

Warsaw University of Technology

RECTOR

Warsaw, November 8, 2021

BR.050.1.2021.384

Statement

Due to the repeated questions from our scientific partners and customers regarding the information provided by 3D-Lab about AMAZEMET and the Warsaw University of Technology, we decided to issue a joint statement to present the following objectively verifiable information:

1. The company under the business name of „Amazemet Spółka z ograniczoną odpowiedzialnością” with its registered office and address in Warsaw (00-867 Warsaw) at Al. Jana Pawła II 27, entered into the commercial register kept by the Circuit Court for the capital city of Warsaw in Warsaw, 12th Commercial Department of the National Court Register, under KRS number: 0000780516, NIP (taxpayer's identification number): 9512482142, REGON (Polish statistical number): 383017558 („AMAZEMET”), was established by the Institute of Applied Research of the Warsaw University of Technology and Łukasz Źródowski in order to commercialize research in the field of 3D printing and ultrasound technologies, and to carry out the research under the „Diamond Grant” 0213/DIA/2017/46 program.
2. AMAZEMET, under the licenses granted to it, including full and exclusive licenses published by the Patent Office of the Republic of Poland in the patent register, is entitled to use, in particular, the invention protected under patent Pat.234331 „Ultrasound system for operation at elevated temperature”, and also patent Pat.238391 „Method for producing structural elements from composites based on metallic glasses with the use of the selective powder melting method”, patent Pat.430852 „The electrode connecting a high-current supply system to an ultrasonic system”, patent Pat.237649 „Method for producing sonotrodes wettable by liquid metals”, patent Pat.237650 „Liquid-cooled sonotrode”, and patent Pat.233190 „Method for additive manufacturing of three-dimensional objects.” The patents were purchased from the Warsaw University of Technology, and are also licensed by the Łukasiewicz Research Network, Tele and Radio Research Institute. AMAZEMET is the sole licensee of these patents.

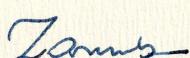


3. On 14 January 2021, the District Court in Warsaw, 22nd Intellectual Property Department, issued a decision in the case with file ref. No. XXII GW 344/20, prohibiting the company 3D-Lab from disseminating false information that allegedly AMAZEMET copied the solutions used in ATO Lab devices, or breached the trade secret of 3D-Lab. The decision is final, in accordance with Article 365 § 1 of the Civil Procedure Code, is binding both on the parties to these proceedings, and on other courts, state authorities, and public administration bodies. Pursuant to Article 39 of the Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ EU L.2012.351.1), the decision is also binding in all European Union countries, and further dissemination of false information by 3D-Lab may constitute an offense referred to in Article 244 of the Criminal Code. Importantly, having conducted the procedure under file ref. number KP-ZW-4556/21 14693/21, RSzW-2241/20, the Police found that 3D-Lab disseminates false or misleading information about AMAZEMET, in particular, about the persons managing AMAZEMET, the goods manufactured, services provided or prices applied by it, or about its legal situation, which meets the criteria of an act referred to in Article 26 of the Act on Combating Unfair Competition. These findings resulted in a motion to punish 3D-Lab, filed on 19 October 2021 with the Criminal Division in the Circuit Court for Warszawa–Mokotów. We are currently awaiting a judgment in this case.
4. According to publicly available data, as of 30 October 2021, 3D-Lab does not hold any patents granted to it. In the proceedings with file ref. No. XXII GWo 7/21, the District Court in Warsaw, 22nd Intellectual Property Department, dismissed the motion of 3D-Lab Company, assessed the charges brought by 3D-Lab Company against AMAZEMET, and stated that 3D-Lab: „does not have industrial property rights, an utility model or an invention, so it has no grounds other than its own claims”, and therefore, „the allegation against the obligated party [AMAZEMET] is based on circumstantial evidence and assumptions only.”
5. 3D-Lab’s allegations about the breach of contractual obligations by Łukasz Źródowski - President of the Management Board of AMAZEMET - are not justified in the light of the final judgments of the District Court in Warsaw issued in the proceedings with file ref. No. XXV Co 45/20, file ref. No. XXV Cz 132/20, and in the proceedings with file ref. No. I C 1023/20 and file ref. No. I Cz 30/21. By its decision of 17 December 2020, the District Court in Warsaw, 1st Civil Department, when dismissing another motion for security, finally stated that the research and development activities conducted by Łukasz Źródowski at the Warsaw University of Technology and Associated Entities did not breach contractual obligations.

