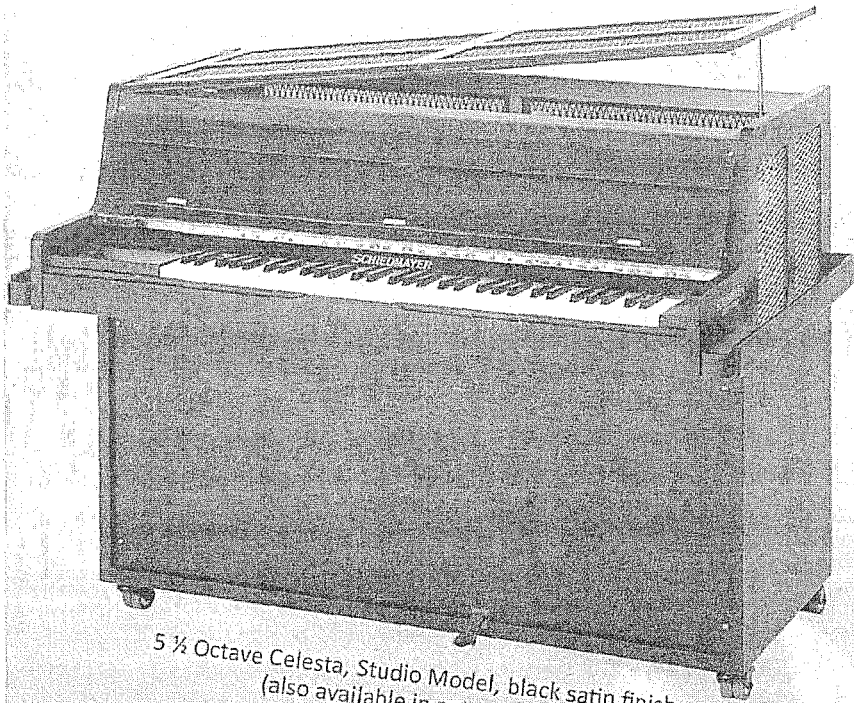
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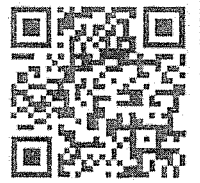


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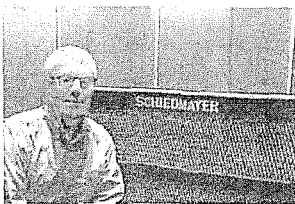
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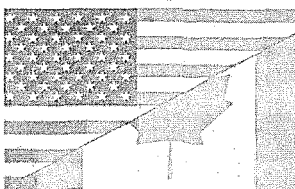
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Qty. 01 new Celesta 5.5 octave, c-f5, studio model
(Metal Soundplates struck by hammers,
statistical goods number –HS code: 92060000)
Instrument serial no. 127490
Tuning: 442 Hz
Cabinet case: natural oak
Price incl. soft cover

Qty. 01 Flight Case with fold-down ramp

Qty. 01 Shipping/Delivery

Total purchase amount

All prices in Euro. VAT (if applicable) and any customs duties not included.

Delivery terms: Shipment within 8 days after receipt of payment.
Shipment to: University of Houston
120 School of Music Bldg
Houston TX 77204-4017 / USA

Payment terms: Payment of full amount by bank transfer prior to shipment.
See our bank account details at the bottom right.

Thank you very much for your order. It is a great pleasure to being of service to the University of Houston.

am 07.05.2014
per Scheck
34.781,54 €

⇒ 62,74 €
Bankgebühren

1.225,72 €



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 – (0)7024 – 5 01 98 40
Fax ++49 – (0)7024 – 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225360 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elinne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
BW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE ST600



SCHIEDMAYER CELESTA®

Celestes • Keyboard Glockenspiels • Built In-Glockenspiel for Organs

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • 73240 Wendlingen/Germany

Arkansas Symphony Orchestra
2417 North Tyler Street
Little Rock, AR 72207
USA

Commercial Invoice No. 783-C127501

“Steuerfreie Ausfuhr gem. §4 Nr. 1a UStG”

- Qty. 01 New Celesta 5 ½ octave, c-f5, Studio model, serial no. 1
Tuning: 440 Hz
Cabinet case: natural oak
Price incl. soft cover
- Qty. 01 Customized flight case with fold-down ramp
- Qty. 01 Door-to-Door shipping/delivery to ASO.
(ZIP code: AR 72207, USA)

Total amount

All prices in Euro. VAT (if applicable) and any customs duties are not included.

