

NOTICE OF FILING

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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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.



Form 59
Rule 29.02(1)

Affidavit

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

Affidavit of: **Dr Bartłomiej Piotr Kołodziejczyk**
Address: Unit 1/19 Oxleigh Drive, Malaga WA 6090
Occupation: Chief Technology Officer
Date: 19 June 2024

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I **Bartłomiej Piotr Kolodziejczyk** of Unit 1/19 Oxleigh Drive, Malaga WA 6090, Chief Technology Officer, say on oath:

introduction

1. I am the Third Respondent and a director and Chief Technology Officer of the First Respondent (**Element Zero**).

2. For the purpose of making this affidavit I have read:

- (a) the affidavit of Adrian Huber sworn 1 May 2024;
- (b) the affidavit of Anand Indravadan Bhatt affirmed 1 May 2024; and
- (c) the affidavit of John Paul Olivier affirmed 2 May 2024.

which I am aware were relied on by the Applicants (**Fortescue**) to obtain *ex parte* search orders against Element Zero, myself and Dr Winther-Jensen made by Justice Perry on 14 May 2024 (the **Search Orders**).


3. While I respond to certain statements in those affidavits relied on by Fortescue, where I do not do so, I do not intend to be taken to agree with them.

4. I have prepared this affidavit in the time available, with the information that is available to me. Due to confidentiality restrictions, I have been unable to access certain documents that were relied on by Fortescue when obtaining the Search Orders, in particular the four documents referred to in paragraph 77 of Mr Huber's affidavit and in paragraph 19 of the Statement of Claim dated 30 April 2024 (**SOC**).

5. I am aware that on Friday last week (14 June 2024) Fortescue filed an Amended Statement of Claim dated 14 June 2024 (**ASOC**) which changes the allegations made against me in paragraph 19 from the form in the SOC. I have not been given access to the documents which have been added to the particulars to paragraph 19 of the ASOC and have been unable to address them in this affidavit.

6. The contents of this affidavit are based on my own knowledge or, where otherwise indicated, on information provided to me by the sources identified, which information I believe to be true.

7. By referring in this affidavit to any information or instructions I gave, I do not waive or intend to waive – nor am I authorised to waive – any privilege attaching to those instructions or any work performed as a result of those instructions, other than where expressly referred to in this affidavit.

Exhibits

8. Exhibited to me at the time of swearing this affidavit are the following items to which I refer in this affidavit:
 - (a) a bundle of documents marked "**Exhibit BPK-1**"; and
 - (b) a confidential bundle of documents marked "**Confidential Exhibit BPK-2**".
9. A reference to a page number of **Exhibit BPK-1** and **Confidential Exhibit BPK-2** is a reference to the document which appears on the corresponding page of the relevant exhibit.
10. **Confidential Exhibit BPK-2** contains documents which I worked on, at Fortescue's request, which are potentially confidential and commercially sensitive to Fortescue as well as a Deed of Confirmation and Assignment provided to me by Fortescue.
11. I request that the Court make an order that access to **Confidential Exhibit BPK-2** be restricted to the external legal advisers for the parties.

Background, qualifications and experience

12. I am the co-founder and Chief Technology Officer of Element Zero. Since 7 December 2022, I have been a director of Element Zero. I have held the role of Chief Technology Officer since September 2023.
13. I am a scientist, with 15 years' experience primarily in the field of hydrogen, renewable energy, electrochemistry and biosensors. In 2022, I was awarded an Order of Australia medal for services to science in the field of hydrogen energy.
14. Between 25 Mar 2019 and 5 November 2021, I was employed by the Third Applicant (**FMGPS**). Between 22 June 2021 and 5 November 2021, I held the role of Chief Scientist of the Second Applicant, Fortescue Future Industries (**FFI**). Prior to that, I was employed by FMGPS as a Hydrogen Specialist.
15. Over the past 15 years, I have advised organisations such as the World Economic Forum, United Nations, World Energy Council, European Commission, NATO, OECD, Dubai Future Foundation, MIT Technology Review, The International Union for the Conservation of Nature, the Australian Department of Industry and Science and CSIRO.
16. I have held a number of roles advising on renewable energy, including:
 - (a) Prior to my role at Element Zero, from March 2022 I was the Associate Director – Hydrogen and Clean Technologies at Boston Consulting Group. In this role I



advised a range of clients on energy transition, decarbonisation strategies, hydrogen and synthetic fuels and other renewable energy projects.

- (b) Between January 2015 and November 2016, I was employed as an expert and researcher for the United Nations Industrial Development Organisation (**UNIDO**). In this role, I advised UNIDO on opportunities for renewable energy in Latin America.
- (c) Between May 2012 and December 2012, I was employed as a Consultant for the UNDP Guyana. In this role, I advised on off-grid solar power systems in rural areas in Guyana, and designed photovoltaic systems, energy storage systems and performed remote efficiency measurements on-site. I also designed measurement systems and data acquisition software projects in cooperation with the Guyana Energy Agency.
17. I have presented widely and given seminars on the topics of nanoscience and renewable energy, including for organisations such as the United Nations, UNESCO, OECD Green Growth and Sustainable Development Forum, the G20 Summit and WIPO International Conference on Intellectual Property and Development.
18. I have also held research positions at Carnegie Mellon University, Monash University, Australian National University, University of Oviedo, Zhejiang University and Rzeszow University of Technology.
19. I have authored numerous peer-reviewed scientific journal articles, technical papers and reports on the topic of nanoscience and renewable energy. I am also the contributor of a number of ISO Standards on nanotechnologies.
20. In terms of my education, I have been awarded:
- (a) Doctor of Philosophy in Bioelectronics from the National Institute of Science and Technology at Saint-Etienne (2015) and a Doctor of Philosophy in Materials Engineering from Monash University (2014);
- (b) Master of Leadership in Service Innovation from the University of Queensland Business School (2023);
- (c) Master of Arts in Education for Sustainable Development (ESD) at the Department of Pedagogical, Curricular and Professional Studies of the University of Gothenburg (2022);
- (d) Master of Science in Renewable Energy Science with a specialization in Fuel Cell Systems and Hydrogen from the University of Iceland and University of Akureyri (2011); and

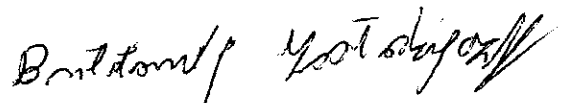


(e) Master of Science in Mechanical Engineering with a specialization in Automation and Robotics from Rzeszow University of Technology (2010).

21. I am currently studying a Masters in Quantum Computing Technology offered by the School of Computer Systems at the Polytechnic University of Madrid and Accenture.
22. I am the inventor or co-inventor of 11 patents registered in Australia.
23. I am a Chartered Scientist and Chartered Environmentalist of the Royal Society of Chemistry, Chartered Engineer of the Institution of Engineering and Technology and a fellow of the Geological Society, the Royal Asiatic Society, the Royal Society of Chemistry, the Royal Society of Arts and the Global Young Academy.

Curriculum Vitae

24. I understand that one of the allegations relied on by Fortescue against me in support of the Search Orders concerned my Curriculum Vitae.
25. I am aware that at paragraphs 58 to 61 of his affidavit, Mr Huber refers to an internal investigation undertaken by FFI Governance and Compliance which allegedly found that *"there had been material misrepresentations and inaccuracies in respect of activities, positions held and qualifications listed in Dr Kolodziejczyk's Curriculum Vitae"*.
26. I am not aware of any inaccuracies in my Curriculum Vitae or of the findings of any investigation by FFI Governance and Compliance. No details of such an investigation have been provided to me and I was not consulted in the course of that investigation.
27. I was employed by Fortescue after I was approached by Gerard Daniels Executive Search Agency via LinkedIn. As part of the due diligence process, Gerard Daniels requested that I provide contact details for each of the universities to verify my credentials. A copy of some of my correspondence with Gerard Daniels and my due diligence authorisation form is reproduced at pages 2 to 6 of **Exhibit BPK-1**. As far as I am aware, Gerard Daniels did not identify any issues throughout this process.
28. I also provided a copy of the Curriculum Vitae to Gerard Daniels and copies of all my degree certificates. A copy of my PhD certificates from Monash University and Ecole des Mines de Saint-Etienne are reproduced at pages 7 to 9 of **Exhibit BPK-1**.
29. During my interview for the role at Fortescue with John Paul Olivier (who at the time held the role of General Manager of Strategy) and Julie Shuttleworth (who at the time held the role of Deputy CEO of Fortescue Metals Group and CEO of FFI), I recall Ms Shuttleworth asked a question about my PhD and I explained my PhD was a programme that was undertaken as a 'cotutelle' program between Monash University

and Ecole des Mines de Saint-Etienne, which resulted in the award of two PhD diplomas.

30. During this interview, I recall that I explained to Mr Olivier and Ms Shuttleworth that I listed the PhDs separately on my Curriculum Vitae because the research that I undertook at Monash University and Ecole des Mines de Saint-Etienne was different, and because I completed my research at Monash University in 2014, whereas I completed my research at Ecole des Mines de Saint-Etienne in 2015. No issue was raised by Mr Olivier and Ms Shuttleworth about my Curriculum Vitae following my explanation in the interview.
31. I was subsequently employed by Fortescue (see paragraph 14 above).

My work at Fortescue

32. I have read the affidavit of Anand Indravadan Bhatt affirmed 1 May 2024, which I understand has been relied on by Fortescue in obtaining the Search Orders.
33. I have never met or spoken with Dr Bhatt. I understand from his affidavit that he is an Electrochemist and Materials Scientist who has worked for Fortescue since January 2022, which was three months after I left Fortescue.
34. At paragraphs 54 to 85 of his affidavit, Dr Bhatt refers to a review that he conducted of my Fortescue emails in January 2024. I was not consulted by him during his review and am not aware of the full set of my Fortescue emails that he reviewed, as I do not have access to them. I am aware that Dr Bhatt refers to 21 emails (which he exhibits to his affidavit, some in redacted form) and describes what he anticipates would have been my work on an "Ionic Process" and prepares what he describes as a "likely timeline" of that work (paragraph 85), which includes work he "expects" I would have undertaken.
35. The exercise carried out by Dr Bhatt and the proposed timeline is not correct. It does not reflect the work I undertook at Fortescue at the time for reasons including the following.
36. I did not work on an "Ionic Process" while I was at Fortescue.
37. Between August 2020 and mid-January 2021, I was travelling extensively as part of the 'Fortescue Travelling Team'. I was responsible for scoping renewable energy projects globally, and evaluation of investments and technologies. Between extensive travels and manufacturing responsibilities, I did not have time to pursue other projects.




38. The scientific work I undertook at Fortescue focused on the development of technology using electrochemical reduction of solid iron ore particles suspended in an electrolyte slurry, as described in Part C.3 of Dr Bhatt's affidavit (the **Fortescue technology**). This work led to the filing of a patent application by Fortescue. I worked on the Fortescue technology intensively in 2021 with the "stretch target" of producing products by the end of financial year 2021. We met that target. The Fortescue technology is very different to the Element Zero technology.
39. Between February or March 2021 and October 2021, I was also researching and developing a process to produce zero carbon or "green" cement. This involved using gangue (which is the commercially valueless material in Fortescue's iron ore) to produce geopolymers based on sodium silicate and sodium aluminate. In my role at Fortescue, I was responsible for designing that process and leading the work. I worked on that process throughout 2021 and produced small scale samples of zero carbon cement from iron ore waste in late August 2021.
40. I was involved in a number of other projects in 2020 and 2021 including the development of 'green' hydrogen technologies, hydrogen buses and a hydrogen refuelling station, a flow battery, optimisation tool and electrolyser design.
41. I am aware that there are a number of people who are currently employed at Fortescue who were working at Fortescue while I was there and who knew about the work I did during my employment, including Matthew Roper and Sienna Mohammadzadehmoghadam (Materials Scientist at Fortescue), with whom I worked in the laboratory on the Fortescue technology. I recall corresponding with Mr Roper during my final weeks of employment (including about the Fortescue technology and the "green" cement described above).

My resignation from Fortescue

42. On 22 October 2021, I resigned from Fortescue and gave 3 months' notice, by providing a letter of resignation to Jim Herring (Head of Green Energy for FFI). I am aware that a copy of my letter of resignation is reproduced at Annexure AH-20 to Mr Huber's affidavit.
43. To the best of my recollection, in late October 2021 I attended a meeting with Jim Herring (Head of Green Energy for FFI), Emily Ward (Chief Legal Counsel for FFI), Kara Vague (Human Resources for FFI) and Matthew Roper (IP Manager for FFI) to discuss my resignation. The meeting took place in the boardroom at Fortescue's office at Bennett Street, East Perth.



44. During this meeting, I recall that either Ms Ward or Ms Vague told me that I would not be allowed to work at Fortescue for my 3-month notice period, saying words to the effect:

"You will need to finalise any outstanding IP work and any other documents in the next week from home. You know too much, you're not to come into the office again or communicate with your colleagues at Fortescue."

45. On 25 October 2021, I became aware that access to my Fortescue account had been cut off, which meant that I could no longer access Fortescue's system or access Fortescue documents to carry out tasks I had been asked to complete remotely, in particular working on invention disclosures for Fortescue patents.

46. I sent a message to Ms Vague informing her that I could not access my Fortescue account. Ms Vague responded by sending a screenshot of an email that had been sent by Ms Vague to my Fortescue email address. This email confirmed the discussion that I had with Ms Vague and Ms Ward, and stated:

"As discussed because of the seniority and level of confidential information that you have access to in your role, we will need to put you on gardening leave.

Thank you for the offer to work out your notice period, but we will do a handover this week and finish up at the end of the week (29 October).

It is really important for us as part of this handover that you work with us to hand over all intellectual property, which you have said you are happy to do, thank you. I also understand that there are some further patents that need to be lodged and that you are happy to work with us on this."

47. I responded to Ms Vague confirming that I cannot access my Fortescue email because I had returned my Fortescue issued phone that day. Ms Vague then forwarded a message from Dillon Pope (Fortescue IT) confirming that I can get access to Duo, which is the multi-factor authentication used by Fortescue, on my personal phone.
48. A copy of the Whatsapp communications between Ms Vague and myself referred to above are reproduced at pages 10 to 12 of **Exhibit BPK-1**.
49. Between 25 and 29 October 2021, I worked from home in Perth to finalise my remaining work for Fortescue. At some point during that week, I realised that I still had a number of documents I needed to finalise and would not be able to do so by the end of the week.

50. On or around 29 October 2021, I had a telephone conversation with Mr Roper about my outstanding work. During this telephone call Mr Roper informed me that I could continue to work for another week from home but would need to return my laptop by 29 October 2021. Mr Roper told me to take the documents I needed to finish off my work for Fortescue and then email the finished work to him directly. Mr Roper also asked me to delete any documents saved on the local drives of my Fortescue laptop before I returned it, because he informed me that Fortescue had copies of everything they needed on the SharePoint (being the online file storage platform used by Fortescue).
51. On 29 October 2021, I returned my Fortescue laptop to Fortescue's offices in Bennett St. I cannot recall whether I handed it back to Mr Pope or Ms Vague, although it would have been one of them. Before returning the laptop, I deleted the files on the local drives, as Mr Roper had instructed me to do. Some of the files I deleted were personal files.
52. At subparagraph 77(c) of his affidavit, Mr Huber suggests that the McKemmish Report identifies that a folder called "TempSD" was deleted from my Fortescue laptop on 22 October 2021. To the best of my recollection the "TempSD" folder contained personal files, but I would need to have access to the list of files in the folder to confirm this.
53. In the morning of 29 October 2021, I had text communications with Mr Roper:
- (a) At 9:04am, I received a text message from Mr Roper which said "*Hi Bart how are you travelling? Can I expect any IDs today? Matthew*". When Mr Roper referred to "IDs" I understand we was referring to Fortescue invention disclosures;
- (b) At 11:04am, I sent Mr Roper a text message requesting confirmation of his Fortescue email address. I sent this message because I no longer had access to Mr Roper's email address, which was stored on my Fortescue laptop and mobile phone; and
- (c) At 11:06am, Mr Roper responded providing details of his Fortescue email address.
54. A screenshot showing my text message history with Mr Roper on 29 October 2021 is reproduced at page 13 of **Exhibit BPK-1**.
55. Between 29 October 2021 and 5 November 2021, I continued to work on my outstanding Fortescue work using my personal laptop. For reasons of confidentiality, I set out the details of this work on page 2 of **Confidential Exhibit BPK-2**. Once I



had completed my work, I provided these documents to Mr Roper from my personal Gmail address.

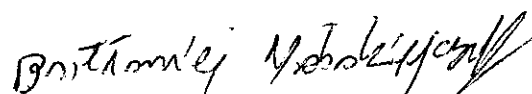
56. I have set out more details of the communications with Mr Roper on page 2 of **Confidential Exhibit BPK-2**.

Four Fortescue documents

57. Based on my review of the affidavit of Adrian Huber (including paragraphs 77 and 83), I understand that Fortescue alleges I am in possession of four Fortescue documents, as I accessed these documents from my Fortescue laptop while it was connected to a USB during my employment with Fortescue.
58. I have not seen the documents referred to in paragraph 77 of Mr Huber's affidavit to be able to verify what they are. Based on the titles of the documents and the timing of access, I believe it is likely that they related to the work I was undertaking in my final two weeks of employment at Fortescue (which included finalising documents relevant to patents for the Fortescue technology and other processes relevant to the Fortescue technology and the "green" described above).
59. Based on the titles of the documents, I have provided my best description of the documents on pages 2 to 3 of **Confidential Exhibit BPK-2**. Beyond that, I do not have any independent recollection of those documents and therefore cannot say anything further about them as I have not had an opportunity to review them.

Attempts by Fortescue to obtain my Prior IP

60. On a number of occasions during my employment at Fortescue, Andrew Forrest (Executive Chairman of Fortescue) and other representatives of Fortescue requested that I assign intellectual property to Fortescue which I had developed before my time at Fortescue. Those requests included a request in 2020 that I sign a Non-Disclosure Agreement (**NDA**) which had the effect of assigning all of my prior IP to Fortescue (I ultimately did not sign an NDA which assigned my prior IP). Also in 2020, I was approached by a third party interested in acquiring some of my prior IP relation to hydrogen electrolyser patents, and I ultimately assigned that IP to Fortescue (at Dr Forrest's request) rather than to the third party.
61. Most recently, in 2023, I was contacted by Fortescue about entering a confirmatory patent assignment deed. My communications with Mr Huber and Susanne Hantos (Patent Attorney for FMGPS) between July and September 2023 are reproduced in Annexure AH-24 to Mr Huber's affidavit. A copy of the Deed of Confirmation and Assignment sent by Ms Hantos on 10 July 2023 is reproduced at page 41 to 47 of **Confidential Exhibit BPK-2**. As part of that course of communications I was asked



to assign certain intellectual property to FFI. I was concerned about the request because despite me asking, Fortescue did not provide me with a copy of some of the patent applications that I was being asked to assign.

The Search Orders

62. On 15 May 2024, I was served with the Search Orders and a number of other documents including the affidavits referred to in Schedule C of the Search Orders.
63. I was present at Element Zero's office at 19 Oxley Drive, Malaga when the Search Orders were served on me at around 9:20am by Nicholas Beech, who was introduced to me at the time as an independent solicitor. I was the only person in the office at the time.
64. I was present for the duration of the search process, approximately 12 hours.

Surveillance prior to the Search Orders

65. I have since read the affidavits and annexures of Paul Alexander Dewar, the lawyer for the Applicants in these proceedings. Annexures PAD-2, PAD-6 and PAD-8 contain reports of the surveillance carried out between 22 April 2024 and 10 May 2024 on Element Zero's offices, Mr Masterman, Dr Winther-Jensen and myself.
66. I was very concerned to read in the surveillance reports that my residence was under almost continual surveillance for a number of weeks. I am particularly concerned that the reports indicate that the private investigator followed my wife and child on several occasions, without identifying themselves or what they were doing.
67. Prior to execution of the Search Orders, my wife expressed concerns to me that she thought someone was following her, including to our son's daycare. I was informed by my wife that on one occasion she confronted a man who she believed to be following her after dropping my son off to daycare, and that the man drove off as my wife chased him.
68. In late May 2024, I was also contacted by my neighbour, who was very concerned that in early May a car with NSW registrations and tinted windows had been parked outside my house for 3 days straight.

Material obtained during the execution of the Search Orders

69. The following is my understanding of the material that was taken by Mr Beech, Rod McKemmish and Darren Michael (who were introduced to me as independent computer forensic experts) from Element Zero's office (19 Oxleigh Drive, Malaga) and laboratory (30 Oxleigh Drive, Malaga), based on my observations and information I have gathered:




- (a) The entire contents of Element Zero's server was imaged by the independent computer experts. This includes all email accounts dating back to the inception of Element Zero in December 2022.
 - (b) The entire contents of my personal Google account which is linked to two email addresses kolodziejczykbartlomiej@gmail.com and kolodziejczyk.bartlomiej@gmail.com. I use this Google account for my personal emails and the storage of my personal documents and have done so since 2008.
 - (c) The entire contents of my email account bart@kolodziejczyk.com. This is also a personal email account which I have used since around 2022.
 - (d) The entire contents of my personal mobile phone; and
 - (e) The entire contents of my laptop.
 - (f) A Lenovo Think Sensor desktop computer from the laboratory. This computer is used to operate a potentiostat (a piece of hardware required to run electroanalytical experiments) and contains electrochemical measurements from experiments conducted by Element Zero.
 - (g) A number of hard copy documents, including notebooks used by Element Zero staff from the laboratory.
70. I was not present at my home during execution of the Search Orders, however, my wife was home. I am informed by my wife that a number of hard copy documents were removed from my home.
71. I am also informed by my wife that the independent computer expert who executed the Search Order accessed her personal computer but did not copy any documents.

My concerns about material obtained during execution of the Search Order

72. Based on my understanding of the material obtained during execution of the Search Order, I am very concerned that the material includes a large amount of privileged or highly confidential material (including material of third parties) as well as material which does not relate to the subject matter of these proceedings.

Element Zero server

73. As set out in paragraph 69(a) above, the material obtained during execution of the Search Orders included Element Zero's entire server containing all email accounts and documents of Element Zero employees since the business was founded. Material on the Element Zero server includes highly confidential third party confidential information and privileged information.

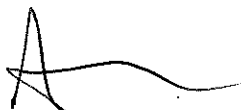



Material obtained from my personal devices and accounts

74. My personal email accounts contain highly confidential material:
- (a) belonging to third parties for whom I have been a contractor during my career, including third party information relating to current and ongoing projects with commercial parties and government departments;
 - (b) relating to my role as a board member of Proto Axiom; and
 - (c) relating to my role as expert consultant to the European Commission over the past 14 years.

None of those parties would be aware of the fact that their documents have been captured in the imaging of my devices and I expect that they would be very concerned if that information were to be accessed by Fortescue or otherwise disclosed.

