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

Proceeding	91224000
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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 NOTICE OF RELIANCE

In accordance with 37 CFR § 2.122(g), Opposer SpiritLine Cruises, LLC gives notice of its reliance upon the following material attached as Exhibits to this Notice of Reliance:

1. Exhibit O- Printed publication of encyclopedia entries from *The Columbia Gazetteer of the World*. Exhibit O contains the book cover, interior bibliographic page with bibliographic data, and page 602 for the entries "Charleston" and "Charleston Harbor" from *The Columbia Gazetteer of the World*. *The Columbia Gazetteer of the World* is a geographic encyclopedia published by Columbia University Press in 1998 (originally published in 1893) and edited by Saul B. Cohen available to the general public in accordance with 37 CFR § 2.122(e). Exhibit O qualifies for admission by Notice of Reliance under 37 C.F.R. § 2.122(e)(1) and § 2.122(g). Exhibit O is relevant because it shows that "Charleston Harbor Tours" is merely geographically descriptive and generic.
2. Exhibit P- Excerpts from Document 114-99 of the United States Congress (114th Congress, 2d Session) on February 4, 2016. Exhibit P includes the document cover page and excerpts from pages 32-34 of the report (the full report is 1668 pages). Exhibit P constitutes official records available to the general public and admissible by Notice of Reliance under 37 C.F.R. § 2.122(e)(1) and § 2.122(g). Document 114-99 demonstrates the United States government's categorization of the "Charleston Harbor" as a defined geographic area and is relevant to show that "Charleston Harbor Tours" is merely geographically descriptive and generic.

Respectfully submitted,

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ATTORNEYS FOR OPPOSER  
SPIRITLINE CRUISES, LLC

Date: February 2, 2018

Certificate of Service

This is to certify that I have this 2nd day of February 2018 served a copy of the foregoing NOTICE OF RELIANCE upon all counsel of record by depositing the same in the US mail with sufficient postage affixed, addressed as follows:

Edward T. Fenno  
Takesha Geel  
171 Church St., Suite 160  
Charleston, SC 29401

Respectfully submitted,  
PARSONS SUMMA

/Rebeca Harasimowicz/

Rebeca Harasimowicz

# Exhibit O

The Columbia  
Gazetteer  
of the World

EDITED BY SAUL B. COHEN



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ment, Fort Moultrie, Castle Pinckney Natl. Monument are in Charleston Harbor. Part of Francis Marion Natl. Forest in NE. County was a rich plantation region in antebellum days; now has chief mfg. and shipping center of the state (Charleston), some agr. (sweet potatoes, corn, vegetables; hogs, cattle); fisheries, hunting. Formed 1785.

