

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: **Matthew Fitzgerald Roper**
Address: Level 2, 87 Adelaide Terrace, East Perth WA 6004
Occupation: Intellectual Property Manager
Date: 31 July 2024

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Filed on behalf of Fortescue Limited and others, the Applicants
Prepared by Paul Dewar
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I, MATTHEW FITZGERALD ROPER of Level 2, 87 Adelaide Terrace, East Perth, Western Australia, Intellectual Property Manager, affirm:

1. I am employed by the Third Applicant (**FMGPS**) as the Intellectual Property Manager for the Second Applicant (**FFI**).



2. I make this affidavit in answer to the First, Second and Fourth Respondents' interlocutory application dated 21 June 2024. I am authorised to make this affidavit on the Applicants' behalf.
3. I make this affidavit based on my personal knowledge and the sources of information identified below, which information I believe to be true.
4. In making this affidavit, I do not waive, I do not intend to waive, nor am I authorised to waive, any legal professional privilege or intellectual property advice privilege in any communication or document.
5. I have been provided with the affidavit of Dr Bartłomiej Piotr Kolodziejczyk sworn on 19 June 2024 (Kolodziejczyk), Exhibit **BPK-1**, and Confidential Exhibit **BPK-2**. I respond to this affidavit and these exhibits below. Where I have not responded to any aspect of Kolodziejczyk or these exhibits, I should not be taken to have agreed with that aspect.

My background

6. I have been a registered patent and trade marks attorney since November 2011.
7. I have worked as an Intellectual Property Manager in large organisations for over 20 years (since 2002). Before my current role at FFI, I worked as an Intellectual Property Manager in CSIRO, Siemens Water Technologies (later Evoqua Water Technologies), and Mars (Masterfoods).
8. Annexed as **Annexure MFR-1** is a copy of my CV.

My work at FFI; relationship with Dr Kolodziejczyk

9. I began my employment with FMGPS, and joined FFI as the Intellectual Property Manager, in May 2021 (about five or six months before Dr Kolodziejczyk's resignation).
10. Before I joined FFI, FFI did not have an Intellectual Property Manager. One of Fortescue's in-house lawyers, Simon Yamchikov, looked after intellectual property for FFI.
11. After joining FFI, I worked to formalise and improve FFI's process of capturing, protecting and managing intellectual property. I improved FFI's process for doing so by (among other things):
 - (a) formalising the use of invention disclosures (which I discuss below);



- (b) educating FFI staff on intellectual property protection; and
 - (c) implementing a cloud-based software tool named IPfolio (from about November 2021) to record, capture and track intellectual property within FFI, which FFI continues to use today.
12. As to paragraph 11(b) above, I delivered an intellectual property protection seminar to Dr Kolodziejczyk's team on 17 August 2021. **Annexure MFR-2** are my presentation slides for that seminar and **Annexure MFR-3** is the calendar invitation for that seminar. To the best of my recollection, Dr Kolodziejczyk was present at that seminar.
13. I started dealing with Dr Kolodziejczyk in respect of intellectual property-related matters almost immediately after I started at FFI. Based on my experience, it is important for an Intellectual Property Manager to build a good relationship with the organisation's Chief Scientist or Chief Technology Officer. Inventors and researchers in the organisation are crucial to my work as Intellectual Property Manager. I believe I had a good relationship with Dr Kolodziejczyk during his time at FFI, including in the period after he gave notice of his resignation.

Invention disclosures

14. An "invention disclosure" is a document that facilitates the internal capture of newly created intellectual property. As described in the seminar slides in **Annexure MFR-2**, the process is that if FFI staff believe they have created some potentially valuable intellectual property, they complete an invention disclosure form and submit that form to the IP team to determine whether protection should be obtained for that intellectual property.
15. At the time of Dr Kolodziejczyk's resignation, FFI staff completed and submitted invention disclosure forms via email using a Word document template. Since moving to IPfolio (from about November 2021), FFI staff complete and submit invention disclosure forms using that tool.

Dr Kolodziejczyk's resignation

16. I am aware that Dr Kolodziejczyk resigned from FMGPS and FFI on Friday 22 October 2021.
17. On Monday 25 October 2021 at about 10:30am, Dr Kolodziejczyk, Kara Vague, Jim Herring, Emily Ward and I attended an in-person meeting at FFI's offices to discuss Dr Kolodziejczyk's resignation and subsequent steps. **Annexure MFR-4** is the calendar



invite for this meeting. I believe this meeting is the meeting referred to in paragraphs 43-44 of Kolodziejczyk.

18. I do not remember all the discussion at the 25 October 2021 meeting. However, I do remember the discussion concerned how Dr Kolodziejczyk would finish up his work and what FFI required of him in finishing up. During the meeting, I asked Dr Kolodziejczyk to finish:
- (a) documenting all intellectual property he had created at FFI in invention disclosure forms (to the extent he had not already done so) and submitting the forms to me; and
 - (b) providing input for the drafting of any pending or prospective patent applications for any inventions for which he was an inventor.

Review of correspondence with Dr Kolodziejczyk

19. I have undertaken a review of the email correspondence I have had with Dr Kolodziejczyk in and since October 2021. I describe all of that correspondence in paragraphs 21 and 25–41 below.
20. I no longer have the mobile phone I had at the time of Dr Kolodziejczyk's resignation. I am therefore unable to review or provide a copy of any text messages I exchanged with Dr Kolodziejczyk.

Iron donor electrodes (5 Oct 2021)

21. On 5 October 2021 (about two weeks before his resignation), Dr Kolodziejczyk sent me an email with the subject "Iron donor electrodes", attaching a completed invention disclosure form dated 3 October 2021 with the title "Iron acceptor and donor electrode for all-iron-flow battery". That email and attachment are **Confidential Annexure MFR-5**.

Telephone call with Dr Kolodziejczyk (27 Oct 2021)

22. On Wednesday 27 October 2021, I had a telephone call with Dr Kolodziejczyk. I summarised the contents of the call in an internal email later that afternoon:

"I've spoken to Bart [Dr Kolodziejczyk] and our drafting attorneys re timings of having all Invention Disclosures and patent drafting completed by Friday [29 October 2021] and I believe we would get an inferior let if we enforced that timing." (Annexure MFR-14, 27 October 2021 3:31pm email)



23. The words “*inferior let*” should read “*inferior result*”. By “*inferior result*”, I meant that if Dr Kolodziejczyk ceased to work for FFI on Friday 29 October 2021, there would not be enough time for Dr Kolodziejczyk to finish providing invention disclosures and finish providing input on the drafting of any pending or prospective patent applications.
24. On Friday 29 October 2021, I learnt that Dr Kolodziejczyk’s employment had been extended by a week, to Friday 5 November 2021.

Forecasting algorithm (29 Oct 2021)

25. After our telephone call on Wednesday 27 October 2021 (paragraph 22 above), I still had not received any further invention disclosures from Dr Kolodziejczyk by the morning of Friday 29 October 2021.
26. I have reviewed the text messages dated 29 October 2021 on page 13 of BPK-1. I am unable to confirm the accuracy or completeness of those text messages because of the matters in paragraph 20 above. However, the first text message on page 13 of BPK-1 (“*Hi Bart how are you travelling? Can I expect any IDs today? Matthew*”) is consistent with my recollection of following Dr Kolodziejczyk up for invention disclosures because I had not received any further invention disclosures from him.
27. Later on 29 October 2021, Dr Kolodziejczyk sent me an email with the subject “Forecasting Algorithm Description”, attaching a Word document titled “Forecasting of Power Generation” and a PowerPoint slide depicting Figure 2 in that document. That email and the attachments are **Confidential Annexure MFR-6**. I have checked and confirm the email and attachments are the same as the documents in BPK-2, pages 4 to 9.
28. I note that Dr Kolodziejczyk did not complete the “Forecasting of Power Generation” document on Fortescue’s invention disclosure form template (paragraph 15 above). I did not follow him up about this because at this time I was concerned to receive the details of the invention from Dr Kolodziejczyk, not whether he had used the invention disclosure template.
29. Dr Kolodziejczyk’s covering email contained the text: “*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.*”
30. I have checked my emails and confirm I did not receive from Dr Kolodziejczyk any revised “*figures*” for the “Forecasting of Power Generation” document or “*a more detailed description of the building blocks of the [forecasting] algorithm*”. I have also checked and

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confirm that I only received details of one further invention (paragraphs 37–40 below), not details of two further inventions as Dr Kolodziejczyk's email suggests would be forthcoming.

Dr Kolodziejczyk's comments on draft Specification (3-4 Nov 2021)

31. On 3 November 2021, Justin Negler, a patent attorney principal at Davies Collison Cave (Fortescue's external patent attorneys) sent me a draft patent specification titled "Method of Beneficiation of Iron Ore" (**draft Specification**).
32. On the same day, I sent the draft Specification to Dr Kolodziejczyk and the third respondent, Dr Winther-Jensen, for their comments. I did this because they were co-inventors of the invention described in the specification.
33. On the following day 4 November 2021, Dr Kolodziejczyk and then Dr Winther-Jensen separately sent back their comments to the draft Specification.
34. **Confidential Annexure MFR-7** is the email chain containing the correspondence in paragraphs 31–33 above. I have checked and confirm this email chain is the same as the email chain in BPK-2, pages 10–15.
35. **Confidential Annexure MFR-8** is the version of the draft Specification I received from Dr Kolodziejczyk, which contains his tracked changes and comments.
36. **Confidential Annexure MFR-9** is the version of the draft Specification I received from Dr Winther-Jensen, which contain his comments in response to Dr Kolodziejczyk's comments. I have checked and confirm this document is the same as the document in BPK-2, pages 16–35.