75. My email accounts also contain privileged communications between various legal advisors about many unrelated matters over the years.
76. There are also thousands of personal emails and photos stored on my Google account, including personal information and possibly sensitive information of hundreds of individuals. Additionally, because the entire contents of my mobile telephone were captured by the Search Orders, the images taken on my phone would contain all personal texts and other communications with my wife, family and friends, many personal files, photographs and videos.
77. Based on my understanding of the Search Orders, the images would also have captured data such as my account passwords including for online banking and superannuation. I am very concerned about the security of these passwords.
78. The Search Orders include a category of documents described as "All documents (whether in hardcopy or electronic) recording or evidencing research and development work by or on behalf of Element Zero, Dr Kolodziejczyk, or Dr Winther-Jensen, including laboratory notebooks and experimental data". I believe this category would encompass any laboratory notebooks or experimental data for any research or development work I have undertaken throughout the course of my career. This would include any research or development work I undertook in any role prior to my employment with Fortescue and any academic research I have undertaken in the past 15 years, which is unrelated to the issues in these proceedings.




79. The Search Orders also refer to any document recording or evidencing communications to which any two or more of the Second to Fourth Respondents are parties. I have known the Third Respondent, Dr Winther-Jensen since October 2010. I met Dr Winther-Jensen at Monash University, when I went on exchange to Monash University as part of my Master of Science in Renewable Energy Science. Dr Winther-Jensen was my PhD supervisor when I returned to study at Monash University between 2011 and 2014. Based on the Search Orders, I understand that this category would include a large number of communications between Dr Winther-Jensen and myself which do not relate to our work at Element Zero or Fortescue.

Sworn by the deponent

at TARNOWSKA WOLA

in Poland

on 19 June 2024

Before me:

Signature of witness

Amelia Cooper, Solicitor
Level 35 200 Barangaroo Avenue
Barangaroo NSW 2000

Signature of deponent

This affidavit was witnessed via audio-visual link in accordance with section 14G of the *Electronic Transactions Act 2000* (NSW).

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

FORTESCUE LIMITED ACN 002 594 872 and another

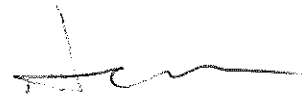
Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others

Respondents

Exhibit BPK-1

This is the Exhibit marked "**Exhibit BPK-1**" to the Affidavit of **Bartłomiej Piotr Kolodziejczyk** sworn before me on 19 June 2024.



.....
Signature of witness

Name: *Amelie Anne Gough Cooper*

Level 35 Tower Two
International Towers Sydney
200 Barangaroo Avenue
Barangaroo NSW 2000
Solicitor



Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>

Due Diligence Requests

Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
To: Samala Lebeter <samala@gerard-daniels.com>

21 January 2019 at 03:31

Dear Samala,

I have attached all my diplomas, and a copy of an email from my Stockholm University supervisor. By the time this email was sent my thesis was already submitted, but until now not approved yet :(

I will apply for a police check today.

Best regards,
Bart

On Mon, 21 Jan, 2019, 14:10 Samala Lebeter <samala@gerard-daniels.com> wrote:

Hi Bart,

I hope you are well.

Thank you for sending me your documents. Traditionally we do not need copies of your degrees, however maybe to assist with speeding up this process and whilst we are awaiting verifications, could you please provide copies of your degrees. (just copies of ones on your authorisation form attached)

We also require a current National Police Clearance as the one you have provided is out of date. These can take some time to be issued, so you may want to action this urgently.

Please feel free to contact me should you have any questions.

Kind regards,

Samala

Samala Lebeter

Executive Assistant

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 cid:image003.jpg@01D42366.C0F16970

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From: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
Sent: 20 January, 2019 11:07 AM
To: Samala Lebeter <samala@gerard-daniels.com>
Subject: Re: Due Diligence Requests

Dear Samala,

I hope you're having a great weekend.

Please find attached:

- my signed CV; and
- Australian police check.

Please let me know if something is unclear and I will clarify asap. As mentioned in my last email, I can provide all my degree certificates. For MSc in IT Project Management, the courses were finished in 2015, and thesis submitted in 2016, but the evaluation is still ongoing. I was hoping to get it closed last year, but my supervisor is really slow. Previously I haven't listed executive MA in European Studies which I currently pursue in my free time as I found it irrelevant for the job. My CV has now listed all jobs, but some might be irrelevant.

Best regards,

Bart

On Fri, 18 Jan. 2019, 18:42 Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com> wrote:

Dear Samala,

Thank you for your email.

My date of birth is 3rd of May 1985. I will print my complete CV, initial and date each page and send it to you over the weekend together with the police check from last year. The police check will be about 8 months old. Please let me know if this is fine. Otherwise, I will apply for a new police check. I can also email you all my diplomas if you like.

Have a great weekend,

Bart

On Fri, 18 Jan. 2019, 17:24 Samala Lebeter <samala@gerard-daniels.com> wrote:

Hi Bart,

I trust you have returned home safely after what was a successful trip to Perth. Congratulations again on your offer.

As discussed yesterday, part of the employment process is to conduct due diligence for the client. I require your DOB for some of the university's verifications. Could you please provide this to me.

Just a reminder to also provide me with your updated CV and please initial and date every page on the top right corner. We will also need a police clearance (or national clearance).

Should you require additional information, please contact me on 08 9322 0891.

Kind regards,

Samala

Samala Lebeter

Executive Assistant

Level 45

108 St Georges Terrace

Perth WA 6000

T: +61 8 9322 0891

E: samala@gerard-daniels.com

Visit us at www.gerard-daniels.com

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this email in error please kindly delete this message and notify the sender. Opinions expressed in this message are those of the sender and not necessarily the opinions of Gerard Daniels

7 attachments





GERARD DANIELS

DUE DILIGENCE AUTHORISATION

As part of our due diligence process, it is necessary for Gerard Daniels to seek independent verification of the information you have provided to us in your Resume. In accordance with National Privacy Legislation, we require your consent to undertake the following checks in order to carry out our due diligence on your application.

Educational Qualification Verification

✓

Professional Memberships/Registrations

✓

I BARTLOMIEJ KOŁODZIEJCZYK hereby authorise any educational or professional institutions, organisations or associations to release information requested by Gerard Daniels to enable them to confirm that I hold the qualifications and memberships stated in my Resume.

Qualification / Membership	Organisation / Institution	Date Received	Student No / Membership No
ECOLE DES MINES PHD in Microelectronics	ECOLE DES MINES DE SAINT ETIENNE	MAY 2015	
PHD in MATERIALS ENG.	MONASH UNIVERSITY	FINISHED NOV 2014 DATE AWARDED MAY 2015	
MSC in PROJECT MANAGEMENT	STOCKHOLM UNIVERSITY	COURSE FINISHED SEP 2015 THESIS UNDER EVALUATION	
MSC in RENEWABLE ENERGY SCIENCE	UNIVERSITY OF ICELAND AND UNIVERSITY OF AKUREYRI	FEB 2011	
MSC and BSC in MECHANICAL ENG.	RZESZOW UNIVERSITY OF TECHNOLOGY	SEP 2007	
FELLOW	ROYAL SOCIETY OF ARTS (R.S.A)	2016	

*If your qualification was completed under a different name (eg. Maiden name) please note where applicable.

B. Kołodziejczyk
CANDIDATE SIGNATURE

111/312 BERNAN AVENUE
CANDIDATE STREET ADDRESS

BARTLOMIEJ KOŁODZIEJCZYK
CANDIDATE FULL NAME

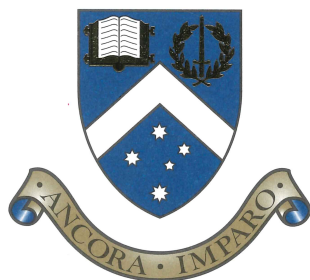
VICTORIA IVANHOE
SUBURB

08.05.1985
STUDENT NUMBER / DATE OF BIRTH
(Date of Birth only required if student number not available)

VIC
STATE

17.01.2019
DATE OF SIGNATURE

3079
POST CODE



*In the name and by the authority of the Council
be it known that*

Bartłomiej Piotr Kolodziejczyk

*having fulfilled all the requirements and
having passed all the prescribed examinations has
on the twentieth day of May 2015
been admitted to the degree of*

Doctor of Philosophy

*in token whereof the Council has authorized the
Common Seal of the University to be hereto affixed.*



Robert Finlay

Chancellor

Chantal Carden

President and
Vice-Chancellor



*This award was pursued under a Joint Doctoral Program between
Monash University and Ecole Nationale Supérieure des Mines de Saint Étienne.*



R É P U B L I Q U E F R A N Ç A I S E

Ministère de l'Enseignement supérieur, de la Recherche et de l'Innovation

Ministère de l'Economie et des Finances

UNIVERSITE DE LYON
DOCTORAT EN COTUTELLE INTERNATIONALE

Entre Université Monash de Clayton (Clayton, Australie) et l'Ecole Nationale Supérieure des Mines de Saint-Etienne (Saint-Etienne, France)

Vu le code de l'éducation, notamment ses articles L.612-7, L. 613-1, D. 613-3 et D. 613-6 ;

Vu le code de la recherche, notamment son article L.412-1 ;

Vu le décret n° 2015-127 du 5 février 2015 portant approbation des statuts de la communauté d'universités et établissements « Université de Lyon »

Vu l'arrêté du 10 juin 2016 accréditant la communauté d'universités et établissements Université de Lyon en vue de la délivrance de diplômes nationaux ;

Vu les pièces justificatives produites par **M. Bartłomiej Piotr KOŁODZIEJCZYK**

né(e) le 03/05/1985 à Rzeszow Pologne en vue de son inscription en doctorat ;

Vu le procès-verbal du jury attestant que l'intéressé(e) a soutenu, le **20/05/2015** une thèse portant sur le sujet suivant :*Le développement de nouveaux matériaux et de structures pour l'électronique organique et des applications de l'énergie.*

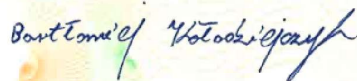
Préparée au sein de l'école doctorale SIS 488, devant un jury présidé par M. Chris MAC NEILL professeur et composé de M. Bjorn WINTER- JENSEN Professeur, M. Douglas MACFARLANE Professeur, M. Dan LI Professeur, M. Chris MAC NEILL Professeur, M. George MALLIARAS Professeur, M. Richard KANER Professeur, M. Fabio CICOIRA Professeur,

Vu la délibération du jury :

Le diplôme de **DOCTORAT** en MICROELECTRONIQUE **préparé au sein de l'Ecole Nationale Supérieure des Mines de Saint-Etienne**est délivré à **M. Bartłomiej Piotr KOŁODZIEJCZYK**au titre de l'année universitaire 2015 et confère le **grade de docteur**, pour en jouir avec les droits et prérogatives qui y sont attachés.

Fait le 25/05/2018

Le titulaire

Signature du chef d'établissement
COMUE**Khaled BOUABDALIAH**
Président
de l'Université de LyonSignature du chef d'établissement opérateur
Mines Saint-EtienneLe Recteur d'Académie,
Chancelier des universités de Lyon

Marie-Danièle Campion

N° EMSTETI 11102501

R É P U B L I Q U E F R A N Ç A I S E

Ministère de l'Enseignement supérieur, de la Recherche et de l'Innovation

Ministère de l'Economie et des Finances

UNIVERSITE DE LYON
DOCTORAT EN COTUTELLE INTERNATIONALE
Entre Université Monash de Clayton (Clayton, Australie) et l'Ecole Nationale Supérieure des Mines de Saint-Etienne (Saint-Etienne, France)

Vu le code de l'éducation, notamment ses articles L.612-7, L. 613-1, D. 613-3 et D. 613-6 ;
 Vu le code de la recherche, notamment son article L.412-1 ;
 Vu le décret n° 2015-127 du 5 février 2015 portant approbation des statuts de la communauté d'universités et établissements « Université de Lyon »
 Vu l'arrêté du 10 juin 2016 accréditant la communauté d'universités et établissements Université de Lyon en vue de la délivrance de diplômes nationaux ;
 Vu les pièces justificatives produites par **M. Bartłomiej Piotr KOŁODZIEJCZYK**

né(e) le 03/05/1985 à Rzeszow Pologne en vue de son inscription en doctorat ;

Vu le procès-verbal du jury attestant que l'intéressé(e) a soutenu, le **20/05/2015** une thèse portant sur le sujet suivant :
Le développement de nouveaux matériaux et de structures pour l'électronique organique et des applications de l'énergie.

Préparée au sein de l'école doctorale SIS 488, devant un jury présidé par M. Chris MAC NEILL professeur et composé de M. Bjorn WINTER- JENSEN Professeur, M. Douglas MACFARLANE Professeur, M. Dan LI Professeur, M. Chris MAC NEILL Professeur, M. George MALLIARAS Professeur, M. Richard KANER Professeur, M. Fabio CICOIRA Professeur,

Vu la délibération du jury :

Le diplôme de **DOCTORAT** en MICROELECTRONIQUE préparé au sein de l'Ecole Nationale Supérieure des Mines de Saint-Etienne

est délivré à **M. Bartłomiej Piotr KOŁODZIEJCZYK**
 au titre de l'année universitaire 2015 et confère le **grade de docteur**, pour en jouir avec les droits et prérogatives qui y sont attachés.

Fait le 25/05/2018

Le titulaire

Bartłomiej Piotr Kołodziejczyk

N° EMSTETI 11102501

Signature du chef d'établissement
 COMUE

Khaled BOUABDALI
 Président
 de l'Université de Lyon



Signature du chef d'établissement opérateur
 Mines Saint-Etienne

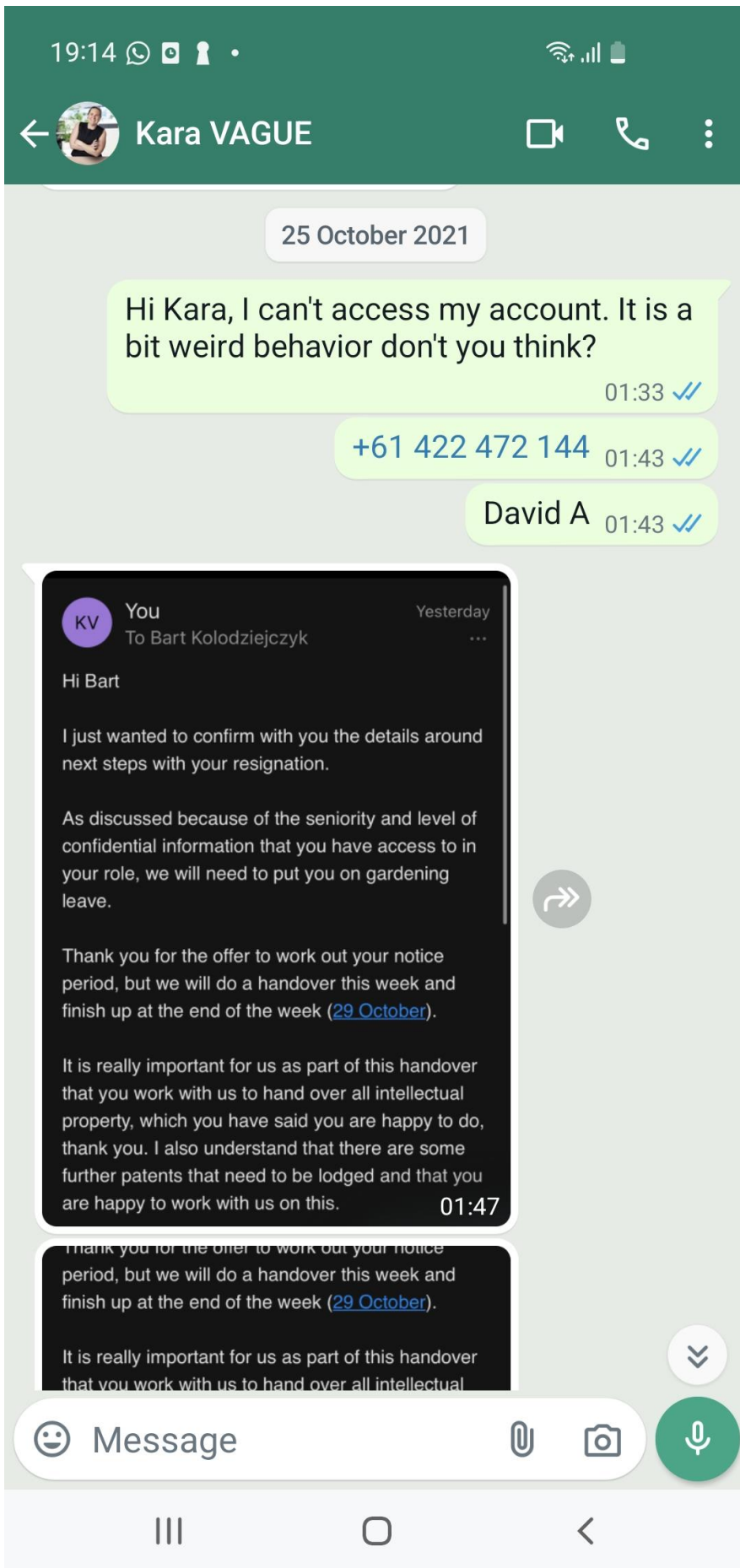


Le Recteur d'Académie,
 Chancelier des universités de Lyon

Marie-Danièle Campion

Marie-Danièle Campion





19:14

Kara VAGUE

period, but we will do a handover this week and finish up at the end of the week ([29 October](#)).

It is really important for us as part of this handover that you work with us to hand over all intellectual property, which you have said you are happy to do, thank you. I also understand that there are some further patents that need to be lodged and that you are happy to work with us on this. 01:47

Thank you for the offer to work out your notice period, but we will do a handover this week and finish up at the end of the week ([29 October](#)).

It is really important for us as part of this handover that you work with us to hand over all intellectual property, which you have said you are happy to do, thank you. I also understand that there are some further patents that need to be lodged and that you are happy to work with us on this.

Emily will be working with us on an agreement to sign as part of your finalisation of employment. I have set up a meeting [tomorrow afternoon](#) to discuss this.

We will also need to get a communication out to your team tomorrow which will be sent most likely by Jim. I would ask that you please hold off on communicating your resignation to your team until we can work out the communication plan.

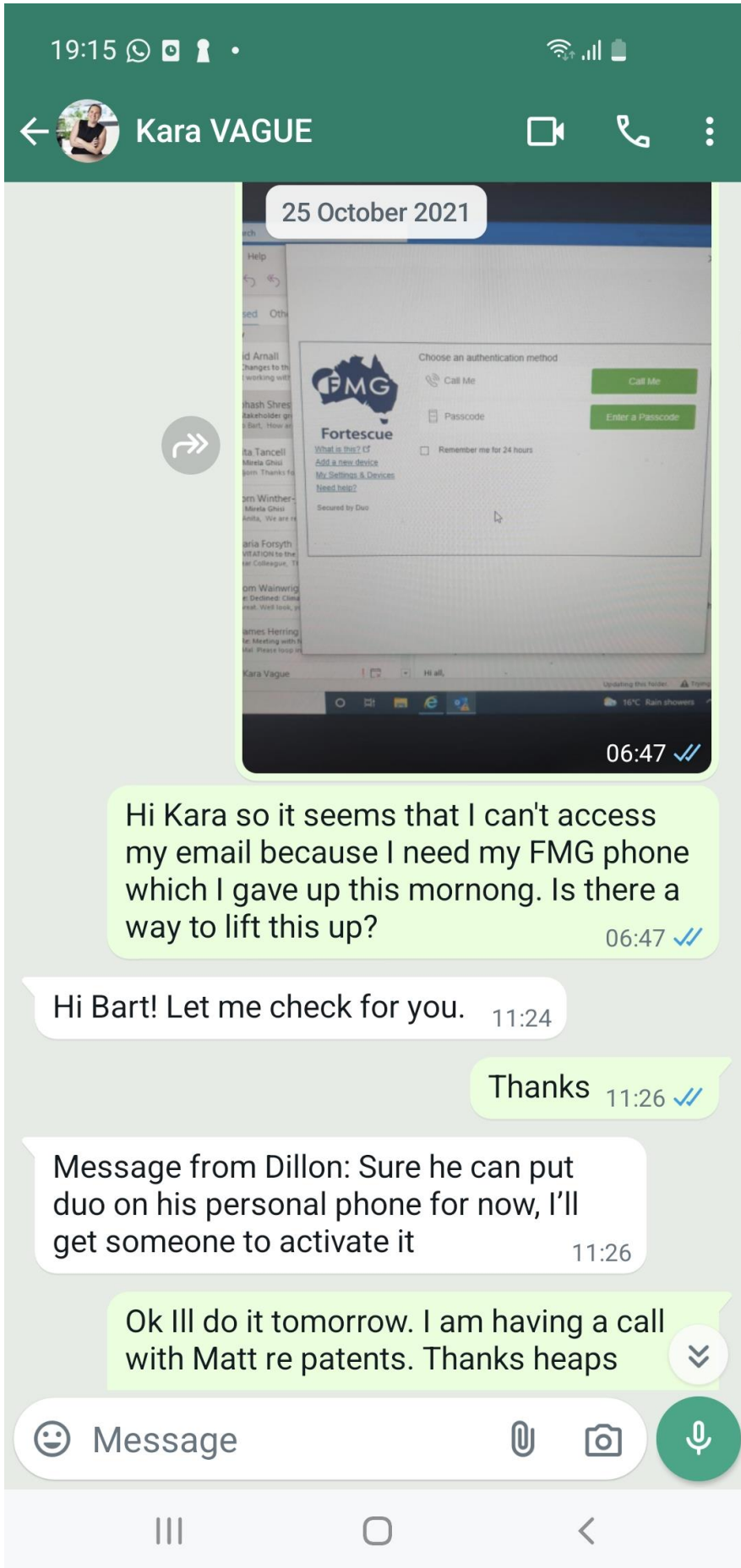
If you have any questions, of course reach out to me at any time Bart. 01:48

Hi Bart, just to confirm meetings today:

- I'll buzz you when I get to Bennett Street
- Around 10:30-11 let's catch up re the plan for this week
- At 3:30pm discussion on IP

01:50

Message



<  **Matthew ROPER** ▾



Friday, 29 October 2021

Hi Bart how are you travelling? Can I expect any IDs today?
Matthew

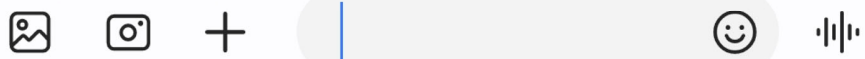
08:56

Read
11:04

Hi Matt what is your fmg email address?

Matthew.roper@fmgl.com.au

11:06



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

FORTESCUE LIMITED ACN 002 594 872 and another

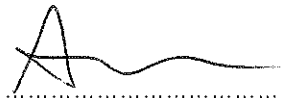
Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others

Respondents

Confidential Exhibit BPK-2

This is the Confidential Exhibit marked "**Confidential Exhibit BPK-2**" to the Affidavit of **Bartlomiej Piotr Kolodziejczyk** sworn before me on 19 June 2024.



