

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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File Title: FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Interlocutory Hearing
Time and date for hearing: 01/08/2024, 10:15 AM
Place: Please check Daily Court List for details



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Further Amended Interlocutory application

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

Fortescue Limited ACN 002 594 872 and others

Applicants

Element Zero Pty Limited ACN 664 342 081 and others

Respondents

To the Respondents:

The Applicants apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of	Fortescue Ltd and others, the Applicants
Prepared by	Paul Dewar
Law firm	Davies Collison Cave Law
Tel	02 9293 1000
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Interlocutory orders sought

1. An order under s 37AF of the *Federal Court of Australia Act 1976* (Cth), on the ground(s) specified in Annexure A and/or under rule 2.32 of the *Federal Court Rules 2011* (Cth) (**FCR**), that the publication or disclosure of the information in Annexure A be prohibited for a period of five years from the date of this order, except that the information may be disclosed:
 - (a) by or with the Applicants' consent; and
 - (b) to or among the Court and the parties, including their external legal representatives.
2. No person may inspect any document containing the information pursuant to FCR 2.32 except in accordance with order 1.
3. The Applicants file further copies of the affidavits in Annexure A, redacted consistently with the suppression orders previously made and with order 1, and each marked "INSPECTION COPY", for the purpose of facilitating inspection under FCR 2.32.

Service on the person(s) applying for leave to inspect documents under rule 2.32(4) and the Respondents

It is not intended to serve this application on any person(s) applying for leave to inspect documents under rule 2.32(4) because their identities are not known to the Applicants.

It is intended to serve this application on the Respondents.

Date: 426 July 2024

A handwritten signature in blue ink, appearing to be "Paul Dewar", written over a horizontal dotted line.

Signed by Paul Dewar
Lawyer for the Applicants



ANNEXURE A

No.	Information	Ground	Category
1. First affidavit of Paul Alexander Dewar affirmed on 1 May 2024			
1	[NOT PRESSED] Private investigation reports on the Respondents and Search Premises in Annexure PAD-2, pages 39 to 276.	s 37AG(1)(c) (safety)	4
2	[NOT PRESSED] Detailed summary of the private investigation reports in Annexure PAD-5, pages 307 [10] to 318 [50].	s 37AG(1)(c) (safety)	4
2. Second affidavit of Paul Alexander Dewar affirmed on 9 May 2024			
3	[NOT PRESSED] Private investigation reports on the Respondents and Search Premises in Annexure PAD-6, pages 8 to 200.	s 37AG(1)(c) (safety)	4
3. Third affidavit of Paul Alexander Dewar affirmed on 14 May 2024			
4	[NOT PRESSED] Private investigation reports on the Respondents and Search Premises in Annexure PAD-8, pages 8 to 175.	s 37AG(1)(c) (safety)	4
4. Fourth affidavit of Paul Alexander Dewar affirmed on 30 May 2024			
5	\$ amount between the words " <i>spent just under</i> " and " <i>on its project</i> " in Annexure PAD-12 (redacted copy of the Applicant's written submissions dated 8 May 2024), page 49 at [53](e).	s 37AG(1)(a) (prejudice to administration of justice)	2
6	\$ amounts in Annexure PAD-12 (redacted copy of the Applicant's written submissions dated 8 May 2024), page 52 at [56](g) chapeau, [56](g)(ii), [56](g)(iv) and [56](h).	s 37AG(1)(a) (prejudice to administration of justice)	2
7	The second person's name, title and organisation named in Annexure PAD-13 (transcript 9/5/24), page 77 (internal page 14), lines 20 to 24.	s 37AG(1)(a) (prejudice to administration of justice)	2 , 3