Iron flow battery (5 Nov 2021)

37. On 5 November 2021, Dr Kolodziejczyk sent me an email with the subject "Iron flow battery - prior art and novelty of current invention", attaching a Word document titled "Iron Flow Battery". That email and attachment are **Confidential Annexure MFR-10**. I have checked and confirm that attachment is the same as the document in BPK-2, pages 38–40.
38. Dr Kolodziejczyk's covering email states, "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."
39. I responded on the same day: "Great Thankyou Bart! to give a quick answer now without having reviewed I would say we will file the patent." Dr Kolodziejczyk replied on the

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same day: *"In this case, I will work over the weekend to finish the electrode write-up including prior art, importance, and novelty."* The email chain containing this exchange is **Annexure MFR-11**. I have checked and observe that part of the email chain is reproduced in BPK-2, pages 36–37.

40. I have checked my emails and confirm I did not receive from Dr Kolodziejczyk any revised *"electrode write-up"*.

Emails about Lens.org (22 Nov 2021)

41. On 22 November 2021, Dr Kolodziejczyk sent me an email, introducing me to two people at Lens.org, a patent search platform. I thanked him for the introduction. The email chain containing this exchange is **Annexure MFR-12**.

Responses to Dr Kolodziejczyk's assertions

Dr Kolodziejczyk's affidavit, paragraph 41

42. In paragraph 41 of Kolodziejczyk, Dr Kolodziejczyk says (statement numbering added):

"[1] 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 ... [2] I recall corresponding with Mr Roper during my final weeks of employment (including about the Fortescue technology and the "green" cement described above)."

43. As to statement [1], Dr Kolodziejczyk (as Chief Scientist) did not report to me (as Intellectual Property Manager), nor did he hand his role over to me. Our work at FFI did not overlap except to the extent Dr Kolodziejczyk's work concerned FFI's intellectual property, such as the kind of tasks in paragraphs 18(a) and 18(b) above.
44. As to statement [2], the only email correspondence I had with Dr Kolodziejczyk in and since October 2021 is that which I have described in paragraphs 21 and 25-41 above.
45. I have checked my emails and confirm I have not received any correspondence from Dr Kolodziejczyk about green cement. I did receive an email from Dr Aabhash Shrestha (an FFI electrochemist) on 21 September 2021, attaching an invention disclosure form titled [REDACTED] dated the same day. Dr Kolodziejczyk and others are copied into Dr Shrestha's email. Dr Kolodziejczyk and others (including Dr Shrestha) are identified as co-inventors in the form. Dr Shrestha's email and the attached form are **Confidential Annexure MFR-13**.

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Dr Kolodziejczyk's affidavit, paragraph 50

46. In paragraph 50 of Kolodziejczyk, Dr Kolodziejczyk says (statement numbering added):

"[1] On or around 29 October 2021, I had a telephone conversation with Mr Roper about my outstanding work. [2] 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. [3] 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. [4] Mr Roper also asked me to delete any documents saved on the local drives of my Fortescue laptop before I returned it, [5] because he informed me that Fortescue had copies of everything they needed on the SharePoint (being the online file storage platform used by Fortescue)."

47. As to statement [1], I do not recall having a telephone call with Dr Kolodziejczyk on 29 October 2021. However, I had a telephone call with him on 27 October 2021, as described in paragraph 22 above.
48. As to Dr Kolodziejczyk's "work" in statements [1] and [3], I do not know what "work" he is referring to. The only tasks I asked him to do were those in paragraphs 18(a) and 18(b) above. The only emails I received from Dr Kolodziejczyk in response to that request are the emails in paragraphs 25-40 above.
49. To the extent that Dr Kolodziejczyk's reference to "work" is intended to refer to anything other than the tasks in paragraphs 18(a) and 18(b) above, this would not have been something we discussed. I repeat my comments in paragraph 43 above.
50. As to statement [2], I do not recall instructing Dr Kolodziejczyk to return his Fortescue laptop by 29 October 2021. However, I note:
- (a) my responsibilities were to advance Fortescue's IP strategy and help FFI capture, protect and manage its intellectual property (among other things). My responsibilities did not include dealing with the logistics of employee exits and the return of IT equipment. I understood these to be the responsibilities of Fortescue's human resources and IT staff; and
 - (b) such an instruction is inconsistent with the words "**Bart has decided he will return his laptop today**" in the internal email dated 29 October 2021, 1:18pm in **Annexure MFR-14**.




51. As to statement [3], if by “work” Dr Kolodziejczyk means completing the tasks in paragraphs 18(a) and 18(b) above, I do not recall instructing Dr Kolodziejczyk to take the documents he needed to finish off those tasks for Fortescue. It is unlikely that I would have given such an instruction because:
- (a) I did not have the general authority to allow Dr Kolodziejczyk to take anything from his Fortescue laptop;
 - (b) I did not know what invention details Dr Kolodziejczyk was going to send me before I received each email in paragraphs 27-30 and 37-40 above, so I would not have known whether Dr Kolodziejczyk even needed any Fortescue documents to complete those tasks; and
 - (c) of the matters in paragraph 52(b) below.
52. As to statement [4], I do not recall instructing Dr Kolodziejczyk to delete any documents saved on the local drives of his Fortescue laptop before he returned the laptop to Fortescue. It is unlikely that I would have given such an instruction because:
- (a) of the matters in paragraph 50(a) above;
 - (b) I knew Stephen Insch (FFI governance and compliance) was undertaking an investigation into Dr Kolodziejczyk and “*will develop a plan on best way to obtain [his Fortescue] laptop*” for the purpose of a forensic analysis of that laptop (**Annexure MFR-14**, 29 October 2021 at 10:16am email);
 - (c) I also knew that Jim Herring was concerned to “*receiv[e] all [of Dr Kolodziejczyk’s] documentation and data*” (**Annexure MFR-14**, 29 October 2021 at 10:12am email);
 - (d) in the circumstances, instructing Dr Kolodziejczyk to delete anything from his Fortescue laptop:
 - (i) would have compromised the investigation Mr Insch was undertaking; and
 - (ii) would be directly contrary to what I understood were Mr Herring’s concerns as expressed in the email referred to in paragraph 52(c) above.
53. As to statement [5], I do not recall saying to Dr Kolodziejczyk “*Fortescue had copies of everything they needed on the SharePoint*”. It is unlikely that I would have said anything to that effect because:

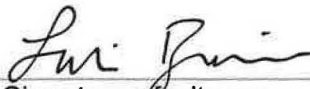


- (a) I did not know (and still do not know) whether I have access to the SharePoint folder to which Dr Kolodziejczyk refers. I have not used that SharePoint folder in my day-to-day work as FFI's Intellectual Property Manager;
- (b) I did not know (and still do not know) what documents Dr Kolodziejczyk stored on the SharePoint folder to which he refers; and
- (c) I did not know (and still do not know) whether Dr Kolodziejczyk's Fortescue laptop is backed up to the SharePoint folder to which he refers.

Affirmed by the deponent)
at East Perth, Western Australia)
on 31 July 2024,)
before me:)



Signature of deponent
MATTHEW ROPER



Signature of witness

Julia Burnill

Unrestricted legal practitioner (admitted in Western Australia)

No. NSD527 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

ANNEXURE MFR-1

This is the annexure marked **MFR-1** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me:

A handwritten signature in black ink, appearing to be 'L. B.', written over a dotted line.

MATTHEW ROPER

CAREER SUMMARY

An experienced in-house intellectual property manager of 21 years with additional skills in commercialisation and R&D management, at senior management levels, across multiple technologies. A registered Patent and Trade Marks Attorney, experienced across the government research sector and predominantly within corporate manufacturing (Fortescue, CSIRO, Siemens, Mars).

Proficient in the implementation and execution of IP protection and research strategy, and translation of IP assets into actionable commercial outcomes. Technically oriented yet driven to interact and operate collaboratively to build enduring connections with colleagues.

EMPLOYMENT HISTORY

INTELLECTUAL PROPERTY MANAGER (Energy Business Unit) 2021 - present

Fortescue Ltd

Intellectual Property manager for the Energy Business Unit, formerly known as Fortescue Future Industries.

Key Responsibilities

As per CSIRO below...

INTELLECTUAL PROPERTY MANAGER (Energy Business Unit) 2018 - 2021

CSIRO

Intellectual Property manager for the Energy Business Unit comprising four Research Programs: Low Emissions Technologies; Oil, Gas and Fuels; Electrical Grids and Energy Efficiency Systems; and Sustainable Mining Technologies.

Key Responsibilities

Drive the Business Unit IP Strategy by working with internal stakeholders to protect and enhance CSIRO's impact position. Work across technology areas managing third party IP risks, and developing internal processes to efficiently manage the IP portfolio.

- Lead the Research Program Patent Committees to achieve quality decision making regarding the shape and direction of the IP portfolio and freedom for research.

