



To the Honorable Mayor and Members of Park City Council:

Our Company embraces doing everything we can to work through community issues. We would have to admit that this is the first time we have found ourselves in a community dialogue over a trademark application. While there is an established regulatory process for working through trademark registration issues, we have nonetheless made every effort to respond to community concerns. Before turning to that, I think it's important to remember how the dialogue started.

After purchasing the resort, we inherited Powdr Corp's application for the word mark PARK CITY. In response to your concerns over the breadth of the application, we chose to amend and narrow the services associated with the application to "[p]roviding facilities for skiing and snowboarding, and conducting classes and instruction in skiing and snowboarding." We seek federal registration to enhance protection of our rights in the PARK CITY brand for those services. Specifically, we wish to ensure that no other ski area in the United States calls itself "Park City," and that no other business falsely represents or suggests that it is affiliated with or connected to our Park City ski area.

Several of you have asked why we are moving forward with the PARK CITY trademark registration. Why not just rely on a registration for "Park City Mountain Resort"? First of all, this is not a new trademark. The PARK CITY mark has been in use by our predecessors for decades. Because of that history of use, guests from around the United States and around the world refer to the ski area as just "Park City" and allowing others to use "Park City" for a ski area would create confusion and detract from the uniqueness of our resort and our community.

It is important to point out that there are multiple local business owners who have also registered their "Park City" brands, including Park City Brewery who has three separate word mark registrations for PARK CITY for beer, distilled spirits, and distillery services. There are also registered trademarks for many other ski areas that share names with their towns, such as Vail, Breckenridge, Telluride, Sun Valley, and Killington, to name a few. Further, there is no history of our Company, or any of these "town-branded" resorts, trying to prevent other businesses from using the names of their towns descriptively or in their trade names for unrelated goods or services.

It is very common that when someone files for a trademark, other businesses raise concerns and objections. And it is very common for businesses to work together to resolve those issues and if they can't, there is a process with the U.S. Patent and Trademark Office (PTO) for them to weigh in. Our Company has been and will remain open to working with any business who feels our application creates any issues for them. And we very much respect the right of any other business, community member or Park City Municipal Corp. to file objections with the PTO. But, we are not willing to withdraw or amend our application, and to our knowledge the City has never asked any other business in our community to voluntarily give up or change its trademark applications.

Likewise, we think it's important for the City to respect the branding rights of all local businesses, including our Company. Because our guests have always referred to our ski resort as just "Park City," we have elected to shift our branding to just that name. We think it's a simpler, cleaner and more powerful approach to attract guests from around the world to our community. However, we have also heard that using just "Park City" could be confusing locally and we have offered to work with the City in good faith to address these concerns. It's critical that this be a sincere effort, based on cooperation and as real-world situations arise. But it is not appropriate for the City to expect to have legal rights over our branding.

There is often talk in the community about "trust." Our Company expects to earn the trust of the Park City community by how we act, day-in and day-out, and we think we have demonstrated a strong track record on that front in the short time we have been here. We expect the community to continue to hold us accountable. And we don't expect any special treatment or special favors. But, we also expect to be treated fairly, where our rights are respected as well. We are very confident that our use of the "Park City" brand will be completely appropriate, consistent and aligned with the rest of our community. And we look forward to earning trust on this issue as well.

Sincerely,

Bill Rock
COO, Park City Mountain Resort