.....
Signature of witness

Name: *Amelia Anne Leigh Cooper*

Level 35 Tower Two
International Towers Sydney
200 Barangaroo Avenue
Barangaroo NSW 2000
Solicitor

CONFIDENTIAL SCHEDULE

Information referred to in paragraph 55 and 56

1. On Monday 29 October 2021 at 2:07pm, I sent Mr Roper an email from my personal Gmail address attaching a further description for a forecasting algorithm. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. A copy of this email and its attachments is reproduced at pages 4 to 9 of **Confidential Exhibit BPK-2**.
3. On Wednesday 3 November 2021 at 5:06pm, I received an email from Mr Roper which was sent to my personal Gmail address. This email attached a draft patent specification for the [REDACTED]
[REDACTED]. I am aware that this patent specification was prepared by Justin Negler, Principal of the Law Firm Davies Collison Cave. Shortly after receiving this email, I reviewed the draft specification for [REDACTED]
[REDACTED] and made comments in the document.
4. On Thursday 4 November 2021 at 12:12pm, I responded to Mr Roper from my personal Gmail address providing my comments to the patent specification. Dr Winther-Jensen also provided his comments. A copy of the email chain between Dr Winther-Jensen, Mr Roper and me and its attachment is reproduced at pages 10 to 35 of **Confidential Exhibit BPK-2**.
5. On Friday 5 November 2021 at 9:32am, I sent a further email to Mr Roper from my personal Gmail address with information on the "[REDACTED]". In this email I said to Mr Roper "I have done an extensive search and have described the prior art. I have also emphasised the novelty or point of difference of the current invention." A copy of that email chain and attachment appears at pages 36 to 40 of **Confidential Exhibit BPK-2**.

Information referred to in paragraph 59

6. The document titled "FFI0302-10000-00-EG-BOD-0001_A(002)(BK).docx" may have related to the [REDACTED] patent (on which I worked, on 3 and 4 November 2021, see above).

7. The document titled "Green Iron Update (02.08.2021).pdf" may have contained an update of my work related to the [REDACTED] patent (on which I worked, on 3 and 4 November 2021, see above) and may have been used in a presentation I gave to Mr Forrest.
8. The documents ("35557986AU-Drawings as filed (35557986).pdf" and "35557986AU-Specification as filed (35557986).pdf") may be specifications for previous patents for the Fortescue technology of which I was a named inventor and may have contained reference points used in the preparation of the [REDACTED] patent.
9. The document titled "Bumblebee PID markups 26_10_21.pdf" may have related to the Fortescue pilot plant project as I am aware that "Bumblebee" was the project code for this pilot plant.

Forecasting Algorithm Description

Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
To: matthew.roper@fmgl.com.au

29 October 2021 at 14:07


Hi Matt,


Please find attached further description for forecasting algorithm.

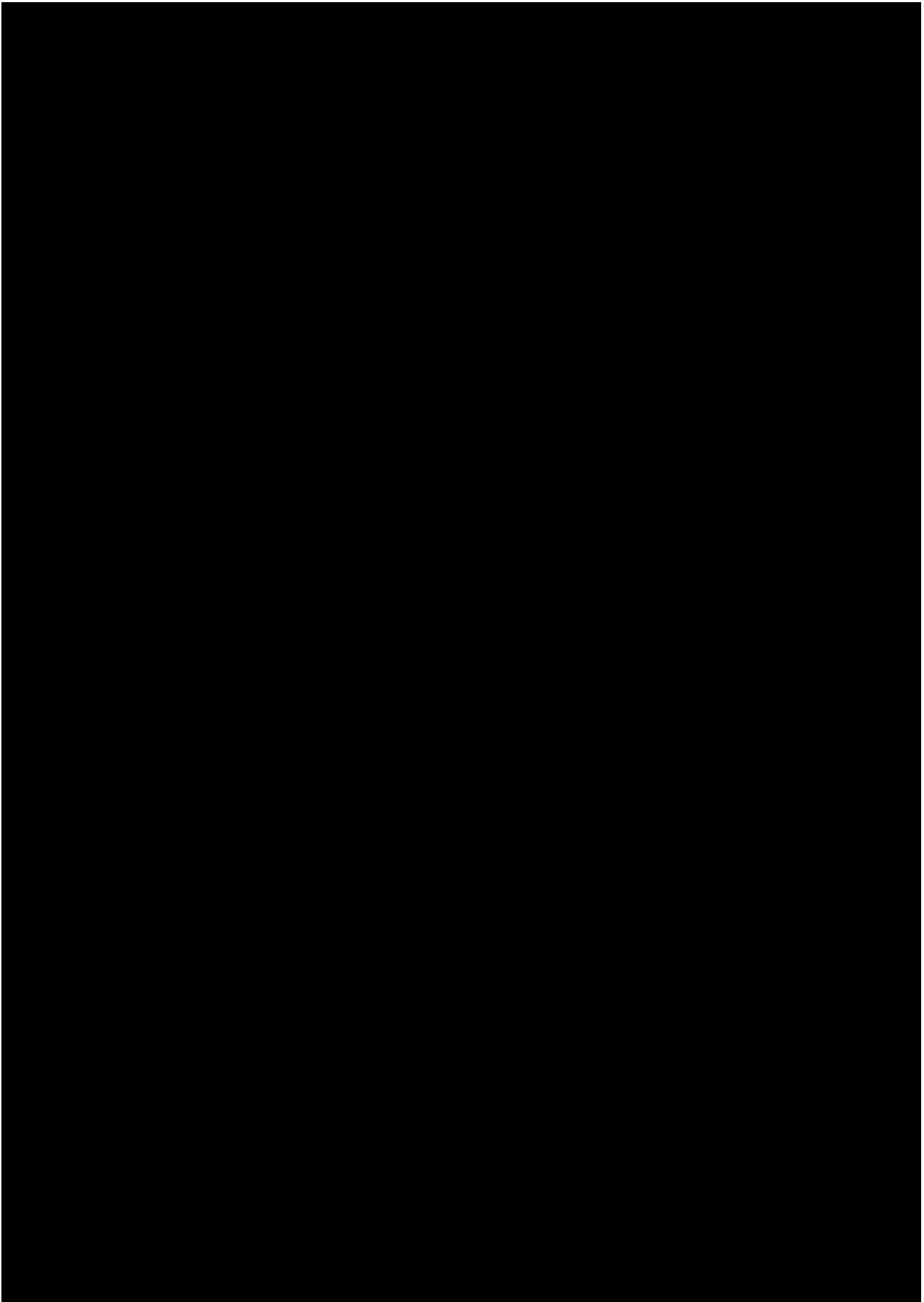
I need to redo some figures and also provide a more detailed description of the building blocks of the algorithm. I will do it over the weekend/next week. I am also progressing two other invention disclosures.

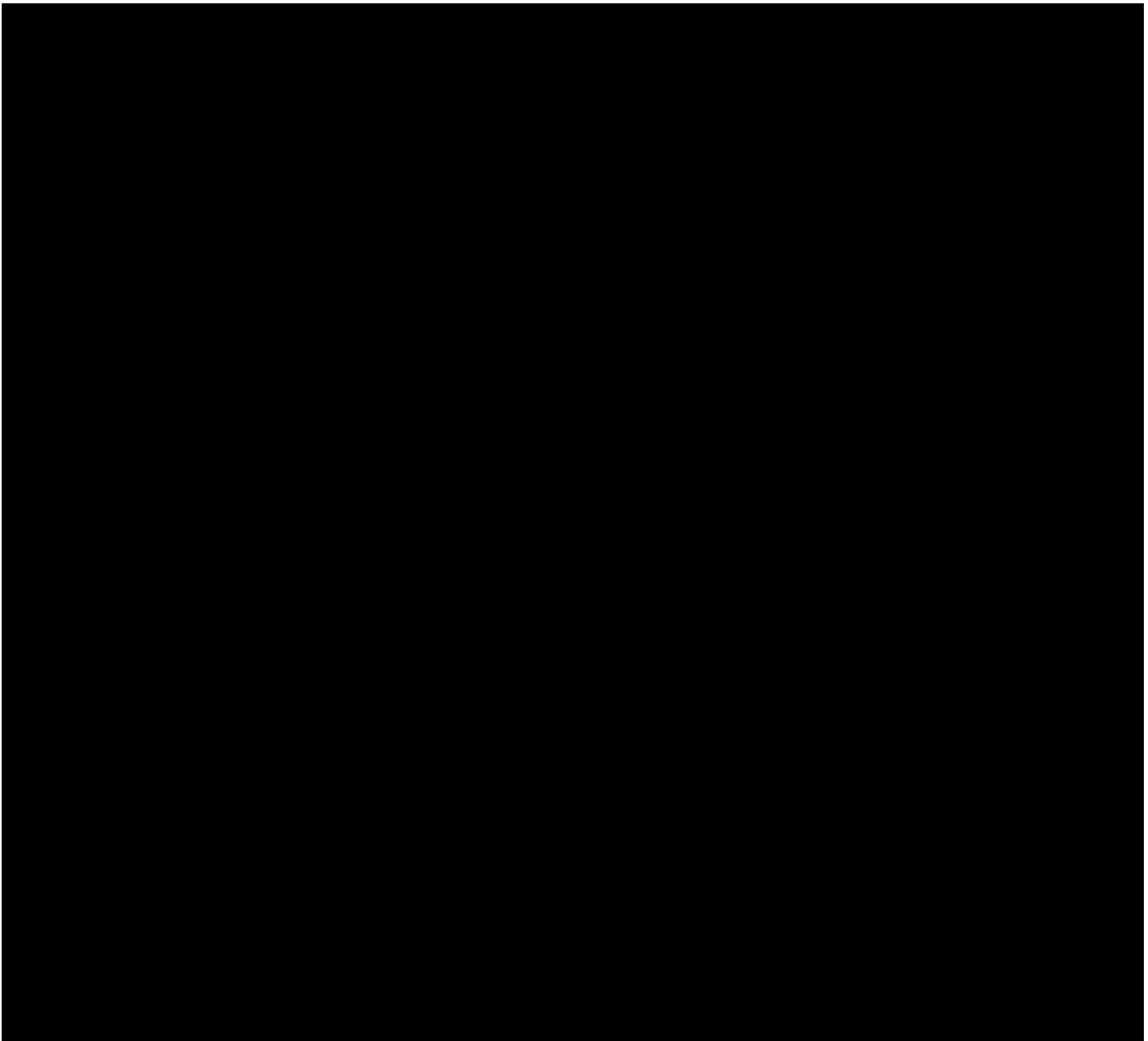
Bart

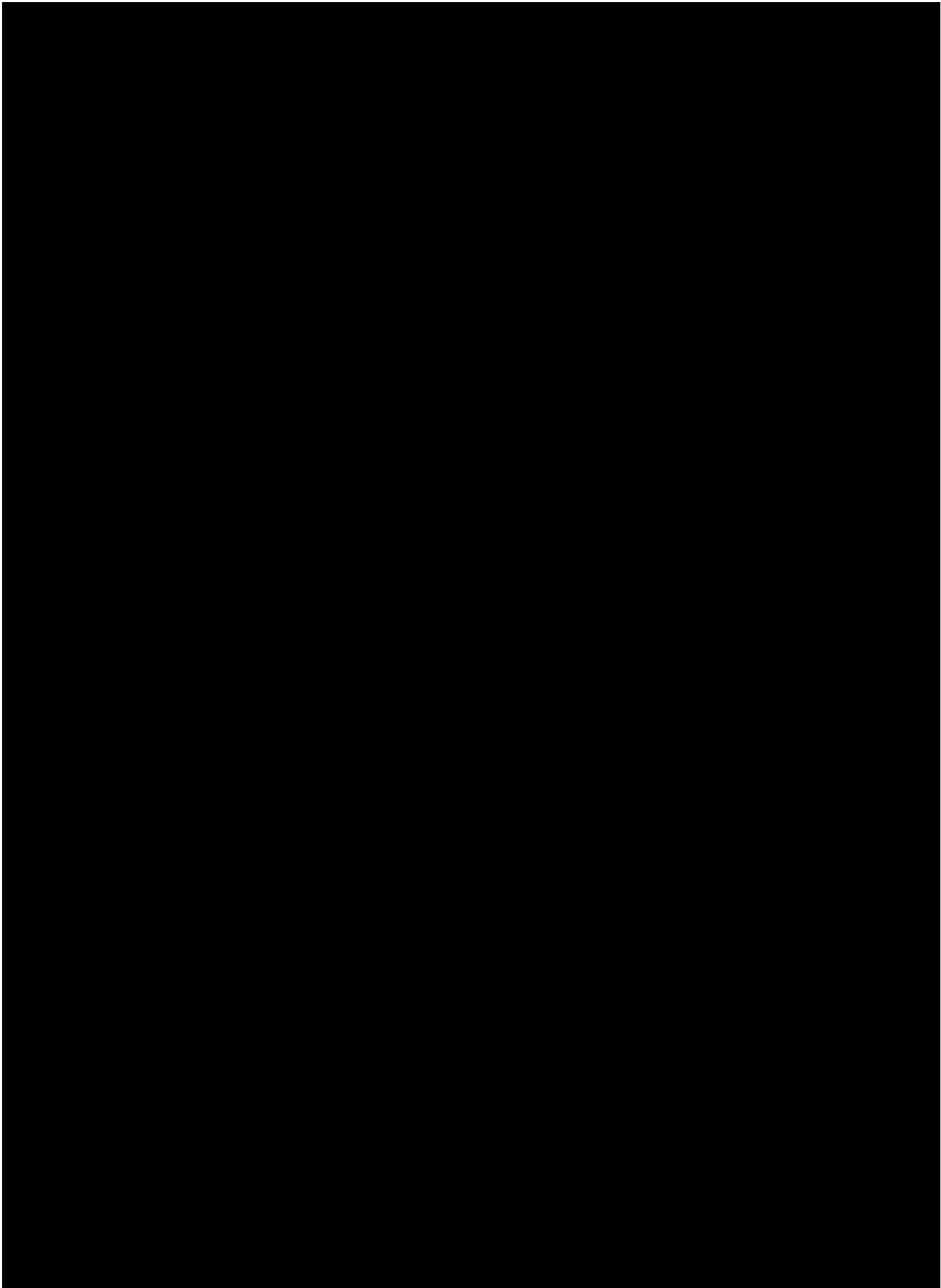
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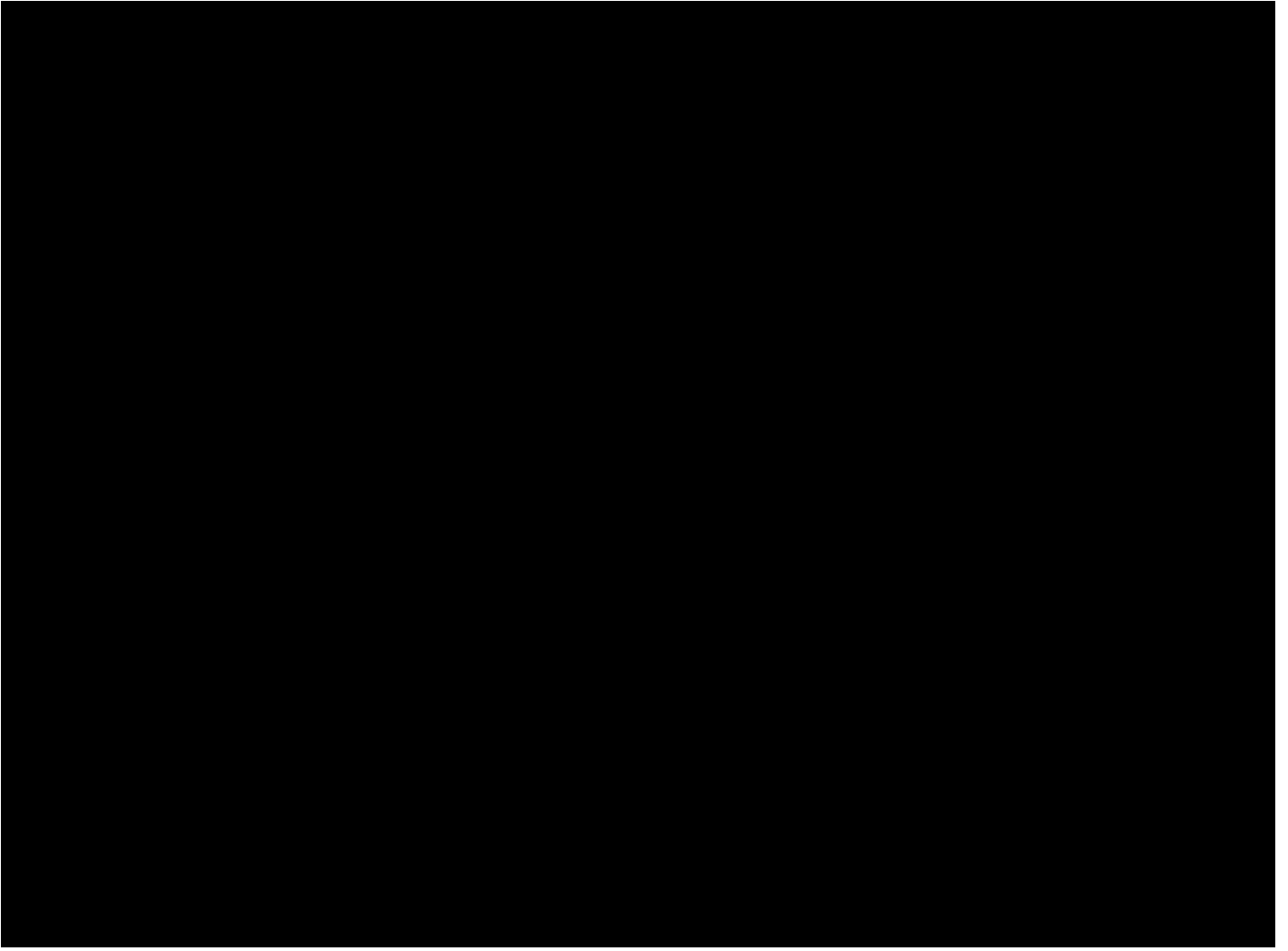
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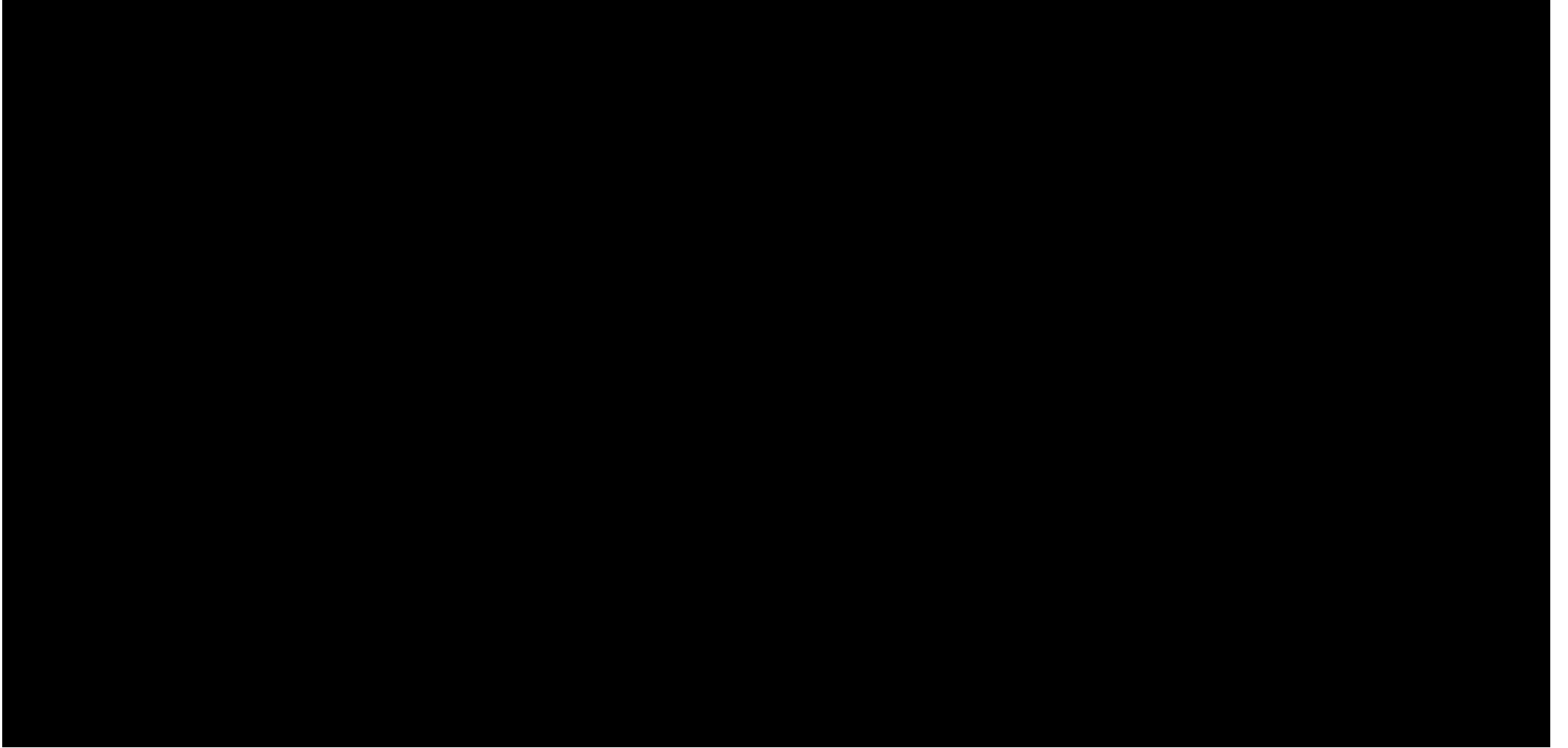
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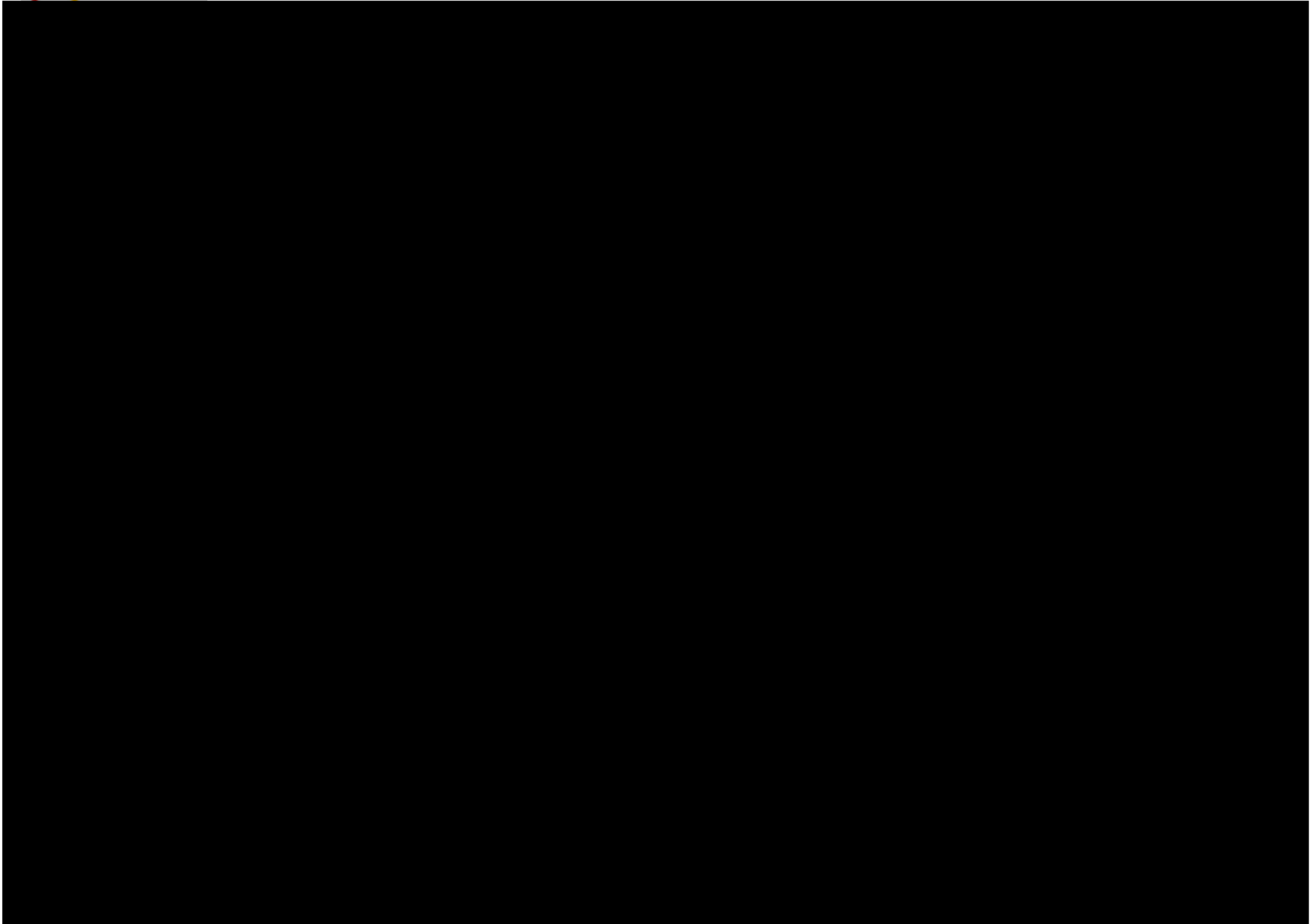