- Counsel inventors, technology and research teams to ensure the submission of high quality invention disclosures for IP capture, and the best IP protection strategy for commercial deployment.
- Assist in the drafting and negotiation of University and privately funded research contracts, for optimal IP ownership and deployment outcomes.
- Maximize the impact of CSIRO innovations through promotion of an IP culture by developing and delivering IP training to stake holders.
- Prepare and manage the Energy BU IP budget (\$1-2million) for efficient expenditure on patent and trade mark prosecution and renewals.
- Maximise CSIRO IP assets by acquiring strong IP rights through managing the drafting, , filing and prosecuting of 500+ patent and trademark applications.
- Identify and mitigate competitive patent infringement risk through freedom-to-operate searches, and design arounds.
- Manage IP litigation and contentious IP matters, patent oppositions, and IP licensing to ensure the rights within CSIRO IP assets are upheld
- Interface with outside counsel to ensure quality application filings, and timely action and reporting to maximise IP asset strength.
- Supervise support staff in the IP Department to inspire the best technical and teamwork outcomes.

Key Achievements

- Lead IP manager for CSIRO Hydrogen/Fortescue deal team providing advice and visibility on all IP transactions.
- Implemented IP Committees to five Energy BU Research Programs for the efficient management of the IP portfolio. Increased freedom to operate searching exponentially.
- Increased IP opportunities, collaboration, and engagement by initiating and leading a CSIRO IP education team to new levels of training including the build of a new IP eLearning module for CSIRO-wide deployment, and a constant stream of monthly presentations: Foundation level, Hot topic presentations, IP café, IP Blogs and patent searching seminars.
- Completed the IP spend Tender process > 10 million AUD.
- Delivered financial targets through closely monitoring the IP asset portfolio for strategic value and jurisdiction analysis.
- Spearheaded the LASC China litigation effort by exposing competitor infringement of CSIRO patent rights.
- Completed a 6-month consultancy to NBN Co delivering a companywide IP strategy, procedures, and processes within a CSIRO team Innovation, IP and Commercialisation report.
- Wrote and published an Energy BU IP report and IP strategy document for Executive level visibility and benchmarking.

INTELLECTUAL PROPERTY MANAGER (Asia Pacific)**2007- 2017****SIEMENS LTD. AUSTRALIA, WATER TECHNOLOGIES acquired 2014 by EVOQUA WATER TECHNOLOGIES PTY LTD**

Employed as the Australian IP department manager/counsel specifically responsible for the global MEMCOR® membrane IP portfolio, and heading IP activities for Evoqua's Asia Pacific operations.

Key Responsibilities

The position was on the Australian management team and reported to the Vice President of IP in the USA. Otherwise, responsibilities substantially equivalent to my current CSIRO role.

Key Achievements

- Wrote global company policy/SOP documents for administering German inventor remuneration, R&D recognition policy, Patent Committee, and Product Life Cycle, Sales and capital buying IP interface procedures.
- Led the patent litigation team to a successful resolution against General Electric during a protracted multi-million-dollar dispute.

IP MANAGER (Asia Pacific) - MASTERFOODS (MARS) AUS/NZ**2002-2006**

Responsible for the development, legal protection, competitive market watch, offensive engagement, and exchange of IP across seven research and manufacturing facilities in the Asia Pacific region. Managed and cultivated the growth of the patent portfolio and IP processes from ground level culminating in a strong IP culture and robust patent portfolio.

APPLIED RESEARCH MANAGER - MASTERFOODS (MARS) AUS/NZ**1999-2002**

Managed both government/University and privately funded research programs for R&D commercialization projects. Responsibility: Delivery of new technologies/science in the 2-5 year horizon.

MARKET RESEARCH MANAGER- MASTERFOODS (MARS) AUS/NZ**1996-1998****R&D PRODUCT/PROCESS MANAGER - MASTERFOODS (MARS) AUS/NZ****1991-1995**

EDUCATION

Master of Industrial Property Law (MIP) University of Technology, Sydney, Australia	2008-2010
Bachelor of Bioprocess Engineering and Biotechnology (B Biotech) Massey University, Palmerston North, NZ	1986–1989

PROFESSIONAL BODIES

- Registered Patent and Trade Marks Attorney – Australia & New Zealand
- Institute of Patent and Trade Mark Attorneys of Australia (IPTA)
- Patent Consultative Group Member (IP Australia) 2009-2018
- Australian Manufacturers Patents, Industrial Designs, Copyright and Trademark Association (AMPICTA) - Patent Lead 2007-2018

PUBLIC LECTURES

- **Tonkin Corporation’s Commercialising IP seminars:**
 - “Assessing best methods for drafting patent specifications given the differing requirements of jurisdictions such as Europe, Australia and the US”
 - “Protecting your technology through tactical use of divisional patents”
- **2nd Annual Intellectual Property Conference – Liquid Learning.**
 - “Pioneering and Maintaining an IP Culture in the Food Industry”
- **Southern Region Midmarket CEO Symposium**
 - “A joint IP case study”

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

ANNEXURE MFR-2

This is the annexure marked **MFR-2** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me: 



INTELLECTUAL PROPERTY @FFI

Matthew Roper
July 2021



Matthew Roper IP Manager FFI

Background

- CSIRO, 3 years, Energy, (Sydney)
- Siemens, 10 years, Water microfiltration, (Sydney)
- Mars, 17 years, Food (Albury/Wodonga NSW/VIC)

- Career: R&D engineer, IP
- Patent and trade marks attorney
- Manager IP for Asia Pac



Big Picture



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EXPLORATION/DEVELOPMENT FINANCE COMMODITIES VIEWPOINT METS INVESTOR MINE RISK MANAGEMENT ALL SECTIONS

FMG sets the mining industry's most ambitious climate targets

FORTESCUE Metals Group has announced a new target to achieve carbon neutrality by 2030, 10 years earlier than previously planned.

The challenge

- 51 Billion tonnes CO₂
- FMG just over two million tonnes (0.004 per cent)

The solution

- FFI Stretch targets and breakthrough technologies
 - IP Capture
 - Freedom to operate
 - IP loss



Policy statement:

FFI invests significant effort and resources to develop new technologies important for the continued success of the company. To achieve this success, rights to these intellectual property assets must be continuously protected through appropriate agreements and practises, and need to be secured under applicable patent, trade secret, trade mark, copyright and other laws.

FFI acts as a socially responsible citizen by respecting the valid IP rights of others.



Our Purpose

THRIVING COMMUNITIES
GLOBAL FORCE

Our Values

Safety



Family



Empowerment



Frugality



Stretch
Targets



Integrity



Enthusiasm



Courage and
Determination



Generating
Ideas



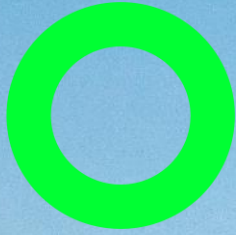
Humility



Why focus on IP Rights?

- **Exclusive right** to exclude others from the marketplace.
- **Financial return** from licensing and sales.
- **Incentive** for customers to invest in FFI products and services.
- To attract productive, world class customer **collaborations**
- “Currency” to **access** another’s protected IP, to stop competitors **blocking us** exploiting valuable IP.

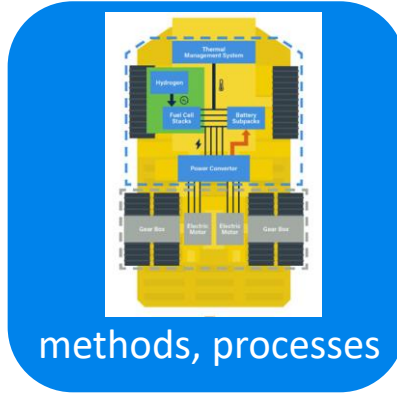




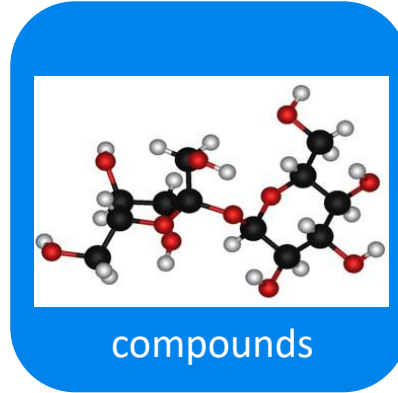
**If Our IP Processes and IP Literacy is
Flawed.
Our Freedom can be Comprised.**

What is IP and what is the FFI process?

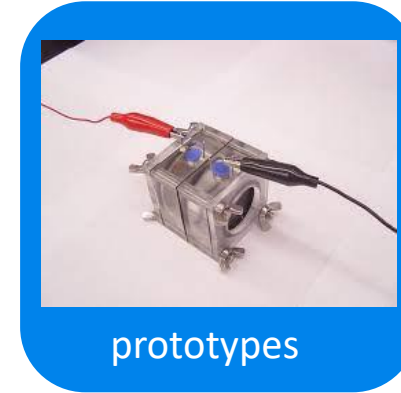
Where does IP exist?



