



date : 13<sup>th</sup> November 2013  
email : [infringement@bk.com.hk](mailto:infringement@bk.com.hk)  
reply to : Mr. David Tsai/ Ms. Karen Poon  
our ref : 23577-C&D-HON/1113  
your ref :

專利、商標及外觀設計註冊代理人  
Agents for Patents, Trade Marks and Designs

香港告士打道160號  
海外信託銀行大廈  
19樓B室

19B, OTB Building  
160 Gloucester Road  
HongKong

BY EMAIL ([raymondok@gmail.com](mailto:raymondok@gmail.com))([samme@honwell.com.hk](mailto:samme@honwell.com.hk))

Honwell Products (HK) Limited  
Flat A, 12<sup>th</sup> Floor, Waylee Industrial Centre  
30-38 Tsuen King Circuit  
Tsuen Wan, Hong Kong

Attn: Mr. Raymond Lok and Samme

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|                |       |
|----------------|-------|
| Partners       | 合夥人   |
| Benny Kong     | 江炳滔律師 |
| David Tsai     | 蔡永杰律師 |
| Jennifer Chong | 莊敏儀律師 |

Re: Copyright Infringement & Registered Design Infringement  
Respondent: LIDL HONG KONG LIMITED

|                |        |
|----------------|--------|
| Foreign Lawyer | 外地律師   |
| Ada Wang       | 王燕中國律師 |

We refer to the above matter and write to advise you the progress below:-

1. On 5<sup>th</sup> November 2013, we issued a cease and desist letter to the above Respondent.
2. On 11<sup>th</sup> November 2013, we issued a reminder letter to the above Respondent.
3. On 12<sup>th</sup> November 2013, the above Respondent, through Messrs. Harmsen Utesher, issued a reply letter to us. (see pages 1 to 3 of the attached).

Our Mr. David Tsai would like to discuss further with you.

Our invoice will be sent to you for your settlement under a separate mail. If you have any enquiries, please do not hesitate to contact us via [infringement@bk.com.hk](mailto:infringement@bk.com.hk).

Yours faithfully,

BENNY KONG & YEUNG  
DT/hl  
Encl.

Hedy Luk

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寄件者: Infringement <infringement@bk.com.hk>  
寄件日期: 2013年11月13日星期三 9:13  
收件者: hedyluk@bk.com.hk  
主旨: FW: Honwell Products (HK) Limited ./ Lidl Hong Kong Limited, Hong Kong, and Lidl  
Stiftung & Co. KG, Germany; (our ref.: LR. 11016/013; your ref.: 23577-C&D-HON/1113)  
附件: Letter of 12.11.13.pdf  
重要性: 高

Regards,  
Benny Kong & Yeung  
Solicitors, Hong Kong SAR  
T: 2519 3567, F: 2519 3610  
Email: [infringement@bk.com.hk](mailto:infringement@bk.com.hk)  
Website: [www.bk.com.hk](http://www.bk.com.hk)  
Address: 19B, OTB Building, 160 Gloucester Road, Hong Kong

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**From:** Andrea K. Marx [<mailto:a.marx@harmesen.utescher.com>]  
**Sent:** Tuesday, November 12, 2013 11:13 PM  
**To:** [enquiry@bk.com.hk](mailto:enquiry@bk.com.hk); [infringement@bk.com.hk](mailto:infringement@bk.com.hk)  
**Cc:** LidlPartner; Nora-Fee Castellaneta  
**Subject:** Honwell Products (HK) Limited ./ Lidl Hong Kong Limited, Hong Kong, and Lidl Stiftung & Co. KG, Germany;  
(our ref.: LR. 11016/013; your ref.: 23577-C&D-HON/1113)  
**Importance:** High

Dear Ms. Luk,  
Dear Mr. Tsai,

Please find enclosed our letter of today for your kind attention.

Best regards,

Andrea K. Marx

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Andrea K. Marx, Rechtsanwältin | HARMSSEN UTESCHER Rechtsanwalts- und Patentanwaltspartnerschaft | Neuer Wall 80  
| 20354 Hamburg | Germany | Amtsgericht Hamburg PR 650 | Phone +49 (40) 376 909-0 | Fax +49 (40) 376 909-99 |  
[contact@harmesen.utescher.com](mailto:contact@harmesen.utescher.com) | [www.harmesen.utescher.com](http://www.harmesen.utescher.com)

## HARMSEN • UTESCHER

Harmsen · Utescher | P.O.Box 11 34 44 | D · 20434 Hamburg

Via Email in advance:  
[enquiry@bk.com.hk](mailto:enquiry@bk.com.hk)

BENNY KONG & YEUNG, Solicitors  
 Mr. David Tsai/Ms. Hedy Luk  
 19B, OTB Building  
 160 Gloucester Road

Hong Kong

Your ref. 23577-C&D-HON/1113  
 Our ref. LRs. 11016/013 mx  
 Hamburg, 12. November 2013

Honwell Products (HK) Limited ./ Lidl Hong Kong Limited, Hong Kong, and Lidl Stiftung & Co. KG, Germany

Dear Ms. Luk,  
 Dear Mr. Tsai,

We refer to your letter of November 5, 2013. We represent and advise Lidl Hong Kong Limited, Hong Kong, and Lidl Stiftung & Co. KG, Germany, in this matter.

We duly noted the content of your letter of November 5, 2013 and carefully examined your client's rights:

Regarding the Registered Hong Kong Design no. 0901496.0M006 (A), Chinese design patent no. ZL200730004063.5 (B) and Registered Community Design no. 000950142-0024 (C), the appearance of our client's LED light products differs regarding the following characteristics:

Harmsen Utescher  
 Rechtsanwalts- und  
 Patentanwaltspartnerschaft

Dr. Michael Schaeffer (-2012)  
 Dr. Matthias Welter  
 Rainer Kaese, LL.M.  
 Till E. Lampel  
 Dr. Christoph Schumann  
 Dr. Karin Sandberg  
 Dr. Martin Kefferpütz  
 Dr. John-Christian Plate  
 Dr. Karsten Königer, Dipl.-Phys.  
 Henrik Dirksmeyer  
 Britta Klingberg, LL.M.  
 Dr. Jan Peter Heidenreich, LL.M.  
 Andrea K. Marx  
 Anna Wrage, LL.M.  
 Sebastian Pauli  
 Anne Christa Berger, LL.M.  
 Rechtsanwälte

Dr. Sabine Kossak  
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Amtsgericht Hamburg PR 650

| Characteristics           | Honwell's rights              | Lidl's products          |
|---------------------------|-------------------------------|--------------------------|
| Form of the light corpus  | rectangular                   | oval                     |
| Decor on the light corpus | none                          | strip in the middle      |
| Fixation of the lamps     | fixed with arms on the corpus | integrated in the corpus |

Regarding the Chinese design patent no. ZL200730001471.5 (B) and Registered Community Design no. 000950142-0023 (C), the appearance of our client's LED light products differs regarding the following characteristics:

| Characteristics           | Honwell's rights | Lidl's products     |
|---------------------------|------------------|---------------------|
| Form of the light corpus  | rectangular      | oval                |
| Decor on the light corpus | none             | strip in the middle |

In view of this, our client's LED light products do not only differ in the characteristics but also in their overall appearance from your client's design rights. The same applies for respective copyrights.

We therewith come to the conclusion that our client's LED light products do not infringe your client's rights.

Best regards,

  
Andrea K. Marx