No.	Information	Ground	Category
7(a)	<u>Annexure PAD-13, page 77, reference to the name of the entity beginning with B at line 37.</u>	s 37AG(1)(a) (prejudice to administration of justice)	4
8	The amounts in Annexure PAD-13 (transcript 9/5/24), page 88 (internal page 25), lines 13, 24 and page 89 (internal page 26), line 31.	s 37AG(1)(a) (prejudice to administration of justice)	2
5. Affidavit of Nicolas Marrast affirmed on 8 May 2024			
9	[NOT PRESSED] Deponent's signature on the foot of pages 1 to 10.	s 37AG(1)(e) (safety)	4
10	<u>[AMENDED AS FOLLOWS]:</u> Deponent's residential address <u>street number and street name</u> on page 1, "Address", and page 2, above [1], <u>and top left of Annexure NM-1, page 12.</u>	s 37AG(1)(c) (safety)	1
11	<u>[AMENDED AS FOLLOWS]:</u> Last <u>three digits of Deponent's</u> and third party mobile telephone numbers in Annexure NM-1 (deponent's CV), pages <u>12 and 16</u>	s 37AG(1)(c) (safety)	1
12	% values under "Sodium Hydroxide", and the three dot-points under "Al, Si NaOH rich" <u>and above "Recovered NaOH"</u> in Annexure NM-3 (Fortescue Pilot Plant Technical Workshop presentation), page 30 (internal page 10)	s 37AG(1)(a) (prejudice to administration of justice)	2
13	<u>[AMENDED AS FOLLOWS]:</u> % and temperature values in Pilot Plant Technical Workshop presentation, page 32 (internal page 12), <u>page 42 (internal page 22)</u> , and page 43 (internal page 23)	s 37AG(1)(a) (prejudice to administration of justice)	2
14	The dot-points under "Equipment Selection – Vendor Package" in Pilot Plant Technical Workshop presentation, page 39 (internal page 19)	s 37AG(1)(a) (prejudice to administration of justice)	2



No.	Information	Ground	Category ★
15	% value and the two dot-points between "Residence time" and "Atmospheric system" in Pilot Plant Technical Workshop presentation, page 40 (internal page 20)	s 37AG(1)(a) (prejudice to administration of justice)	2
16	<u>[AMENDED AS FOLLOWS]: Last three digits of</u> Deponent's mobile telephone number in Annexures NM-4 to NM-6, pages 62, 64, 67 and 68	s 37AG(1)(c) (safety)	1
17	<u>[AMENDED AS FOLLOWS]: Starting from second row, the</u> middle column in table under subheadings 1), 2) and 3) in Annexure NM-7-6 (email attachment headed " <i>Deliverables. Iron ore reduction. Lab effort.</i> "), page 69	s 37AG(1)(a) (prejudice to administration of justice)	2
18	% value after the words " <i>Leaching in</i> " in Annexure NM-7-6 (email attachment headed " <i>Deliverables. Iron ore reduction. Lab effort.</i> "), page 70	s 37AG(1)(a) (prejudice to administration of justice)	2
6. Affidavit of Wayne McFaul affirmed on 1 May 2024			
19	<u>[NOT PRESSED]</u> Deponent's signature on the foot of pages 1 to 30.	s 37AG(1)(c) (safety)	4
20	<u>[AMENDED AS FOLLOWS]:</u> Deponent's residential address-street number and street name on page 1, "Address" and page 2, above [1].	s 37AG(1)(c) (safety)	1
21	AUD values in [72], [100], the last line of [101] and [117](b).	s 37AG(1)(a) (prejudice to administration of justice)	2
22	The line graph headed "Spend Profile", showing "Cumulative Spend AU\$..." between [73] and [74].	s 37AG(1)(a) (prejudice to administration of justice)	2
23	<u>[AMENDED AS FOLLOWS]: Last three digits of</u> Deponent's mobile telephone number in Annexure WM-1 (deponent's CV), page 32.	s 37AG(1)(c) (safety)	1