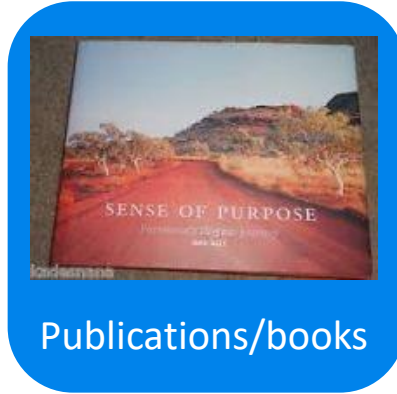
methods, processes



compounds



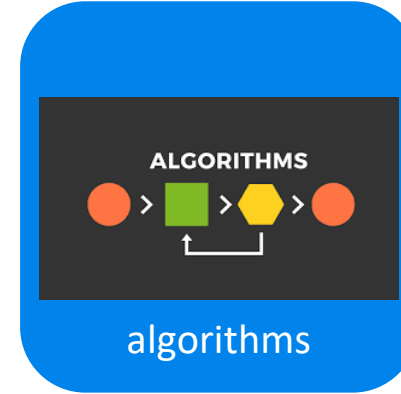
prototypes



Publications/books



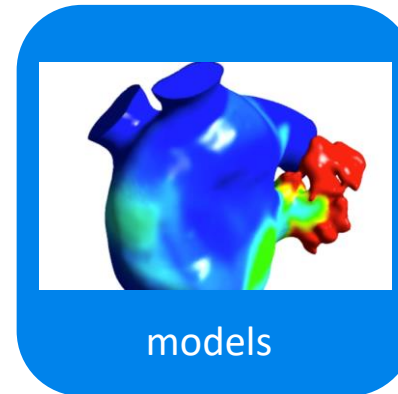
know-how



algorithms

Obs	Store	Dept	Quarter	Sales	Sales Tax
1	101	10	1	110001.50	6600.09
2	101	10	2	113161.20	6706.07
3	101	10	3	119352.15	6715.33
4	101	10	4	98901.10	5994.07
5	101	20	1	110002.36	6600.14
6	101	20	2	99922.30	5995.34
7	101	20	3	98825.98	5929.30
8	101	20	4	110101.70	6606.10
9	121	20	1	121947.10	7316.83
10	121	20	2	119364.69	7197.88
11	121	20	3	122156.20	7329.10
12	121	20	4	120111.11	7206.67
13	121	10	1	127132.92	7631.50
14	121	10	2	125200.13	7516.81
15	121	10	3	120203.56	7692.21
16	121	10	4	123832.23	7417.34
17	109	10	1	120422.77	7225.37
18	109	10	2	123304.32	7420.05
19	109	10	3	121801.29	7309.09
20	109	10	4	122125.66	7327.54
21	109	30	1	98310.13	5839.61
22	109	30	2	97201.25	5829.89
23	109	30	3	96306.20	5783.10
24	109	30	4	90511.30	5310.71
25	109	20	1	115220.00	6314.35
26	109	20	2	110001.90	6700.12
27	109	20	3	114204.32	6854.05
28	109	20	4	114122.65	6847.36

Data sets



models



software

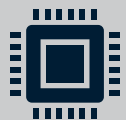
What are Intellectual Property *Rights*?



Intellectual Property (IP) refers to creations of the mind.
Intangible assets not physical.



IP Rights are *legal* rights given over these creations and permit the owner to restrict others from using the IP.



IP rights can be registrable or unregistrable:

Registrable: patents, trademarks, designs, plant breeder's rights, domain names

Unregistrable: copyright, circuit layouts, confidential information, trade secrets

What is a Patent?

- Patents may be granted for
- inventions that are:
 - New (novel)
 - Inventive (non-obvious)
- Patents are granted in return for disclosure of the invention.
- A Patents is a Business Tool: It can be licensed and/or sold/assigned.

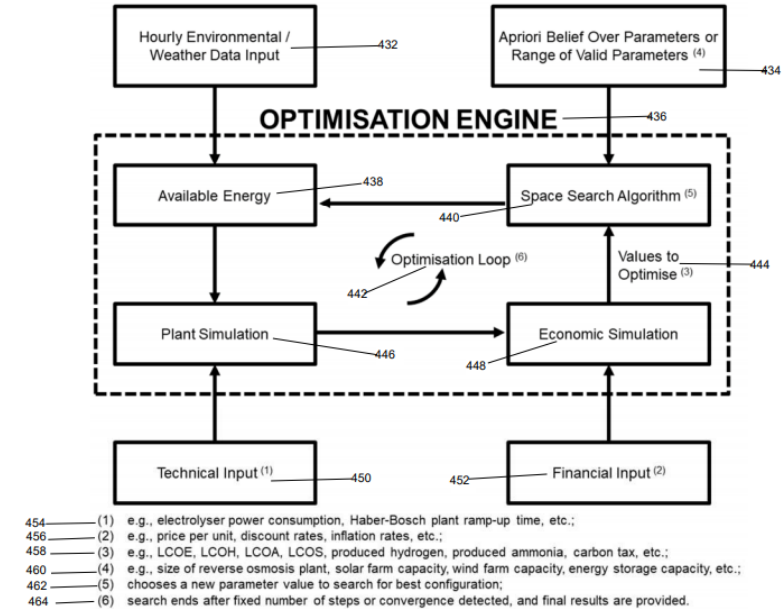
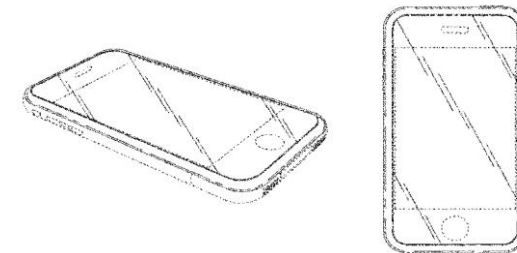


Figure 8 - Flow diagram of optimization algorithm — 430



"ornamental design of an electronic device, as shown and described."

Samsung cites Stanley Kubrick's 1968 movie '2001: A Space Odyssey' as prior art against iPad design patent.



“Trade Secrets, Confidential and Proprietary” Information:

- Any information which is of value to a business and is not generally known by others outside the business. Reasonable measures must be taken to safeguard the information to have a protectable property interest in it.
- Information we **create** or **receive** in the course of our business which, if disclosed outside the company without using appropriate restrictions, would in some way impair our legal, financial or competitive position or image.
- Information that is not in the public domain, i.e. has not been publicly disclosed in a presentation, journal, periodical, industry forum or trade show without the recipient signing a non-disclosure agreement.
- In simple terms, our Know-How and knowledge of how to make things work better that is unique to us and not shared with others



What is our IP process?

Two main questions to ask:

- Is my project free from others IP?
- Is my project protected?

To assess your potential IP
FFI requires that it be documented in the
form of an

Invention Disclosure (ID)

A key measure of innovation

IP Committee Meetings

Ideas and
IP containing
opportunities

Invention
Disclosure
Document



IP Strategy
Determination

Hold/Review later
/more info requested

- Patent
- Publish
- Trade Secret
- Copyright
- Archive

Managing IP in collaborations:

- Often more complex than creating our own IP.
- Multiple parties bringing IP to the Table: background, foreground/project IP.
- We must understand who owns the IP developed and the use obligations.
- Think about:
 - Non Disclosure Agreements (NDA) and Confidential Information
 - IP Registers

IP Registers :

- A document that tracks project **inputs** and **outputs** and assesses IP.
 - May or may not result in FFI invention disclosures.
- Use a spreadsheet or shared website – IP Manager can provide a template.
- Seek to have clarity on the inputs into a project of all IP (including data) as well as resources we have obtained under licences or from collaborators.
- During and at completion of the project registers are used to finalise what the project outputs have been.

File Home Insert Draw Page Layout Formulas Data Review View Help

Clipboard Font Alignment Number Styles Cells Editing Ideas Sensitivity

	A	B	C	D	E	F	G	H	I	J
1	Project Title									
2	ref#									
3	Project Leader									
4										
5	Date	FFI BIP/Third Party BIP or PIP	Technology Name & Description	IP Category	Form in which the IP Exists	Registration Details (if applicable)	Relevant Contracts	Special/Relevant Conditions	Anticipated Adoption or Exploitation Pathway	Creators
6	<i>Please insert the date on which details were listed or modified</i>	<i>Identify IP as BIP or PIP and insert the name of the owner.</i>	<i>High level information of what the tech is or what it is called. Provide further details to describe the IP and how it may be used.</i>	<i>copyright, patent, design, trade mark, trade secret, PBR, confidential information (data etc.) or other non-registered IP</i>	<i>e.g. as a device, process/method, formulation, source code (include version), document, concept, prototype, research tool (clud be more than 1 of these</i>	<i>e.g. patent number, trademark number or internal case number from your IP Manager</i>	<i>List any collaborative agreements governing the project, MTAs or other contracts. Preferably include the contract number.</i>	<i>Identify any restrictions to the use of BIP or PIP in contracts listed.</i>	<i>Commercialisation (e.g. commercial company may be interested in licensing new method). Publishing (publish data in open access), software release (follow</i>	<i>Names of FFI employees, Collaborators, students and organisation who owns the IP</i>
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Respecting IP rights of others

Why? There are two main reasons:

- To ensure we are not reinventing the wheel when setting project direction on technical challenges.
- To avoid infringing upon the IP rights of others
 - Mining claim example

What to do?

- Perform sufficient patent and literature searches

What is the process?

Patent searching

Who?

- Engineers and researchers need awareness of the patent landscape they are operating in.

What to do?

- Search Google Patents, or AusPat, eSpace, USPTO
- Involve IP manager when a thorough landscape or FTO search is required.

What is Freedom to operate (FTO)?

Being able to execute a course of work *without contravening the rights of others* is generally known as having “Freedom to Operate” (FTO).

If you find that there is a *granted* patent blocking you, some ways to obtain FTO include:

- “inventing around” the patent
- obtaining a license from the patentee
- demonstrating that the blocking patent is not valid

FTO is a legal opinion and FTO analyses need to be performed by a qualified patent attorney.

