

May 20th, 2020

Dear all,

We are the former workers of Nanusens, S.L.U. and want to take this chance to provide clarity and answer the claims made by Dr. Josep Montanyà, CEO of Nanusens, S.L.U., as we are in an unique position to provide a different version of the alleged facts stated by Mr. Montanyà in the previous email. In here, we will respond to the allegations and present the proof of the statements we made.

1) Josep Montanyà's statement: "I can assure you that the relationship with Cadence is good, and there is no question of any dispute."

Nanusens recently sent a burofax on May the 5th, 2020, to the former CTO (see exhibit 1, the burofax is in Catalan language). In there Nanusens recognizes the dispute with Cadence when stating (we translate – see Exhibit 1):

"We thereby inform you that our client, Nanusens, has been contacted by CADENCE DESIGN SYSTEMS claiming that our client may have infringed his intellectual property rights when using software for the design and / or simulations regarding the electronics part of the chip propriety of Nanusens."

2) Josep Montanyà's statement: "After the team was laid off, I discovered that the ASIC design was not in the server, and I am taking steps to recover it from Daniel and his team, as this is property of Nanusens. Since they do not want to give it back, that is why we are now starting one of these lawsuits."

As Nanusens did not have a license for the software tools necessary for ASIC design (valued in the 500k€~1M€ range), the engineering samples were developed in the servers of a public institution within the framework of Ph.D development. When the public institution became aware that Nanusens was going to manufacture thousands of devices without authorization, they contacted Cadence to inform them of the situation. A public institution representative wrote to us on December the 9th, 2019, stating (we translate):

"The licenses are for the exclusive use of Ph.D. thesis development and for purely academic purposes, and can never be used for the objective of industrial or commercial exploitation."

"The institution will take legal actions and will ask for damages against those who are violating this agreement."

On March, 20th, the former employees of Nanusens received an email from a representative of the public institution informing us that the collaboration with Nanusens was finished (we transcribe here, literally):

"This email is to inform you that the collaboration contract that the institution has signed with Nanusens is officially finished. Thus, consider that the accesses to our servers for any development for Nanusens are closed."

On April, 1st, 2020, Cadence Design Systems contacts the public institution and states (we transcribe here, literally – see Exhibit 2):

"Thank you very much for clarification. It is clear that the gds, which Nanusens has received from the institution, cannot be used by Nanusens and should be immediately deleted. All prototypes should be destroyed."

"I will write to Nanusens and demand from them to delete the gds and destroy the prototypes, which have been fabricated using the gds. I appreciate a lot, that you have raised this question, this was absolutely correct behavior from your side."

Despite of this evidence, Nanusens says that it has engaged in criminal action against the former employees, claiming that we "do not want to give it back [the ASIC design]", and it is asking up to a three year prison term on the letter send by their lawyer on March 4th to all former engineers. After the former CTO received also a burofax from Nanusens lawyers asking also for damages on May the 5th, 2020 (see Exhibit 1), and given the evidence of no wrongdoing in our part, the former Nanusens employees decided to make the situation public on social media and begin legal action against the company as soon as we receive formal communication from the court.

3) Josep Montanyà's statement: "Daniel has made claims of accounting irregularity. Nanusens is audited every year, as this is a requirement by all our lead investors and VCs. There has never been any irregular payment, or payment without invoice or receipt".

The accountant discovered payments of 17,600.60 € made to a person close to the CEO without a contract, invoice, or any document except bank receipts. After being ignored twice by the CEO, she informed the following person in the hierarchy: the CTO. A complaint for this irregularity was filed on Dec. 12th, 2019 and another in Jan. 4th, 2020. A member of the board was informed in order to find a solution for this on Friday, January 10th, presenting him the bank receipts and the fake ID number given by that person. Also as a appeasement for the situation, the CTO offered himself to leave the company without pay for three months. Following these occurrences, the CEO dismisses the accountant and the entire technical team except from a part-time undergraduate worker and a co-founder of the company on Wednesday the 15th, 2020.

4) Josep Montanyà's statement: "We don't have chemical explosives in our lab, and all the contracts are regular and comply with the law."

In order to measure the gas sensors, a device to vaporize ethanol in high concentrations was created (saturation). This gas is explosive and toxic under certain conditions. Following Josep Montanyà orders, a former underage employee (intern) had to use this device and perform measurements. This situation was denounced by the former CTO in personal communication with the CEO on July, 4th, 2019 (we translate - see Exhibit 3):

"Josep, I insist that we can't put underage employees doing potentially dangerous tasks. Even more, when an specific training is required in Labor Risk Prevention. Having to work with protective masks scares any child (and even more, their parents). Be careful."

A complaint related to this issue was filed on January, 4th, 2020.

Summary: We hope this provided some clarity on the conflict that has become public on the last days. We consider Nanusens, S.L.U. actions against the former employees unethical and illegal, as they constitute a false accusation against people that put all the hopes, illusion and time in the words of Josep Montanyà. We consider it just an attempt to cover the serious mismanagement issues the company is suffering and we will fight it with all out strength.