No.	Information	Ground	Category
7. Affidavit of Anand Indravadan Bhatt affirmed on 1 May 2024			
24	[NOT PRESSED] Deponent's signature on the foot of pages 1 to 39.	s 37AG(1)(e) (safety)	4
25	<u>[AMENDED AS FOLLOWS]:</u> Deponent's residential address-street number and street address on page 1, "Address", page 4, above [1], and Annexure AIB-1, page 41.	s 37AG(1)(c) (safety)	1
26	The identity of the person whose surname begins with M, their title and organisation in table of contents, pages 1-2 (items 3, 4, 7-9), page 5 [6] (heading D.1), page 15 (heading D.1) [56]-[58], [62], page 16 [63]-[64] and Annexure AIB-5.	s 37AG(1)(a) (prejudice to administration of justice)	3
27	The identity of the person whose initials are "RG" and their organisation in table of contents, pages 1-2 (items 5, 7), page 15 [59], [62], <u>and Annexure AIB-5, page 52.</u>	s 37AG(1)(a) (prejudice to administration of justice)	3
28	The identity of the organisation whose name starts with B in table of contents, page 2 (item 11), pages 16-17 [66], Annexures AIB-9, AIB-16.	s 37AG(1)(a) (prejudice to administration of justice)	4
29	Title of project in [57].	s 37AG(1)(a) (prejudice to administration of justice)	3
30	References to the organisation whose name begins with M on page 15 [59], [60], [62], page 16 [64], Annexure AIB-5	s 37AG(1)(a) (prejudice to administration of justice)	3
31	The words between " <i>to explore opportunities for</i> " and " <i>and</i> " on page 15 [60] and Annexure AIB-5.	s 37AG(1)(a) (prejudice to administration of justice)	3
32	The words after " <i>a proposal concerning</i> " on page 16 [64] to the end of the sentence.	s 37AG(1)(a) (prejudice to administration of justice)	3
33	Temperature value on page 16 [66].	s 37AG(1)(a) (prejudice to administration of justice)	4



No.	Information	Ground	Category
34	Second to fourth sentences on page 17 [66].	s 37AG(1)(a) (prejudice to administration of justice)	4
35	<u>[AMENDED AS FOLLOWS]:</u> Deponent's <u>date of birthday and month of birth</u> , age and <u>last three digits of</u> telephone numbers in Annexure AIB-1.	s 37AG(1)(c) (safety)	1
36	<u>[AMENDED AS FOLLOWS]:</u> <u>Emails</u> All references to the name and initials of the organisation whose name begins with M in Annexures AIB-2, AIB-3, AIB-4, AIB-5 (21 September 2020 11:50 PM), AIB-6, AIB-7, AIB-8; including in all email addresses, signature blocks, hyperlinks, logos, telephone numbers and names and initials of personnel connected with that entity.	s 37AG(1)(a) (prejudice to administration of justice)	3
<u>36(a)</u>	<u>[AMENDED AS FOLLOWS]:</u> Email subject lines and attachment names in AIB-2, AIB-3, AIB-4, AIB-5, AIB-6, AIB-7, AIB-8	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>
<u>36(b)</u>	<u>[AMENDED AS FOLLOWS]:</u> Title of project in 4th paragraph of email following the words "I came across your project titled", in Annexure AIB-2 and AIB-3.	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>
<u>36(c)</u>	<u>[AMENDED AS FOLLOWS]:</u> Last three digits of personal mobile number and direct phone number at the bottom of page 56 (internal page ref 2) of Annexure AIB-6	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>1</u>
<u>36(d)</u>	<u>[AMENDED AS FOLLOWS]:</u> The three words following " <u>we have discussed everything regarding</u> "; and the two words following " <u>I am looking forward to receiving</u> " in the 8.50pm email (page 71) of Annexure AIB-7.	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>



