

BLACK LOWE & GRAHAM PLLC Intellectual Property Attorneys

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June 5, 2009

VIA EMAIL ONLY: <a href="mailto:nafziger.jamie@dorsey.com">nafziger.jamie@dorsey.com</a>

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David A. Lowe, Esq. Direct Dial: 206.381.3303 Email: lowe@blacklaw.com

Re: Go Northwest<sup>LLC</sup> Trademark Rights Our Reference: GONW-5-1002

Dear Ms. Nafziger:

We are in receipt of your May 28, 2009 letter. Go Northwest declines to accept the offered terms of settlement. Simply put, for the reasons set forth in detail in our prior letter, Go Northwest has done nothing wrong in its adoption and use of the GO NORTHWEST! trademark over the past decade, and therefore finds no justification whatsoever for capitulating to your client's demands. The fact that you declined to address the merits and legal authority set forth in our letter, and apparently failed to perform any independent research regarding the strength of your client's mark and claims, is telling. Might does not make right, and we suspect that your client will find it very difficult both legally and in the all-important court of public opinion to succeed in its efforts to bully and intimidate to gain monopoly of the use of the geographically descriptive "northwest" term.

In light of events over the last several years, we are necessarily curious about your client's motivation for pursuing this matter at this time. We are aware of the rebranding that occurred with your client over the last several years, prior to its bankruptcy, wherein it changed its logo and shifted its emphasis away from NORTHWEST AIRLINES to NWA. More recently, following the October 2008 merger closing with Delta Air Lines, Delta has or is in the process of rebranding all of the pre-merger NWA mainline aircraft, exchanging all NWA uniforms with those of Delta, and rebranding all NWA ticket counters and gates to the DELTA brand. See attached copies of a few of the press releases, news reports and your client's own Internet FAQ confirming the elimination of not only the NORTHWEST AIRLINES but also the NWA brands in favor of the DELTA brand. In light of this evidence of your client's intention to abandon its NORTHWEST and NORTHWEST AIRLINES marks, NWA's actions at this time are frankly baffling.

Again, we strongly encourage your client to carefully reconsider its assertion of trademark infringement between the GO NORTHWEST! trademark and the NORTHWEST and



Jamie Nafziger, Esq. June 5, 2009 Page 2

NORTHWEST AIRLINES marks, particularly given the clear evidence that its parent company is actively phasing out use of these marks.

Very truly yours,

BLACK LOWE & GRAHAM  $^{PLLC}$ 

David A Jowe

David A. Lowe

Enclosures:

As noted. Cc: Go Northwest<sup>LLC</sup>

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# Delta-Northwest Merger Becomes Visible to Customers with Introduction of Combined Domestic Products

Changeover includes employee uniforms, airport signage, and enhanced onboard products and services

#### Mar 30, 2009

ATLANTA, March 30, 2009 – Seattle-based flight attendant Christie Colegrove, a 25-year Northwest Airlines veteran, will hang up her Northwest uniform today in exchange for a new Delta Air Lines' (NYSE: DAL) uniform. Colegrove is joining nearly 40,000 flight attendants, pilots, airport lounge representatives, ticket counter and gate agents who today will don Delta uniforms – one of the first outwardly visible signs that the two airlines are now one.

Delta's \$500 million investment to integrate the two airlines takes center stage this week in U.S. hubs – including Detroit, Memphis and Minneapolis-St. Paul – with new Delta signage appearing at more than 400 ticket counters, gates and baggage claim areas within the three airports. Delta has already rebranded 119 airports worldwide. The airline expects to have all domestic airports transformed by year's end, with all international locations scheduled for completion in 2010.

By the end of next year, nearly 250 pre-merger Northwest mainline aircraft will be painted in Delta's red, white and blue flagship colors. To date, 33 Northwest-branded aircraft have already been repainted. Also by year's end, all Delta- and Northwest-operated mainline aircraft will feature similar interiors, including Delta's standard blue leather seats and carpet.

"In just five months, Delta has made significant strides to bring together the best of both airlines for the benefit of our customers, employees and the communities we serve," said Richard Anderson, Delta's chief executive officer. "We're working hard to integrate every aspect of the travel experience – from onboard products, to aircraft exteriors and cabin interiors, to frequent flyer programs – so that all Delta customers worldwide enjoy one best-in-class experience."

Delta and Northwest made aviation history last October in a merger that created the world's largest airline with service to 379 destinations in 66 countries, more than 6,000 daily departures and more than 170 million customers served annually. Until now, significant post-merger changes – such as synchronizing flight schedules, aligning route maps, integrating technologies and workgroups – have largely taken place behind the scenes.