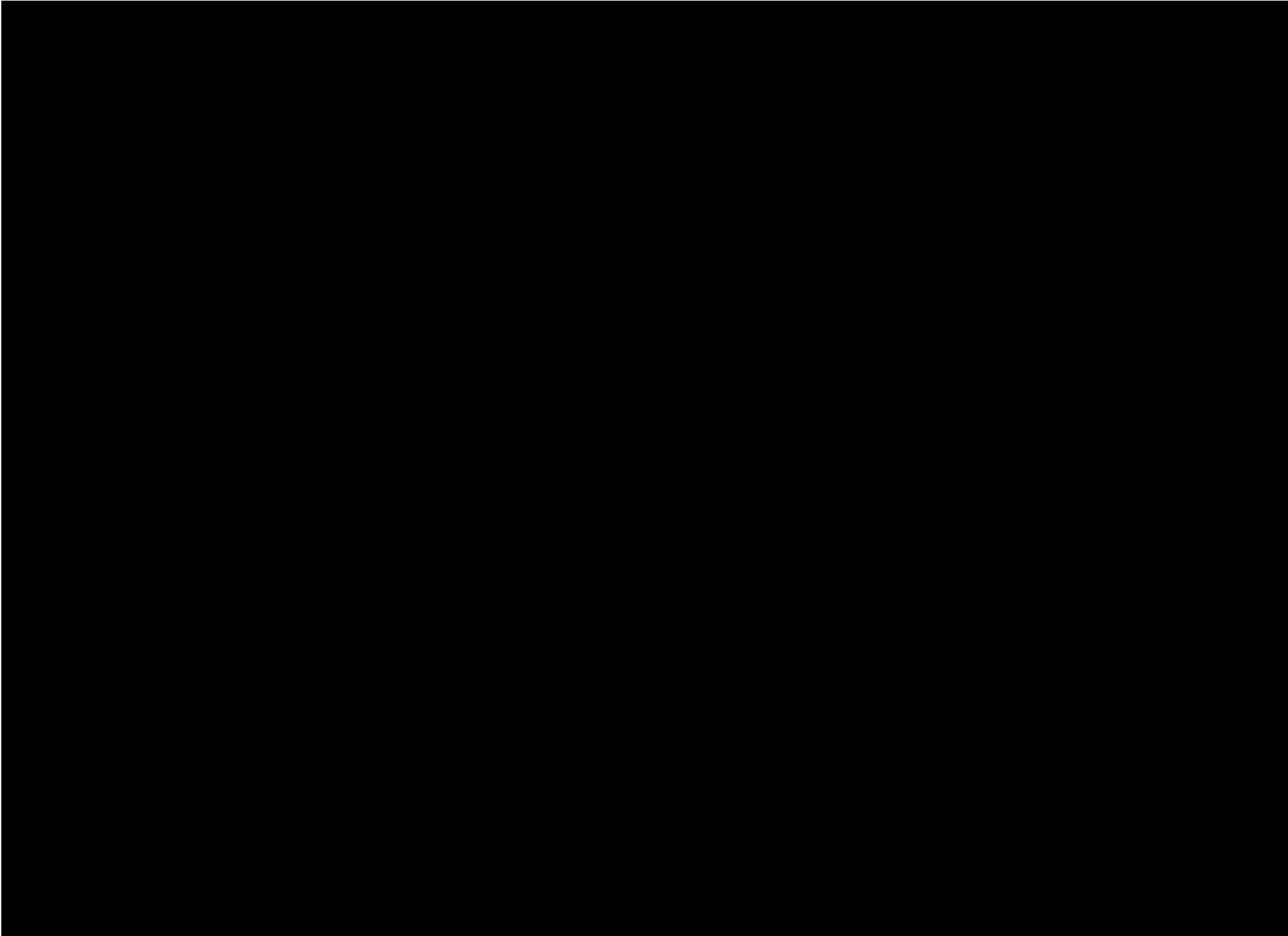


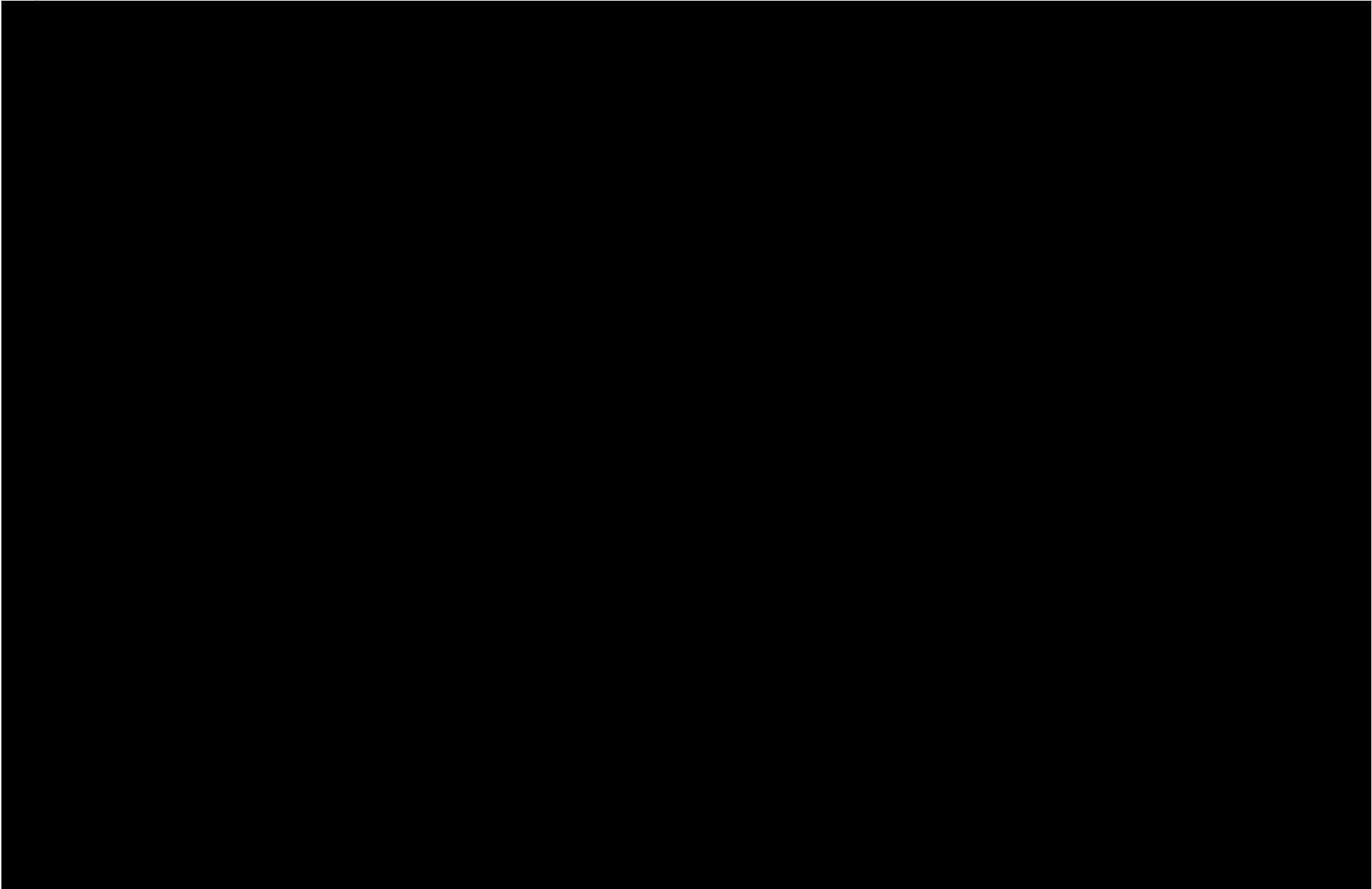


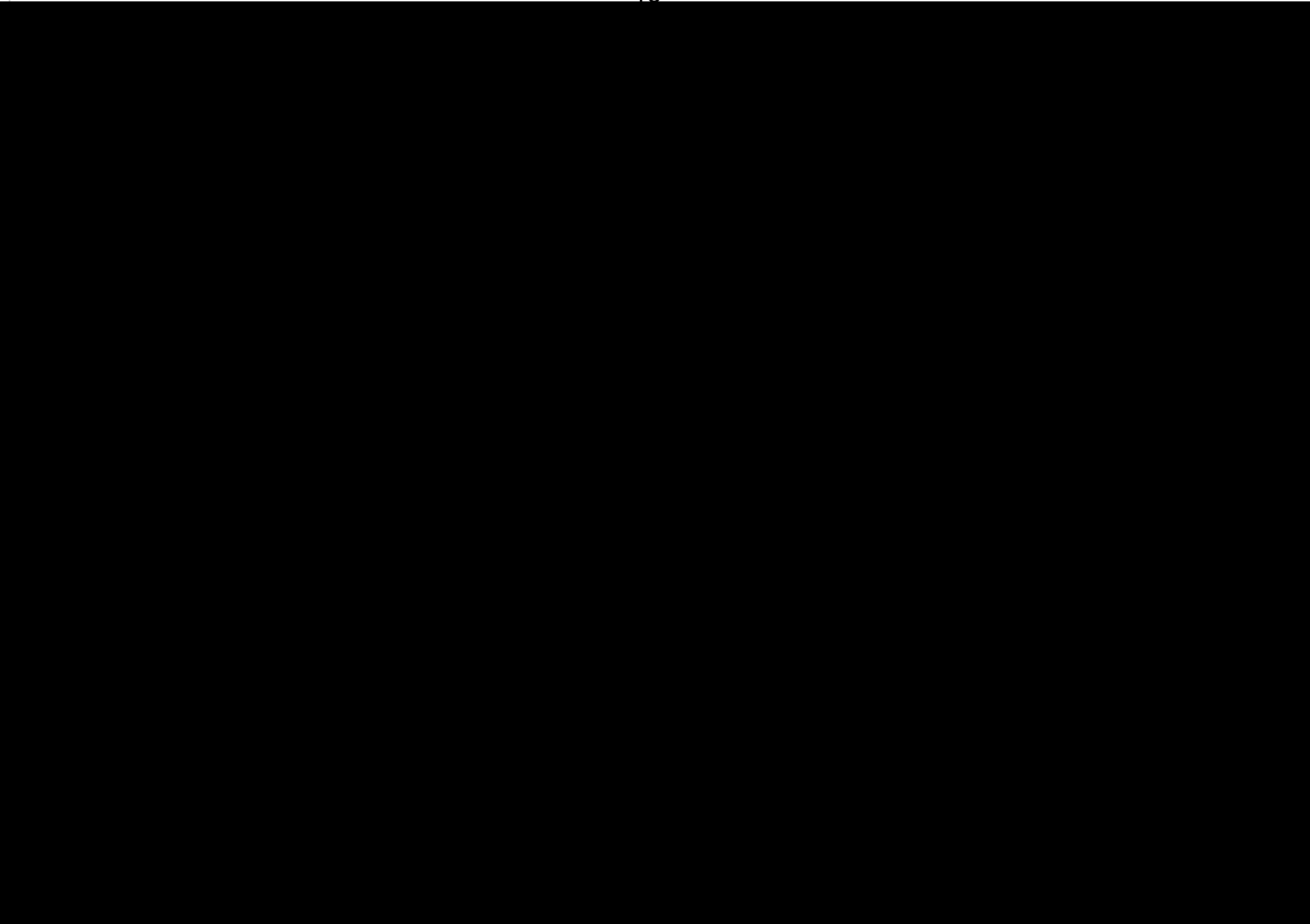


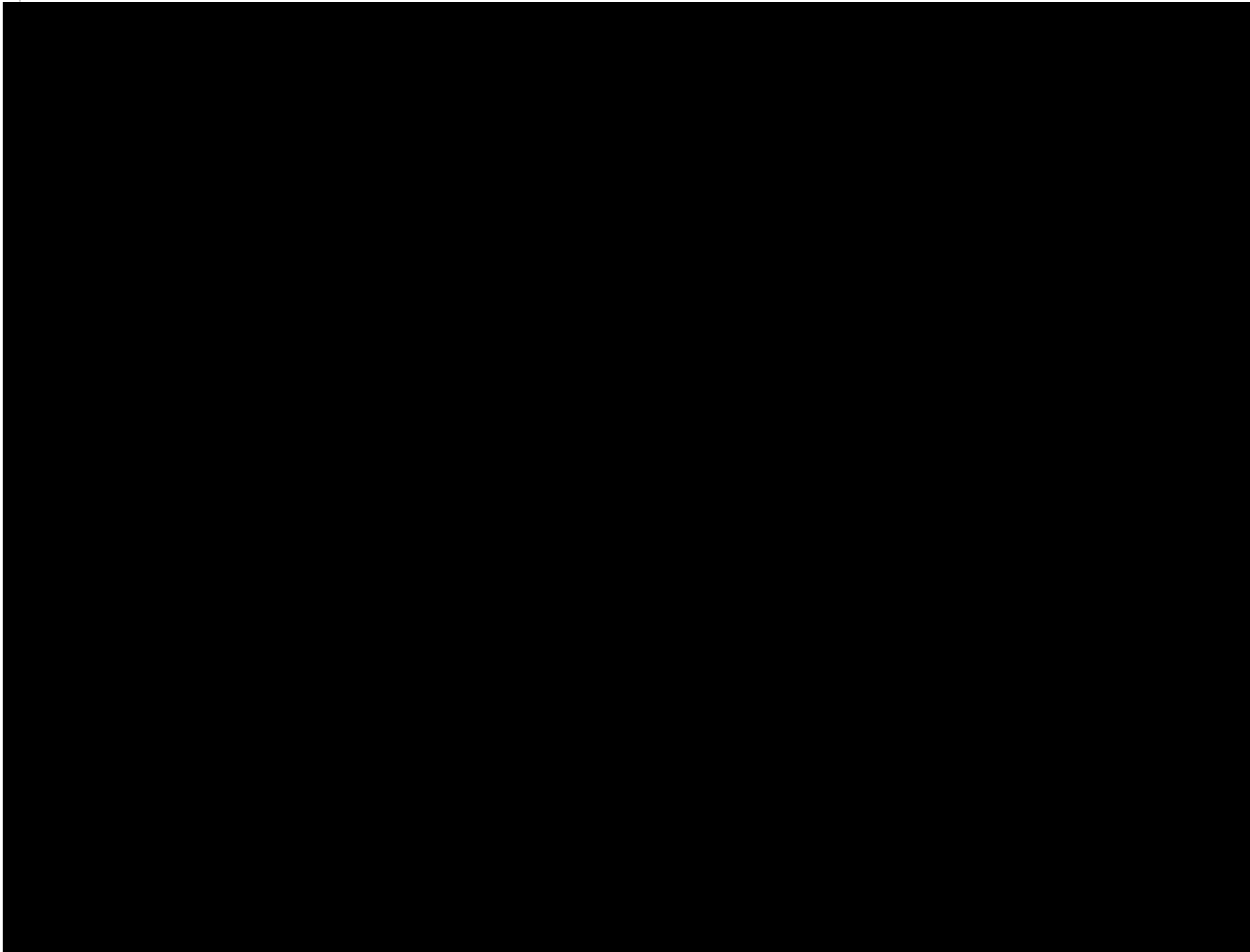


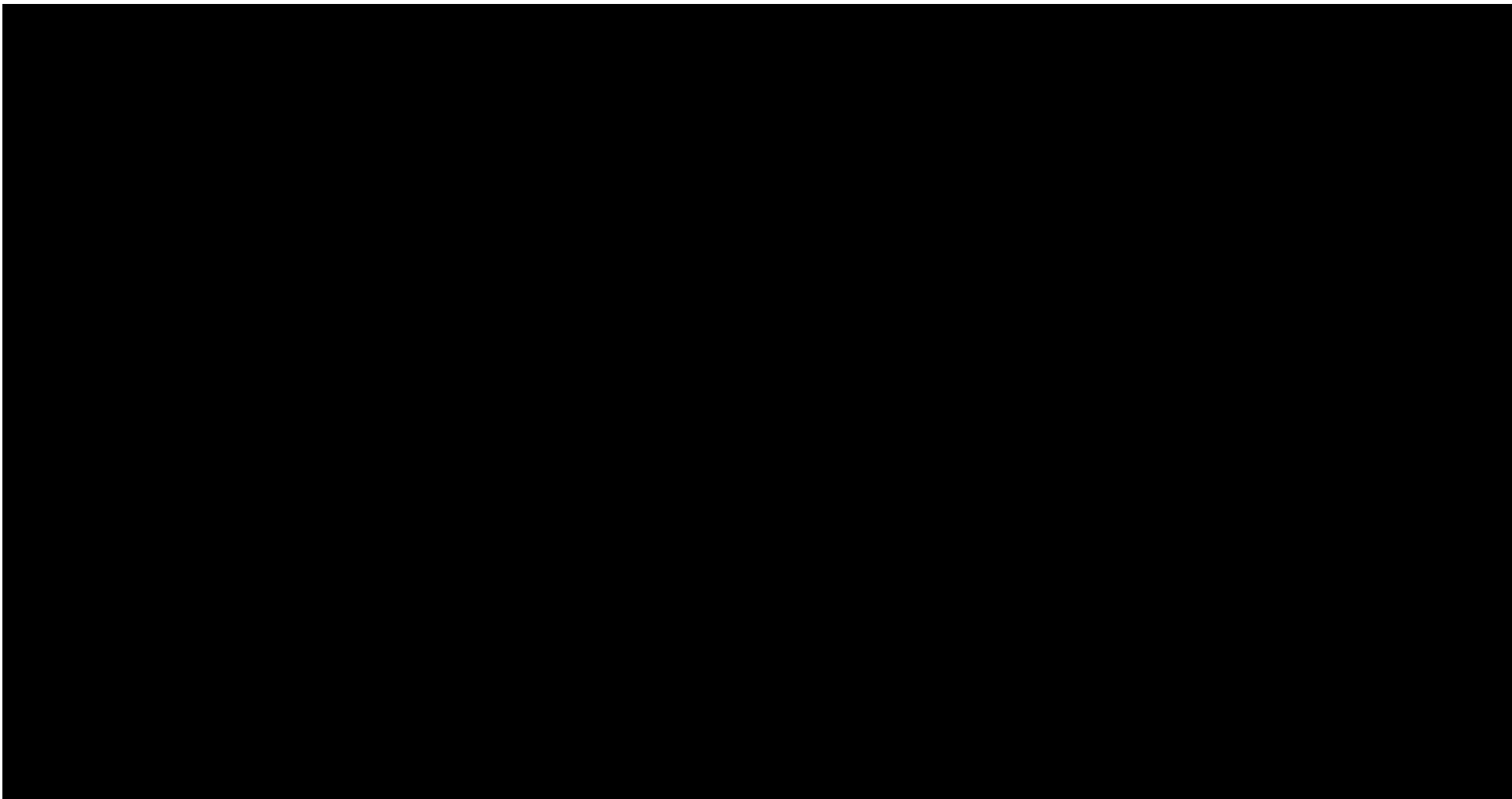


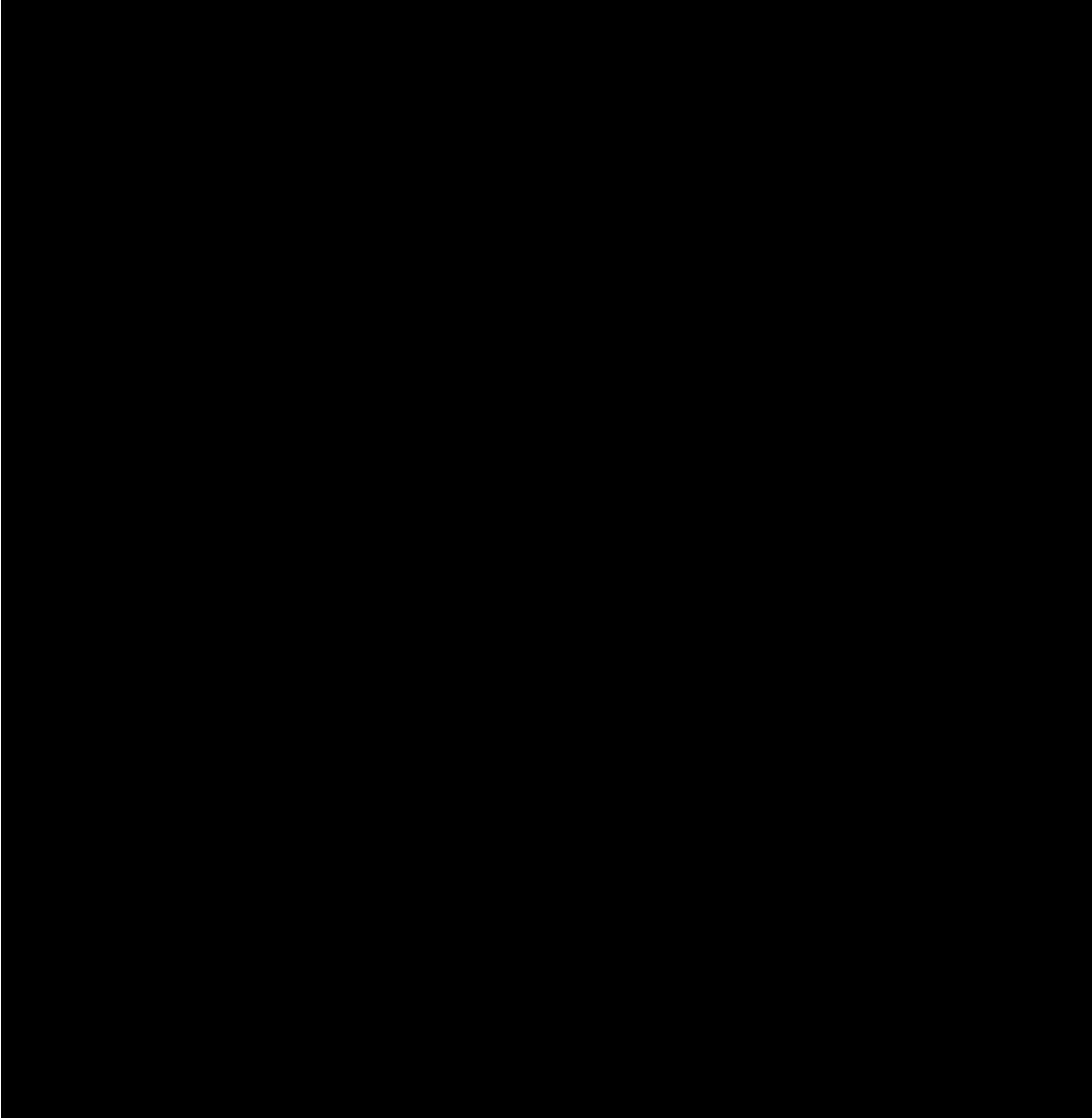
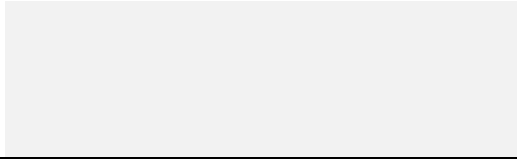


