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Motion for preliminary injunction against ABT denied by US court - entire lawsuit stayed

The federal court in the Southern District of New York, USA, has for a second time denied a motion for injunctive relief brought against Aqua Bio Technology ASA by Access Business Group International LLC. The court also ordered that the lawsuit be stayed pending resolution of an arbitration, which is the dispute resolution mechanism established in the original contract.

The court previously ruled against a temporary restraining order against ABT and has now again ruled against Access' claim for a preliminary injunction. Furthermore, the court found that Access failed to prove irreparable damage, and stayed the US lawsuit so that the disagreement between the parties could be resolved by arbitration in London, as set forth in the original contract.

Access filed a complaint against ABT in March of this year, claiming that the Company is breaching a contractual obligation to deliver a cosmetic ingredient. ABT and Access entered in 2012 into an agreement that granted Access certain exclusivity rights to sell skin care products containing ABT's ingredient, Aquabeautine XL®, through its direct sales channel. The agreement expired on 1 January 2016. Before the parties could agree on terms on which ABT would continue to supply Aquabeautine XL®, Access took legal action, claiming a breach of the agreement.

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Aqua Bio Technology (ABT) has launched several cosmetic ingredients used in skin care products globally. Skin care is the fastest growing segment in the cosmetics industry, where ABT's ingredients have established a foothold. In addition to ingredients from its own technology, ABT also commercializes novel technologies/ingredients for partners, for use in skin care products. Aqua Bio Technology is listed on the Axess market of the Oslo Stock Exchange.