**Charleston 1** city (1990 pop. 20,398), ☉ Coles co., E Ill.; 39°28'N 88°10'W. Charleston is an industrial, RR, and trade center located in an agr. area; shoes are also made. Eastern Illinois Univ. is here. A Lincoln-Douglas debate was held in Charleston on Sept. 8, 1858. Inc. 1835. Local attractions include an enormous statue of Lincoln and nearby Lincoln Log Cabin State Park and Fox Ridge State Park. Near Embarras R. **2** city (1990 pop. 2,328), ☉ Tallahatchie co. (seat shared with Sumner), NW central Miss., 35 mi/56 km N of Greenwood; 34°00'N 90°03'W. Agr. (cotton, corn, wheat, soybeans; cattle; timber); mfg. (paper prods., apparel, furniture; textiles); clay, sand, fuller's-earth pits. Lumber milling. Tallahatchie Natl. Wildlife Refuge to NW. **3** city (1990 pop. 5,085), ☉ Mississippi co., extreme SE Mo., near Mississippi R., 11 mi/18 km SW of Cairo, Ill.; 36°55'N 89°20'W. Cotton, corn, soybeans, popcorn, potatoes, melons; mfg. (transportation equip., machinery). Laid out 1837. **4** city (1990 pop. 80,414), ☉ Charleston co., SE S.C., 85 mi/137 km NE of Savannah, Ga., on low, narrow peninsula in Charleston Harbor, formed by the confluence of the Ashley and Cooper rivers, 32°47'N 79°56'W. Founded in 1680 and inc. as a city in 1783, Charleston is the oldest city in the state and one of the chief ports of entry in the SE U.S. Charleston Internat. Airport to NW. In the bay, or bordering on it, are Sullivan's Isl., site of Fort Moultrie; James Isl.; Morris Isl., with a lighthouse; Fort Sumter; and Castle Pinckney. Many transportation routes converge at Charleston, and through its excellent, sheltered harbor off the Atlantic Ocean, an extensive coastal and foreign trade is conducted. Diverse mfg. includes chemicals, steel, motor vehicle parts, pulp and paper, textiles, bottling machinery, and clothing. Charleston is hq. for the 6th U.S. naval dist. and for the U.S. Air Force defense command. Extensive mil. facilities include a Polar submarine base and a huge navy yard (est. 1901); Charleston Air Force Base. The English settled at Albemarle Point (1670), on the W bank of Ashley R., c. 7 mi/11 km from modern Charleston. They later moved to Oyster Point, where their capital, Charles Town (the city's original name), had been laid out. The city became the most important seaport in the Southern colonies and the leading center of wealth and culture in the South. Non-Eng. immigrants, among whom the Fr. Huguenots were most prominent, added a cosmopolitan touch. Charleston's Dock Street Theatre (1736) was one of the first theaters to be established in the U.S. In the Revolutionary War, Charleston was defended successfully against the British in 1776 and 1779; however, the city was surrendered in 1780 to the British, who held it until 1782. The capital of S.C. was moved from Charleston to Columbia in 1788, but Charleston remained a regional economic and social center. The city was the scene of the first hostile act of the Civil War, the firing on Fort Sumter (April 12, 1861), not long after a S.C. convention had met here in Dec. 1860 and voted to secede from the Union. The city had its harbor blockaded by Union forces and was under siege for more than 2 years before it fell in Feb. 1865. A violent earthquake, Aug. 31, 1886, and periodic tornadoes and hurricanes, such as Hurricane Hugo in 1989, have caused much damage to the city and surrounding area; however, many outstanding colonial bldgs. and historic sites survive. Of note are St. Michael's Episcopal Church, Miles Brewton house, Old Slave Mart Mus. and Gallery, and Charleston Mus. (1773), one of oldest mus. in U.S. The waterfront, called the Battery, and the Grace Memorial Bridge over the Cooper R., are famous landmarks. Tourists are attracted by the city's unique charm, mild climate, nearby beaches, and gardens. Annual events include an azalea festival and Spoleto. Educational institutions include the Citadel, the Medical Univ. of S.C., Charleston

Southern Univ., and the Col. of Charleston, the first municipal col. in the country. Nearby is Isle of Palms, a noted resort. **5** city (1990 pop. 653), Bradley co., SE Tenn., on Hiwassee R., and 35 mi/56 km NE of Chattanooga; 35°17'N 84°45'W. **6** (CHAHRLZ-tuhn), city (1990 pop. 57,287), ☉ W.Va. and Kanawha co., W central W.Va., on the Kanawha R., where it is joined by the Elk R.; 38°21'N 81°37'W. The largest city in W.Va., Charleston is an important transportation and trading center for the highly industrialized Kanawha valley. Mfg. (chemicals, pipe and sheet-metal fabricating, printing and publishing, machinery, food and beverages, concrete, RR ties). The city grew around the site of Fort Lee (1788). Daniel Boone lived there from 1788 to 1795. The capital was transferred there from Wheeling in 1870, moved back to Wheeling in 1875, then returned to Charleston in 1885. The state capital bldg. (completed 1932) has a dome higher than the U.S. capital. Yeager Airport to NE. Univ. of Charleston is here; W. Va. State Col. to W, at Institute. The Cultural Center at State Capital Complex contains an art gallery, mus., planetarium, and notable gardens. Tri-State Greyhound Park at Cross Lanes to W; Coonskin Park to NE; Kanawha State Forest to SW. Charleston Ordnance Center to W. Inc. 1794.

**Charleston 1** (CHAHRLZ-tuhn), town (1990 pop. 2,128), NW Ark., 21 mi/34 km ESE of Fort Smith; 35°17'N 94°02'W. Shares the capital functions with Ozark, Franklin co. Ships livestock, poultry, eggs; mfg. (bookcases, computer furniture, apparel, food processing, plywood). Fort Chaffee Military Reservation to SW. **2** town (1990 pop. 1,187), Penobscot co., central Maine, 25 mi/40 km NW of Bangor; 45°04'N 69°02'W. **3** uninc. town (1990 pop. 500), Coos co., W Oregon, 6 mi/9.7 km WSW of downtown Coos Bay, at entrance to South Slough, arm of Coos Bay; entrance to Coos Bay 1 mi/1.6 km W. Fishing port. Mfg. (canned seafood, fish processing). Coos Head U.S. Naval Facility to W. Cape Arago and Sunset Bay State Park 3 mi/4.8 km to W. **4** town (1990 pop. 844), Orleans co., N Vt., on Clyde R., 8 mi/12.9 km SE of Newport; 44°50'N 72°00'W. Lumber. Includes village of West Charleston.