No.	Information	Ground	Category ★
36(e)	<u>[AMENDED AS FOLLOWS]: The three words following “Future Industries is looking for in terms of low temperature”; the four words following “which could be integrated with your”, in the 12.52pm email (page 73) of AIB-8</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>
36(f)	<u>[AMENDED AS FOLLOWS]: The two words following “share with you a first draft of the proposal on”, and the six words following “the only prior IP we have in this space is a patent on” in the 12.39pm email (page 74) of AIB-8.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>
37	Dr Forrest’s email addresses in Annexures AIB-9, AIB-10, AIB-12 and AIB-14	s 37AG(1)(c) (safety)	1
38	<u>[NOT PRESSED] MWh, MW and tonnage values in Annexures AIB-9, page 82, second paragraph.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	4
39	Email subject lines in Annexure AIB-10.	s 37AG(1)(a) (prejudice to administration of justice)	2
40	Second paragraph in email sent 15 December 2020 1:46 PM in Annexure AIB-10, page 86.	s 37AG(1)(a) (prejudice to administration of justice)	4
41	Annexure AIB-11	s 37AG(1)(a) (prejudice to administration of justice)	4
42	<u>[NOT PRESSED] Email attachment (“Patent Assessment Form”) in Annexure AIB-13.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
43	The organisations identified in the email 22 December 2020 8:48 PM in Annexure AIB-14, page 102, after the words “He is asking”.	s 37AG(1)(a) (prejudice to administration of justice)	2
44	Annexure AIB-14, page 103, second paragraph beginning “We have told Andrew...”, the places identified before the words “for trials” in the third paragraph, and the mt value in the highlighted passage.	s 37AG(1)(a) (prejudice to administration of justice)	2



No.	Information	Ground	Category ★
45	The person whose initials are JP <u>first name is "Joe"</u> in Annexure AIB-15.	s 37AG(1)(a) (prejudice to administration of justice)	2, 4
46	The third and sixth paragraphs of the first email in Annexure AIB-15, page 106.	s 37AG(1)(a) (prejudice to administration of justice)	4
47	<u>[AMENDED AS FOLLOWS]: All references to the name or initials of the organisation whose name begins with B in Email 6 January 2021 2:17 PM in Annexure AIB-16.</u>	s 37AG(1)(a) (prejudice to administration of justice)	4
<u>47(a)</u>	<u>[AMENDED AS FOLLOWS]: The words before "to turn iron oxide into steel" in the third line of the email at 2.17PM in Annexure AIB-16.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>4</u>
48	<u>[AMENDED AS FOLLOWS]: Last three digits of the</u> mobile telephone number for Ms Barley in Annexure AIB-16.	s 37AG(1)(c) (safety)	1
49	Second last paragraph in email 22 January 2021 11:41 AM in Annexure AIB-17.	s 37AG(1)(a) (prejudice to administration of justice)	4
50	<u>[AMENDED AS FOLLOWS]: Last three digits of the</u> mobile telephone number for Ms Crabbe in Annexure AIB-17.	s 37AG(1)(c) (safety)	1
51	\$ values in Annexure AIB-18.	s 37AG(1)(a) (prejudice to administration of justice)	2
52	First, second and fourth paragraphs in email 27 January 2021 5:42 PM in Annexure AIB-19.	s 37AG(1)(a) (prejudice to administration of justice)	4
53	Fourth paragraph in email Jan 18, 2021 at 3:17 PM in Annexure AIB-19.	s 37AG(1)(a) (prejudice to administration of justice)	4
54	Last paragraph in email Jan 18, 2021 at 3:17 PM in Annexure AIB-19.	s 37AG(1)(a) (prejudice to administration of justice)	2



No.	Information	Ground	Category ★
55	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20 (“Electrochemical Green Steel— Starting from iron ore” research plan)</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(a)</u>	<u>[AMENDED AS FOLLOWS]: The identity of the organisation whose name starts with B on page 126 of Annexure AIB-20.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>4</u>
<u>55(b)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, third paragraph under heading “Priority. Reduction of magnetite concentrate through a solid state process” on page 131.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(c)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, the % values under the heading “Research topics” on page 131.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(d)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, the word following “adding significant amounts of” under the heading “Research topics” on page 131.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(e)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, sub-paragraphs (d) to (f) under the heading “Research topics” on page 131.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(f)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, the words in parentheses in sub-paragraph (g) under the heading “Research topics” on page 131.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(g)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, second, third and fourth bullet points on page 132.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>55(h)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, sub-paragraphs (a) to (b) under the heading “Research topics” on page 132.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>