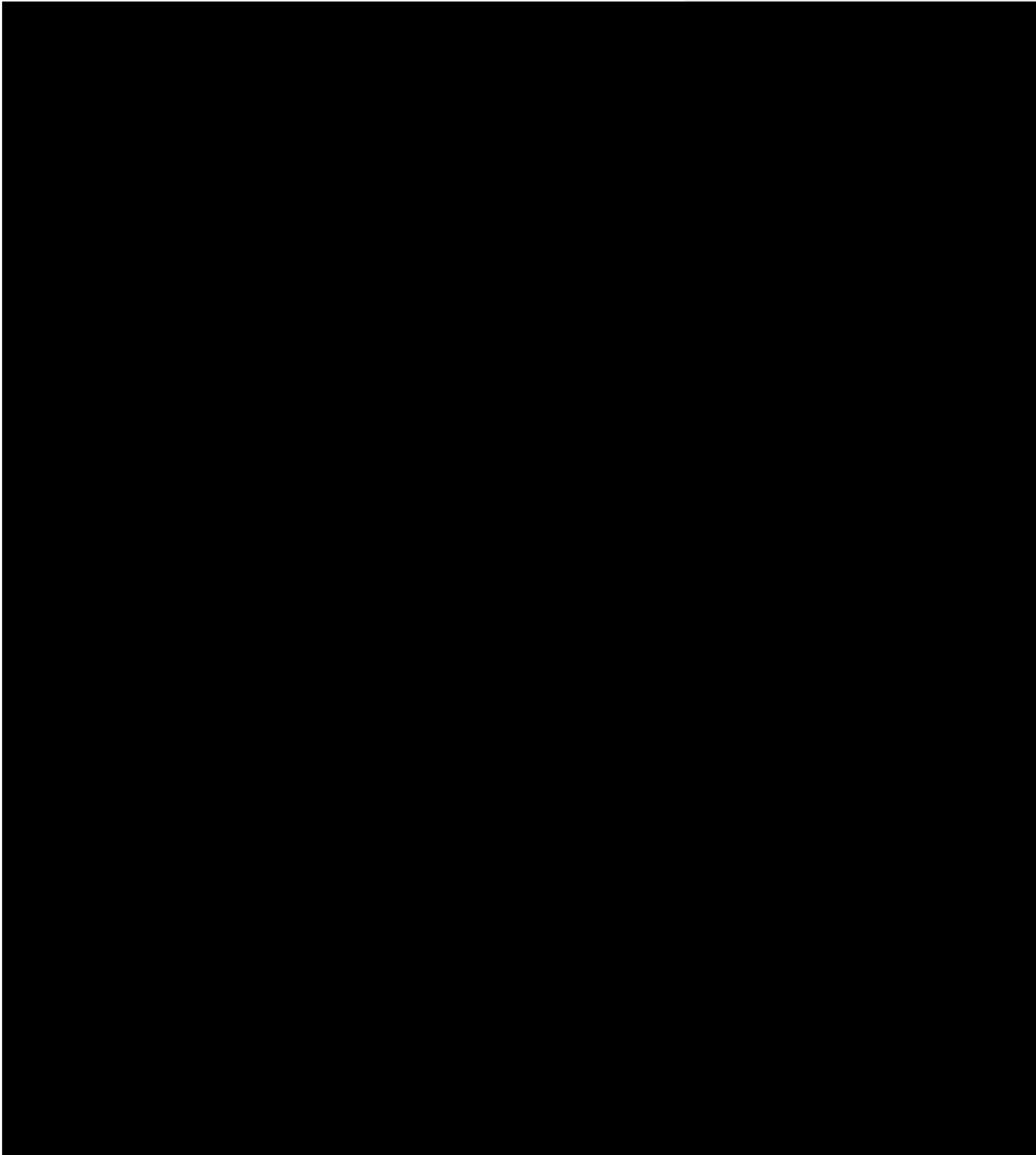


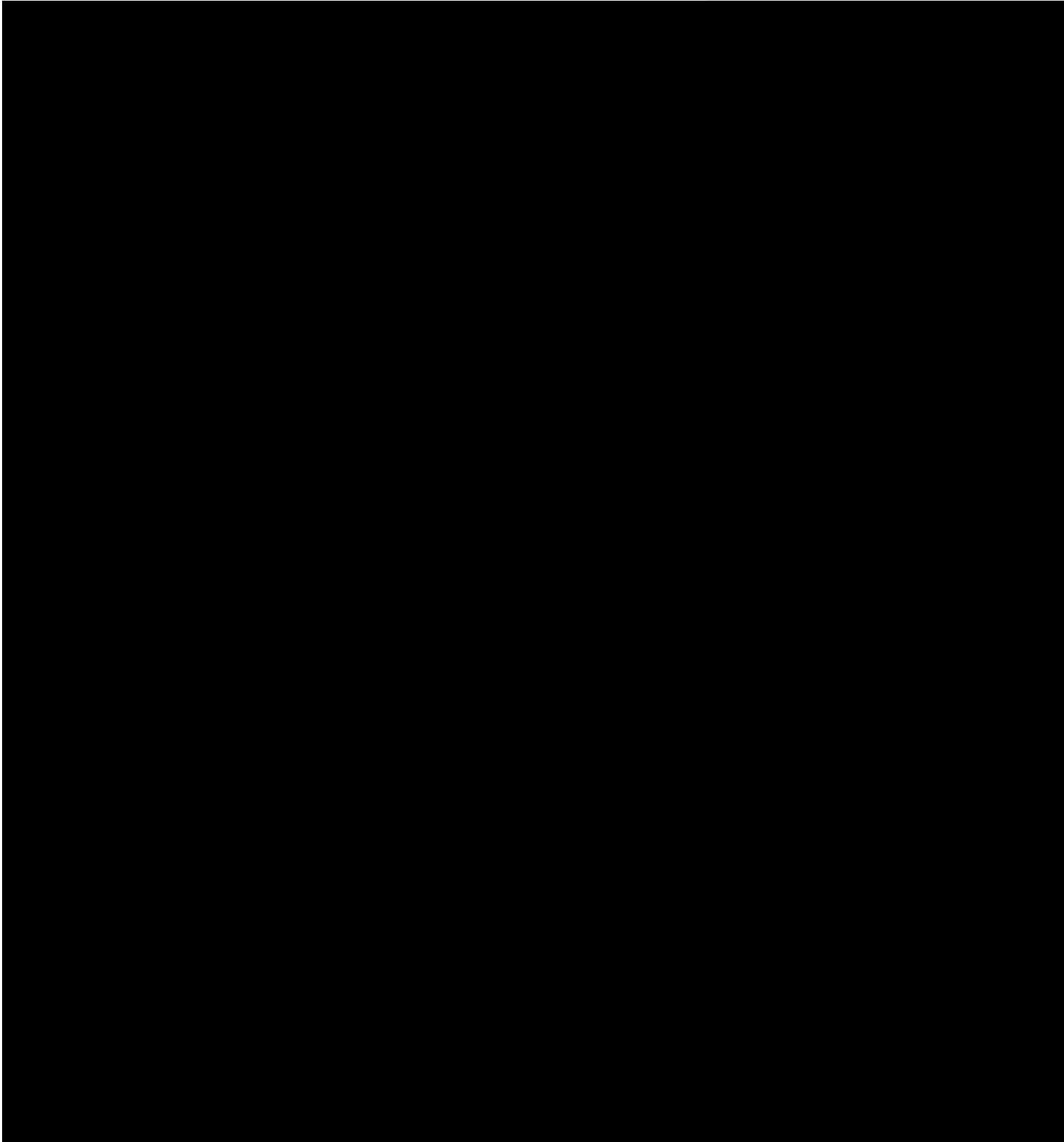


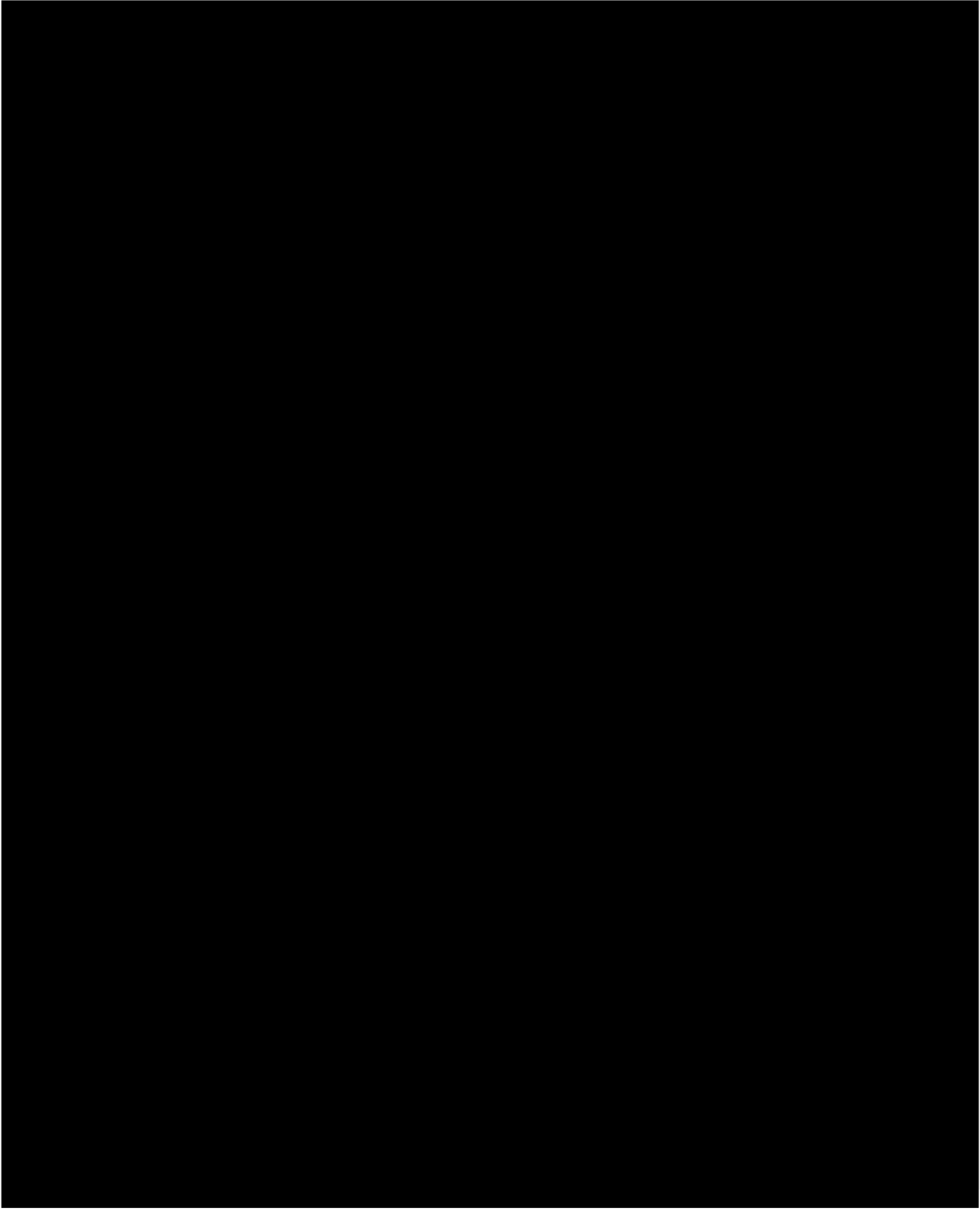


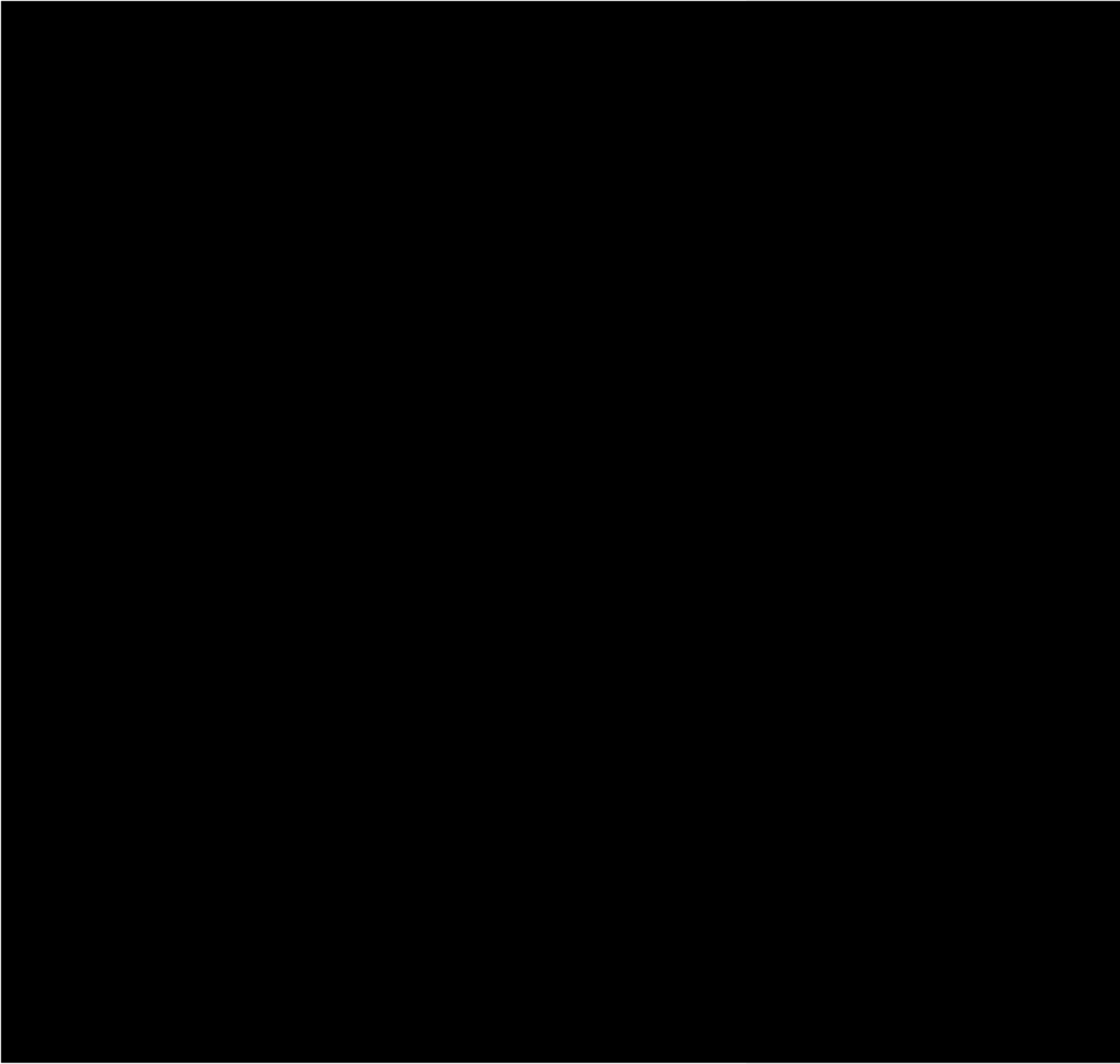


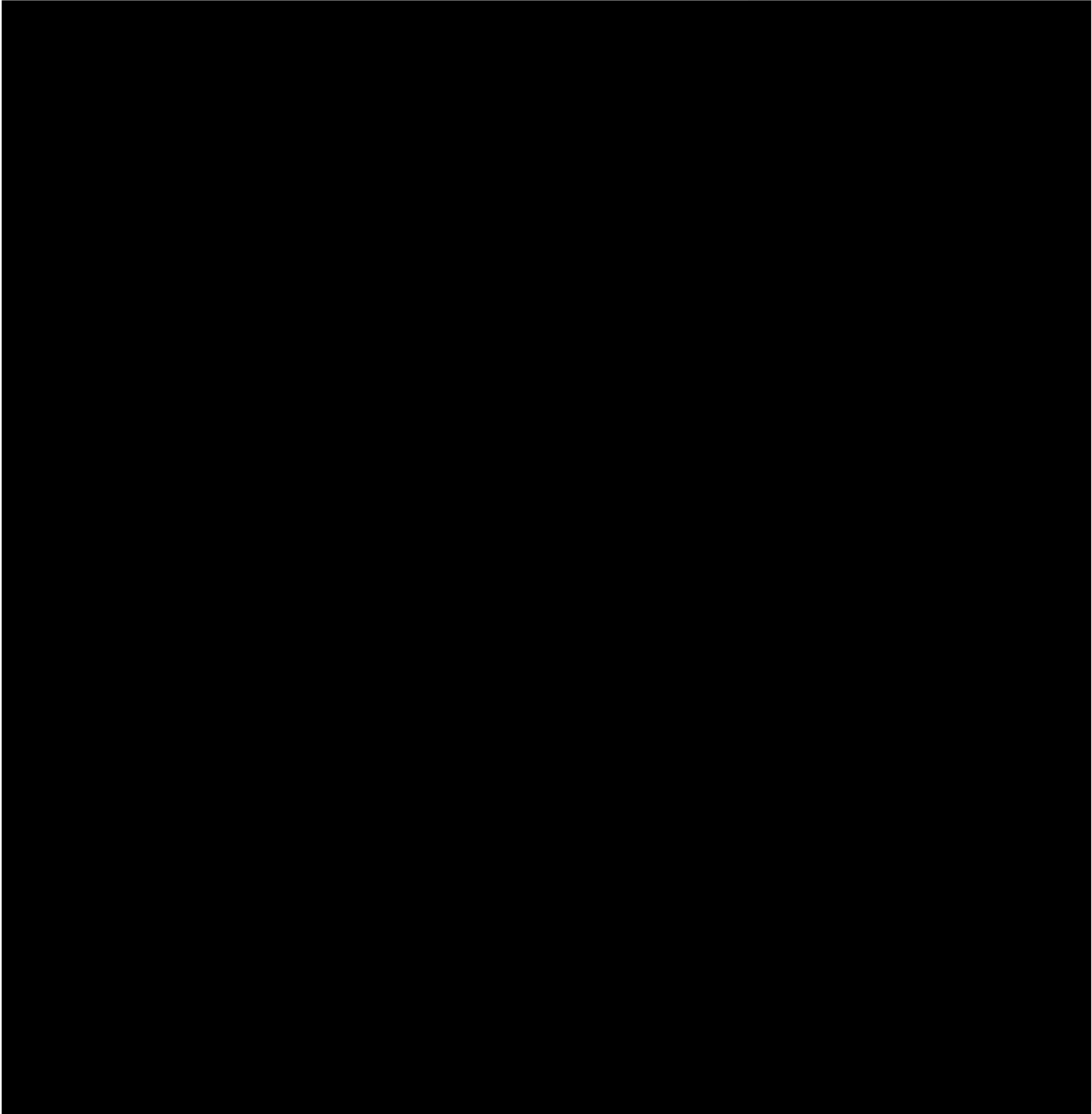


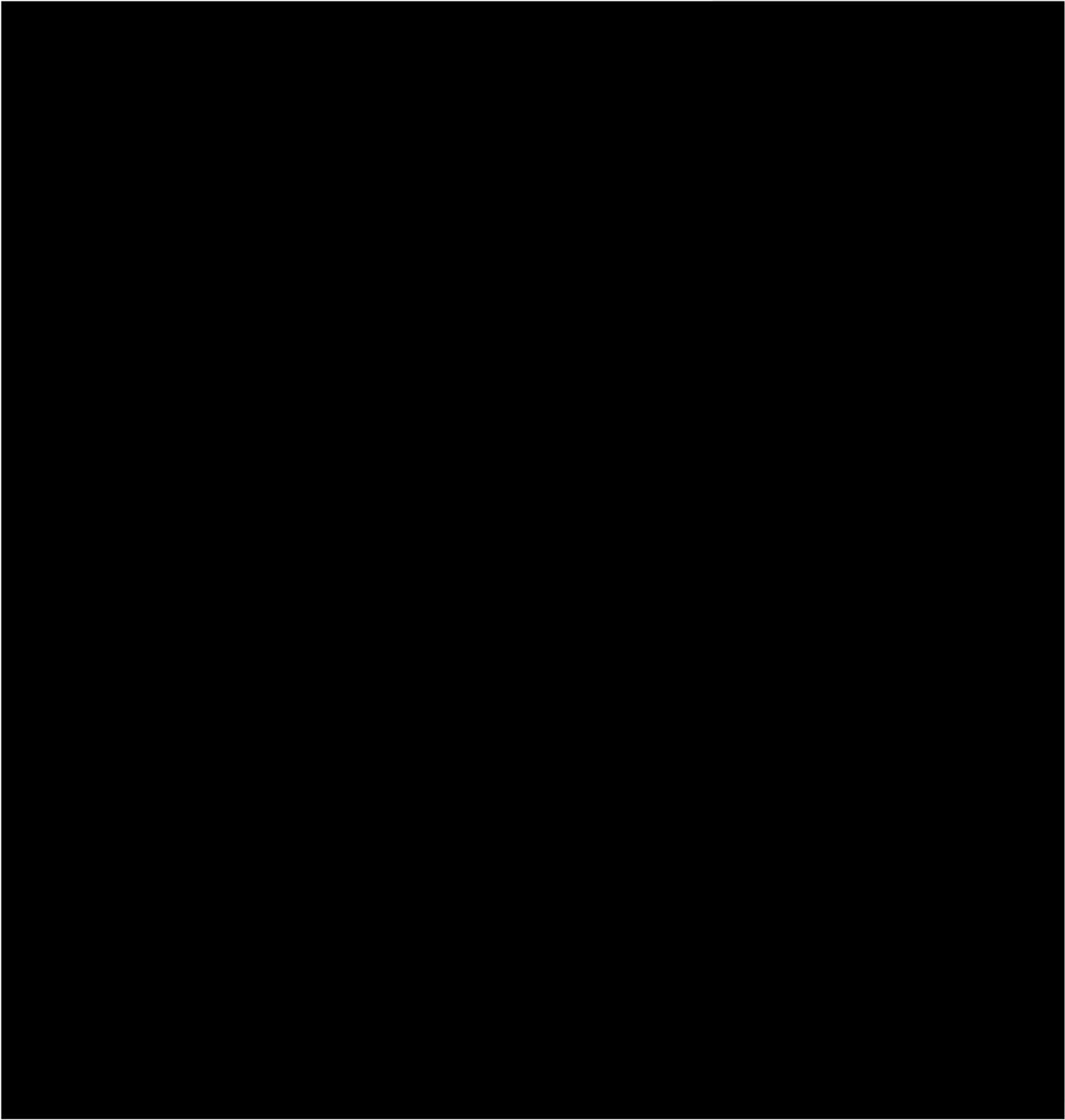