Delivery: Shipment first week of November at the latest.

Shipment (DAP) to: Arkansas Symphony Orchestra
2417 North Tyler Street
Little Rock, AR 72207, USA

Payment terms: Payment (total amount value in Euro) by bank transfer is required prior to shipment. See our bank account details at the bottom right.

Thank you very much for your order. We are pleased to be your business partner.



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 - (0)7024 - 5 01 98 40
Fax ++49 - (0)7024 - 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225560 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elianne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
BW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE 3T600



SCHIEDMAYER CELESTA®

Celestes • Keyboard Glockenspiels • Built In-Glockenspiel for Organs

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • 73240 Wendlingen/Germany

Mr. Jonathan Haas
220 Riverside Boulevard Apt. 6G
New York, NY 10069
USA

November 13, 2014

COMMERCIAL INVOICE No. 799AET131114
„Steuerfreie Ausfuhr gem. § 4 Nr. 1a UStG“

Spare parts:

Qty. 05 wires 1,40

Qty. 05 wires 1,425

Qty. 05 wires 1,45

Shipping costs

Total amount

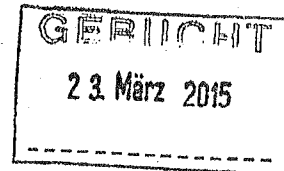
Shipped on November 12, 2014.

Payment by wire transfer to our account with the BW-Bank.

Thank you very much for your order.

10300/4120

*Verrechnung mit
Re. Word Pros. Inc.
v. 12.03.15 € 91,15
= USD 100,-*



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 - (0)7024 - 5 01 98 40
Fax ++49 - (0)7024 - 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225560 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elianne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
EW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE ST600



SCHIEDMAYER CELESTA®

Celestes • Keyboard Glockenspiels • Built In-Glockenspiel for Organs

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • 73240 Wendlingen/Germany

Mr. Jonathan Haas
220 Riverside Boulevard Apt. 6G
New York, NY 10069
USA

September 9, 2014

COMMERCIAL INVOICE No. 784-ET090914
„Steuerfreie Ausfuhr gem. § 4 Nr. 1a UStG“

Spare parts:

Qty. 01 Narrow steel tip-hole gauge with wooden handle

Qty. 01 Special screw driver for sound plates

Shipping costs

Total amount

Shipped on September 5, 2014.

Payment by wire transfer to our account with the BW-Bank.

Thank you very much for your order.



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 – (0)7024 – 5 01 98 40
Fax ++49 – (0)7024 – 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225560 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elianne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
BW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE ST600



SCHIEDMAYER CELESTA®

Celestes • Keyboard Glockenspiels • Built In-Glockenspiel for Organs

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • 73240 Wendlingen/Germany

Arkansas Symphony Orchestra
2417 North Tyler Street
Little Rock, AR 72207
USA

10300 / 4120

September 4, 2014

Commercial Invoice No. 783-C127501
"Steuerfreie Ausfuhr gem. §4 Nr. 1a UStG"

- Qty. 01 New Celesta 5 ½ octave, c-f5, Studio model, serial no. 127501
Tuning: 440 Hz
Cabinet case: natural oak
Price incl. soft cover
- Qty. 01 Customized flight case with fold-down ramp
- Qty. 01 Door-to-Door shipping/delivery to ASO
(ZIP code: AR 72207, USA)

Total amount

All prices in Euro. VAT (if applicable) and any customs duties are not

Delivery: Shipment first week of November at the latest.

Shipment (DAP) to: Arkansas Symphony Orchestra
2417 North Tyler Street
Little Rock, AR 72207, USA

Payment terms: Payment (total amount value in Euro) by bank
shipment. See our bank account details at the bottom right.

Thank you very much for your order. We are pleased to be your business partner.



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 - (0)7024 - 5 01 98 40
Fax ++49 - (0)7024 - 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225560 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elianne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
BW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE ST600



SCHIEDMAYER CELESTA[®]

Celestes • Keyboard Glockenspiels • Built In-Glockenspiel for Organs

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • 73240 Wendlingen/Germany

Sunny Wind, Inc.
Attn: Tim Bull
19725 Sherman Way ste 290/282
Canoga Park, CA91306
USA

June 23rd, 2014

COMMERCIAL INVOICE No. 774-C127494
"Steuerfreie Ausfuhr gem. § 4 Nr. 1a UStG"

Purchase order by e-mail dated June 19th, 2014,
Grand Mystery Co., Igor Bulanov

1 pcs. Celesta 5 ½ octave, Studio model, Instr. No. 12
Pitch: 442 Hz
Cabinet case: natural oak
(Soft Cover custom made included)
less 8 % trade discount

1 pcs. Flight case with fold-down ramp
Purchase amount

Delivery terms: Ex Works. Shipment possible as from July 29th, 2014.
Transportation will be made via your agent Sia B "Ilior", Riga.

