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Filing date: **09/17/2018**

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

Proceeding	91224000
Party	Defendant Tour Management Services, Inc.
Correspondence Address	EDWARD T FENNO FENNO LAW FIRM LLC 1459 STUART ENGALS BLVD, SUITE 202 MOUNT PLEASANT, SC 29464 UNITED STATES efenno@fennolaw.com, tgeel@fennolaw.com, rhadden@fennolaw.com 843-720-3747
Submission	Testimony For Defendant
Filer's Name	Robert M. Hadden
Filer's email	efenno@fennolaw.com, rhadden@fennolaw.com, tgeel@fennolaw.com
Signature	/Robert M. Hadden/
Date	09/17/2018
Attachments	TOU001-2 Notice of Filing Testimony - Thomas Doyle.pdf(1213175 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

NOTICE OF FILING TESTIMONY

In accordance with TBMP 703.01 and 37 CFR § 2.125(a), Applicant Tour Management Services, Inc. hereby notes its filing of the testimony affidavit of Thomas J. Doyle, III with attendant Exhibit A.

Respectfully submitted,

FENNO LAW FIRM, LLC

/Robert M. Hadden/

Robert M. Hadden

Edward T. Fenno

P.O. Box 20220

Charleston, SC 29413

Phone: (843) 720-3747

Fax: (843) 614-5093

Email: rhadden@fennolaw.com

efenno@fennolaw.com

ATTORNEYS FOR APPLICANT TOUR
MANAGEMENT SERVICES, INC.

Date: September 17, 2018

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *NOTICE OF FILING TESTIMONY* of Thomas J. Doyle, III was served on counsel for Applicant, this the 17th day of September, 2018 by sending the same by e-mail and first class mail, postage prepaid, to:

Philip Summa (psumma@parsonssumma.com)
Rebeca Harasimowicz (rebeca@parsonssumma.com)
PARSONS SUMMA
15801 Brixham Hill Avenue, Suite 550
Charlotte, North Carolina 28277

/Robert M. Hadden/
Robert M. Hadden

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AFFIDAVIT OF THOMAS J. DOYLE, III

Personally appeared before me, Thomas J. Doyle, III, who being duly sworn deposes and says as follows:

1. I am the General Manager at Palmetto Carriage Works ("Palmetto Carriage"), located in Charleston, South Carolina. I have held this job for approximately 15 years, and I have worked full-time at Palmetto Carriage for almost 25 years. Prior to becoming the General Manager, I drove carriages and worked in other management positions at Palmetto Carriage.
2. Palmetto Carriage is one of Charleston's main tourist attractions. Our company provides carriage tours of the City of Charleston. Approximately 150,000 – 170,000 tourists and local Charlestonians take our carriage rides each year.
3. My job at Palmetto Carriage includes marketing and promoting Palmetto Carriage to tourists and locals in order to attract them to visit Palmetto Carriage. As a result of my job, I am very familiar with other tourist attractions in the Charleston area, and with their marketing and advertising.

4. I have been familiar with Bob Scribner's company, Charleston Harbor Tours, since approximately 2004. Charleston Harbor Tours is the primary provider of boat trips and harbor cruises around Charleston Harbor, and has been for at least 11 years.
5. As part of my job, I regularly see Charleston Harbor Tours' advertising. Charleston Harbor Tours prominently and consistently uses the term "Charleston Harbor Tours" in its print, Internet and other advertising, and has for at least approximately 11 years.
6. As part of my job, I am also regularly in contact with tourists and locals seeking to take a boat trip around Charleston Harbor. For years, I have heard tourists and locals refer to "Charleston Harbor Tours" when discussing Bob Scribner's company. I do not recall ever hearing or seeing anyone use the term "Charleston Harbor Tours" to describe any other business besides Bob Scribner's company, Charleston Harbor Tours.
7. As part of my job in the tourism industry in Charleston, I am familiar with the Opposer in this action, Spiritline Cruises ("Spiritline"). Spiritline operates Fort Sumter Tours, which includes a boat trip to Fort Sumter. I have never seen Spiritline use the term "Charleston Harbor Tours" to advertise or promote any of its products or services; nor have I ever heard a tourist or local describe Spiritline's products or services as "Charleston Harbor Tours."
8. In part as a result of Charleston Harbor Tours' prominent and successful branding, Palmetto Carriage entered in to a co-promotional arrangement with Charleston Harbor Tours in or around 2007 – advertising and selling tourist packages that include trips around Charleston Harbor with Charleston Harbor Tours and carriage rides around the City of Charleston with my company. These packages are promoted in print, on the Internet, at Palmetto Carriage, at the dockside offices of Charleston Harbor Tours, and at

hundreds of rest stops and other tourist locations in South Carolina. They prominently feature Charleston Harbor Tours' "Charleston Harbor Tours" branding. Attached as Exhibit A hereto is a printout from the Zerve website through which customers can order our package tour. Charleston Harbor Tours' trademark and logo is on the left hand side, near the top.