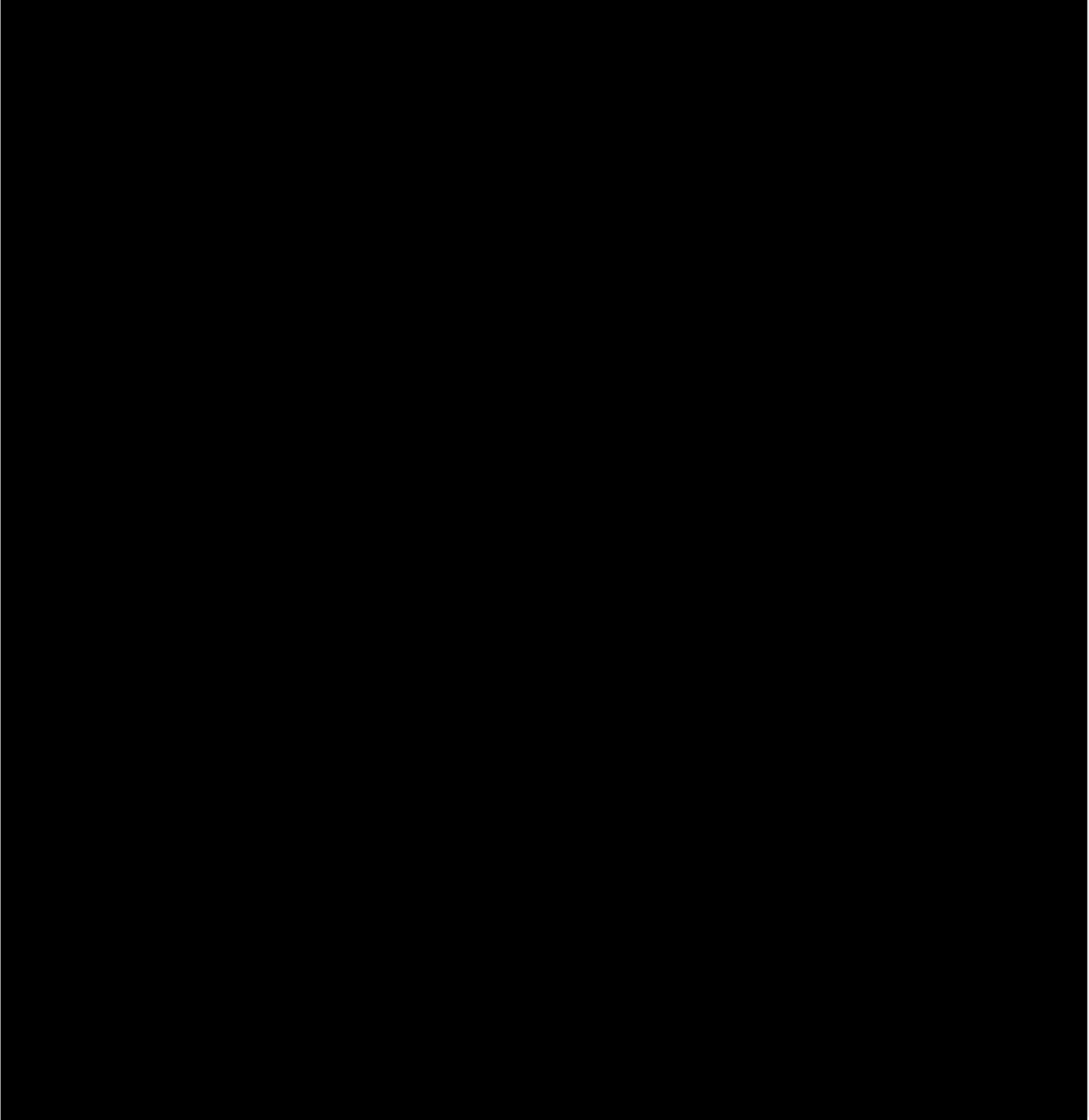


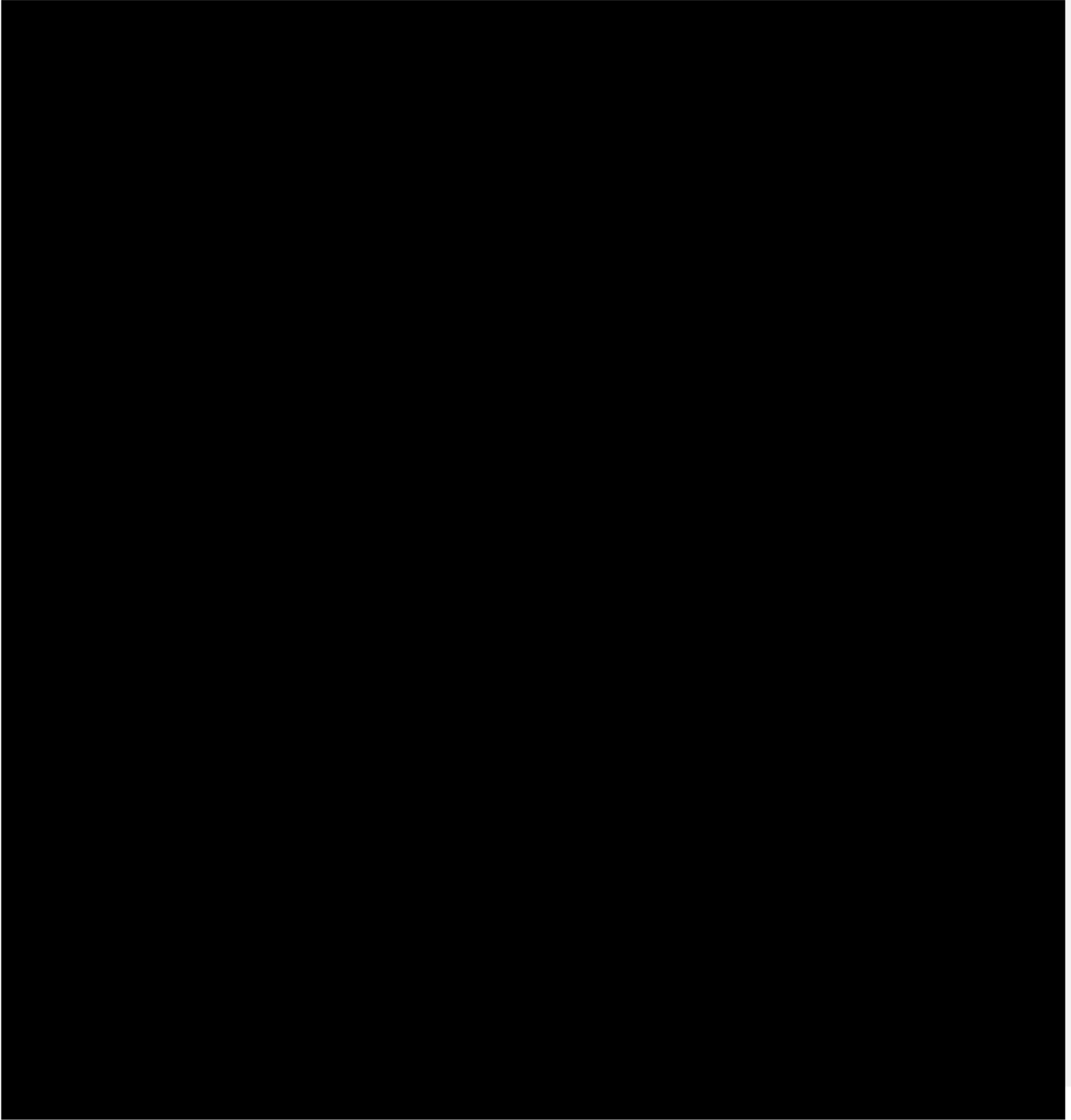


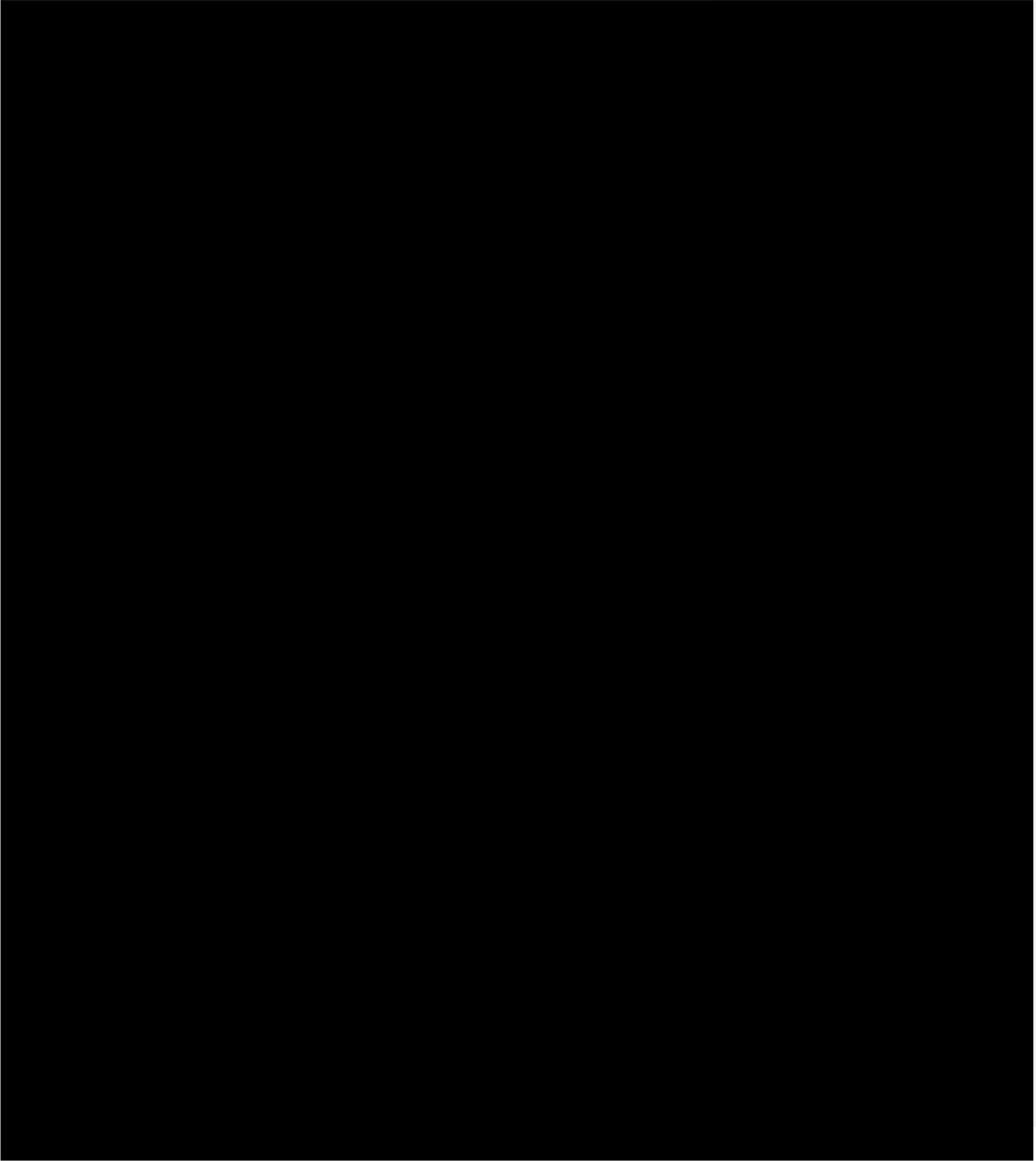
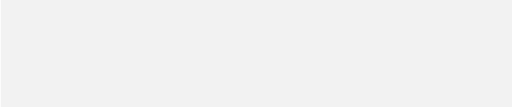


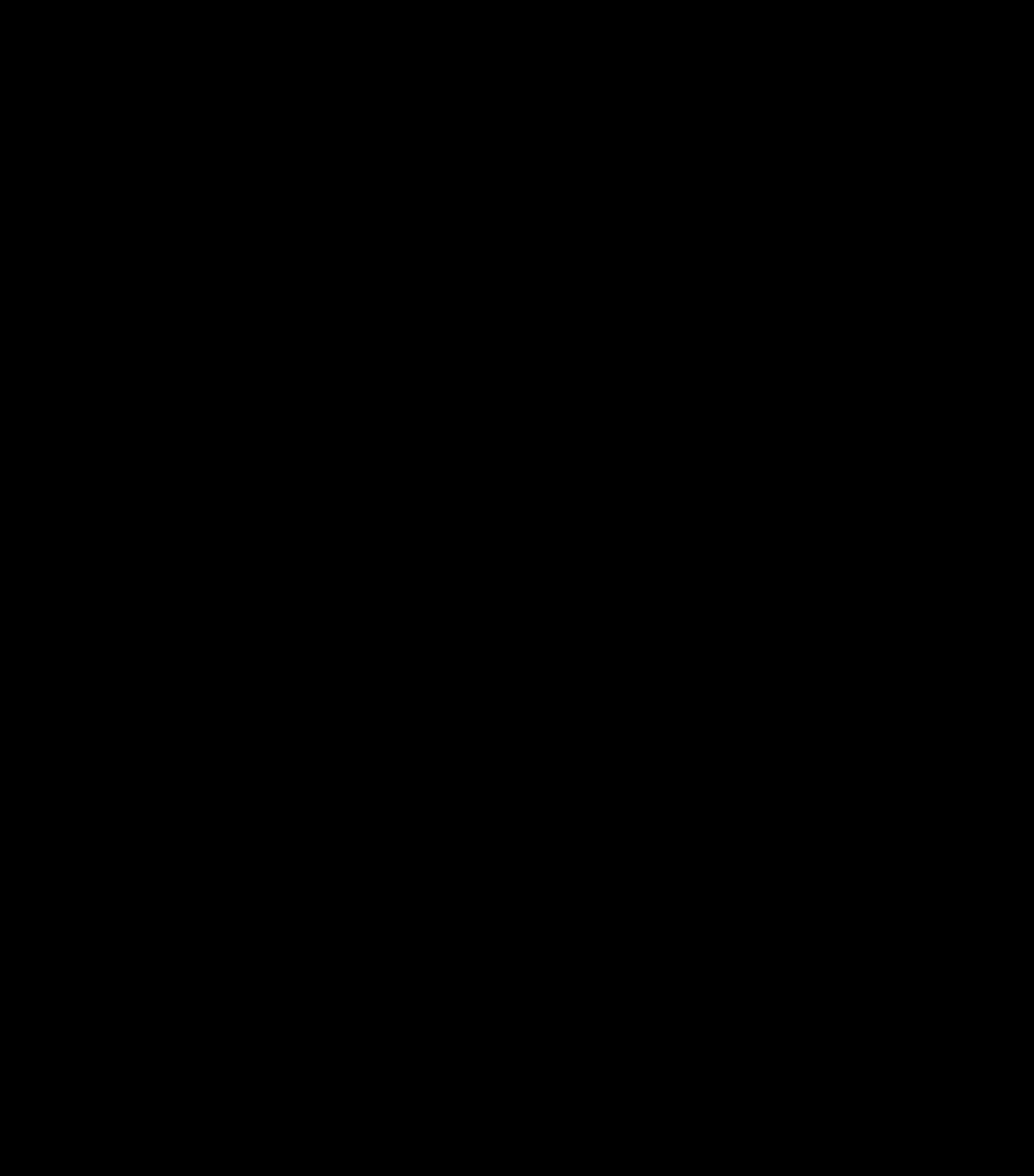
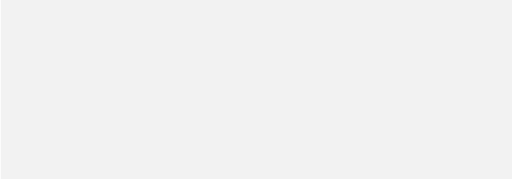