Payment Terms: Payment prior to shipment through bank transfer to our account
with the BW-Bank the latest by July 23rd, 2014.

Thank you very much for your order. It is a pleasure to being of service to your company.



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 - (0)7024 - 5 01 98 40
Fax ++49 - (0)7024 - 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225560 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elianne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
BW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE ST600



SCHIEDMAYER CELESTA®

Celestes • Keyboard Glockenspiels • Built In-Glockenspiel for Organs

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • 73240 Wendlingen/Germany

Cincinnati Symphony and Pops Orchestra
1241 Elm St.
Cincinnati OH 45202
USA

January 21st, 2015

COMMERCIAL INVOICE No. 816-ET200115

„Steuerfreie Ausfuhr gem. § 4 Nr. 1a UStG“

Qty. 01 Set of 4 celesta wheels (2 locking, 2 regular)

Qty. 01 Shipping costs DHL

Total amount

Shipment on January 20th, 2015

Payment terms: Total amount payable the latest by February 6th, 2015
account with the

BW-Bank

Kleiner Schlossplatz 11, 70173 Stuttgart – Germany

Bank Number: 600 501 01

A/C 21 971 62

IBAN : DE 40 6005 0101 0002 1971 62

BIC (SWIFT Code) SOLA DE ST

Thank you very much for your order.

12500

20300/4120



Schiedmayer established 1735 in Erlangen, since 1809 in Stuttgart

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
73240 Wendlingen
Tel. ++49 – (0)7024 – 5 01 98 40
Fax ++49 – (0)7024 – 5 01 98 41
mail@schiedmayer-germany.com
www.celesta-schiedmayer.de

HRB 225560 Amtsgericht Stuttgart
USt-IdNr.: DE 811 866 203
CEO: Elianne Schiedmayer
Managing Director: Wolfgang Blum

Bank details:
BW-Bank
Kleiner Schlossplatz 11, 70173 Stuttgart
IBAN: DE 40 6005 0101 0002 1971 62
BIC (SWIFT Code): SOLA DE ST600



SCHIEDMAYER
Celesta GmbH Stuttgart

WESTCO LTD.
Carol Haack, Controller
Shawn Lafrenz, The Percussion Source
1214 5th Street
Coralville, IA 52241
USA
Fax (319) 351-0479

April 08, 2003

GEBUCHT - - Aug. 2003

COMMERCIAL INVOICE Nr: 127 254

1 Celesta, 5.5 Octave Studio Nr: 127 254
A=442, natural oak finish
1 Flight case for Studio with pallet
1 matching bench
Invoice Amount Ex Works

Payment terms: Wire transfer upon notification of shipment
bank code is: 600 501 01
account number is: 2197 162
SWIFT code: SOLA DE ST

Thank you very much for your order.

Schäferhauserstrasse 10/2 * 73240 Wendlingen - Tel. **49-7024-5019840 Fax. **49-7024-5019841
e-mail : schiedmayer.stuttgart@t-online.de * www.celesta-schiedmayer.de
Landesbank Baden-Württemberg Kto.-Nr. 2197162, BLZ 600 501 01
S.W.I.F.T. Code: SOLA DE ST
HRB 5560 Amtsgericht Nürtingen - USt-IdNr.: DE 811866203 - Steuernr.: 74093/11069
Inh., Geschäftsführerin: Elianne Schiedmayer



SCHIEDMAYER
Celesta GmbH Stuttgart

WESTCO LTD.
Carol Haack, Controller
Shawn Lafrenz, The Percussion Source
1214 5th Street
Coralville, IA 52241
USA
Fax (319) 351-0479

June 04, 2003

COMMERCIAL INVOICE Nr: 127 256

GEBUCHT -- Aug. 2003

1 Celesta, 5.5 Octave Studio Nr: 127 256
A=442, natural oak finish
1 Flight case for Studio with pallet
1 matching bench
Invoice Amount Ex Works

Payment terms: Wire transfer upon notification of shipment
Shipment: June 18, 2003
bank code is: 600 501 01
account number is: 2197 162
SWIFT code: SOLA DE ST

Thank you very much for your order.

