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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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Date	03/06/2018
Attachments	FL LI TOU001-2 1033_2 Reply to Opposer Response to Motion to Strike Campsen article.pdf(19992 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

**APPLICANT'S REPLY TO OPPOSER'S RESPONSE IN OPPOSITION TO  
APPLICANT'S MOTION TO STRIKE/OBJECTION  
TO NOTICE OF RELIANCE (ESTTA873126)**

SpiritLine Cruises, LLC ("Opposer") failed once again to satisfy the statement of relevance requirement for a proper Notice of Reliance as outlined in 37 CFR § 2.122(g), and Opposer cannot fix this problem because Exhibit H (the 1993 *Post and Courier* article) is not relevant on its face.

**ARGUMENT**

Opposer failed to state or properly allege that Exhibit H is relevant because:

- 1) Opposer did not allege Exhibit H evidences use by anyone of the mark CHARLESTON HARBOR TOURS or anything similar (instead, Opposer alleges the providing of similar services, but not under that mark); and
- 2) Opposer admits Exhibit H is about Opposer's sister company, not Opposer, so Exhibit H is not relevant to any allegations about Opposer (and Opposer did not claim that it was).

Even reserving substantive objections to Exhibit H until its Final Brief in this case (which Applicant expressly reserves), Exhibit H is not admissible. Furthermore, since Opposer failed to

fix this problem, and Exhibit H on its face does not use the mark CHARLESTON HARBOR TOURS (or anything similar), the problem is unfixable. Accordingly, Opposer's argument has no merit, and Applicant's Motion to Strike must be granted.

**CONCLUSION**

Opposer's Exhibit H is not appropriately submitted pursuant to a Notice of Reliance, and as a result, it should be excluded from evidence. Accordingly, Applicant respectfully requests that Exhibit H to Opposer's January 24, 2018 Notice of Reliance (ESTTA873126) be stricken.

Respectfully submitted,

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March 6, 2018  
Charleston, South Carolina

ATTORNEY FOR APPLICANT  
TOUR MANAGEMENT SERVICES, INC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Applicant's Reply to Opposer's Response in Opposition to Applicant's Motion to Strike/Objection to Notice of Reliance (ESTTA873126)* was served on counsel for Opposer, this 6th day of March, 2018 by sending the same by first class mail, postage prepaid, and by electronic mail to:

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/Edward T. Fenno/

March 6, 2018