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

Proceeding	91224000
Party	Plaintiff Spiritline Cruises LLC
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Date	06/12/2017
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SPIRITLINE CRUISES, LLC,  
Opposer,

v.

TOUR MANAGEMENT SERVICES, INC.  
Applicant.

Opposition No. 91224000  
Mark: CHARLESTON HARBOR TOURS  
Serial No.: 86334681

Published in the Official Gazette 05/26/2015

**OPPOSER'S RESPONSE TO ORDER MAILED MAY 31, 2017**

This is in response to the Board's May 31, 2017 order offering Opposer the opportunity to produce (even more) documents relating to Opposer's allegations that the mark is primarily geographically descriptive and generic. Opposer has no such additional documents as of the date of this response.

Opposer has already provided documents using "Charleston Harbor tours" publicly and in interstate commerce by parties other than Applicant to offer tours of the Charleston Harbor well prior to the filing date of Applicant's Serial No. 86334681, well prior to Applicant's March 23, 2015 § 2(f) declaration, and well prior to the March 23, 2010 initial tolling date of Applicant's declaration.

The Board's May 31, 2017 order has already pointed out that documents demonstrating ownership in, between, or among companies formed by Mr. Scribner—and that would further demonstrate genericness or abandonment—are entirely in the hands of Mr. Scribner or these companies. Opposer has no sources other than official records from which to document such facts, and thus has no additional responsive documents with respect to ownership. To date, Applicant has produced one letter, written by Mr. Scribner,

addressed from himself to himself, alleging one transfer between two companies. As previously noted, this document was produced six (6) weeks after the close of discovery.

Thus, to the extent that such documents can be supplemented, Applicant either has no such documents or has yet to produce them.

The number of documents offering “Charleston Harbor tours” services publicly and in interstate commerce reaches the hundreds, or perhaps thousands, and Opposer submits that producing all of them is either unnecessary under Rule 26(b)(1) (because each party already has the same access to them) or would be disproportional under Rule 26(b)(1).

In particular, Applicant is familiar with—and well-skilled in the adoption and use of—URL’s associated with tourism in the Charleston Harbor, having misappropriated Opposer’ Registered marks SPIRITLINE CRUISES® (Registration No. 3093475) and FORT SUMTER TOURS® (Registration No. 2380801) for up to four (4) years before being discovered and before Applicant filed Serial No. 86334681.

Finally, as previously stated to the Board and to Applicant, Opposer reserves the right to rely on and introduce official records (e.g., Fed R. Evid. 201, 803(8), or 902) for all purposes in this opposition. Based on the discovery offered within the Board’s defined deadlines, such official records include (but are not necessarily limited to):

Records from the South Carolina Secretary of State for the following seven companies:

- Charleston Cruises and Events, LLC
- Charleston Adventures, LLC
- Adventure Sightseeing of Carolina LLCC
- The Kent Group, LLC
- Harbor Cruises of Charleston LLC
- Charleston Schooner Pride, LLC
- Tour Management Services, Inc.

United States Coast Guard records for the following vessels:

- Carolina Belle, Vessel No. 933237
- Schooner Pride, Vessel No. 929858
- Carolina Queen, Vessel No. 647761.

Federal Communications Commission records for the following vessels:

- Carolina Belle, Vessel No. 933237
- Schooner Pride, Vessel No. 929858
- Carolina Queen, Vessel No. 647761.

Respectfully submitted,

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ATTORNEYS FOR OPPOSER

SPIRITLINE CRUISES, LLC

June 12, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing *Notice of Appearance* was served on counsel for Applicant, this 12th day of June, 2016 by sending the same by first class mail, postage prepaid, and by electronic mail to:

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Respectfully submitted,

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