No.	Information	Ground	Category
55(i)	<u>[AMENDED AS FOLLOWS]: Annexure AIB-20, sub-paragraph (b) under the heading "Research topics" on page 133.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
56	<u>[AMENDED AS FOLLOWS]:</u> Emails in Annexure AIB-21: <u>24 February 2021 11:02 AM;</u> 24 February 2021 9:54 AM; 19 February 2021 6:09 PM; and 16 February 2021 12:40 PM, <u>last two sentences entity beginning with B.</u>	s 37AG(1)(a) (prejudice to administration of justice)	2, 4
57	Names and organisations in the keywords in Annexure AIB-29, page 186.	s 37AG(1)(a) (prejudice to administration of justice)	2
58	<u>[AMENDED AS FOLLOWS]: Last three digits of the</u> mobile telephone number for Dr Shrestha in Annexure AIB-30.	s 37AG(1)(c) (safety)	1
59	Email 28 May 2021 3:19 PM in Annexure AIB-34.	s 37AG(1)(a) (prejudice to administration of justice); s 200(2), <i>Patents Act 1990</i> (Cth) (intellectual property advice privilege)	2
8. Affidavit of Susanne Monica Hantos affirmed on 1 May 2024			
60	<u>[NOT PRESSED] Deponent's signature on the foot of pages 1 to 13.</u>	<u>s 37AG(1)(c) (safety)</u>	4
61	<u>All references to the name and initials of the organisation whose name begins with M. The identity of the person whose surname begins with M, their title and organisation in table of contents, in page 10 [55] (rows 1, 2-4, 5), page 13 [64] and Annexure SMH-3, pages 28-30, 32-33, 47-; including in all email addresses, signature blocks, hyperlinks, logos, telephone numbers and names and initials of personnel connected with that entity.</u>	s 37AG(1)(a) (prejudice to administration of justice)	3



No.	Information	Ground	Category [★]
62	[NOT USED, SEE ITEM 61] The identity of the person whose initials are "RG" and their organisation in page 10 [55] (rows 2-4) and Annexure SMH-3, page 30.	s 37AG(1)(a) (prejudice to administration of justice)	3
63	[NOT USED, SEE ITEM 61] References to the organisation whose name begins with M on page 10 [55] (row 2) and Annexure SMH-3, page 30.	s 37AG(1)(a) (prejudice to administration of justice)	3
64	[NOT PRESSED] Summary of research plan in page 10 [55] (row 17).	s 37AG(1)(a) (prejudice to administration of justice)	2
65	[AMENDED AS FOLLOWS]: Emails in Annexure SMH-3, pages 28, 29, 30 (email 21 September 2020 11:50 PM), 32-34, 47, 48-52 (email subject lines).	s 37AG(1)(a) (prejudice to administration of justice)	3
<u>65(a)</u>	<u>[AMENDED AS FOLLOWS]: Email subject lines and attachment names in Annexure SMH-3, pages 28, 29, 30, 32-33, 47.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>
<u>65(b)</u>	<u>[AMENDED AS FOLLOWS]: Title of project in 4th paragraph of email following the words "I came across your project titled", in Annexure SMH-3, page 28.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>
<u>65(c)</u>	<u>[AMENDED AS FOLLOWS]: Last three digits of personal mobile number and direct phone number at the bottom of page 33 of Annexure SMH-3.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>1</u>
<u>65(d)</u>	<u>[AMENDED AS FOLLOWS]: The three words following "we have discussed everything regarding"; and the two words following "I am looking forward to receiving" in the 8.50pm email at Annexure SMH-3, page 47.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>3</u>



