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# News Release

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FOR IMMEDIATE RELEASE

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## **The Right of All Retailers and Wholesalers to Use EDLP is Preserved!** *Wal-Mart Withdraws Trademark Application*

N.G.A., its retailers, wholesalers and other industry members won an important victory when Wal-Mart withdrew its application to trademark "EDLP", an acronym standing for "Everyday Low Price", "Every Day Low Price", "Every Day Low Prices", "Everyday Low Pricing" and similar phrases.

"N.G.A. welcomes Wal-Mart's withdrawal because it is in the best interest of the supermarket and other retail industries that all retailers and wholesalers have the right to use EDLP", said Tom Zaucha, N.G.A. President and CEO. "Certainly, we understand why Wal-Mart filed its application. However, N.G.A., retailers and wholesalers strongly opposed the effort because EDLP is an acronym and critical marketing tool that is commonly used throughout the retail industry, not just by one company, to advertise and merchandise the Every Day Low Price pricing strategy. Registering this mark in connection with retail store services would have unfairly injured and unduly restricted everyone else's ability to market and advertise their goods and services in a manner which has been long-standing, on-going and successful. Consumers will now benefit from the ability of all retailers and wholesalers to use EDLP to help customers better understand pricing information."

On November 1, 2006, the National Grocers Association (N.G.A.) filed a notice of opposition with the United States Patent and Trademark Office (USPTO) challenging the application by Wal-Mart Stores, Inc. to trademark the letters EDLP. N.G.A. was the first party and only trade association that filed opposition. Had no parties filed a notice of opposition or extension request on a timely basis, the USPTO could have issued a notice of allowance giving Wal-Mart ownership of the mark EDLP. A number of other major grocery industry businesses—including N.G.A. members—also took action to oppose Wal-Mart's move to trademark EDLP. The Opposition was recently consolidated and N.G.A. was named the lead party in the action, N.G.A. et. al., v. Wal-Mart. The other opposers are: SUPERVALU INC., Associated Wholesale Grocers, Inc., Wakefern Food Corp., Safeway Inc., Meijer, Inc., HEB Grocery Company, LP., Lowes HIW Inc., Publix Super Markets, Inc., Food Lion, LLC, BASHAS' INC., and Schnuck Markets, Inc.

"N.G.A. and its members appreciate the industry-wide support it received in leading the effort." Tom Wenning, Senior Vice President and General Counsel of N.G.A.

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N.G.A. is the national trade association representing the retail and wholesale grocers that comprise the independent sector of the food distribution industry. An independent retailer is a privately owned or controlled food retail company operating a variety of formats. Most independent operators are serviced by wholesale distributors, while others may be partially or fully self-distributing. Some are publicly traded but with controlling shares held by the family and others are employee owned. Independents are the true entrepreneurs of the grocery industry and dedicated to their customers, associates, and communities. N.G.A. members include retail and wholesale grocers, state grocers associations, as well as manufacturers and service suppliers. For more information about N.G.A. and the independent sector of the industry, see the N.G.A. website: [www.NationalGrocers.org](http://www.NationalGrocers.org).