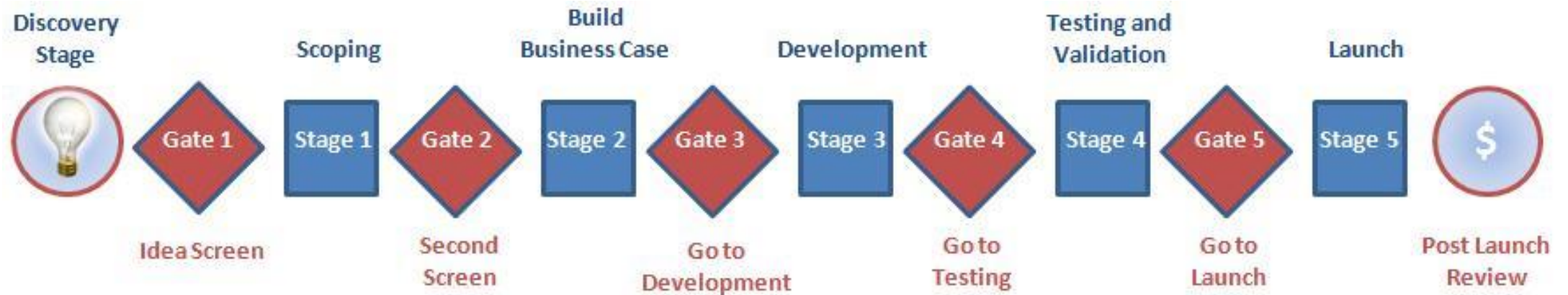


FTO - Please Remember:

- Having a patent ***does not*** mean that you have FTO.
- If we have clarity about FTO early in a project, we can determine what options we have going forward, and whether we are constrained or limited.



Example Product Management Stage Gate Process



Gate Keepers:

- Technical
- Production
- Finance
- IP
- GM
- Marketing/Sales

IP Gate Keeping Questions:

Describe IP strategy including patent landscaping, list IDs, patents, FTO encumbrances etc

IP Loss

- Premature external discussion/promotion
- Poor documentation
- Poor contract
- Cyber theft

IP Loss

- Premature external discussion/promotion
 - Verbal or pictorial confidential information that could be worthy of IP protection.
- Poor documentation
 - Poor documentation including incomplete laboratory notebooks.
- Poor contract
 - Poor contractual arrangements can be problematic in establishing who owns the IP, who has the rights to commercialise the project IP.
- Cyber theft
 - Cyber theft can lead to loss of information/data.



Thank you



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

ANNEXURE MFR-3

This is the annexure marked **MFR-3** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me: 

Rohit Dighe

Subject: FW: IP literacy
Location: 9 Longfellow Court, Belmont

Start: Tue 17/08/2021 11:00 AM
End: Tue 17/08/2021 12:00 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Matthew Roper

-----Original Appointment-----

From: Matthew Roper

Sent: Monday, August 9, 2021 3:00 PM

To: Matthew Roper; Bart Kolodziejczyk; David Arnall; Bjorn Winther-jensen; Robert Kerr; Aabhash Shrestha; Andrew Sorbello; Nikki Hensen; Sienna Mohammadzadehmoghadam; Pierre Pouchol; Chauntelle Bonser; Benjamin Janssen; Lee Oldham; Gavin Collins; Brad Samers

Subject: IP literacy

When: Tuesday, 17 August 2021 9:00 AM-10:00 AM (UTC+08:00) Perth.

Where: 9 Longfellow Court, Belmont

Hi All,

Please note - Venue changed to 9 Longfellow Court Belmont, and date too. I would really like you to be at this session in person as I like to have these gatherings interactive. If this is really too much however the teams link is below.

Best Regards,

Matthew Roper

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+61 8 6186 4242,,785253373#](#) Australia, Perth

Phone Conference ID: 785 253 373#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

From: Bart Kolodziejczyk <bkolodziejcz@fmgl.com.au>

Sent: Monday, 9 August 2021 2:18 PM

To: David Arnall <david.arnall@fmgl.com.au>; Bjorn Winther-jensen <bjorn.wintherjensen@fmgl.com.au>; Robert Kerr <robert.kerr@fmgl.com.au>; Aabhash Shrestha <aabhash.shrestha@fmgl.com.au>; Andrew Sorbello <andrew.sorbello@fmgl.com.au>; Nikki Hensen <nikki.hensen@fmgl.com.au>; Sienna Mohammadzadehmoghadam <sienna.mohammadzadehmoghadam@fmgl.com.au>; Pierre Pouchol <ppouchol@fmgl.com.au>; Chauntelle Bonser <chauntelle.bonser@fmgl.com.au>; Benjamin Janssen <benjamin.janssen@fmgl.com.au>; Lee Oldham <lee.oldham@fmgl.com.au>; Gavin Collins <gavin.collins@fmgl.com.au>; Brad Samers <brad.samers@fmgl.com.au>

Cc: Matthew Roper <matthew.roper@fmgl.com.au>

Subject: IP literacy

Hi all,

Matthew Roper would like to get the entire team up to speed with IP and related issues.

Matt will schedule a meeting for next week. Since our projects are heavily reliant on IP, it would be great if you all could attend.

Best regards,

Bart Kolodziejczyk
Fortescue Metals Group Ltd
Level 2, 87 Adelaide Terrace East Perth WA 6004

Mobile: +61 437 947 164 **Web:** www.fmgl.com.au
Twitter: @FortescueNews | www.fmgl.com.au



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

ANNEXURE MFR-4

This is the annexure marked **MFR-4** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me:



Rohit Dighe

Subject: Catch up Re Bart
Location: [FFI Office G - Argentina - 10 - AV **FFI Only**]

Start: Mon 25/10/2021 1:30 PM
End: Mon 25/10/2021 2:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Kara Vague
Required Attendees: Emily Ward; James Herring; Matthew Roper; Bart Kolodziejczyk
Optional Attendees: Michaela Johnstone

No. NSD527 of 2024

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

FORTESCUE LIMITED (ACN 002 594 872) and others

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CONFIDENTIAL ANNEXURE MFR-5

This is the CONFIDENTIAL annexure marked **MFR-5** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me:



Rohit Dighe

From: Bart Kolodziejczyk
Sent: Tuesday, 5 October 2021 4:17 PM
To: Matthew Roper
Subject: Iron donor electrodes
Attachments: Invention disclosure - High performance iron electrode (BK).docx

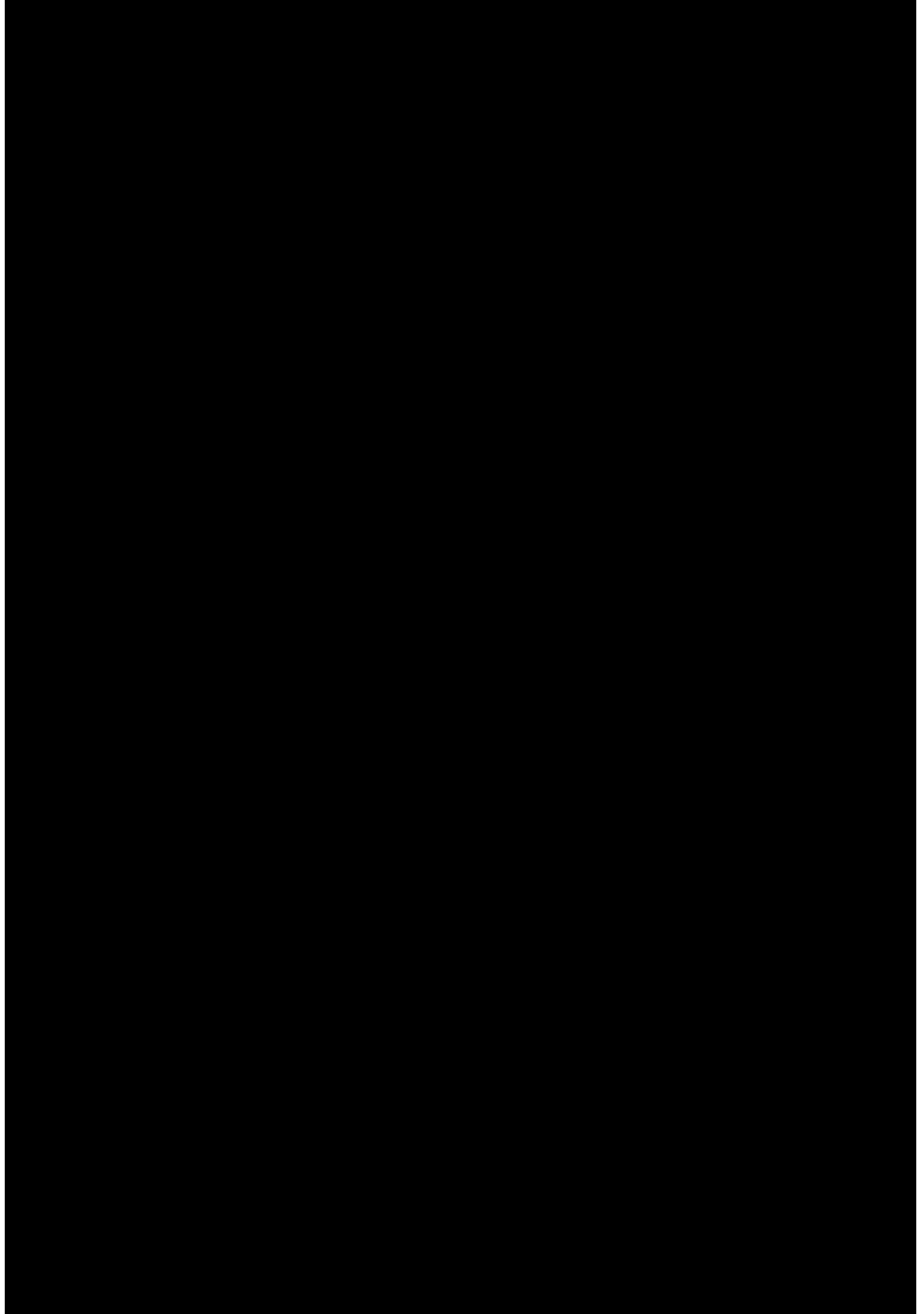
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Matt,