6. It is also worth mentioning here that the activities undertaken by 3D-Lab and its partners are aimed at stopping scientific research, and may violate the autonomy of universities. One of 3D-Lab's partners, namely, Altamira Knaflowski Wasiukiewicz sp. k., demanded a ruling against Łukasz Źrodowski prohibiting him from conducting scientific research. The District Court in Warsaw, when finally dismissing that motion, stated that: „the demand to discontinue research and development activity in the scope of devices for atomizing metal powders using the ultrasound method, directly, including in cooperation with the Warsaw University of Technology, or indirectly, including through Amazemet sp. z o.o., violated the values commonly accepted by the society. [...] Accepting the motion and prohibiting scientific and research activity would violate the paradigm of science that enables the development of society, and is a source of civilization progress. Such important values should be given priority over the individual financial interest, the protection of which is requested by the Claimant. [...]”.

We are of the opinion that this statement – supported by final court judgments – dispels any doubts that may arise in connection with false information about AMAZEMET disseminated by 3D-Lab.

Rector of the Warsaw University of Technology



Professor Krzysztof Zaremba, PhD, DSc

President of AMAZEMET sp. z o.o



Łukasz Źrodowski

CERTIFIED TRANSLATION FROM THE POLISH LANGUAGE

Case file ref.: **XXII GW 344/20**

DECISION

14 January 2021

The District Court in Warsaw, 22nd Intellectual Property Department, composed of:

Presiding Judge: **SSO [District Court Judge] Agnieszka Matlak**

having heard, on 14 January 2021, in Warsaw, in a closed session,

the case brought by **Amazemet Sp. z o.o. with its registered office in Warsaw**

against **3D Lab Sp. z o.o. with its registered office in Warsaw**

concerning preventing and combating unfair competition

with reference to the Claimant's motion for granting security

decides:

1. To grant to the Claimant, Amazemet Sp. z o.o. with its registered office in Warsaw, security for its

claims, by regulating the parties' rights and obligations for the duration of the proceedings, by prohibiting the Defendant - 3D Lab Sp. z o.o. with its registered office in Warsaw - from distributing, in any way and in any form, of information that:

- a) Amazemet Sp. z o.o. with its registered office in Warsaw (KRS [National Court Register]: 00000780516) was created for the purpose of illegal use of trade secrets of 3D Lab Sp. z o.o. with its registered office in Warsaw (KRS: 0000572964) by copying the solutions used in ATO Lab;
- b) Offering by Amazemet Sp. z o.o. with its registered office in Warsaw (KRS: 0000780516) of an atomizer for the production of metal powders using the ultrasonic method is an obvious and wilful violation of the non-competition clause, as well as a violation of the trade secrets of 3D Lab Sp. z o.o. with its registered office in Warsaw (KRS: 0000572964);
- c) 3D Lab Sp. z o.o. with its registered office in Warsaw (KRS: 0000572964) together with Altamira Sp. z o.o. Sp. k. (KRS: 0000648421) have taken a number of legal steps against Amazemet Sp. z o.o. with its registered office in Warsaw (KRS: 0000780516) to protect the interests of 3D Lab Sp. z o.o. with its registered office in Warsaw (KRS: 0000572964), and obtained a decision against Amazemet Sp. z o.o. with its registered office in Warsaw (KRS: 0000780516);
- d) On 13 March 2020, the District Court in Warsaw issued a ruling against Amazemet Sp. z o.o.

o. with its registered office in Warsaw (KRS: 0000780516) in the case with file ref. no. XXV Co 45/20;

- e) A statement of claim has been brought against Amazemet Sp. z o.o. with its registered office in Warsaw (KRS: 0000780516) by 3D Lab Sp. z o.o. with its registered office in Warsaw (KRS: 0000572964) or Altamira Sp. z o.o. Sp. k. (KRS: 0000648421);
- f) Offering by Amazemet Sp. z o.o. with its registered office in Warsaw (KRS: 0000780516) of an atomizer for the production of metal powders using the ultrasonic method violates the decision of the District Court in Warsaw, 25th Civil Department, of 13 March 2020, file ref. no. XXV Co 45/20;
- g) Numerous court proceedings are pending against Amazemet Sp. z o.o. with its registered office in Warsaw (KRS: 0000780516), regarding infringement by the said company of the intellectual property rights of 3D Lab Sp. z o.o. with its registered office in Warsaw (KRS: 0000572964);

2. To threaten the Defendant - 3D Lab Sp. z o.o. with its registered office in Warsaw - that it would be ordered to pay PLN 20,000 (twenty thousand zloty) to Amazemet Sp. z o.o. with its registered office in Warsaw for each breach of the obligations set out in this provision;
3. Pursuant to Article 357 § 6 of the Civil Procedure Code, to refrain from drawing up the justification, because the motion of Amazemet Sp. z o.o. with its registered office in Warsaw for granting security contained in its statement of claim has been accepted in its entirety, and the court shares the arguments presented by the Claimant in its support.

SSO [District Court Judge] Agnieszka Matlak

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The District Court in Warsaw states that this decision is final (~~immediately enforceable~~) *[the words "immediately enforceable" are crossed out]*.

