


Action Number P2190102940 - Exhibit J

Subject: Advance copy - Cease and Desist
From: Chris Leuschen <chris@avccr.com>
Date: 02/11/2022, 2:50 PM
Attachments:  CnD-AdvanceCopy.pdf (37.41 KB)
To: Scott MacWhirter <scott@nextgenis.net>

Hey Scott,

I've enclosed an advance copy of the Cease & Desist notice for you to peruse at your convenience over the weekend.

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▪ Chris Leuschen ▪ Applied Volumetric Corporation ▪ chris@avccr.com ▪

▪ Toll Free: 1-855-561-4632 ▪ Local: (587) 794-4632 ▪

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February 11, 2022

BY EMAIL

nextgenis.net
c/o Scott MacWhirter
scott@nextgenis.net

BY LETTER MAIL

Nextgen Tank Inspection Inc.
2500-10220 103 Ave NW
Edmonton, AB T5J 0K4

OFFICE ADDRESS

Nextgen Tank Inspection Inc.
4407 116 Ave SE #22
Calgary, AB T2Z 3Z4

Attention: Scott MacWhirter

FOR ADVANCE DISTRIBUTION

Re: Intellectual Property Infringement – Report Products

In furtherance of action introduced in Provincial Court of Alberta #2190102940; This is a notice to cease and desist all possession & unlawful redistribution of report products created by Christopher Leuschen & Applied Volumetric Corporation. This includes volumetric strapping tables, Out-of-round reports, Shell Deflection reports, and any supplementary excel data tables associated with the above.

Having determined that Nextgen Tank Inspection is currently in unlawful possession of aforementioned products beginning from the date of November 23, 2016, and having been responsible for the distribution of aforementioned products without license, the following recourse is advised.

1. Remove from circulation any & all copies of reports that include or refer to infringing property.
2. Advise all 3rd party Executive, Administration & Operations staff that are known to possess or utilize infringing reports or data.
3. Cease all utilization of any products in 3rd party operational processes.
4. Forensic verification of removal for offending reports, data, etc from third parties. Costs to be covered by the offending party Nextgen Tank Inspection.
5. Website detailing all transgressions of Nextgen Tank Inspection and progress toward restitution shall remain online in perpetuity.

This information is to be distributed to all affected parties within 7 days, leading to engagement with 3rd parties on deletion & remediation efforts within 14 days. These demands will require your continued an ongoing personal engagement.

Until such time that an adequate license arrangement or product rights have been acquired for all offending products (see tables below), or until all 3rd party data removal has been certified, Nextgen Tank Inspection will continue to be held responsible for all cumulative misuse, misrepresentation and violation of intellectual property rights.

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Federated Co-operatives Limited

401 22nd Street East
Saskatoon SK, S7K 0H2

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
54-10-125	16120	CO-OP Refinery Complex	2016-10-24	2016-11-23
54-10-63	16122		2016-11-08	2016-12-06
54-10-213	16138	Regina, SK	2016-12-29	2016-12-19
54-10-210	16125		2016-11-24	2016-12-19
88-10-701	16164		2017-04-24	2017-05-20
54-10-906	16249		2017-10-25	2017-11-13
54-10-907	16292		2018-02-14	2018-03-08
54-10-802	16333		2018-05-05	
54-10-034	16333		2018-05-05	2017-12-08
54-10-035	16333		2018-05-05	2017-12-08
54-10-036	16333		2018-05-05	2017-12-08
54-10-037	16333		2018-05-05	2017-12-08
T-503	16380		2018-09-17	2018-09-28
T-811	16458		2018-12-10	2019-01-23
54-10-909	16472		2018-01-29	2019-04-24
88-10-718	16466		2019-01-23	2019-03-31
88-10-706	16489		2019-03-12	2019-04-29
54-10-901	16521		2019-04-15	2019-07-10
54-10-923	164		2019-06-11	2019-07-28
54-10-924	16496		2019-05-22	2019-07-28
54-10-807	16591		2019-06-24	2019-09-14
16-10-082	16590		2019-09-14	
54-10-112	16613	2019-07-31	2019-09-13	
16-10-081	16610	2019-06-24	2019-09-19	
54-10-905	16673	2019-10-25	2019-12-11	
88-10-704	16668	2019-10-19	2019-12-16	

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Keyera Corp.