**Charleston**, village (1990 pop. 336), Wasatch co., N central Utah, at N end of Deer Creek Reservoir on Provo R., 18 mi/29 km NE of Provo; 40°28'N 111°28'W. Elev. 5,600 ft/1,707 m. Barley, alfalfa; dairying; cattle, sheep, horses. Sundance Ski Resort to SW; part of Uinta Natl. Forest to W. Midway State Fish Hatchery to NW; Deer Creek State Park in S. Large Wasatch Mountain State Park to NW.

**Charleston**, sect. of Richmond borough of N.Y. city, SE N.Y., on SW Staten Isl.; 40°32'N 74°14'W.

**Charleston Harbor**, inlet (□ 8 sq mi/20.7 sq km) of the Atlantic Ocean at Charleston, S.C.; formed by junction of Ashley and Cooper rivers. Morris and Moultrie isls. shelter the entrance. Charleston Harbor is part of the Intracoastal Waterway. U.S. Navy Yard is on Cooper R., 8 mi/12.9 km above Charleston.

**Charleston Peak**, Nev.: see SPRING MOUNTAINS.

**Charlestown 1** city (1990 pop. 5,889), Clark co., SE Ind., near Ohio R., 15 mi/24 km NE of New Albany; 38°27'N 85°40'W. Chemical mfg.; U.S. arsenal here (ammunition for U.S. govt.). Printing. **2** (CHAHRLZ-toun), former city, now part of Boston, Middlesex co., E Mass., on Boston Harbor, bet. the Mystic and the Charles rivers. Mfg. (metals, electronics, bookbinding, printing). The oldest part of Boston, it was the site of the U.S. navy yard (est. 1801, closed 1973) where the U.S.S. *Constitution* is moored. The battle of Bunker Hill was fought in the vicinity (on Breed's Hill) on June 17, 1775; site of Bunker Hill Monument. Samuel Morse was b. in Charlestown. The Navy Yard is now the site of residential and commercial developments and is maintained by Natl. Park Service as a Natl. Historical Park. Settled 1629, included in Boston 1874.

**Charlestown**, town, E N.S.W., Australia, suburb 6 mi/10 km SW of Newcastle; 32°57'S 151°40'E. Mostly residential with mix of retail, commercial, and light industry businesses.

**Charlestown**, town (1980 pop. 1,771) on the isl. of Nevis,

St. Kitts and Nevis, West Indies. Charlestown is the chief town and port of the isl. Alexander Hamilton b. here. It was a fashionable center in the 17th cent.

**Charlestown**, town (1991 pop. 10,268), Kwazulu/Natal, near Mpumalanga border, Republic of South Afr., in Drakensberg range, on Buffalo R., 4 mi/6.4 km S of Volksrust; 27°27'S 29°55'E. Elev. 5,386 ft/1,642 m. Dairying; stock raising; forestry. Nearby is Majuba Hill (7,045 ft/2,147 m), scene of battle (1881) in Transvaal rebellion.

**Charlestown 1** town (1990 pop. 578), Cecil co., NE Md., on Northeast R., 26 mi/42 km WSW of Wilmington, Del.; 39°35'N 75°59'W. An 18th-cent. port, it has been designated a Natl. Historic Dist. and preserves fourteen 18th-cent. homes. In 1786 the co. seat was moved from Charlestown to Elkton. Inc. 1786. **2** town (1990 pop. 4,630), Sullivan co., SW N.H., 10 mi/16 km SSW of Claremont; 43°15'N 72°23'W. Bounded W by Connecticut R. (Vt. state line). Agr. (cattle, poultry; apples, corn; nursery crops); mfg. (marine hardware, concrete, transportation equip.). Hubbard Hill State Forest in N. Cory Number Four restoration. Settled 1740 as Township No. 4 and defended by Phineas Stevens against French and Indians, inc. 1753. **3** (CHARLES-toun), town (1990 pop. 6,478), Washington co., SW R.I., on Block Isl. Sound, 32 mi/51 km SSW of Providence; 41°22'N 71°41'W. Includes Quonochontaug village and parts of Carolina, Shannock, and part of Kenyon villages. Agr. (potatoes). Resorts; Charlestown Beach (summer colony) is on sandbar separated from mainland by Ninigret Pond (c. 5 mi/8 km long). Town has Narragansett Indian Reservation with granite church (1859) and Indian burial ground; bird and game sanctuary. Inc. 1738. The 1938 hurricane caused great damage here. Formerly called Cross's Mills.