Warsaw, 16.07.2021 *[the date is handwritten]*

[rectangular name stamp:]

District Court Judge

Agnieszka Matlak

[signature]

[rectangular stamp:]

Due signatures confirming the authenticity [of the document] are placed on the original
Signature

[rectangular stamp]

Trainee of the District Court in Warsaw

[signature]

[round seal with the national emblem of the Republic of Poland in the centre and the text in the circumference:]

*District Court in Warsaw *22**

I, Agnieszka Fabisiak, sworn translator of the English language, entered on the list of sworn translators kept by the Minister of Justice under No. TP/2394/06, certify that the above is a true and accurate translation of the unsigned document in Polish that was presented to me.

Warsaw, 3 November 2021. Translator's Register No. 041/2021

Sygn. akt XXII GW 344/20

POSTANOWIENIE

Dnia 14 stycznia 2021 r.

Sąd Okręgowy w Warszawie XXII Wydział Właściwości Intelektualnej w składzie:

Przewodniczący: **SSO Agnieszka Matlak**

po rozpoznaniu w dniu 14 stycznia 2021 r. w Warszawie na posiedzeniu niejawnym sprawy z powództwa **Amazemet Sp. z o.o. z siedzibą w Warszawie**

przeciwko **3D Lab Sp. z o.o. z siedzibą w Warszawie**

zapobieganie i zwalczanie nieuczciwej konkurencji

w przedmiocie wniosku powódki o zabezpieczenie

postanawia:

1. Udzielić powódce Amazemet Sp. z o. o. z siedzibą w Warszawie zabezpieczenia roszczenia w ten sposób, że unormować na czas trwania postępowania prawa i obowiązki stron poprzez zakazanie pozowanej 3D Lab Sp. z o. o. z siedzibą w Warszawie rozpowszechniania w jakikolwiek sposób i w jakiejkolwiek formie informacji, że:

- a) Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) została utworzona w celu bezprawnego wykorzystania tajemnic handlowych 3D Lab Sp. z o. o. z siedzibą w Warszawie (KRS: 0000572964) poprzez kopowanie rozwiązań stosowanych w ATO Lab;
- b) Oferowanie przez Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) atomizera do produkcji proszków metali metodą ultradźwiękową stanowi oczywiste i umyślne naruszenie zakazu konkurencji, a także naruszenie tajemnic handlowych 3D Lab Sp. z o. o. z siedzibą w Warszawie (KRS: 0000572964);
- c) 3D Lab Sp. z o. o. z siedzibą w Warszawie (KRS: 0000572964) wraz z Altamira Sp. z o. o. Sp. k. (KRS: 0000648421) podjęli szereg kroków prawnych przeciwko Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) w celu ochrony interesów 3D Lab Sp. z o. o. z siedzibą w Warszawie (KRS: 0000572964) i uzyskali orzeczenie przeciwko Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516);

d) W dniu 13 marca 2020 r. Sąd Okręgowy w Warszawie wydał orzeczenie wobec Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) w sprawie pod sygn. akt XXV Co 45/20;

e) Został wniesiony pozew przeciwko Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) przez 3D Lab Sp. z o. o. z siedzibą w Warszawie (KRS: 0000572964) lub Altamira Sp. z o. o. Sp. k. (KRS: 0000648421);

f) Oferowanie przez Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) atomizera do produkcji proszków metali metodą ultradźwiąkową narusza postanowienie Sądu Okręgowego w Warszawie XXV Wydział Cywilny z dnia 13 marca 2020 r., sygn. akt XXV Co 45/20;

g) Wobec Amazemet Sp. z o. o. z siedzibą w Warszawie (KRS: 0000780516) prowadzone są liczne postępowania sądowe dotyczące naruszania przez tę spółkę praw własności intelektualnej 3D Lab Sp. z o. o. z siedzibą w Warszawie (KRS: 0000572964);

2. Zagrozić pozwanej 3D Lab Sp. z o. o. z siedzibą w Warszawie nakazaniem zapłaty sumy pieniężnej w kwocie 20.000 (dwadzieścia tysięcy) złotych na rzecz Amazemet Sp. z o. o. z siedzibą w Warszawie za każdy przypadek naruszenia obowiązków określonych w niniejszym postanowieniu;

3. Na podstawie art. 357 § 6 k.p.c. odstąpić od sporządzenia uzasadnienia wobec uwzględnienia w całości wniosku Amazemet Sp. z o. o. z siedzibą w Warszawie o zabezpieczenie zawartego w pozwie oraz podzielenia argumentów przytoczonych przez powódkę na jego poparcie.

SSO Agnieszka Matlak

Sąd Okręgowy w Warszawie
stwierdza, że niniejsze orzeczenie jest
prawomocne (nałogimiało wykonalne)

Warszawa, dnia 16.07.2021 r.
Sędzia

ELIZIA SĄDU OKRĘGOWEGO

Agnieszka Matlak



Na oryginale właściwe podpisy
za zgodność

Stażysta Podpis
Sądu Okręgowego w Warszawie
M. Matlak