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December 17, 2019

VIA EMAIL and FEDEX

Lisa A. Kilday, Esq.
Attorney Advisor - Intellectual Property
U.S. Department of the Interior
Office of the Solicitor
1849 C St., NW, Room 6443
Washington, DC 20240
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RE: Department of Interior Bureau Logos

Dear Lisa:

We represent Pebble Limited Partnership (“PLP”) in trademark and unfair competition enforcement matters. PLP received your letter dated December 13, 2019, objecting to PLP’s advertisements depicting Department of Interior bureau logos, specifically logos of the Bureau of Safety and Environmental Enforcement, Fish & Wildlife Service and National Park Service (the “DOI Logos”) in relation to the Pebble Mine Project. PLP asked that we respond on its behalf. Please direct future communications on this matter to me.

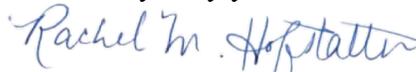
The advertisements in question are a print advertisement in an Alaska Newspaper and a mailer discussing the expertise brought to the scientific review of Pebble through the Draft Environmental Impact Statement (DEIS). PLP intended the logos in each of these advertisements to identify the agencies that are cooperating agencies involved in the NEPA review process for the Pebble Mine Project. The logos were necessary to have the effect on consumers of demonstrating the number and the breadth of participating agencies in this review process, including the DEIS. You allege that the DOI bureaus were not involved in the production of the DEIS, but admit that the DOI bureaus provided expertise and input to the DEIS including the scoping of the DEIS and providing commentary to the DEIS. PLP interpreted this level of input from DOI bureau experts to be crucial elements of producing the DEIS. Its advertisements were not misleading in this regard.

Accordingly, PLP's use of the DOI Logos in its advertisements were nominative fair uses of the DOI Logos serving the purposes of identifying the bureaus in the advertisements and having the effect of emphasizing the scope and breadth of participation in the NEPA review of the Pebble Mine Project among DOI bureaus and other agencies. This fair use does not constitute trademark infringement, unfair competition, false connection or any other violation under the United States Trademark Act, as amended, 15 U.S.C. Section 1051 *et seq.*

Nevertheless, PLP wishes to maintain a good relationship with the DOI and its bureaus, and, while it admits no wrongdoing, will agree to remove all DOI Logos from its advertisements, publications, websites and social media promotional materials, including the list of websites you listed in your letter. In addition, PLP agrees never again to use DOI Logos in its advertising or other informational publications and materials relating to the Pebble Mine Project.

PLP believes that it has satisfied the requests in your letter and, therefore, considers this matter to be closed. If you have any questions, please contact me.

Very truly yours,



Rachel M. Hofstatter