Schäferhauserstrasse 10/2 * 73240 Wendlingen - Tel. **49-7024-5019840 Fax. **49-7024-5019841
e-mail : schiedmayer.stuttgart@t-online.de * www.celesta-schiedmayer.de
Landesbank Baden-Württemberg Kto.-Nr. 2197162, BLZ 600 501 01
S.W.I.F.T. Code: SOLA DE ST
HRB 5560 Amtsgericht Nürtingen - USt-IdNr.: DE 811866203 - Steuernr.: 74093/11069
Inh., Geschäftsführerin: Elianne Schiedmayer



SCHIEDMAYER
Celesta GmbH Stuttgart

WESTCO LTD.
Carol Haack, Controller
Shawn Lafrenz, The Percussion Source
1214 5th Street
Coralville, IA 52241
~~USA~~
Fax (319) 351-0479

July 29th, 2003

113 GEBUCHT -- Okt. 2003

COMMERCIAL INVOICE Nr: 127 258

1 Celesta, 5.5 Octave Standard Nr: 127 258
A=442, natural oak finish
1 Flight case with pallet
1 matching bench
Invoice Amount Ex Works

~~70440~~ / 4120
74200

Payment terms: Wire transfer upon notification of shipment.
Shipment: August 5th, 2003
bank code is: 600 501 01
account number is: 2197 162
SWIFT code: SOLA DE ST

Thank you very much for your order.

Schäferhauserstrasse 10/2 * 73240 Wendlingen - Tel. **49-7024-5019840 Fax. **49-7024-5019841
e-mail : schiedmayer.stuttgart@t-online.de * www.celesta-schiedmayer.de
Landesbank Baden-Württemberg Kto.-Nr. 2197162, BLZ 600 501 01
S.W.I.F.T. Code: SOLA DE ST
HRB 5560 Amtsgericht Nürtingen - USt-IdNr.: DE 811866203 - Steuernr.: 74093/11069
Inh., Geschäftsführerin: Elianne Schiedmayer



SCHIEDMAYER CELESTA

Since 1890

Schiedmayer Celesta GmbH · Schäferhauser Str. 10/2 · D-73240 Wendlingen

Attn: Valerie Peters, Assistant Controller
and Shawn Lafrenz, Percussion Source Manager

Westco Ltd.

1212 5th street
Coralville, Iowa, 52241
USA

Fax 001-319- 341 0048

Celesta, Glockenspiel

- Manufacture
- Sales: new and preowned instruments
- Rentals
- Repairs
- Service worldwide

Piano Service

April 10, 2004

COMMERCIAL INVOICE Nr: 127 271(274)

Purchase Order #105376

Order QTY	Description	Unit Price €	Total Price €
1	Celesta, 5.5 oct. Standard Natural Finish / A=442 Hz Nr. 127.274	0	
1	Celesta, 5.5 oct. Studio Natural Finish/ A=442 Hz Nr. 127 271		
1	Flight case for 5.5 Standard Model Flight case for 5.5 Studio Model		
2	Matching Benches		
Total Purchase Order #105376			

Country of origin : Germany

Shipment: April 21st 2004

Forwarders: Bax Global

29. JULI 2004

Payment terms: Wire transfer upon notification of shipment. Bank fees paid by buyer.

Thank you very much for your order.

13200/4190

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
D-73240 Wendlingen/Stuttgart
Tel. ++49 - (0)7024 - 5 01 98 40
Fax ++49 - (0)7024 - 5 01 98 41

E-Mail: schiedmayer.stuttgart@t-online.de
Internet: www.celesta-schiedmayer.de
Geschäftsführerin: Elianne Schiedmayer
HRB 5560 Amtsgericht Nürtingen
USt-IdNr.: DE 811866203 . Steuer-Nr.: 74093/11069

Landesbank Baden-Württemberg
Kto.-Nr. 2 197 162 (BLZ 600 501 01)
BIC (SWIFT Code): SOLA DE ST
IBAN: DE 40 6005 0101 0002 1971 62



SCHIEDMAYER CELESTA

Since 1890

Schiedmayer Celesta GmbH • Schäferhauser Str. 10/2 • D-73240 Wendlingen

Attn: Valerie Peters, Assistant Controller
and Shawn Lafrenz, Percussion Source Manager
Westco Ltd.
1212 5th street
Coralville, Iowa, 52241
USA

Celesta, Glockenspiel

- Manufacture
- Sales: new and preowned instruments
- Rentals
- Repairs
- Service worldwide

