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Pressrelease 09/2022-1

Lawsuit against Replica and Non-Original Qi-Devices

For a number of years, Synergy Science was Waveguard's exclusive distributor in much of the world for Waveguard's Qi products. Synergy Science was and continues to be under a contractual obligation not to circumvent Waveguard and purchase Qi or knock-off Qi products from Waveguard's suppliers. Waveguard learned earlier this year that Synergy Science in fact had begun to purchase knock-off Qi products from a new entity with connections to a Waveguard supplier and sell those knock-off products to the public. Waveguard filed a lawsuit in Utah State Court alleging, among other things, that Synergy was selling knock-off products and infringing on Waveguard's intellectual property rights, including the trade dress of Waveguard's official Qi products. After the lawsuit was filed, Waveguard learned that Synergy had changed the name of some of the Qi knock-off products from "Qi" to "Halo." Waveguard brought a motion for a Temporary Restraining Order (TRO) to prevent Synergy, among other things, from selling knock-off or replica Waveguard products, from using Waveguard's confidential information, and from infringing on Waveguard's intellectual property rights.

On July 12, 2022, the Utah State Court entered the TRO against Synergy and granted the relief Waveguard had requested. However, as the Court later found, Synergy failed to obey that TRO. On August 31, 2022, the Court held a full-day evidentiary hearing on Waveguard's motion to hold defendant Synergy Science in contempt for violating the TRO. As part of that hearing, the Court also heard evidence on Waveguard's motion for a Preliminary Injunction preventing Synergy from selling knock-off products and from circumventing its contractual obligations to Waveguard, among other things.

On September 7, 2022, the Court made its oral ruling on those two motions and found in favor of Waveguard and against Synergy. The Court found Synergy in contempt for violating the Court's July 12, 2022 TRO. The Court also granted Waveguard's motion for a Preliminary Injunction. The Court imposed sanctions against Synergy, including awarding Waveguard its reasonable attorneys fees and costs in bringing the motion for contempt, as well as a daily fine of \$1,000 from the date of the TRO for violating Court's order. The Court's Preliminary Injunction ruling compels Synergy to cease selling knock-off or replica products, to cease using Waveguard's confidential information, to cease using Waveguard's intellectual property, to cease using marketing materials derived from Waveguard's marketing materials (such as positive customer reviews of Qi products), and to cease purchasing products from Waveguard's former suppliers or their successors, directly or indirectly. This Preliminary Injunction will remain in place for the duration of the lawsuit and could become a Permanent Injunction at the conclusion of the case. Although the written order has not yet been issued, Waveguard expects the Court to confirm its oral ruling in all respects.

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If you purchased what you believed was an official Waveguard product in 2022 from Synergy Science, we would encourage you to seek legal counsel regarding your options.