



**Kolisch Hartwell**

A Professional Corporation

INTELLECTUAL PROPERTY  
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December 8, 2014

VIA E-MAIL [harrykorrell@dwt.com](mailto:harrykorrell@dwt.com)  
[gregorychaimov@dwt.com](mailto:gregorychaimov@dwt.com)

Mr. Harry Korell  
Mr. Gregory Chaimov  
Davis Wright Tremaine LLP

Re: Uber Trademark Violation; Kolisch Ref. – COP.225

Dear Mr. Korell and Mr. Chaimov:

My firm represents the City of Portland, Oregon (“City”) in intellectual property matters. I understand that your firm represents Uber Technologies, Inc. (“Uber”) with respect to its launch in Portland. The City owns various rights associated with the trademark shown below (the “City Mark”):

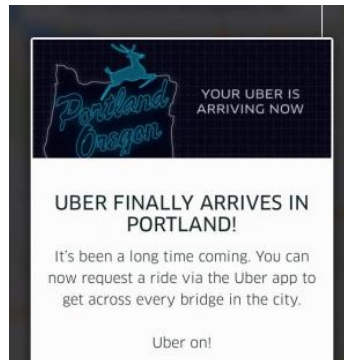


More specifically, the City owns an Oregon state trademark registration for the City Mark, as well as common law rights based on extensive and continuous commercial use and licensing of the mark over a period of years. A copy of the Oregon registration is included with this letter. The City Mark is instantly recognizable as associated with the City of Portland, and the general public widely recognizes the mark as an indication that the City or an authorized City licensee is the source of goods and services advertised using the City Mark.

The City has learned that Uber is using the City Mark to advertise Uber’s services in Portland at least on its mobile application and its Twitter feed, as shown in the example below.

*In memoriam*  
J. Pierre Kolisch 1918–2008  
M. H. Hartwell 1927–2000

Uber Technologies, Inc.  
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Uber's use of the City Mark without the City's authorization creates a likelihood of consumer confusion by giving the impression that Uber is somehow sanctioned, approved or sponsored by the City of Portland, when as you know the City believes that Uber is operating illegally in Portland. Accordingly, the City hereby demands that Uber immediately cease its use of the City Mark or any other mark which is confusingly similar to the City Mark, to advertize Uber services in Portland or for any other commercial purpose.

If Uber does not cease all commercial use of the City Mark by **5pm Pacific on Thursday, December 11, 2014**, the City is prepared to seek an injunction. Under Oregon law, regardless of whether the City obtains an injunction, it can and will also seek damages of up to three times the sum of Uber's profits, the City's damages and reasonable attorney's fees.

I look forward to hearing from you by the close of business this Thursday. Otherwise, Uber can expect the City to begin an action for trademark infringement and dilution, seeking an injunction and damages as described above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawn J. Kolitch".

Shawn J. Kolitch  
E-mail: shawn@khpatent.com  
503-224-6655

SJK:æk  
Enclosure



Trade and Service Marks - Registration

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200

FILED

JUL 19 2011

OREGON SECRETARY OF STATE

REGISTRY NUMBER: 41828 For office use only

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request. For office use only

Please Type or Print Legibly in Black ink. Attach additional Sheets if Necessary.

- 1) CORRESPONDENT NAME: City of Portland Attorney's Office
MAILING ADDRESS: 1221 SW 4th Ave., Rm 430, Portland OR 97204 Attn: Kalei Taylor
2) APPLICANT'S NAME: (Owner: Individual or Entity) City of Portland Bureau of Internal Business Services
ADDRESS: 1120 SW 5th Ave., Rm 750, Portland OR 97204 Attn: Jeffrey Baer
3) IF THE APPLICANT IS AN ENTITY, ENTER THE STATE OF FORMATION: Municipal Corporation State of Oregon
4) IF ENTITY IS A PARTNERSHIP, LIST NAMES OF GENERAL PARTNERS:
5) DESCRIPTION OF TRADE OR SERVICE MARK: The "Portland Oregon" sign is a lighted neon-and-bulb sign located in downtown Portland, formerly known as the "Made in Oregon" sign.
6) SPECIMEN OF MARK IS REQUIRED: Attach a drawing or photocopy of the mark as it is actually used to this application.
7) GOODS OR SERVICES WITH WHICH THE MARK IS USED: The sign is a visual icon associated with Portland, and is seen all over the world when major events come to Portland.
8) EXPLAIN MODE OR MANNER IN WHICH THE MARK IS USED: An historical landmark of Portland, Oregon.
9) CLASS NUMBER(S) OF GOODS OR SERVICES: 116, 125, 126, 135, 138, 141, 142
10) DATE MARK WAS FIRST USED ANYWHERE BY APPLICANT OR APPLICANT'S PREDECESSOR IN INTEREST: November 2010
11) DATE MARK WAS FIRST USED IN OREGON BY APPLICANT OR APPLICANT'S PREDECESSOR IN INTEREST: November 2010

12) EXECUTION: I, the applicant, own the mark, the mark is in use, and no other person has registered the mark with the federal government or in Oregon or has the right to use the mark or a mark that so resembles the mark as to be likely to cause confusion or mistake or deceive when applied to the goods or services of the other person. I declare under penalties of perjury that this application is true, correct and complete.

(If applicant is an entity, a member of a firm, officer of the corporation, officer of the limited liability company, or officer of an association must sign.)
Signature: Kalei Taylor Title: Deputy City Attorney Date: July 12, 2011

CONFIRMATION COPY

CONTACT NAME: (To resolve questions with this filing.) Kalei Taylor
PHONE NUMBER: (Include area code.) 503-823-4047



Reg T/S 41828

SCALE: 1/8" = 1'-0"  
**EXHIBIT A**



SCALE: 1/8" = 1'-0"  
 REMOVE EXISTING (MADE IN) INDIVIDUALLY ILLUMINATED LETTERS  
 EXISTING (OREGON) LETTERS AS IS  
 MANUFACTURE AND INSTALL NEW (PORTLAND) INDIVIDUALLY ILLUMINATED LETTERS  
 (PORTLAND) LETTERS  
 OPEN PAN CHANNEL LETTERS WITH DOUBLE TUBE NEON AND CHASING INCANDESCENT BULBS  
 MATCH CONSTRUCTION AND LIGHT SEQUENCE OF REMOVED (MADE IN) LETTERS

**CONFIRMATION COPY**



<b>Date</b>	2/26/10	<b>Account Executive</b>	Jay Gibson	<b>Approvals</b>		<b>Exhibit A - Revisions</b>	
<b>Client</b>	Portland Oregon	<b>Design</b>	Kass Hillen	<b>Client</b>		<b>Date</b>	
				<b>Landlord</b>		<b>Date</b>	

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