**Charlestown** (CHAHRLZ-tuhn), port in Restormel dist, S central Cornwall, England, on St. Austell Bay, 2 mi/3.2 km E of St. Austell. China clay port. Has 13th-cent. church.

**Charlesville**, Congo: see DJOKOPUNDA.

**Charlesworth** (CHAHRLZ-wuth), village (1991 pop. 2,066), NW Derbyshire, England, 2 mi/3.2 km WSW of Glossop.

**Charleville** (CHAHRL-vil), town (1991 pop. 3,513), S central Queensland, Australia, on Warrego R., 425 mi/684 km W of Brisbane; 26°24'S 146°15'E. Commercial center in livestock area.

**Charleville**, Ireland: see RATH LUIRC.

**Charleville-Mézières** (shahr-luh-VEEL-me-ZYER), city (pop. 59,439), ☉ Ardennes dept., NE France, near Belg. border, on the canalized Meuse R., in N Champagne, 150 mi/241 km NE of Paris; 49°50'N 04°30'E. It was formed in 1966 when the twin towns of Charleville and Mézières were merged, along with 3 smaller communities. It is a commercial center and a RR hub in a valley devoted to heavy metalworking industries. Mézières was an old fortified town, founded in the 9th cent.; Charleville was founded (1606) by, and named for, Charles de Gonzague, duke of Rethel. The area was conquered by the Germans in several conflicts (during the years of 1815, 1870, 1914, 1940), and Mézières in particular suffered heavy damage in both world wars. It is still a garrison town. Of special interest is the Place Ducale of Charleville, a central square enclosed by early 17th-cent. houses (with arcaded shops lining the open space) and by the mid-19th cent. town hall. The administrative hq. are situated directly on the banks of the Meuse; one bldg. was formerly occupied by the royal engineering col. There is a mus. honoring Arthur Rimbaud, a Fr. poet of the 19th-cent. b. here. Every 3 years a world festival of puppets and puppet theater is held here. A school of puppetry art is also located in the city.

**Charlevoix** (SHAHRLUH-voi), county (□ 1,390 sq mi/3,600 sq km; 1990 pop. 21,468), NW Mich.; ☉ Charlevoix. Bounded NW by L. Michigan; 45°28'N 85°27'W; drained by short Boyne and Jordan rivers. Includes BEAVER ISLANDS group. Dairying; agr. (cattle, poultry; potatoes, cherries, apples, seed); iron foundries, plastics prods. Some mfg. at Charlevoix. Boyne City, and East Jordan. Flour, lumber mills; fisheries. Re-

# Exhibit P

CHARLESTON HARBOR POST 45: FINAL INTEGRATED  
FEASIBILITY REPORT AND ENVIRONMENTAL IM-  
PACT STATEMENT

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COMMUNICATION

FROM

THE ASSISTANT SECRETARY OF THE ARMY,  
CIVIL WORKS, THE DEPARTMENT OF DE-  
FENSE

TRANSMITTING

THE CHARLESTON HARBOR POST 45: FINAL INTEGRATED FEASI-  
BILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR  
JANUARY 2016, PURSUANT TO PUBLIC LAW 91-611, SEC. 216; (84  
STAT. 1830)

PART 1 OF 2



FEBRUARY 4, 2016.—Referred to the Committee on Transportation and  
Infrastructure and ordered to be printed

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U.S. GOVERNMENT PUBLISHING OFFICE

## 1.8 Existing Project

**Historical Perspective.** Charleston (originally called Charles Towne) was founded on the west bank of the Ashley River in 1670. In 1680, the colony relocated to Oyster Point (its current location). This relocation gave the community a natural harbor that was more defensible from land and sea assaults. After this move, the city grew in population and economic significance until the early 1800s. Between 1830 and 1850, Charleston Harbor declined in relative importance as New York Harbor expanded and new ports (such as New Orleans) developed. By 1840, Charleston realized that the harbor would need to be at least 17 feet deep to remain competitive. Over time, the harbor has been deepened as needed to adapt to the changing needs of its users. Figure 1-2 provides a simplified timeline of the gradual deepening of Charleston Harbor in response to changing needs.