No.	Information	Ground	Category
66	The words between “to explore opportunities for” and “and” on Annexure SMH-3, page 30.	s 37AG(1)(a) (prejudice to administration of justice)	3
67	The identity of the organisation whose name starts with B in Annexure SMH-3, pages 48-52 54, 71 (email subject),.	s 37AG(1)(a) (prejudice to administration of justice)	4
68	Dr Forrest’s email addresses in Annexure SMH-3 pages 52-68	s 37AG(1)(c) (safety)	1
69	[NOT PRESSED] MWh, MW and tonnage values in Annexures SMH-3, page 53, second paragraph.	s 37AG(1)(a) (prejudice to administration of justice)	4
70	Email subject lines in Annexure SMH-3, pages 55-56.	s 37AG(1)(a) (prejudice to administration of justice)	2
71	Second paragraph in email sent 15 December 2020 1:46 PM in Annexure SMH-3, page 56.	s 37AG(1)(a) (prejudice to administration of justice)	4
72	[NOT PRESSED] Email attachment (“Patent Assessment Form”) in Annexure SMH-3, pages 62-65.	s 37AG(1)(a) (prejudice to administration of justice)	2
73	The organisations identified in the email 22 December 2020 8:48 PM in Annexure SMH-3, page 66, after the words “He is asking”.	s 37AG(1)(a) (prejudice to administration of justice)	2
74	Annexure SMH-3, page 67, second paragraph beginning “We have told Andrew...”, the places identified before the words “for trials” in the third paragraph, and the mt value in the highlighted passage.	s 37AG(1)(a) (prejudice to administration of justice)	2
75	The person whose initials are JP name is “Joe” in Annexure SMH-3, page 69.	s 37AG(1)(a) (prejudice to administration of justice)	2, 4
76	The third and sixth paragraphs of the first email in Annexure SMH-3, page 69.	s 37AG(1)(a) (prejudice to administration of justice)	4



No.	Information	Ground	Category
76(a)	<u>References to the name and initials of the entity beginning with B in the emails of Annexure SMH-3, at pages 69-71, and the words before “to turn iron oxide into steel” in the third line of the email at 2.17PM in Annexure SMH-3, at page 71.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>4</u>
77	<u>[AMENDED AS FOLLOWS]: Last three digits of the</u> mobile telephone number for Ms Barley in Annexure SMH-3, page 71.	s 37AG(1)(c) (safety)	1
78	Second last paragraph in email 22 January 2021 11:41 AM in Annexure SMH-3, page 73.	s 37AG(1)(a) (prejudice to administration of justice)	4
79	<u>[AMENDED AS FOLLOWS]: Last three digits of the</u> mobile telephone number for Ms Crabbe in Annexure AIB-17 SMH-3, pages <u>76 and 79.</u>	s 37AG(1)(c) (safety)	1
80	<u>[NOT PRESSED] Third paragraph in email 22 January 2021 4:13 PM in Annexure SMH-3, page 77.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
81	\$ amounts in Annexure SMH-3, page 87.	s 37AG(1)(a) (prejudice to administration of justice)	2
82	First, second and fourth paragraphs in email 27 January 2021 5:42 PM in Annexure SMH-3, page 89.	s 37AG(1)(a) (prejudice to administration of justice)	4
83	Fourth paragraph in email Jan 18, 2021 at 3:17 PM in Annexure SMH-3, page 90.	s 37AG(1)(a) (prejudice to administration of justice)	4
84	Last paragraph in email Jan 18, 2021 at 3:17 PM in Annexure SMH-3, page 90.	s 37AG(1)(a) (prejudice to administration of justice)	2
85	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3, pages 94-101 (“Electrochemical Green Steel – Starting from iron ore” research plan)</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>



No.	Information	Ground	Category ★
85(a)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 94, the identity of the organisation whose name starts with B.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>4</u>
85(b)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 99, third paragraph under heading “Priority. Reduction of magnetite concentrate through a solid state process”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(c)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 99, the % values under the heading “Research topics”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(d)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 99, the word following “adding significant amounts of” under the heading “Research topics”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(e)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 99, sub-paragraphs (d) to (f) under the heading “Research topics”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(f)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 99, the words in parentheses in sub-paragraph (g) under the heading “Research topics”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(g)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 100, second, third and fourth bullet points.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(h)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 100, sub-paragraphs (a) to (b) under the heading “Research topics”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
85(i)	<u>[AMENDED AS FOLLOWS]: Annexure SMH-3 page 101, sub-paragraph (b) under the heading “Research topics”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>