FURTHER AFFIANT SAYETH NAUGHT.


Thomas J. Doyle, III

Sworn to and subscribed before me
this 23rd day of June, 2016

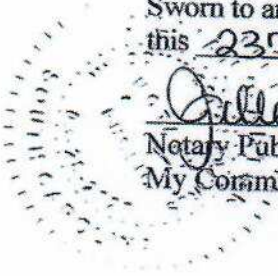

William Bartoro
Notary Public for South Carolina
My Commission expires: 3/28/22

EXHIBIT A

TO

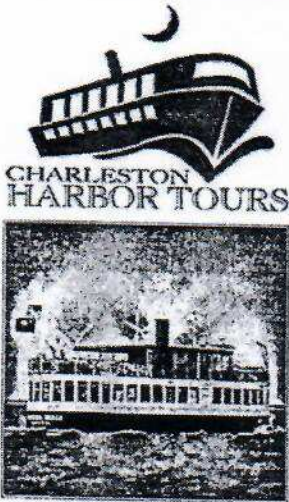
AFFIDAVIT OF THOMAS J. DOYLE, III



Buy Online or Call (888) 224-5037 or (843) 277-9039 (int'l)

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Charleston Harbor Tours is the oldest harbor tour company in Charleston, tracing its roots to 1908. Sister company of Schooner Pride and Charleston Adventures, the company specializes in introducing its guests to the beauty and history of Charleston, the Holy City via a 1 1/2 hour live narrated tour of the inner and outer harbor.

The *Carolina Belle* is the Charleston Harbor Tours' newest vessel. Featuring graceful, classic 1920's lines, the boat is 80 feet long. It can accommodate up to 300 passengers and has a standard operating crew of four. The vessel is certified to cruise the inland waterways by the USCG.

The *Carolina Belle* has two decks—A "Main Salon," which is climate controlled and an "Observation Deck," each providing spectacular views of Charleston Harbor. In addition to the Historic Harbor Tour, Charleston Harbor Tours also offers private events and dinner parties.

Charleston Harbor Tours

Zerve Seller: HarborTours

Customer Rating: ★★★★★

[View all 4,009 reviews](#)

4.5 out of 5

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24

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Tickets & Information [Calendar of all events](#)

Charleston Harbor History Tour	Ticket Price	Rating
Historic Charleston Harbor Tour Charleston, SC	\$24.00	★★★★★ (785)
Info & Tickets		
Check the Charleston Harbor History Tour Calendar		

Combination Tours	Ticket Price	Rating
Combo: Charleston Harbor Tour & Carriage Ride Charleston, SC	\$41.00	★★★★★ (425)
Combo: Charleston Harbor Tour & Plantation Tour Charleston, SC	\$41.00	★★★★★ (195)
Tri-Combo Tour: Harbor/ Carriage/ Plantation Tour Charleston, SC	\$62.00	★★★★★ (337)
Combo Harbor Tour and Ghost Tour Charleston, SC	\$39.00	-
Combo: Charleston Harbor Tour & Aquarium Admission Charleston, SC	\$44.00	-
Combo: Charleston Harbor Tour & City Bus Tour Charleston, SC	\$38.00	-
Info & Tickets		
Check the Combination Tours Calendar		

Special Events	Ticket Price	Rating
Blues & BBQ Cruise Charleston, SC	\$44.95	★★★★★ (193)
Murder Mystery Cruise Charleston, SC	N/A	-
Charleston Jam on the Water Concert Series Charleston, SC	\$20.00	-
Keep the Light Shinin' Holiday Dinner Cruise Charleston, SC	N/A	-
Jazz Brunch Cruise Charleston, SC	\$46.95	-
July 4th Fireworks Cruise on The Carolina Queen Charleston, SC	\$32.50	-
Info & Tickets		

6/23/2016

Charleston Tours, Boat Cruises & Carriage Tours - Sightseeing Harbor Tours near Fort Sumter, the Battery, South Carolina (SC)

New Belgium Brewery Brewer's Cruise
Charleston, SC

\$52.50

[Info & Tickets](#)

[Check the Special Events Calendar](#)

Private Charters

Ticket Price

Rating

PRIVATE Charter
Charleston, SC

N/A

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