The Ampersand, West Tower 200
144 - 4th Avenue SW
Calgary AB, T2P 3N4

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
TK - 101	16130	Keyera Rimbey Edmonton Terminal	2016-11-25	2016-12-13
TK - 102	16130		2016-11-25	2016-12-13
TK - 103	16130		2016-11-25	2016-12-13
TK - 104	16130		2016-11-25	2016-12-13

TC Energy

450 – 1 Street SW
Calgary AB, T2P 5H1

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
GRHLT-BO-TK-01	16129	Fort Saskatchewan AB	2016-11-18	2016-12-13
A1-TK-01	16208	Mackay Terminal, Fort McMurray	2017-06-24	2017-08-27
A1-TK-02	16208		2017-06-24	2017-08-28

Shell Canada Limited

400 - 4th Avenue SW
Calgary AB, T2P 0J4

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
TK 4	16614	Kingston, ON		2019-08-15
TK 9230	16166	Sherwood Park, AB	2017-05-08	2017-06-07
TK 9202	16525			2019-06-10

Secure Energy Services

Brookfield Place
2300, 225 6 Avenue SW
Calgary AB, T2P 1N2

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
T-500	16353	Kerrobert, SK	2018-06-20	2018-04-04
T-501	16356		2018-06-14	2018-04-04

Action Number P2190102940 - Exhibit J

Imperial Oil Ltd.

505 Quarry Park Blvd
Calgary AB, T2C 5N1

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
T-332	16589	Sherwood Park, AB	2019-06-24	2019-07-11
T-908	16593		2019-06-24	2019-07-18
T-339	16675		2019-11-27	2019-12-04

E. Gruben's Transport Ltd (EGT)

P.O. Box 177
Tuktoyaktuk NWT, X0E 1C0

Tank Serial No	Nextgen File No	Location	Date on Site	Date Report Issued
Tuk 1	16612	Tuktoyaktuk NWT		2019-08-29
Tuk 2	16612			2019-08-29
Tuk 3	16612			2019-08-22
Tuk 8	16612			2019-08-22
Tuk 9	16612			2019-08-20

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Subject: Re: Nextgen Legal Proceedings - IP Infringement & Customer Campaign
From: Chris Leuschen <chris@avccr.com>
Date: 03/15/2022, 2:01 PM
To: Scott MacWhirter <scott@nextgenis.net>
Cc: Shamus Sullivan <Shamus.Sullivan@rockwoodlp.com>

I see you would like to pay off the invoice balance in installments of \$10,000 CAD. I can process your initial installment and issue you a receipt with the remaining balance due.

▪ **Chris Leuschen** ▪ **Applied Volumetric Corporation** ▪ **chris@avccr.com** ▪

▪ **Toll Free:** 1-855-561-4632 ▪ **Local:** (587) 794-4632 ▪

On 2022-03-14 3:28 p.m., Scott MacWhirter wrote:

Without Prejudice

Hello Chris – Shamus mentioned during your discussion there was little movement on a settlement. If you are open to further conversation regarding a settlement or have additional information, we can continue the negotiation. It was requested that I search communication between Nextgen and yourself going back as far as possible. I was unable to find any additional details that would impact the settlement offer. Specifically, I was not able to find a circumstance where Nextgen was invoiced for your services prior to September 2021. We assert that our offer of \$10,000 is fair. If you propose a counter offer, we will consider it.

Nextgen is committed to participating in the legal proceedings and are available for the mediation date of April 7, 2022.

Take care and have a good day

Scott MacWhirter
Nextgen Tank Inspection
Office: (403) 606-7533

Cell: (306) 596-8330

www.nextgenis.net

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CONFIDENTIALITY: This e-mail message (including attachments, if any) is confidential and is intended only for the addressee. Any unauthorized use or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately and delete this. Thank you for your cooperation.

On Mon, Mar 14, 2022 at 12:22 PM Chris Leuschen <chris@avccr.com> wrote:

This is a followup to the telephone conversation held on February 18, 2020. Your refusal to follow up on the legal matters at hand have been interpreted as an unwillingness to continue negotiations.

In order to limit further damage & assert ownership rights of the intellectual property that has been infringed upon, I will be initiating contact with customers whom have been sold infringing products by Nextgen Tank Inspection Inc. a subsidiary of Rockwood Service Corporation.

Having already afforded a very lenient timeframe to limit catastrophic negative publicity to the Nextgen/Rockwood brand, the limit have been reached. If no response is received by **4:00pm on March 14th 2022**, maximum transparency will be pursued thru legal involvement with the following 3rd parties:

Imperial Oil Ltd.

Secure Energy Services

Shell Canada Limited

TC Energy

Keyera Corp.

Federated Co-operatives Limited

E. Gruben's Transport Ltd

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