



Hansen Natural Asks Ninth Circuit Court to Vacate Decision Due to Earlier Settlement Agreement

CORONA, Calif., Jul 16, 2007 (BUSINESS WIRE) -- Hansen Natural Corporation (NASDAQ:HANS) said today it has asked the Ninth Circuit Court of Appeals to vacate its decision relating to a preliminary injunction issued in the lawsuit between Hansen and National Beverage Company. In that suit, Hansen accused National of unlawfully infringing Hansen's famous "Monster" trademarks and trade dress rights with National's "Freek" energy drinks.

Hansen said that prior to the Ninth Circuit's decision, it and National had entered into a binding settlement agreement that Hansen believes renders the court's decision moot.

Hansen said that the Ninth Circuit's decision removed a preliminary injunction on an old design for the Freek cans that National formally abandoned more than six months ago. National subsequently redesigned its Freek cans, which it has sold for several months, and which remained the subject of the parties' litigation. The Ninth Circuit's ruling did not relate to the redesigned cans, on which an infringement trial had been set for August, 2007, but which was subsequently taken off calendar in light of the settlement agreement concluded between Hansen and National.

In addition, because the Ninth Circuit was reviewing a preliminary injunction entered just a few weeks after Hansen filed the lawsuit, it could not consider all of Hansen's subsequent evidence that National infringed Hansen's rights, including surveys showing that 25-30% of consumers were confused by the Freek cans. Hansen remains confident that the overwhelming evidence of National's infringement would have ultimately convinced a jury that both the old and new versions of the Freek cans were conceived and designed to unfairly capitalize on the well-known Monster brand.

"Although the terms of the settlement agreement are confidential, Hansen expects National to live up to its obligations under the agreement. Hansen will enforce its rights under that agreement in court, if necessary," said Hansen CEO Rodney Sacks, who added that Hansen believes that the settlement is binding.

Sacks also said, "Hansen welcomes competition and has no dispute with hundreds of companies that market and sell energy drinks. However, Hansen cannot accept and will never tolerate attempts by any company to free ride on Monster's brand equity and quality by confusing the public with copy-cat products designed to unfairly capitalize on the famous Monster brand trade dress and trademarks."

Hansen Natural Corporation

Based in Corona, California, Hansen Natural Corporation markets and distributes Hansen's(R) Natural Sodas, Signature Sodas, fruit juice Smoothies, Energy drinks, Energade(R) energy sports drinks, E20 Energy Water(R), multi-vitamin juice drinks in aseptic packaging, Junior Juice(R) juice, iced teas, lemonades and juice cocktails, apple juice and juice blends, Blue Sky(R) brand beverages, Monster Energy(R) brand energy drinks, Java Monster(TM) brand coffee energy drinks, Lost(R) Energy(TM) brand energy drinks, Joker Mad Energy(TM), Unbound(R) Energy and Ace(TM) Energy brand energy drinks, Rumba(TM) brand energy juice, and Fizzit(TM) brand powdered drink mixes. For more information visit www.hansens.com and www.monsterenergy.com.

SOURCE: Hansen Natural Corporation

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