Piano Service

March 03, 2005

COMMERCIAL INVOICE Nr. 127 270

Gebucht

<u>Order QTY</u>	<u>Description</u>	<u>Unit Price €</u>	<u>Total Price €</u>
------------------	--------------------	---------------------	----------------------

1	Celesta, 5 oct., Nr. 127 270 natural Finish / A=442 Hz Country of origin : Germany		
---	--	--	--

1	crating for USA		
---	-----------------	--	--

1	Matching Bench		
---	----------------	--	--

Total Purchase Amount			
------------------------------	--	--	--

Shipment is scheduled for March 10, 2005

Delivery : Ex Works

Payment terms: payment on receipt of invoice

Thank you very much for your order.

Schiedmayer Celesta GmbH
Schäferhauser Str. 10/2
D-73240 Wendlingen/Stuttgart
Tel. ++49 - (0)7024 - 5 01 98 40
Fax ++49 - (0)7024 - 5 01 98 41

E-Mail: schiedmayer.stuttgart@t-online.de
Internet: www.celesta-schiedmayer.de
Geschäftsführerin: Elianne Schiedmayer
HRB 5560 Amtsgericht Nürtingen
USt-IdNr.: DE 811866203 . Steuer-Nr.: 74093/11069

Landesbank Baden-Württemberg
Kto.-Nr. 2 197 162 (BLZ 600 501 01)

BIC (SWIFT Code): SOLA DE ST
IBAN: DE 40 6005 0101 0002 1971 62

Music Associates of Aspen
attn. Mr. David Percy,
Director of Operations
2 Music School Road
Aspen, Colorado 81611
Exempt Tax Number: IRS EO # 711038

10.08.1998

INVOICE

One Schiedmayer Celesta , Nr. 127 174
(Musical instrument for Education of children),
5 ½ range, c-f5, Model Studio
pitched at 440 Hz
4'40'' l; 3'48'' h ; 2'80'' d
natural oak finish, with double roll casters, 91 kg
plus flight case, custom made (65 kg with roll casters)
*courtage and insurance paid

TOTAL INVOICE

*Cost of freight: approximate

**Payable upon receipt by certified check or bank transfer in US\$ to Schiedmayer
Celestabau GmbH account with Landesgirokasse Stuttgart / Germany
Bank /No: 600 5001 01 Ac/No. 2197162.**

Or

**by bank check in US\$ to Kasimoff-Blüthner Piano Co. for transfer to our account in
Stuttgart as above.**

Thank you very much for your order. It has been a pleasure beeing of service to The Aspen
Music Festival and School.

Schiedmayer Celestabau GmbH
Elianne Schiedmayer

Chicago Symphony Orchestra
attn. Mrs. Heidi Lucas, operation's service
220 S. Michigan Ave
Chicago, IL 60604-2508
USA

11.02.1999

COMMERCIAL INVOICE

Service and Repair of the Schiedmayer Celesta Nr. 127 120 Model Studio, on January 23,99

Instrument cleaned
green felt punchings under the keys replaced
some centerpins replaced
action regulated
measurement and adjustment of the touch weight
voicing

Total amount due:

Payment by certified cheque or by banktransfer in favour of Schiedmayer Celestabau GmbH
lenbachstrasse 53
70192 Stuttgart
Germany
A/N 2197162 with The Landesgirokasse Stuttgart, Bank/N 600 501 01

Thank you for your order. It has been a plesure being of service to the Chicago Symphony Orchestra.

PS We recommend a service approximately every 5 years.

Elianne Schiedmayer

Detroit Symphony Orchestra
To Michel Bric, Stage Manager
3711 Woodward, Ave
DETROIT MICHIGAN 48201
Fax 001 313 5765182

18.09.2000

COMMERCIAL INVOICE

1 Schiedmayer Celesta, black
Nr. 127 208
5 ½ oct., c-f5, Standard
Tuning : a=441

+ Flight case, EX WORKS

Delivery date: second week of October 2000.

Payment: on delivery by banktransfer to our account number 2197162
with LB-BW, Bank Code 600 501 01, S.W.I.F.T : SOLADEST

Thank you very much for your order.

New York Philharmonic
10 Lincoln Plaza
Avery Fisher Hall
New York , New York 10023
USA
Fax 212-579 4478

12.10.01

COMMERCIAL INVOICE

1 Keyboard Glockenspiel , Nr. 127 219
c2-g5,
tuning 442 Hz
cabinet natural oak
1 Flight case for Glockenspiel
Shipment fees Ex Works Wendlingen to New York
321,00
Total Amount

Payment on receive of Invoice.