No.	Information	Ground	Category
86	<u>[AMENDED AS FOLLOWS]</u> : Emails in Annexure SMH-3, pages 103-106: <u>24 February 2021 11:02 AM;</u> 24 February 2021 9:54 AM; 19 February 2021 6:09 PM; and 16 February 2021 12:40 PM, <u>last two sentences entity beginning with B.</u>	s 37AG(1)(a) (prejudice to administration of justice)	2, 4
9. Affidavit of John Paul William Testaferrata Olivier affirmed on 2 May 2024			
87	<u>[NOT PRESSED]</u> Deponent's signature on the foot of pages 1 to 6.	<u>s 37AG(1)(c) (safety)</u>	4
88	<u>[AMENDED AS FOLLOWS]</u> : Deponent's residential <u>address street number and street name</u> on page 1, "Address" and page 2, above [1].	s 37AG(1)(c) (safety)	1
89	\$ value of expenditure on page 4, [16].	s 37AG(1)(a) (prejudice to administration of justice)	2
90	Last sentence on page 4, [18](a).	s 37AG(1)(a) (prejudice to administration of justice)	4
91	The identity of the organisation whose name starts with B in Annexure JPO-03, pages 201-205 (email subject) and page 204 (7 December 2020 9:35 AM)	s 37AG(1)(a) (prejudice to administration of justice)	4
92	Dr Forrest's email addresses in Annexures JPO-03.	s 37AG(1)(c) (safety)	1
93	<u>[NOT PRESSED]</u> <u>MWh, MW and tonnage values in Annexures JPO-03, page 206, second paragraph.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	4
10. Affidavit of Adrian Huber sworn on 2 May 2024			
94	<u>[NOT PRESSED]</u> Deponent's signature on the foot of pages 1 to 23.	<u>s 37AG(1)(c) (safety)</u>	4
95	Description of Fortescue's IT and data security practices on pages 14-15 [52].	s 37AG(1)(a) (prejudice to administration of justice)	2



No.	Information	Ground	Category ★
96	<u>[AMENDED AS FOLLOWS]:</u> Deponent's age, nationalities, personal email address <u>before the</u> <u>letters "@gmail.com", last three digits</u> <u>of</u> mobile telephone number and residential address-street number and <u>address name</u> in Annexure AH-1 page 25	s 37AG(1)(c) (safety)	1
97	<u>[AMENDED AS FOLLOWS]:</u> Annexures AH-8 and AH-14 (Separation Deeds).	s 37AG(1)(a) (prejudice to administration of justice)	2
98	<u>[NOT PRESSED]</u> Annexure AH-19 (Letter from Ms Shuttleworth to the Second Respondent regarding his employment).	s 37AG(1)(a) (prejudice to administration of justice)	2
99	<u>[AMENDED AS FOLLOWS]:</u> Annexure AH-22 (confidential Deloitte forensic IT report)	s 37AG(1)(a) (prejudice to administration of justice)	2
<u>99(a)</u>	<u>[AMENDED AS FOLLOWS]:</u> Annexure AH-22, page 169, the three words following " <u>To save\Fortescue</u> <u>IP\Patent #9</u> ", and the four words between " <u>Invention disclosure -</u> " and <u>"(BK).docx"</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>99(b)</u>	<u>[AMENDED AS FOLLOWS]:</u> Annexure AH-22, page 174, the row in <u>"APPENDIX 2 – Keyword List 1"</u> between " <u>g20</u> " and " <u>innovators under</u> <u>35</u> "	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>99(c)</u>	<u>[AMENDED AS FOLLOWS]:</u> Annexure AH-22, page 178, the words between " <u>Invention disclosure -</u> " and <u>"(BK).docx"</u> , and the words between <u>"\$vention disclosure -</u> " and <u>"(BK).docx"</u> (6x entries in the table entitled " <u>APPENDIX 3 – Keyword List</u> <u>2 Continued</u> ")	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
100	<u>[NOT PRESSED]</u> Annexure AH-24, pages 183-187 , to the extent describes the Separation Deed.	s 37AG(1)(a) (prejudice to administration of justice)	2