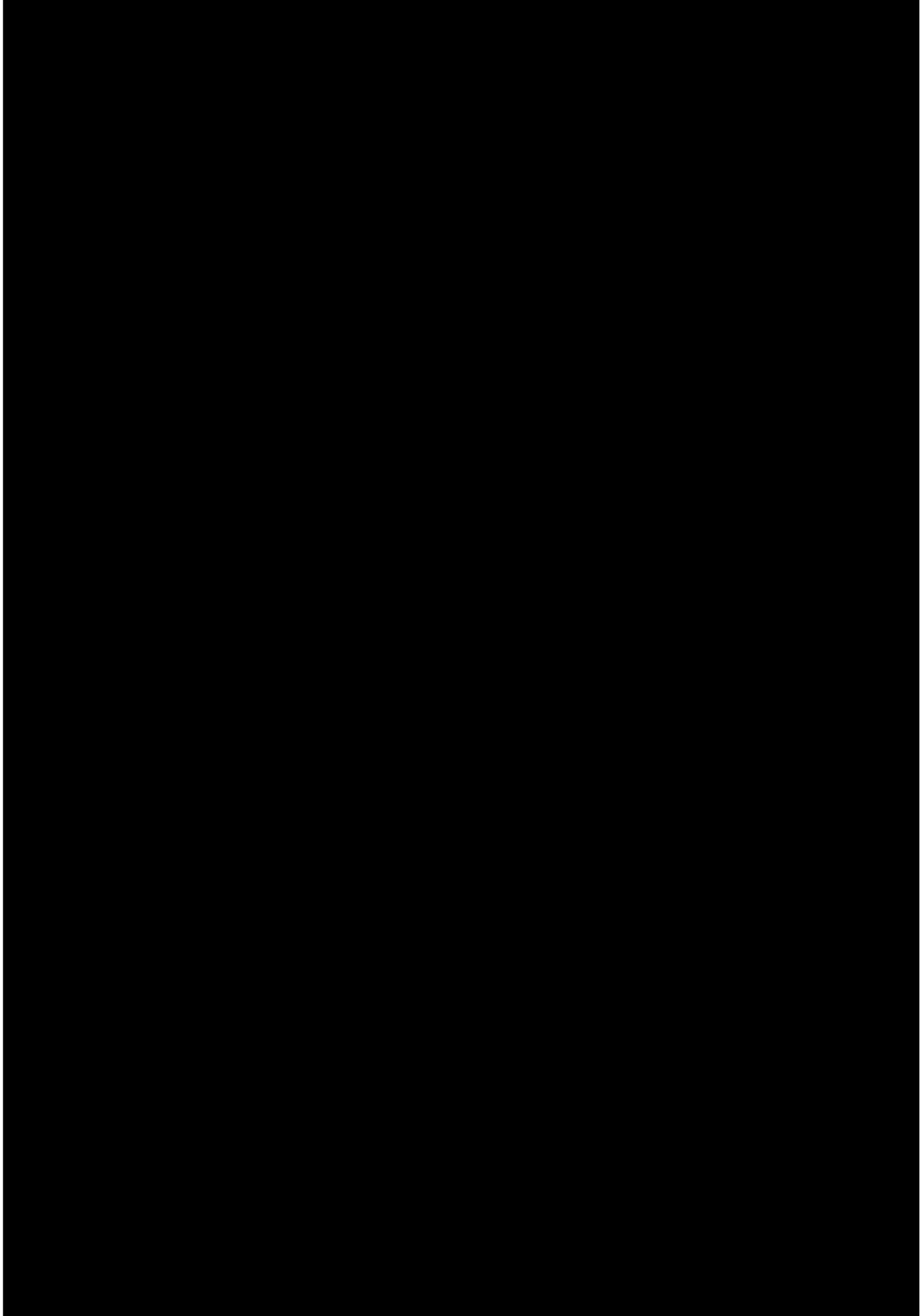
I have attached another invention disclosure.

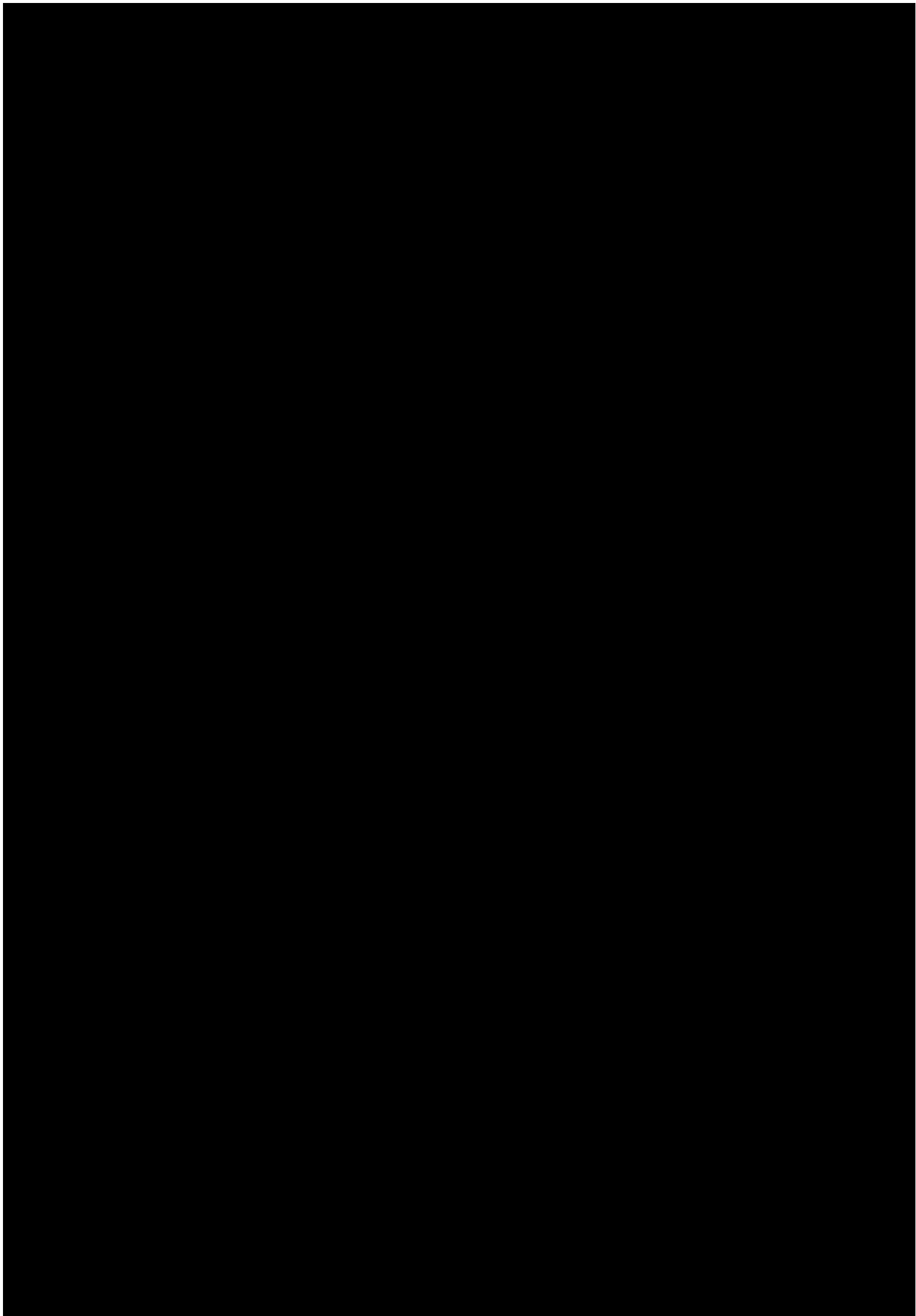
How are we going on turning other invention disclosures into registered patents.