"I've been wearing my uniform for 19 years. It was time for a fresh, new look," said an excited Colegrove. "Delta is moving the industry forward with a great new uniform that shows our professionalism and pride in how we look, act and serve."

#### **Product and Service Enhancements**

Visible product and service improvements happening this week on Delta-Northwest flights throughout the United States include:

- Expanded First Class food offerings: More meals served on flights 900 miles or greater, as well as a wider variety of snacks on flights over 250 miles. Exclusive entrees created by acclaimed chef Michelle Bernstein will be featured on select flights.
- Expanded Economy Class food offerings: Customers traveling in Economy Class on all Northwest-operated mainline flights of more than 250 miles will enjoy the return of free snacks, as well as the introduction of Delta's food-forpurchase program, EATS, on flights over 600 miles.
- Expansion of Signature Cocktails by Rande Gerber: Signature cocktails by nightlife entrepreneur Rande Gerber including Delta's Mojitos and Margaritas– will now be available onboard all Northwest-operated flights.
- Consistent uniforms: More than 11,000 pre-merger Northwest flight attendants, SkyClub representatives, gate and ticketing agents join their Delta colleagues in wearing a consistent uniform created by fashion designer Richard Tyler. Some 5,000 pre-merger Northwest pilots also switched to the Delta uniform today.
- Expanded onboard entertainment: Customers flying on Northwest-operated flights see the return of in-flight entertainment to Economy Class in the U.S., including overhead movies on select long-haul flights. Delta's safety video debuts on all Northwest-operated flights worldwide.
- New in-flight magazine: A refreshed Sky magazine debuts on all Delta and Northwest flights worldwide as the
  combined airline's official magazine, featuring Heidi Klum, world-renowned model, actress and host of Project Runway
  on the inaugural cover. Sky magazine will also be available for purchase in U.S. bookstores beginning April 1.

For more details, go to news.delta.com.

#### **Five-month Merger Milestones**

This week's integration of domestic products and services builds on merger milestones already completed since the closing of the Delta-Northwest merger on October 29, 2008, including:

- Granting stock to substantially all U.S.-based employees. Upon completion of this grant, pre-merger Delta and Northwest employees owned nearly 15 percent of the new company.
- Resolving union representation and seniority integration for pilots, aircraft maintenance technicians, meteorologists and dispatchers. The development of seniority integration recommendations for a fair and equitable seniority integration method by pre-merger Delta flight attendants, Airport Customer Service/Cargo, Reservation Sales and TechOps Stores employees.
- Adding Delta's code to more than 90 percent of all Northwest flights, creating thousands of additional connecting
  opportunities and easier connections between the pre-merger Delta and Northwest hubs.
- Expanding the benefits of pre-merger codeshare partnerships, including the expansion of Delta's U.S. agreements with Alaska and Midwest airlines.

- Introducing dual-airline functionality on delta.com and nwa.com and via Delta and Northwest airport check-in kiosks.
- Aligning Delta SkyMiles and Northwest WorldPerks Programs including granting full complimentary upgrade reciprocity for elite members, linking frequent flyer accounts, consolidating mileage balances, offering a three-tiered award structure with more choices and options for award travel and outlining the timeline and plan to develop a best-in-class loyalty program for 2010.
- Announcing the consolidation and rebranding of Delta Crown Room Clubs and Northwest WorldClubs into Delta SkyClubs, beginning mid-April.
- Redeploying Delta and Northwest aircraft to better match supply to demand on select routes.

Delta is continuing its progress to achieve a single operating certificate by the end of the year

#### Satellite uplink available

Media are invited to cover the historic changeover beginning Monday, March 30 using Delta-provided footage of aircraft being painted from Northwest to Delta, signage being changed from Northwest to Delta, pre-merger Northwest employees donning the new Delta uniforms and employees serving new food and drink options onboard Delta flights.