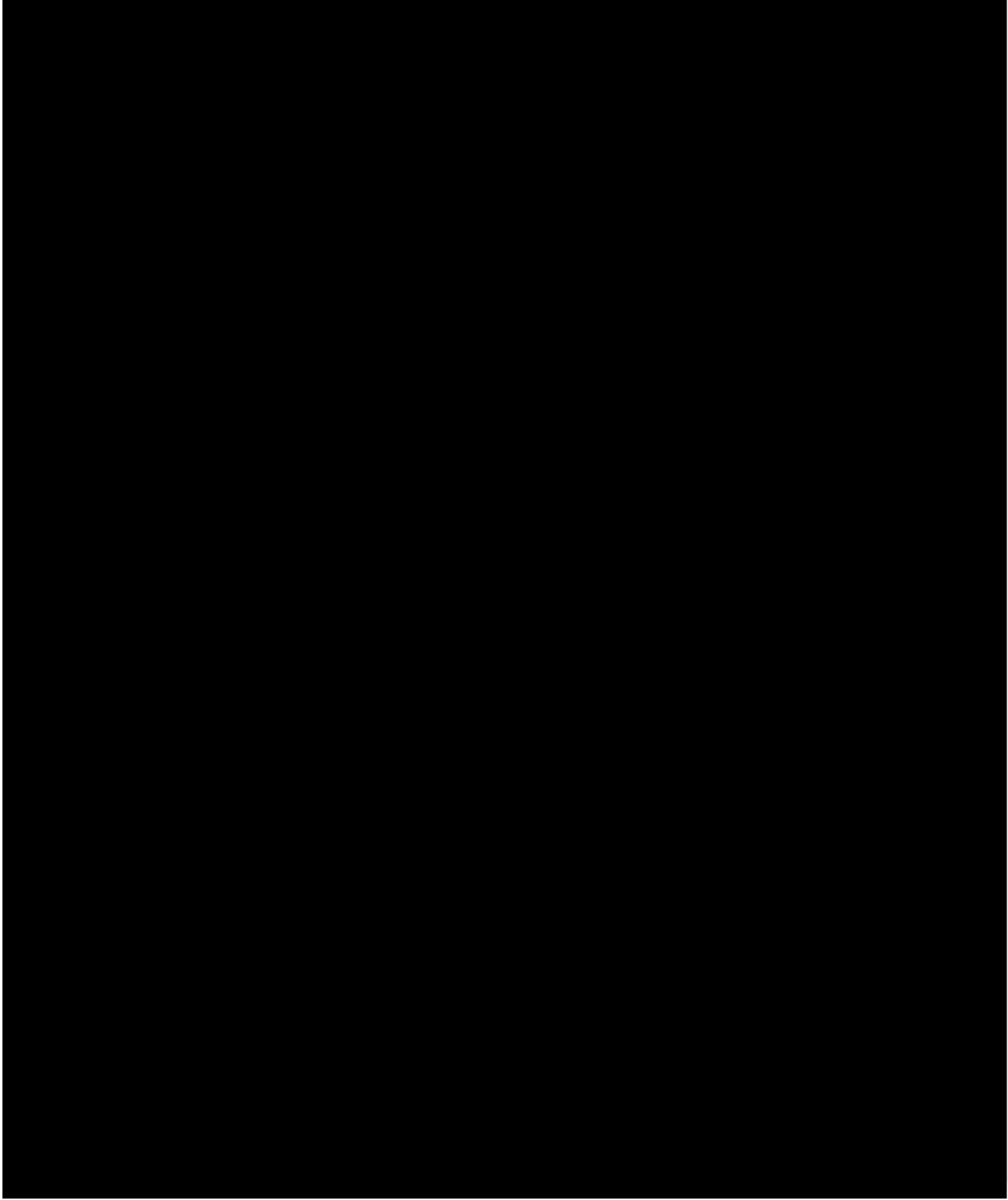


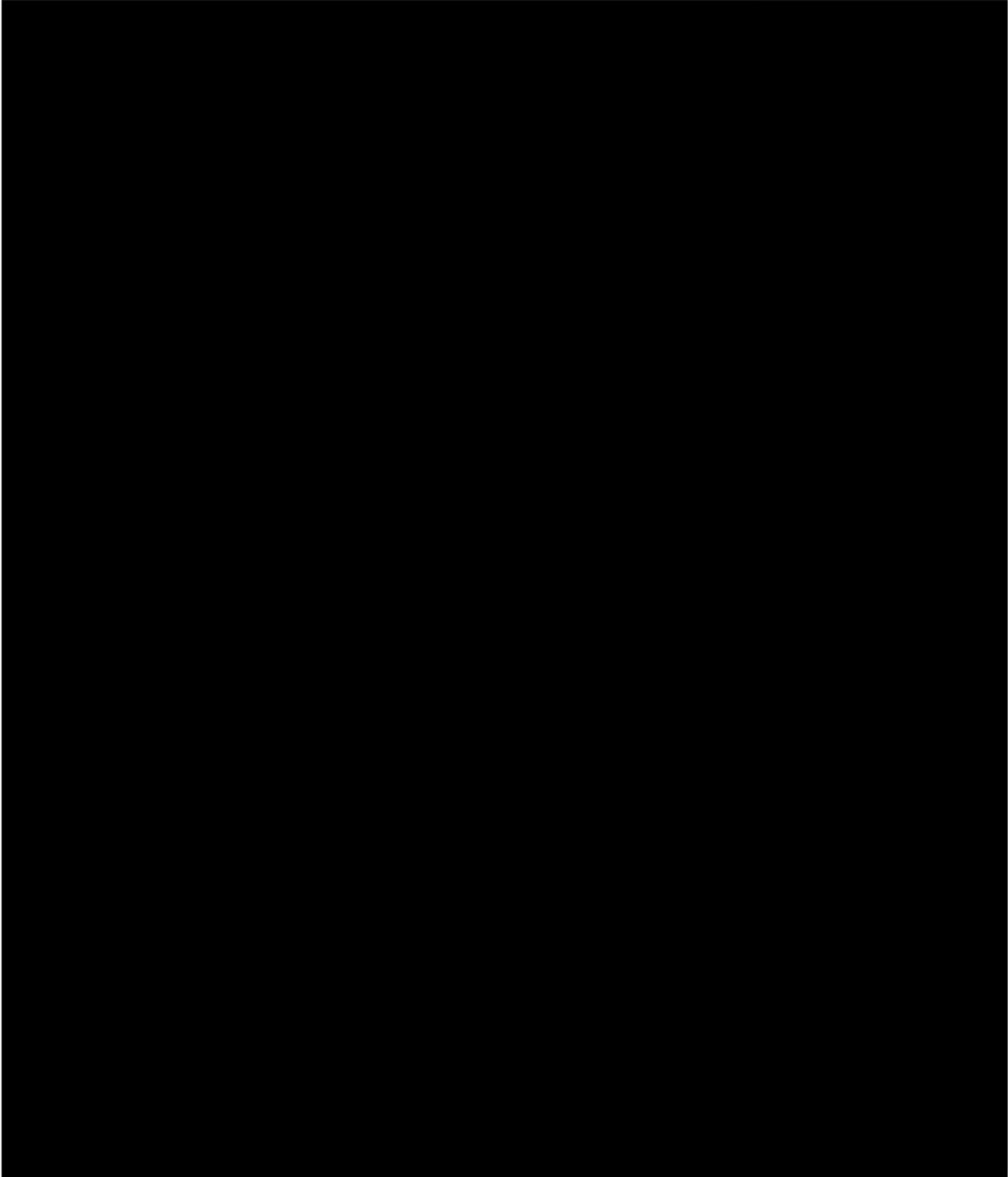


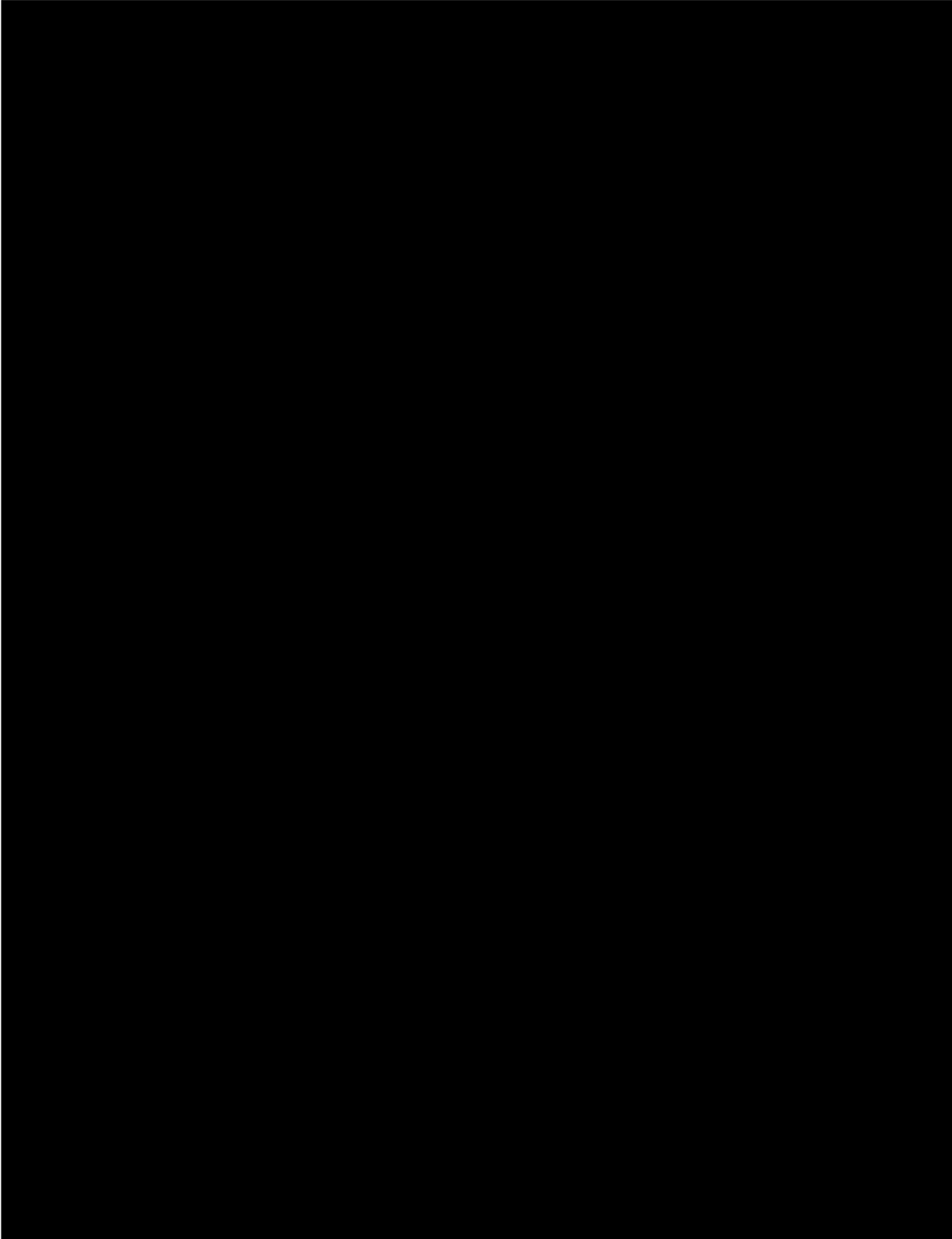


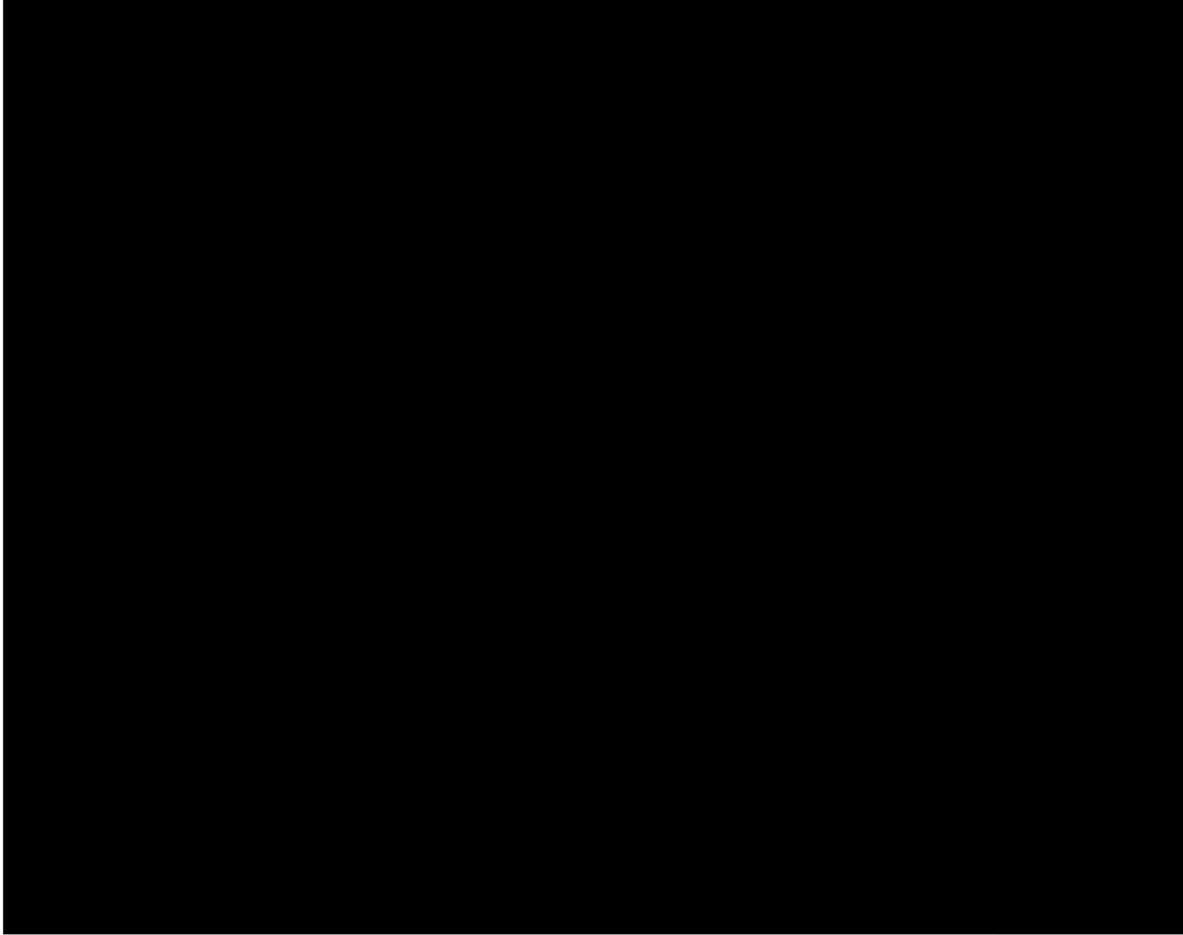


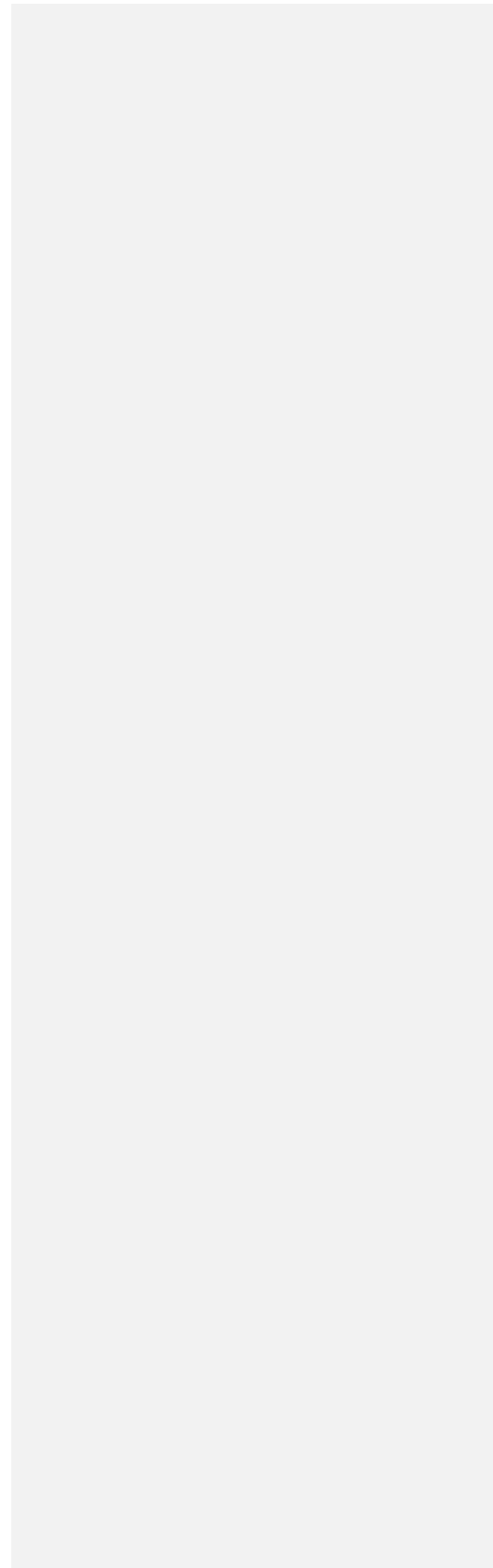
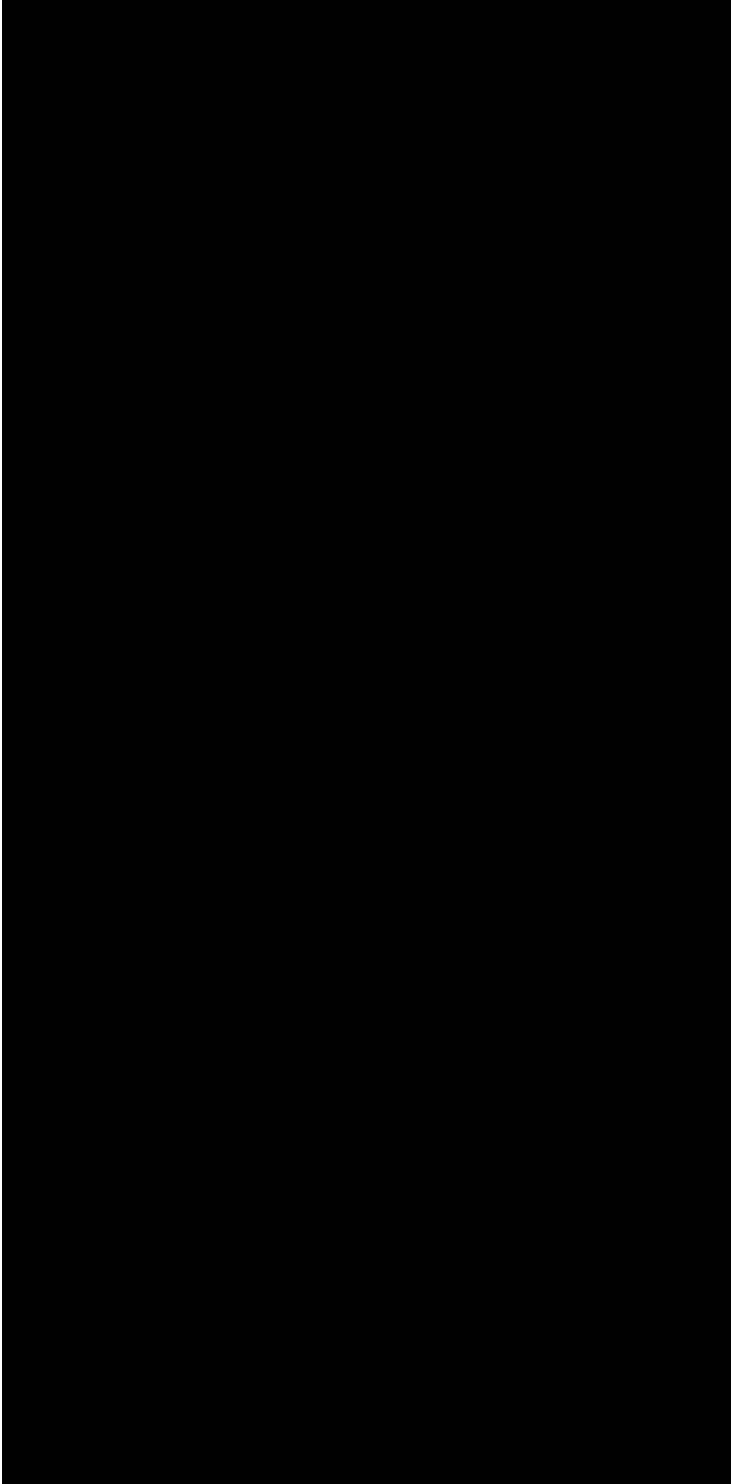


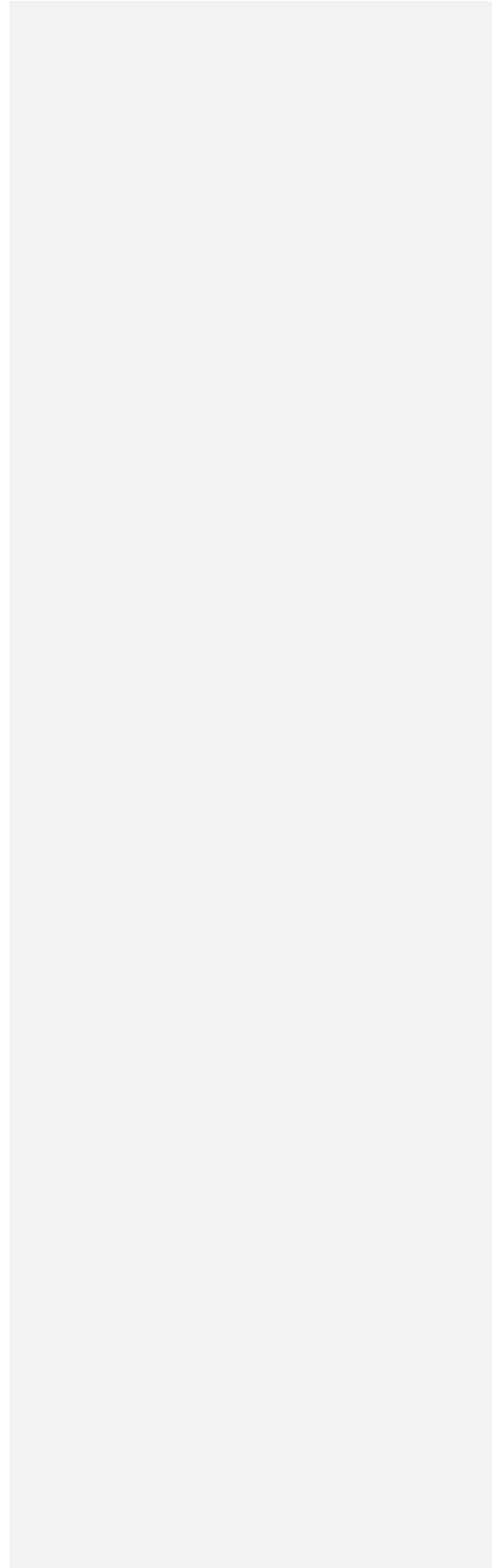
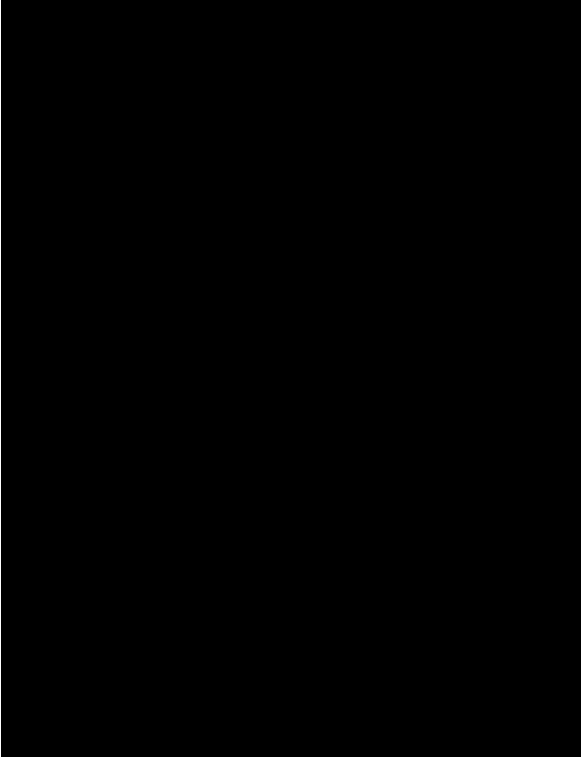