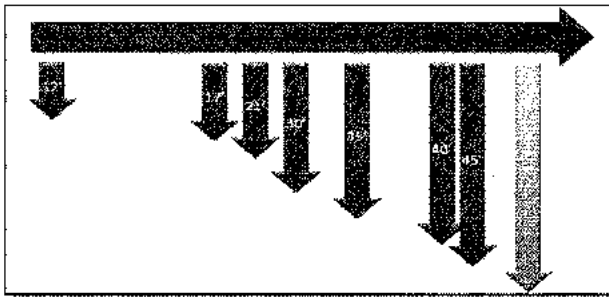


Figure 1-2. Charleston Harbor authorized depth timeline

The Rivers and Harbors Act of 1852 authorized navigation improvements to Charleston Harbor. This work was interrupted by the Civil War and was not completed until after it ended. Later, the passage of the Rivers and Harbors Act of 1878 authorized the deepening of a channel to a depth of 21 feet MLLW and the construction of a pair of jetties to stabilize the new channel.

In 1898 and 1904, additional dredging was performed to increase channel depths to 26 and 30 feet MLLW, respectively. In 1940, a 35-foot MLLW project was authorized for the Entrance Channel, up Town Creek (past the Union Pier and Columbus Street Terminals) and up the main channel of the Cooper River to the North Charleston Terminal area. In 1986, the channels were authorized to 40 feet MLLW. Finally, in 1996, the major interior channels were authorized to 45 feet MLLW and the Entrance Channel was authorized to 47 feet MLLW.

**Existing Federal Navigation Project.** The Charleston Harbor federal navigation project currently provides limited 2-way traffic and consists of channels, turning basins, an anchorage basin, contraction dikes, jetties, and dredged material disposal areas. The channels have been enlarged through the past 160 years, and the authorized depth supporting the major terminals is 45 feet MLLW (Figure 1-3).



*Study Information*

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Construction of the existing project was initiated in 1998 and completed in 2004. All of the changes authorized in 1996 have been completed with the exception of the Daniel Island Turning Basin as the terminal it would have serviced was relocated to the former Naval Base. The federal project also includes several side channels that are not considered in this FS because they do not serve the primary container terminals and efficiently meet the current and foreseeable needs.

## 1.9 Prior Reports and Studies

Over the past 40 years, there has been a succession of feasibility-related reports concerning deepening projects for the Charleston Harbor. Advances in engineering, economics, and other sciences have aided each successive investigation. An abbreviated list of the most important studies and reports relating directly to harbor deepening are summarized below.

### 1.9.1 Feasibility Studies

Congress authorized deepening of the federal channels in Charleston Harbor from a depth of 40 feet MLLW to 45 feet MLLW based upon *The Charleston Harbor Deepening/Widening, South Carolina, Report of the Chief of Engineers, 16 July 1996*. This Report was based upon a 1996 Feasibility Study and Environmental Assessment.

### 1.9.2 Port Inventory

The latest USACE Port Series document, *Port Series #13*, was published in 1997 and provides a complete inventory (current at that time) of every port terminal covering their berthing statistics, loading/unloading equipment, and landside storage, nationwide. This document also provides basic tidal and climate conditions and dimensions of all the harbor channels. The USACE no longer publishes the Port Series.

### 1.9.3 Dredging Reports

*Charleston Ocean Dredged Material Disposal Site (ODMDS), Site Management And Monitoring Plan, November 2005*. This plan was prepared and reviewed by the U.S. Environmental Protection Agency; the USACE; the U.S. Fish and Wildlife Service; the South Carolina Department of Natural Resources; and the SCSPA. This modified site management and monitoring plan replaces the original and incorporates subsequent monitoring results and provisions of the Water Resources Development Act of 1992.

*An Environmental Monitoring Study of Hardbottom Reef Areas Near the Charleston Ocean Dredged Material Disposal Site, March 2006*. This monitoring report documented the effectiveness of a USACE-constructed "L" shaped berm comprised largely of cooper marl along the southern and western borders of the ODMDS. It was constructed to protect hardbottom reef habitats, and prevent long-term loss of sessile (attached to substrate) biota and associated fin fishes caused by burial by fine-grained sediments dispersed from the ODMDS.