Payment through bank transfer to our account nr. 2197 162 with the Landesbank Baden
Württemberg Bank Code: 600 501 01 S.-W.I.F.T. Bank Code: SOLA DE ST.

Thank you very much for your order. It has been an honour being of service to the New York
Philharmonic Orchestra.

WESTCO LTD.
Carol Haack, Controller
1214 5th Street
Coralville, IA 52241
USA
Fax (319) 351-0479

July, 30. 2002

Purchase Order #70535

COMMERCIAL INVOICE Nr. 127 244

1 Celesta, 5.5 Octave Standard
1 Flight case for Standard model with pallet
A=442, black finish
1 matching benches
Invoice Amount Ex Works

Payment terms: Wire transfer upon notification of shipment.
bank code is: 600 501 01
account number is: 2197 162
SWIFT code: SOLA DE ST

Thank you very much for your order.

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

Schiedmayer Celesta GmbH,)
)
 Petitioner,)
)
 v)
)
 Piano Factory Group, Inc.,)
)
 Respondent.)
 _____)

Cancellation No. 92061,215
Reg. No. 3,340,759
Mark: SCHIEDMAYER
Registration Date: 11/20/2007

PETITIONER'S SECOND SET OF INTERROGATORIES TO RESPONDENT

November 11, 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 Respondent 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 Respondent obtain additional responsive information between the time the answers are served and the time of the final hearing of this Opposition proceeding.

Interrogatory No. 9:

Set forth the name, title and address of the individual employed by Respondent having most information as to the issues set forth in this Petition for Cancellation.

Interrogatory No. 10:

Does Respondent believe that it had good cause to allege in its Declaration of Use and Incontestability, under pain of fine or imprisonment or both, that Respondent had been using in commerce for five consecutive years, the trademark Schiedmayer on digital pianos.

Interrogatory No. 11:

If the answer to the foregoing interrogatory is in the affirmative, please set forth all facts which support this allegation, including, without limitation, sales of Schiedmayer marked digital pianos and the names and addresses of purchasers thereof; including the name and address of the manufacturer of the said digital pianos.

Interrogatory No. 12:

Does Respondent believe that it had good cause to allege in its Declaration of Use and Incontestability, under pain of fine or imprisonment or both, that Respondent had been

using in commerce for five consecutive years, the trademark Schiedmayer on upright pianos.

Interrogatory No. 13:

If the answer to the foregoing interrogatory is in the affirmative, please set forth all facts which support this allegation, including, without limitation, sales of Schiedmayer marked upright pianos and the names and addresses of purchasers thereof; including the name and address of the manufacturer of the said upright pianos.

Interrogatory No. 14:

Does Respondent believe that it had good cause to allege in its Declaration of Use and Incontestability, under pain of fine or imprisonment or both, that Respondent had been using in commerce for five consecutive years, the trademark Schiedmayer on grand pianos.

Interrogatory No. 15:

If the answer to the foregoing interrogatory is in the affirmative, please set forth all facts which support this allegation, including, without limitation, sales of Schiedmayer marked grand pianos and the names and addresses of purchasers thereof; including the name and address of the manufacturer of the said grand pianos.

Respectfully submitted,

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


Michael J. Striker
Attorney for Petitioner
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 November 12, 2015 as follows:

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

adam@patentproblempro.com


Michael Striker

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.

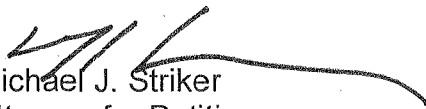
Please produce all documents, including, without limitation, documents relating to promotion and sales and manufacture of upright pianos which supports this allegation.

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



Michael Striker

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

Schiedmayer Celesta GmbH,)
)
 Petitioner,)
)
 v)
)
 Piano Factory Group, Inc.,)
)
 Respondent.)
_____)

Cancellation No. 92/061,215
Reg. No. 3,340,759
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

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

Michael Striker

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

Schiedmayer Celesta GmbH,)
)
 Petitioner,)
)
 v)
)
 Piano Factory Group, Inc.,)
)
 Respondent.)
_____)

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

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,

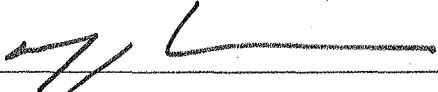

Michael J. Striker
Attorney for Petitioner
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

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.
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Michael Striker