Best regards,
Bart









No. NSD527 of 2024

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District Registry: New South Wales
Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others

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CONFIDENTIAL ANNEXURE MFR-6

This is the CONFIDENTIAL annexure marked **MFR-6** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me: 

Rohit Dighe

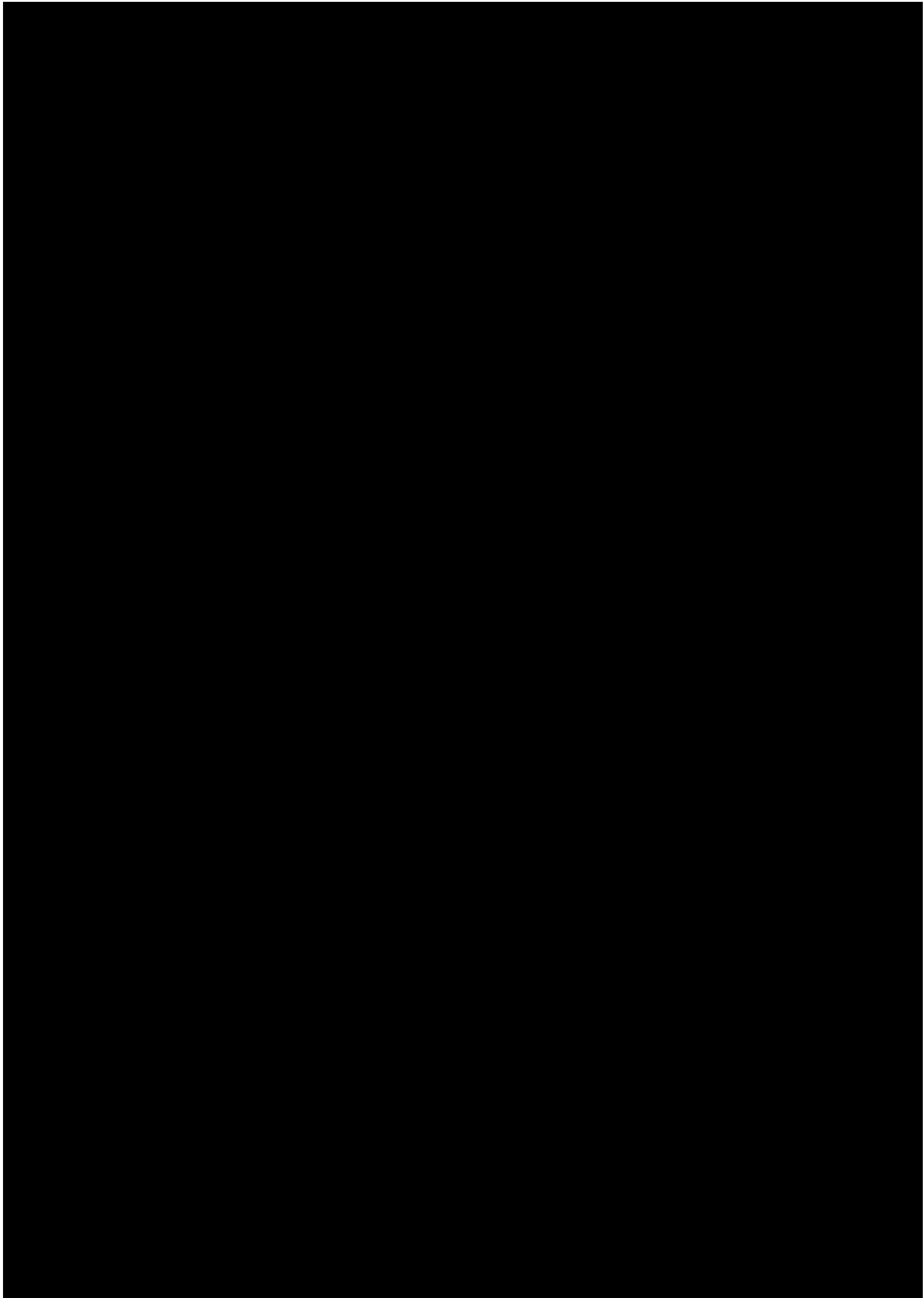
From: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
Sent: Friday, 29 October 2021 2:08 PM
To: Matthew Roper
Subject: Forecasting Algorithm Description
Attachments: Forecasting algorithm.docx; Forecasting algorithm.pptx

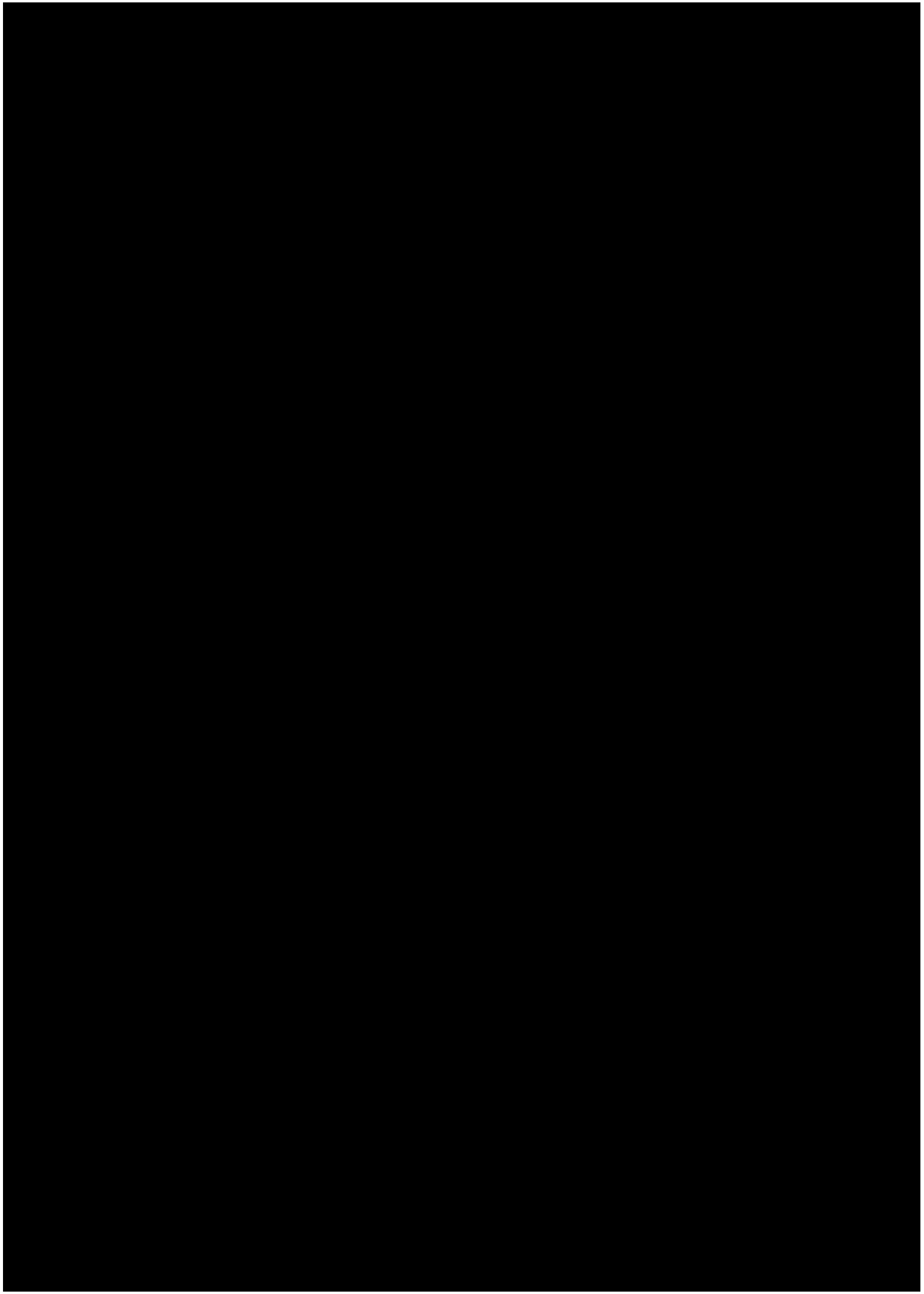
Hi Matt,

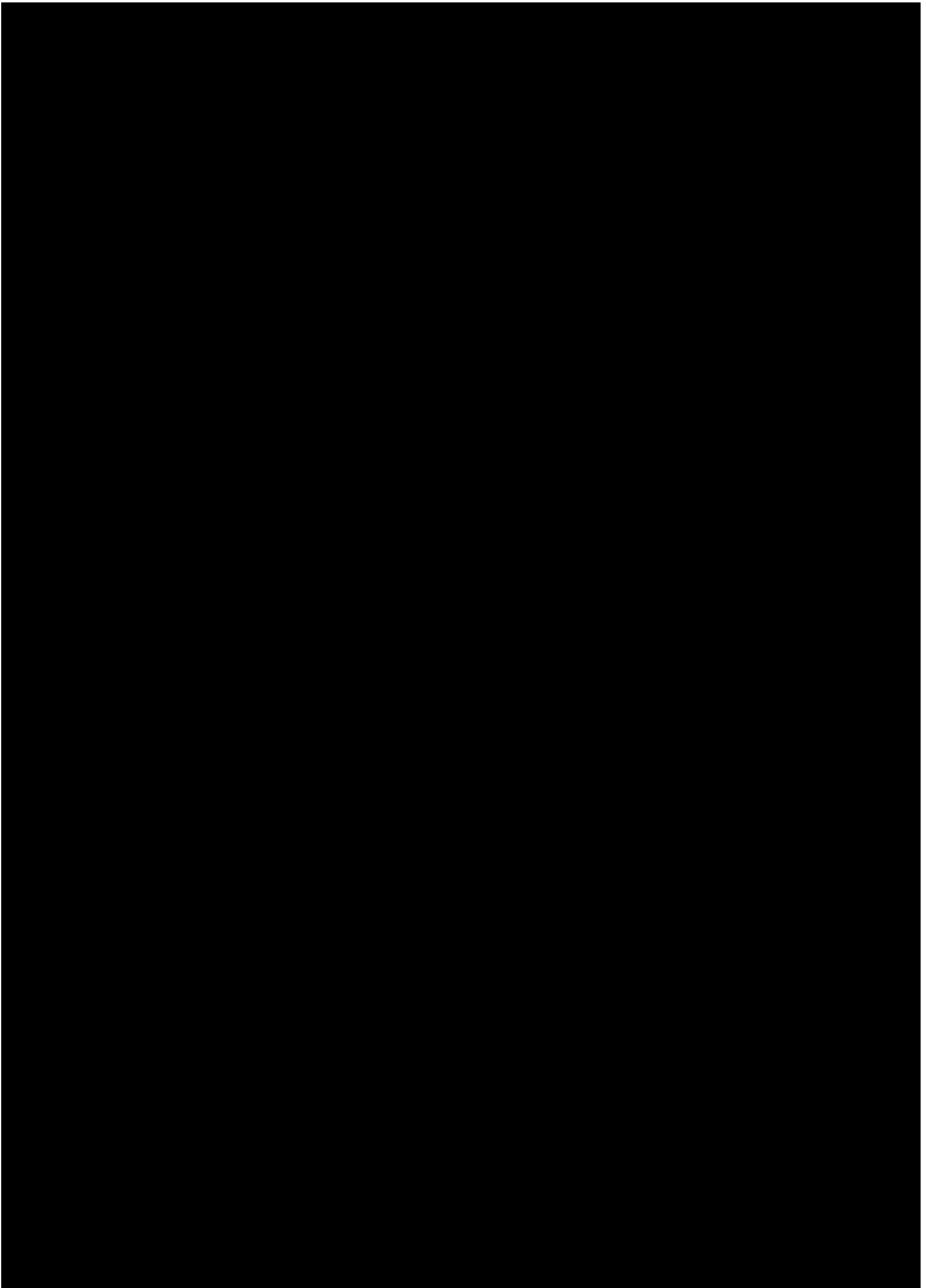
Please find attached further description for forecasting algorithm.