No.	Information	Ground	Category
101	<p><u>[AMENDED AS FOLLOWS]:</u> Annexure AH-26 (confidential Cyter forensic IT report and columns entitled “Detail 1” and “Detail 2”, “Data”, “Argument” and the second column entitled “Source” in the Excel attachment to Cyter forensic IT report)</p>	s 37AG(1)(a) (prejudice to administration of justice)	2
102	<p><u>[AMENDED AS FOLLOWS]:</u> The identity of the organisation whose name starts with B in Annexure AH 11 (email subjects) and page 87 (email 7 December 2020 9:35 AM); MWh, MW and tonnage values at page 88 (email 4 December 2020 3:01 PM).</p>	s 37AG(1)(a) (prejudice to administration of justice)	4
103	Dr Forrest’s email addresses in Annexures AH-11.	s 37AG(1)(c) (safety)	1
104	<p><u>[AMENDED AS FOLLOWS]:</u> Paragraphs in Annexure AH-24 regarding assignment of patents at 12.59pm email (pages 183-184), 6.32pm email (from the words “Secondly, I acknowledge” on page 184 to “If you have any further questions” on page 185), 1.28pm email (from the words “thank you for your email” to “The deed has been prepared” on page 187), 8.04pm email (from the words “Thank you for your email” to “Lastly I would like to request” on page 188).</p>	s 37AG(1)(a) (prejudice to administration of justice)	2
105	<p><u>[AMENDED AS FOLLOWS]:</u> Annexure AH-27 (All file paths in the columns entitled “File / Folder accessed” in the tables at pages 318–329; all file paths and images of file paths at pages 332–333; Excel attachment to Cyter forensic IT report, pages 340 to 687)</p>	s 37AG(1)(a) (prejudice to administration of justice)	2



No.	Information	Ground	Category ★
<u>105(a)</u>	<u>[AMENDED AS FOLLOWS]: The two words in the file paths in the bottom two rows and under the column “File / Folder accessed” in the table at Annexure AH-27, page 318.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>105(b)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AH-27, page 319, the three words following “To save\Fortescue IP\Patent #9”, and the four words between “Invention disclosure -” and “(BK).docx”</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>105(c)</u>	<u>[AMENDED AS FOLLOWS]: Annexure AH-27, page 332, the three words under “Horizon 2020” and above “McKinsey 2021 Executive Leadership Programme” in the image of the “TempSD” folder structure</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>105(d)</u>	<u>[AMENDED AS FOLLOWS]: Columns entitled “Detail 1”, “Detail 2” and “Data” in pages 340–658, and columns entitled “Name” and “Path” in pages 659–687, in Excel attachment to Cyter forensic IT report, Annexure AH-27, pages 340 to 687.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>11. Second Affidavit of Michael John Williams sworn on 2 May 2024</u>			
<u>106</u>	<u>Annexure MJW-3, page 2, the two words before “Description” in the subject line, the two words following “attached further description for”, the word following “the building blocks of the”, and the two words in the file names of each of the attached .docx and .pptx files</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>107</u>	<u>Annexure MJW-3, pages 3-33 and 36-38</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>



No.	Information	Ground	Category
<u>108</u>	<u>Annexure MJW-3, page 34, the three words before “- prior art and novelty of current invention” in the subject lines of the emails of 5 November 2021 12:21PM and 9:32AM, and the three words following “I am sending further information on the”.</u>	<u>s 37AG(1)(a) (prejudice to administration of justice)</u>	<u>2</u>
<u>109</u>	<u>Last three digits of personal phone numbers of Katelin Bettella, Matthew Roper, Phil McKeiver, Andrew Hamilton and Gerald La Rosa appearing on pages and 9, 13, 39, 41, 42, 43, 45, 46, 48, 49, and 50</u>	<u>s 37AG(1)(c) (safety)</u>	<u>1</u>