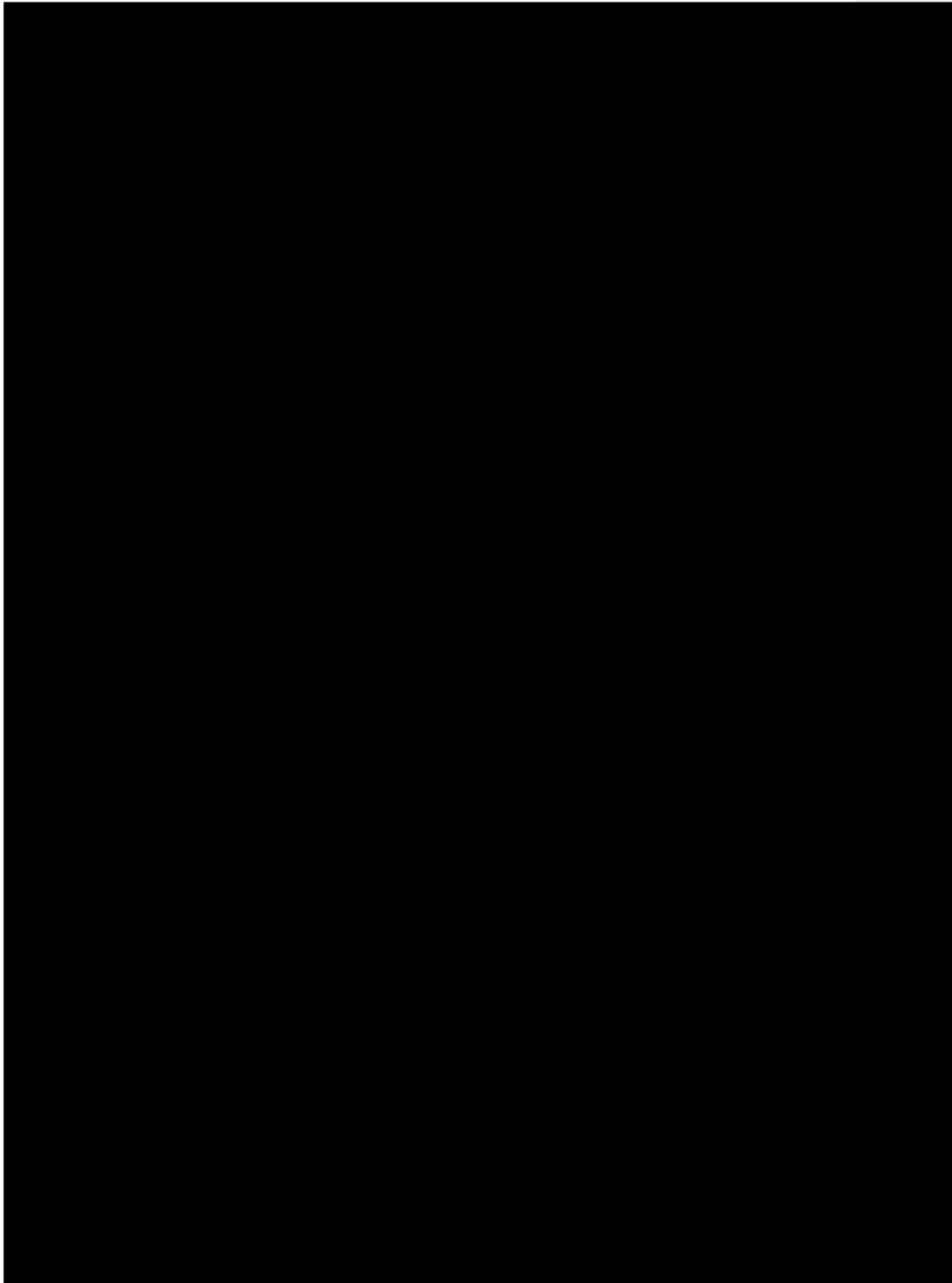


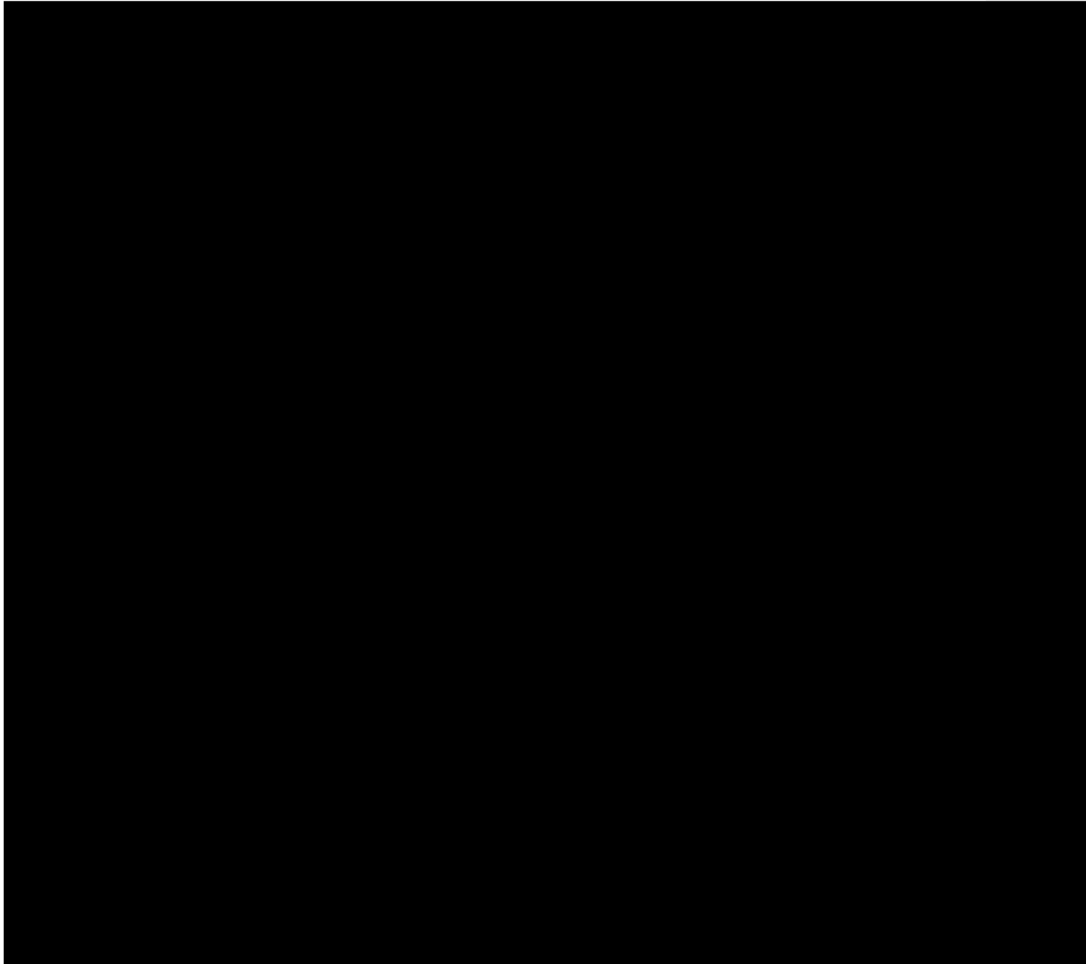


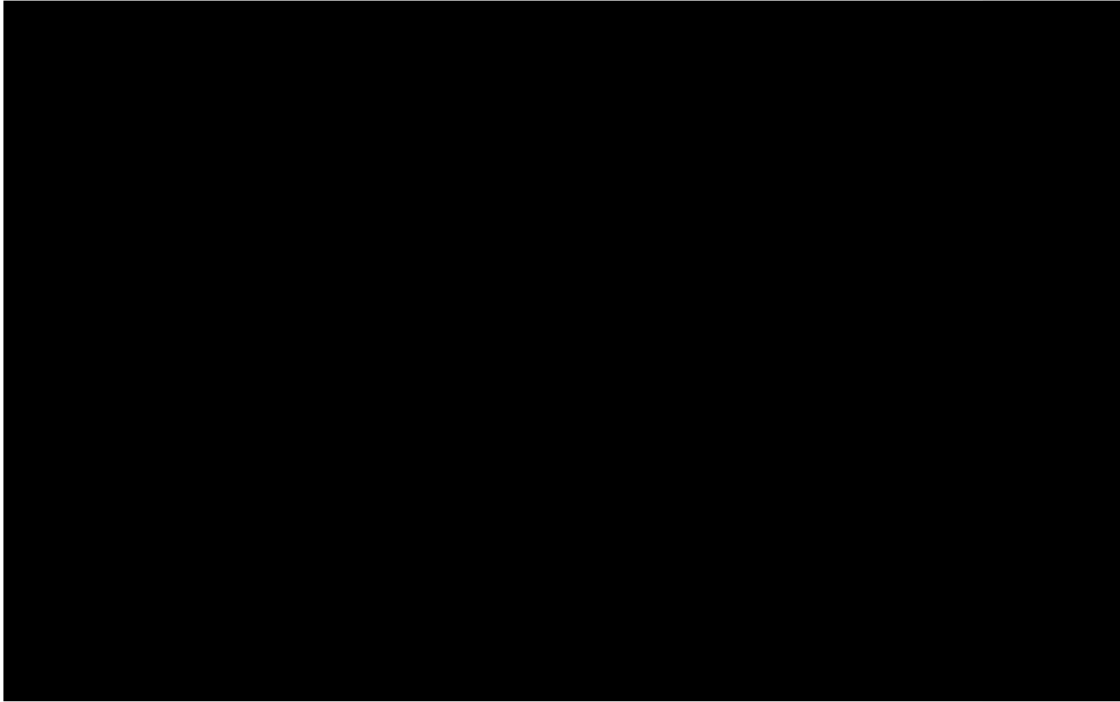














Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>

Iron flow battery - prior art and novelty of current invention

Matthew Roper <matthew.roper@fmgl.com.au>
To: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>

5 November 2021 at 12:21

Great Thankyou Bart! to give a quick answer now without having reviewed I would say we will file the patent.

Best Regards,

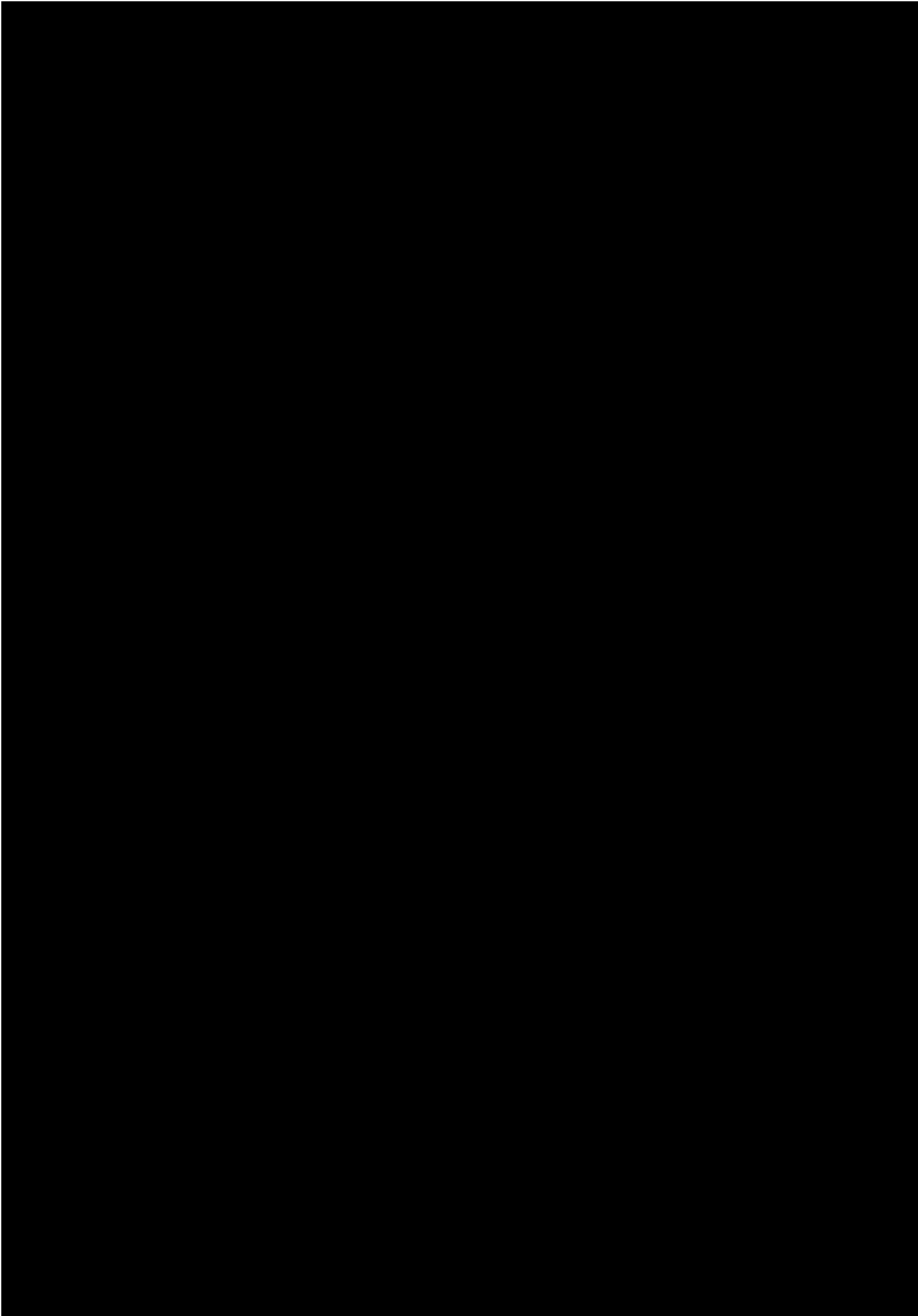
Matthew Roper

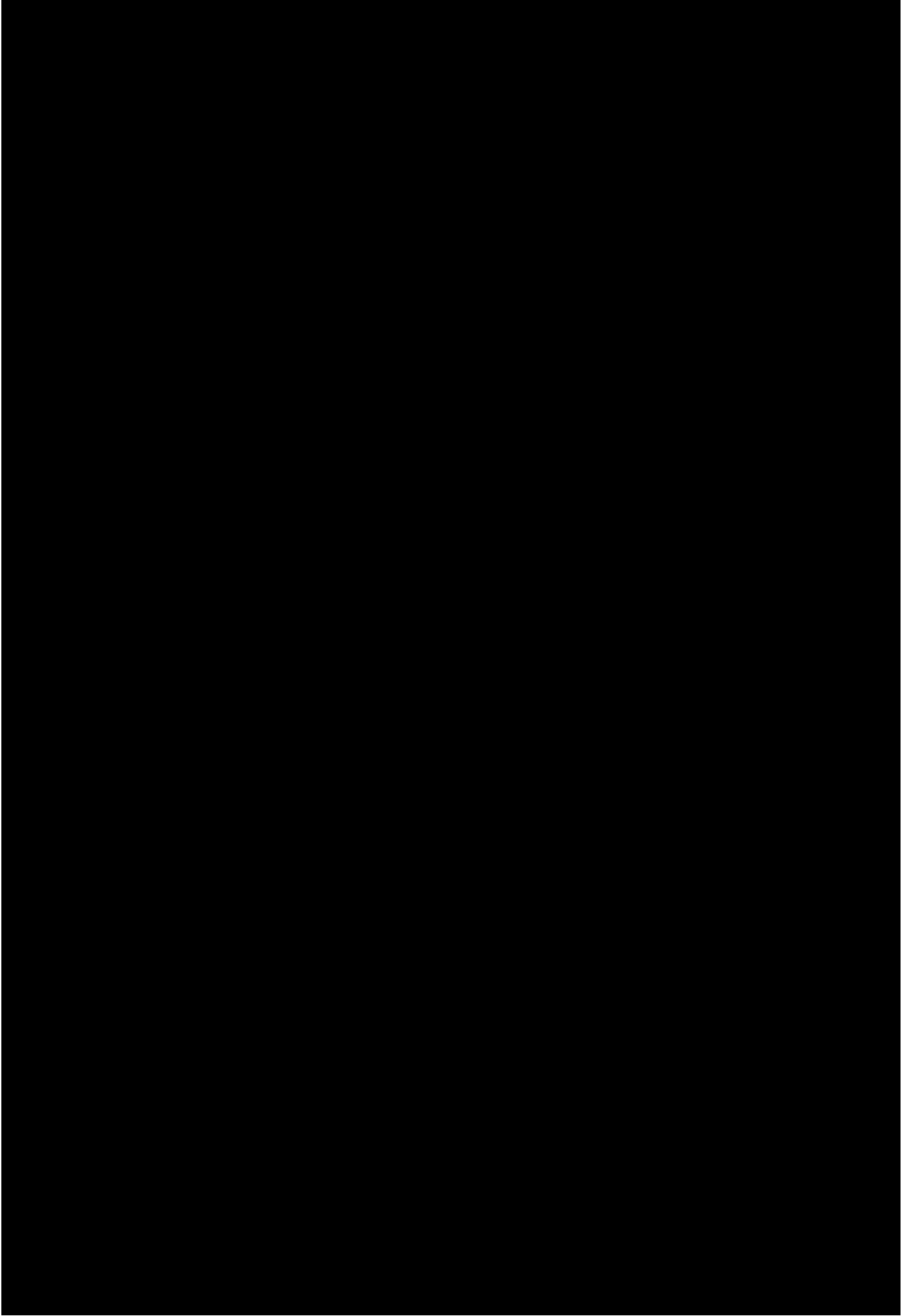
From: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
Sent: Friday, 5 November 2021 9:32 AM
To: Matthew Roper <matthew.roper@fmgl.com.au>
Subject: Iron flow battery - prior art and novelty of current invention

Hi Matt,

In addition to the invention disclosure shared before, I am sending further information on the iron flow battery. I have done an extensive search and have described prior art. I have also emphasised the novelty or point of difference of the current invention.

Let me know what you want to do next. If we are not filing this patent then there's no point for me to do a follow-up on the electrode.







**FORTESCUE
FUTURE
INDUSTRIES**



Deed of Confirmation and Assignment

Deed No. FFIC0216-0000-CP-DEE-0001.

Bartłomiej Piotr Kolodziejczyk

FMG Personnel Services Pty Ltd

and

Fortescue Future Industries Pty Ltd

Doc # FFIC0216-0000-CP-DEE-0001



DEED OF CONFIRMATION AND ASSIGNMENT

THIS DEED is made on the _____ day of _____ 2023

BETWEEN:

Bartlomiej Piotr Kolodziejczyk of 5A Volga Street, Hadfield, Victoria, 3046 Australia
(Inventor)

AND

FMG Personnel Services Pty Ltd (ACN 159 057 646) of Level 2, 87 Adelaide Terrace, East Perth, Western Australia, 6004 Australia **(Employer)**

AND

Fortescue Future Industries Pty Ltd (ACN 625 711 373) of Level 2, 87 Adelaide Terrace, East Perth, Western Australia, 6004 Australia **(Assignee)**

RECITALS

- A. The Inventor has contributed to one or more inventions described or claimed (or both) in the patent application(s) specified in the Schedule (**Inventions**) filed in the name of the Assignee.
- B. At the time the Inventions were developed, the Inventor was an employee of the Employer. The Inventor developed the Inventions during the ordinary course of their employment.
- C. Pursuant to an arrangement between the Inventor and the Assignee (a related body corporate of the Employer), the Assignee is entitled to all right, title and interest in and to the Inventions and related rights.
- D. The parties wish to confirm the Inventor's contribution to the Inventions and perfect the Assignee's ownership of the Inventions and related rights.

NOW THIS DEED WITNESSES as follows:

1. DEFINITIONS

The definitions in this clause apply in this deed:

Applications means the patent applications specified in the Schedule to this deed.

Assigned Rights means all right, title and interest, in and to, the Inventions, the Applications, and the Other IPR, including:

- (a) the right to apply for patents or designs in respect of the Inventions, in any country or region of the world (whether as a refiling of an Application, a divisional application, a continuation or a continuation in part or an application made under the Patent Cooperation Treaty, including any national or regional phase entry deriving from such applications);
- (b) any application for a patent or design made in respect of the Inventions (and the absolute right and entitlement to apply for same in the Assignee's own name anywhere in the world), and any registration granted pursuant to such an application;
- (c) the absolute entitlement to any patent or design granted pursuant to any application for a patent or design made in respect of the Inventions, including in respect of the Applications;
- (d) the right to claim priority from the Applications and any patent or design referred to in this definition;
- (e) all powers, privileges and immunities arising or accrued in respect of the Inventions and the Applications; and
- (f) the right to bring, make, oppose, defend or appeal any proceedings, claims or actions, and obtain any relief (and to retain any damages recovered) in respect of any infringement, any cause of action arising from ownership of any of the rights assigned under this deed, or any interference with any rights assigned under this deed, whether arising before, on or after the date of this deed.

Other IPR means such rights relating to, or in connection with, the Inventions as may subsist in the following:

- (a) trade marks (including goodwill), business names, company names and domain names, whether or not registered;
- (b) copyright (including future copyright) in all literary works, artistic works, computer software, and any other works or subject matter in which copyright subsists or may in the future subsist;
- (c) proprietary rights under the *Circuit Layouts Act 1989* (Cth) or similar legislation; and
- (d) trade secrets, rights to prevent the use and disclosure of confidential information, and know-how.

2. EFFECT OF DEED

Each party acknowledges that:

- (a) the clauses in this deed will take effect in the sequential order in which they appear; and
- (b) this deed is effective on and from the abovementioned date.

3. INVENTOR ACKNOWLEDGEMENT AND ASSIGNMENT

3.1. Acknowledgement

The Inventor acknowledges that:

- (a) they were involved in the conception, creation, development and/or making of the Inventions;
- (b) all work carried out by them in relation to the Inventions was performed while an employee of the Employer;
- (c) all of their involvement in the creation of the Inventions was in the ordinary course of their employment with the Employer; and
- (d) pursuant to the arrangement described in Recital C above, the Assignee is (and was at the time of conception, creation, development and/or making of the Inventions) entitled to all right, title and interest in and to the Assigned Rights absolutely.

3.2. Assignment

To the extent that, as at the date of this deed, the Inventor holds any right, title or interest in or to any of the Assigned Rights, the Inventor assigns to the Assignee absolutely all of their right, title and interest in and to such Assigned Rights, free from security interests and encumbrances.

4. EMPLOYER ACKNOWLEDGEMENT AND ASSIGNMENT

4.1. Acknowledgement

The Employer acknowledges and agrees that, as part of the arrangements described in Recital C above, it agreed that the Assignee alone would be entitled to all right, title and interest in and to the Assigned Rights upon creation, such that the Assignee would be the sole owner of those rights upon creation.

4.2. Assignment

To the extent that, as at the date of this deed, the Employer holds any right, title or interest in or to any of the Assigned Rights, the Employer assigns to the Assignee absolutely all of its right, title and interest in and to the Assigned Rights, free from security interests and encumbrances.

5. GENERAL

5.1. Further Assurances

Each of the parties undertakes to execute all further documents and render all assistance reasonably required for the purpose of giving full effect to this deed, including, but not limited to, confirming or recording the title of the Assignee (or its predecessors or successors in title) in the Inventions and any patents or designs granted in respect of the Inventions, and for securing for the Assignee (or its successors in title) the full benefit of the Assigned Rights.

5.2. Power of Attorney

The Inventor irrevocably appoints the Assignee as their respective attorney to do all things that the Assignee considers reasonably necessary for the purpose of assigning or perfecting the Assigned Rights including, without limitation, to make, execute and deliver any forms, filings, requests, instructions, certificates, letters and other documents necessary for recording the Assignee (or its successors in title) as the owner of the Assigned Rights.

5.3. Variations

No variation of this deed will be of any force or effect unless it is in writing and signed by each party to this deed.

5.4. Governing Law

This deed shall be governed by and construed according to the laws of the State of Victoria, Australia. The parties submit to the jurisdiction of the courts of the State of Victoria and any courts which may hear appeals from those courts.

5.5. Counterpart

The deed may be executed in counterparts by each party to this deed, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same document. Each party shall be bound by this deed immediately upon executing it.



SCHEDULE

Applications

Patent Application Nr.	Title	Country/Region	Filing Date
AU2021901547	Apparatus and process for producing iron	Australia	24 May 2021
AU2021215184	Apparatus and process for producing iron	Australia	11 August 2021
PCT/AU2023/050499	Electrochemical Flow Reactor	Australia (PCT)	7 June 2023
AR20230101449	Reactor de flujo electroquímico	Argentina	7 June 2023
BO000145-2023	Reactor de flujo electroquímico	Bolivia	7 June 2023
PY2343096	Reactor de flujo electroquímico	Paraguay	7 June 2023
UY40302	Reactor de flujo electroquímico	Uruguay	7 June 2023
VE2023-000113	Reactor de flujo electroquímico	Venezuela	7 June 2023


EXECUTED AS A DEED

SIGNED, SEALED and DELIVERED by)
Bartłomiej Piotr Kolodziejczyk in the)
 presence of:)

 Signature of Bartłomiej Piotr Kolodziejczyk

 Signature of Witness

 Name of Witness

EXECUTED by **FMG Personnel Services Pty**)
Ltd in accordance with section 127 of the)
Corporations Act 2001 (Cth):)

 Signature of Director

 Signature of Director/Company Secretary

 Name of Director (print)

 Name of Director/Company Secretary (print)

EXECUTED by **Fortescue Future Industries**)
Pty Ltd in accordance with section 127 of the)
Corporations Act 2001 (Cth):)

 Signature of Director

 Signature of Director/Company Secretary

 Name of Director (print)

 Name of Director/Company Secretary (print)