The uplink is available at the following times and coordinates

#### Monday, March 30, 2009, 10-10:30 a.m. EDT SATELLITE: GALAXY 3 CBAND @ 95 DEGREES WEST TRANSPONDER: C- 9 (nine) ANALOG UL FREOUENCY: 6105 VERTICAL DL FREOUENCY: 3880 HORIZONTAL AUDIO: 6.2 6.8

Monday, March 30, 2009, 2-2:30 p.m. EDT SATELLITE: GALAXY 3 CBAND @ 95 DEGREES WEST TRANSPONDER: C- 9 (nine) ANALOG UL FREQUENCY: 6105 VERTICAL DL FREQUENCY: 3800 HORIZONTAL AUDIO: 6.2 6.8

Delta Air Lines is the world's largest airline. From its hubs in Atlanta, Cincinnati, Detroit, Memphis, Minneapolis-St. Paul, New York-JFK, Salt Lake City and Tokyo-Narita, Delta, its Northwest subsidiary and Delta Connection carriers offer service to 379 destinations in 66 countries and serve more than 170 million passengers each year. Delta's marketing alliances allow customers to earn and redeem either SkyMiles or WorldPerks on more than 16,000 daily flights offered by SkyTeam and other partners. Delta's more than 70,000 employees worldwide are reshaping the aviation industry as the only U.S. airline to offer a full global network. Customers can check in for flights, print boarding passes, check bags and flight status at delta.com.



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# YAHOO! NEWS

# Delta, Northwest to consolidate gates at Ap Associated Press airports

By HARRY R. WEBER, AP Airlines Writer Mon Feb 9, 12:10 pm ET

ATLANTA – Delta Air Lines Inc. plans to stop using roughly 170 gates at airports it serves as part of the integration of its operations with Northwest Airlines, Chief Executive Richard Anderson told employees.

In a recorded message to employees late Thursday, Anderson said giving up the gates will result in millions of dollars in rental savings.

"It's exciting to see the airlines brought together and running a single operation," Anderson said.

Atlanta-based Delta acquired Northwest on Oct. 29, 2008 in a stock swap deal that created the world's biggest carrier. Delta said at the time it would take up to two years to integrate its operations with Northwest.

Among the changes customers will see are new signs with Delta's name where Northwest's used to be, new paint on Northwest airplanes and the consolidation of gates at airports in the U.S. and other countries.

At airports where Delta has been the dominant player and has more gates, such as in Ft. Lauderdale, Fla., it is likely that Northwest gates would be folded into Delta gates, spokeswoman Betsy Talton said Friday. At airports where Northwest has been the dominant player and has more gates, such as in Detroit, it is likely Delta gates would be folded into Northwest gates, she said.

In either case, Delta signs will be used at the consolidated gates, Talton said.

Anderson said in his message to employees that the rebranding will continue throughout this year and into next year.

On the Net:

Delta Air Lines Inc.: http://www.delta.com

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# Frequently Asked Questions about the Merger

# **The Basics FAQs**

Here are the questions you might have about the merger. If your question or comment has not been addressed in any section of the FAQs, feel free to email us.

# The Basics

1. What's changing for Delta and Northwest passengers right now?

It's business as usual for Delta and Northwest passengers as we combine to create a premier global airline with a leading presence in the world's major markets and a best-in-class loyalty program. We're working hard to ensure that the merger is smooth, seamless and delivers even more benefits to you.

You may have noticed that Delta's name and brand has started replacing Northwest's, and we are coordinating our flight schedules and policies for maximum customer convenience. Full integration of Northwest into Delta will take time and will be completed through a thoughtful integration process over the next 12-18 months.

2. When will the merger be completed?

The full integration of Northwest into Delta will take time and will be completed through a thoughtful integration process over the next 12-18 months. Right now, it's business as usual for passengers of both airlines.

## 3. Are Delta and Northwest one airline or two?

Delta has acquired 100 percent ownership of Northwest and is in the process of fully integrating Northwest into the Delta family. The Northwest brand is gradually being phased out and being replaced by Delta's name and brand. During the integration period, Delta and Northwest will continue to operate their own branded aircraft until the integration process is complete.

4. Where can I get the latest merger information?

## Planning & Reservations

5. Where should I purchase tickets for future flights?

6. Will my existing itinerary or reservation be impacted due to the merger?

# Traveling & Check-in

7. Where should Delta or Northwest passengers check in and check baggage for flights?

- 8. When my flight reaches its destination, at which terminal will it arrive and at which baggage carousel will my bags arrive?
- 9. How can I verify which airline is operating my flight?

## **Frequent Flyer**

10. What's changing with the Delta SkyMiles and Northwest WorldPerks frequent flyer programs?

# **Planning & Reservations FAQs**

Here are the questions you might have about the merger. If your question or comment has not been addressed in any section of the FAQs, feel free to <u>email us</u>.

# Itinerary

11. Will my existing itinerary or reservation be impacted due to the merger?

12. How can I verify which airline is operating my flight?

Rooking

# http://www.nwa.com/merger/faq/