

ESTTA Tracking number: **ESTTA874677**

Filing date: **02/01/2018**

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

Proceeding	91224000
Party	Defendant Tour Management Services, Inc.
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Submission	Motion to Strike Notice of Reliance
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Date	02/01/2018
Attachments	FL LI TOU001-2 1029_3 Motion to Strike Objection to Campsen article 1-31-18.pdf(19142 bytes)

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

MOTION TO STRIKE/OBJECTION TO NOTICE OF RELIANCE (ESTTA873126)

In accordance with TBMP Rule 707.02, Applicant files this Motion to Strike/Objection to the Notice of Reliance filed by Opposer on January 24, 2018 (ESTTA873126) (“Notice of Reliance”), wherein Opposer offered as Exhibit H a February 20, 1993 article from the *Post and Courier* regarding Opposer’s late owner, George Campsen.

ARGUMENT

Opposer’s proposed submission should be stricken in its entirety because it fails to “indicate generally the relevance of the evidence and associate it with one or more issues in the proceeding.” 37 CFR § 2.122(g). In Opposer’s Notice of Reliance, Opposer merely states that the purported evidence “is relevant to establish Opposer’s sister company, Fort Sumter Tours’s, long history of offering boat tours in Charleston Harbor.” (Notice of Reliance, ¶4.) This conclusory allegation does not associate the *Post and Courier* article with any issues in this matter, and as such, the article is inappropriate for submission via Notice of Reliance.

Applicant reserves all objections to the substance of the article.

CONCLUSION

Opposer's *Post and Courier* article from February 20, 1993 is not appropriately submitted pursuant to a Notice of Reliance; and as a result, this article should be excluded from evidence. Accordingly, Applicant respectfully requests that the article attached as Exhibit H to Opposer's January 24, 2018 Notice of Reliance (ESTTA873126) be stricken.

Respectfully submitted,

FENNO LAW FIRM, LLC

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February 1, 2018
Charleston, South Carolina

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TOUR MANAGEMENT SERVICES, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Motion to Strike/Objection to Notice of Reliance (ESTTA873126)* was served on counsel for Opposer, this 1st day of February, 2018 by sending the same by first class mail, postage prepaid, and by electronic mail to:

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February 1, 2018