



Monster Group (UK) Limited
Monster House, Alan Farnaby Way, Sheriff Hutton
York, YO60 6PG, United Kingdom

Longmores Solicitors
24 Castle Street
Hertford
SG14 1HP

8th September 2022

By email only: Marija.sukyte@longmores.law
Your Ref: MXS/GIB/00044/4

Dear Sirs

I refer to your letter dated 7th September 2022. Please confirm which Pre-action Protocol you believe this dispute falls under. I'm not aware of any Pre-action Protocols which covers Intellectual Property or Design Right disputes, and you did not confirm as such in your original letter.

As you confirmed in your letter dated 15th August 2022, there are differences in the design of the products including the number of bars, the size of certain components, and the positioning of components. You have stated that certain measurements of our product precisely match your client's design. I note you make no mention of the measurements that do not match between products.

To clarify, **we do** deny that we have copied your client's design. We independently designed our product by making adaptations to our own shelving systems that we have been selling for over 15 years. We believe any similarities are not coincidence but due to the fact the products offer similar functions and therefore have similar features.

You state that the fact there are similar products for sale is irrelevant unless those products are identical to your clients. If they are identical, it would suggest that 'key features' that you claim are your clients are actually common design elements used frequently across various product designs. Your claim they infringe on your client's design rights seems purely speculative.

To be clear, your letter makes several assumptions which seem subjective, inaccurate, or open to interpretation.

I have taken the following from the Ministry of Justice.

"A pre-action protocol **must not** be used by a party as a tactical device to secure an unfair advantage over another party. Only reasonable and proportionate steps should be taken by the parties to identify, narrow and resolve the legal, factual, or expert issues."

I don't feel that the demands made in your letter meet the requirements set out above in respect of reasonable and proportionate steps.

As I stated in our previous letter, Monster Group must protect its interests in this area, particularly considering the increasing number of malicious or dubious IP claims made against e-commerce companies in general.



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If you believe that your client has a legitimate claim, then I would ask you to confirm which pre-action protocol you are applying and to send a request that meets the requirements set out in such pre-action protocol.

Your faithfully,

A handwritten signature in black ink that reads "R. Harvey". The signature is written in a cursive style with a large, looped initial "R" and a horizontal line underlining the name.

Rana Harvey
Managing Director