

DID YOU BUY A DEVICE THAT ALLOWS CELLULAR COMMUNICATION? YOU MAY BE A MEMBER OF A CLASS ACTION

A class action against Qualcomm Incorporated ("Qualcomm") was authorized by the Superior Court on April 30, 2019, in the **District of Montreal**. Mr. Ricky Tenzer was appointed as the class representative.

WHO DOES IT CONCERN?

The class action is authorized on behalf of people who meet **all the following criteria**:

1. You bought a device that allows cellular communication since **December 11, 2014** (ex: mobile phone or iPad with a SIM card);
2. You bought the device in **Quebec**
3. You did not buy the device for commercial resale.
4. Qualcomm produced the baseband processor (also called "chip") OR received royalties for that device.

Anyone who meets the criteria may be eligible for compensation if the class action is successful.

WHAT COULD YOU GET?

You could get the equivalent of the excess paid for your device caused by Qualcomm's fault.

LAWYERS FEES will be paid only if successful and at a percentage approved by the Court. You have **nothing to** pay unless you get compensation.

YOU CAN OPT OUT UNTIL NOVEMBER 11, 2019

You can opt out of the group if you do not want to participate in the class action.

This exclusion implies that you will not be entitled to any compensation if a favourable judgment or an agreement intervenes in this class action.

If you do not opt out from the class action, you will be bound by any judgment rendered in this action.

You have until November 11, 2019, to opt out from the class action.

To opt out, you must send a letter to the Clerk of the Superior Court of Quebec with a copy to Mr. Tenzer's lawyers stating the court number **500-06-000896-171**:

Office of the Superior Court of Quebec

(C.S.M. 500-06-000896-171)

1 Notre-Dame Street East,

Montreal (QC) H2Y 1B6

Trudel Johnston & Lesperance

750 Place d'Armes, suite 90

Montreal (QC) H2Y 2X8

info@tjl.quebec

YOU CAN ASK TO INTERVENE

A member may ask the Court to intervene in the class action. The Court will allow the intervention if it believes that it is useful to the group.

QUESTIONS TREATED COLLECTIVELY

The main questions that will be decided for the benefit of the members of the class action are:

- a. Did Qualcomm violate its commitments which require granting licences at fair, reasonable and non-discriminatory ("FRAND") terms?
- b. Did Qualcomm violate its duty to act in good faith under the *Civil Code of Quebec*?
- c. Does the violation of its FRAND commitments trigger Qualcomm's civil liability towards the class members?
- d. Did Qualcomm abuse its dominant position?
- e. Did the class members suffer harm?
- f. Can that harm be the object of a collective recovery?
- g. If so, what is the amount of compensatory damages to which each class member is eligible?

CONCLUSIONS SOUGHT

Here is what the plaintiff is asking the Court for the benefit of the members of the group:

GRANT the class action of the Plaintiff.

CONDEMN Qualcomm to pay to each of the class members an amount to be determined in compensation for the high prices they paid for their cellular device, increased by interest at the legal rate plus the additional indemnity provided for in article 1619 of the *Civil Code of Quebec*, since the service of the *Application to be authorized to bring a class action*.

ORDER the collective recovery of class members' claims.

RECONVENE the parties within 45 days of the final judgment to fix the distribution measures of the amounts recovered collectively.

THE WHOLE WITH COSTS, including the costs of all notices, expert fees and administrator fees, if applicable.

STAY INFORMED

If you wish to receive information on the progress of the file, **you can** register with Trudel Johnston & Lespérance by completing the form at: <http://tjl.quebec/en/class-action/inflated-price-of-cell-phones/>.

You can also consult the registry of class action where all the procedures must be published: <https://www.registredesactionscollectives.quebec/en>.

You can **contact** Mr. Tenzer's lawyers at the following coordinates:



Trudel Johnston & Lespérance

750, Place d'Armes, suite 90

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