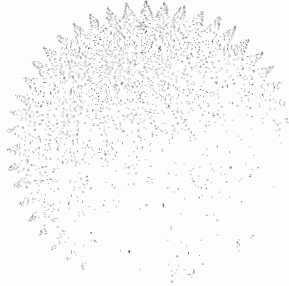


**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:



UNIVERSITY OF WATERLOO

Plaintiff

and

SALIENT ENERGY INC. and BRIAN ADAMS

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

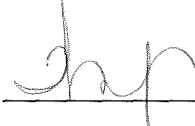
Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date JUN 05 2018

Issued by

 (Ingrid Peters)  
Local Registrar

Address of court office: 85 Frederick Street  
Kitchener, ON N2H 0A7

TO: Salient Energy Inc.  
199-151 Charles Street  
Kitchener, ON N2G 1H6

TO: Brian Adams  
228 Morenz Drive  
Mitchell, ON N0K 1N0

## CLAIM

1. The Plaintiff claims:

(a) a Declaration pursuant to section 97 of the *Courts of Justice Act*, R.S.O. 1990 c. C.43, as amended ("*Courts of Justice Act*") that the Plaintiff, the University of Waterloo ("UW"), is the sole owner of all right, title and interest in and to:

(i) an invention or inventions relating to certain zinc ("Zn") ion battery technologies (collectively the "Invention", which is more particularly described herein) that is or are, at least in part, more particularly described and/or claimed in the following US patent and other applications for patents:

- (1) US Patent No. 9,780,412 (the "US 412 Patent");
  - (2) US Patent Application No. 15/513,914 (the "US 914 Application");
  - (3) Canadian Patent Application No. 2,962,296 (the "Canadian Application");
  - (4) PCT Application No. PCT/CA2016/050613 (the "PCT Application"); and
  - (5) US Provisional Patent Application No. 62/230,502 (the "Provisional Application");
- (collectively, the "Battery Patents")

- (b) an Order directing the Defendants, Salient Energy Inc. (“Salient”) and Dr. Brian Adams, to assign to UW all right, title and interest in and to:
  - (i) the Invention;
  - (ii) the US 412 Patent;
  - (iii) the US 914 Application;
  - (iv) the Canadian Application;
  - (v) the PCT Application;
  - (vi) the Provisional Application; and
  - (vii) any and all other patent applications that claim priority to, or are a consequence of, the above, including any and all divisional and continuation applications;
- (c) an Order directing the Defendants to make all necessary corrections as may be required, including corrections regarding ownership of any of the foregoing Battery Patents, with all applicable patent offices;
- (d) an Order for a constructive trust on all assets, including technologies, of the Defendants as those assets relate to the subject matter of the Invention and/or the Battery Patents;
- (e) a Declaration that the Defendant Salient:
  - (i) has been unjustly enriched at the expense of UW; and

- (ii) has wrongfully misappropriated UW's business opportunities with respect to the Invention and the Battery Patents;
- (f) damages in the amount of \$500,000;
- (g) punitive and/or exemplary damages in the amount of \$100,000;
- (h) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*,
- (i) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*;
- (j) the costs of this proceeding on a substantial indemnity basis, including all experts' fees, disbursements and applicable taxes; and
- (k) such further and other relief as this Honourable Court may deem just.

#### **THE PARTIES**

2. The University of Waterloo is a Canadian public research university with a main campus located in Waterloo, Ontario and a head office located at 200 University Avenue West, Waterloo, Ontario, N2L 3G1.
3. UW was incorporated as a university with the enactment of the *University of Waterloo Act* in 1959. Since then, UW has grown into a pre-eminent innovative Canadian university, with students at UW offered numerous opportunities to engage in co-op and research placements.
4. UW is also a major driver of innovation in the Waterloo Region through its start-up incubator, Velocity. Velocity is the largest free start-up incubator in the world.

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