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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 STRIKER STRIKER & STENBY 103 EAST NECK RD HUNTINGTON, NY 11743 UNITED STATES striker@strikerlaw.com
Submission	Other Motions/Papers
Filer's Name	Michael J. Striker
Filer's e-mail	striker@strikerlaw.com
Signature	/Michael J. Striker/
Date	07/27/2016
Attachments	SKMBT_42116072714080.pdf(87084 bytes)

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

Schiedmayer Celesta GmbH,)	
)	
Petitioner,)	
)	
v)	Cancellation No. 92/061,215
)	Reg. No. 3,340,759
Piano Factory Group, Inc.,)	Mark: SCHIEDMAYER
)	Registration Date: 11/20/2007
Respondent.)	
_____)	

**PETITIONER'S
MOTION TO SUSPEND PURSUANT TO TBMP § 510
AND 37 CFR 2.127(d)**

Petitioner herewith moves for an Order suspending further prosecution of the subject Petition for Cancellation pending a decision on Petitioner's Motion for Summary Judgment filed July 22, 2016.

TBMP § 510 provides as follows:

“When a party files a motion...for summary judgment...which is potentially dispositive of a proceeding, the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion...”

Petitioner's Motion for Summary Judgment is dispositive of this entire proceeding. The basis of that Motion is that Respondent is a suspended corporation, not entitled to do business of any kind or to defend an action in court. Additionally, the basis of the Motion is that Respondent filed a Declaration of Use at a time when it was suspended and therefore the Declaration of Use is a nullity.

Petitioner's Motion is dispositive of this entire proceeding.

Accordingly, suspension of proceedings is respectfully requested.

The discovery term in the subject proceeding is still open. In the unlikely event that Petitioner's Motion is denied, it is requested that the discovery term remain open for an additional period of two months in order to enable Petitioner to depose the Respondent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MJS', 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 Motion to Suspend was served upon Counsel for the Respondent at his address of record:

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

Via First Class Mail, this 27th day of July, 2016



Michael Striker