



Bypass Network Services Limited
3A/1 Nelson St
Auckland 1010
New Zealand

20 April 2015

Graeme Hall
Buddle Findlay
AUCKLAND

By Email

GLOBAL MODE[®]

We have your letter dated 17 April. We received it just before 4pm on 17 April.

Thank you for explaining why you think we are doing something wrong. We have not obtained any formal legal advice yet but hope to soon. However, people who have assisted us already and who we have just managed to talk to again this morning are quite sure that Global Mode[®] is legal.

We are not stalling – as we said in our last letter, the reality is that we cannot at the moment afford urgent legal advice like your clients can. It is not as if we have had two years to think about this like your clients have and we are tiny compared to them. But we are also not prepared just to close our business when we honestly feel we are in the right. That is unfair and your clients will have seen consumers and other organisations agree it is unfair.

We are interested though in the comments made by Ms Niblock of Lightbox, that your client's real aim here is to have the law "clarified". We agree. But, if that is really your client's intention then the best way to do that is to get what we understand is called a declaratory judgement, rather than seeking to punish us for just being innovative.

We understand we would get a say in any declaratory judgement questions and in the case itself and if that is right we would comply with the final decision. That seems a reasonable compromise to us. The law gets clarified but we don't have to shut-down until then.

If you are instead hellbent on full court action to punish us and drive us under, we will defend it as best we can.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Jordan-Smith', written in a cursive style.

Patrick Jordan-Smith, CEO