

June 22, 2017

**VIA FEDEX
VIA EMAIL**

Erica Dunmyer, Vice President, General Counsel
Atlantis Paradise Island
1000 South Pine Island Road, Suite 800
Plantation, Florida 33324

Re: Colorado Tourism Office – “Come to Life”

Dear Ms. Dunmyer:

This firm represents the Colorado Tourism Office (“CTO”). I am writing in response to your recent email to Cathy Ritter dated June 16, 2017.

In your email to Ms. Ritter, you indicated that you do not believe Atlantis Paradise Island’s (“Atlantis Paradise”) use of the “Come to Life” mark infringes on CTO’s trademark rights because the mark has not yet been registered. As I am sure you are aware, a trademark or service mark does not need to be registered in the United States to receive protection against infringement.

As Ms. Ritter noted in her May 24, 2017 correspondence to Mr. Karawan and Ms. Snyder, CTO has been using the “Come to Life” mark in connection with travel and tourism throughout the United States since at least 2012. As a result of CTO’s longstanding use of the “Come to Life” slogan and its association with all that Colorado has to offer as a travel destination, the mark has become widely known throughout the United States, is closely identified with Colorado, and represents substantial, valuable goodwill.

We are very concerned that Atlantis Paradise is violating CTO’s rights in its “Come to Life” mark by using the identical mark in connection with its new Atlantis travel destination campaign. The continued use of the “Come to Life” mark by Atlantis Paradise in this manner is unacceptable as it is taking advantage of the goodwill created by CTO’s significant investment in its longstanding “Come to Life” campaign and is likely to dilute the distinctive quality of CTO’s prominent mark.

Notwithstanding its legal rights to enforce its mark against infringement, our client would prefer to resolve this matter amicably. To avoid any further issues and in the interest of both parties, we request that Atlantis Paradise promptly refrain from any

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further use of the "Come to Life" mark and any other designations likely to cause confusion with or dilution of CTO's marks. Please know our client wishes Atlantis success in its endeavors and wants only to protect its investment and ensure there is no confusion or blurring of brands. If you would like to explore ways in which to modify your campaign to avoid any further infringement and ensure clarity and distinction, we would, of course, be happy to engage in such a discussion.

Please be advised, however, that CTO expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages. Of course, we are hopeful we can resolve this without the need to engage in any such action.

Thank you again for your cooperation, and we look forward to finding a mutually agreeable resolution to this matter.

Very Truly Yours,

Moye White LLP

A handwritten signature in blue ink, appearing to read "C. Allyn", with a long, sweeping horizontal line extending to the right.

Christina L. Allyn, Partner