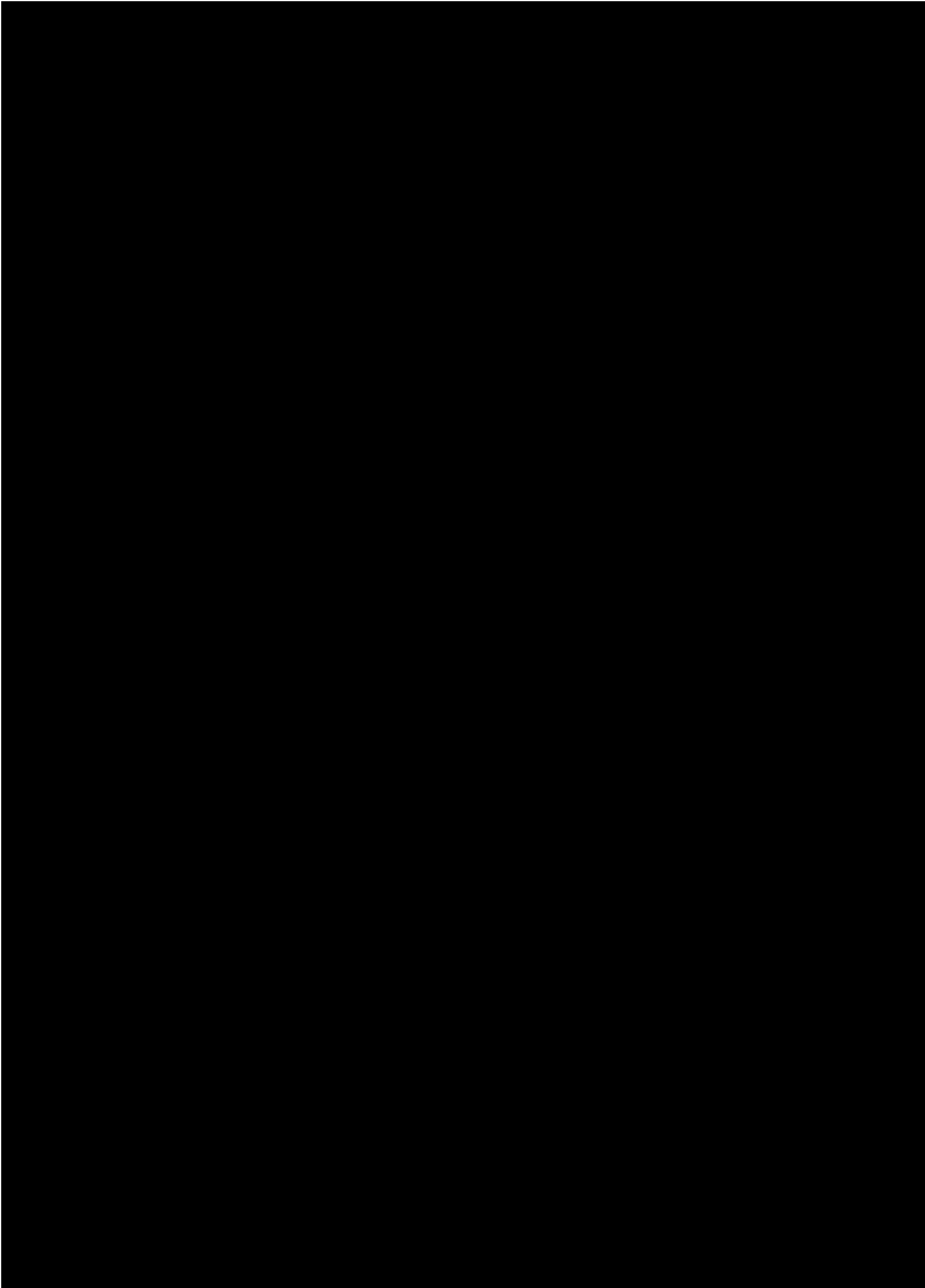
I need to redo some figures and also provide a more detailed description of the building blocks of the algorithm. I will do it over the weekend/next week. I am also progressing two other invention disclosures.

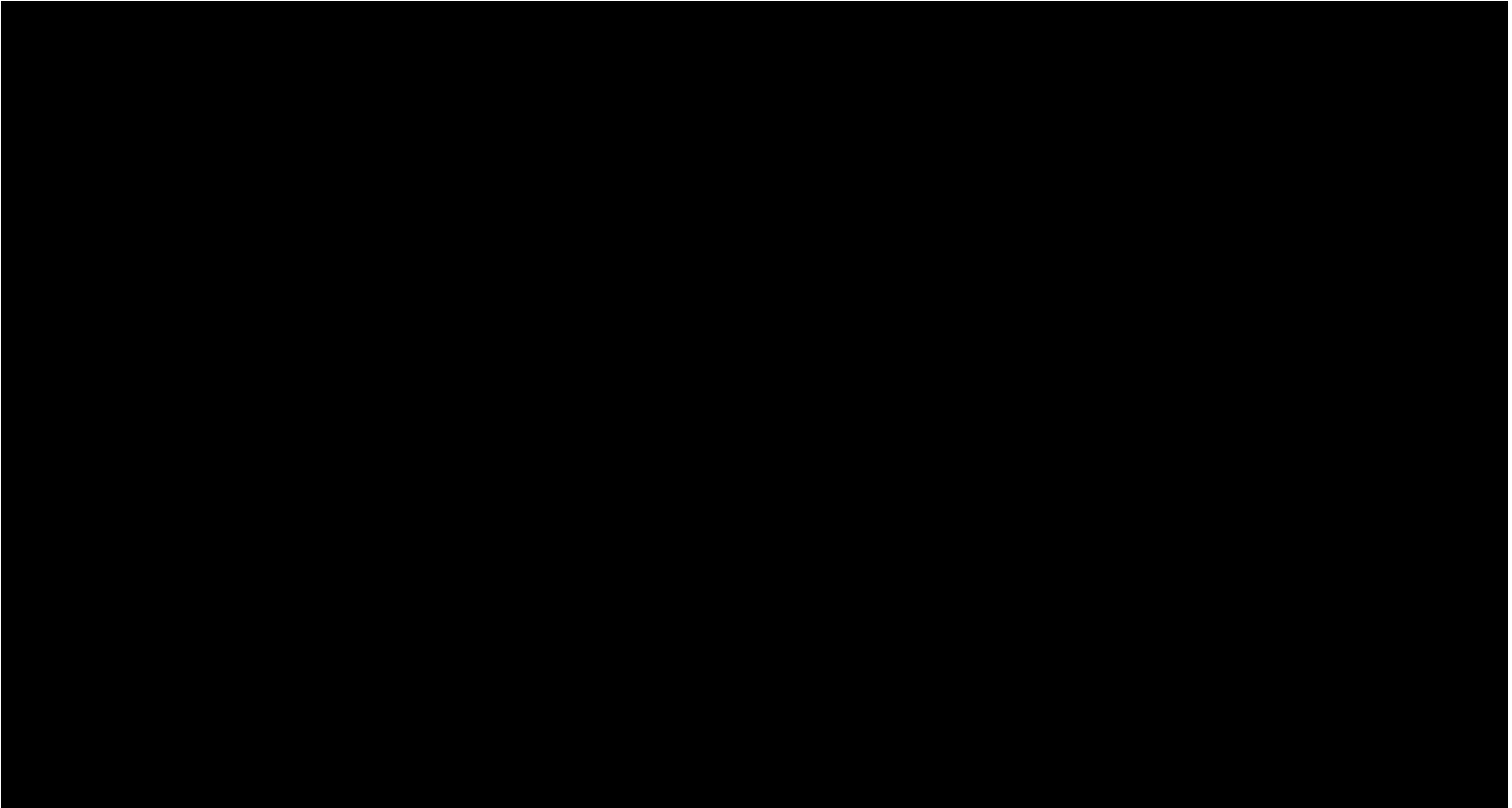
Bart











No. NSD527 of 2024

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

FORTESCUE LIMITED (ACN 002 594 872) and others

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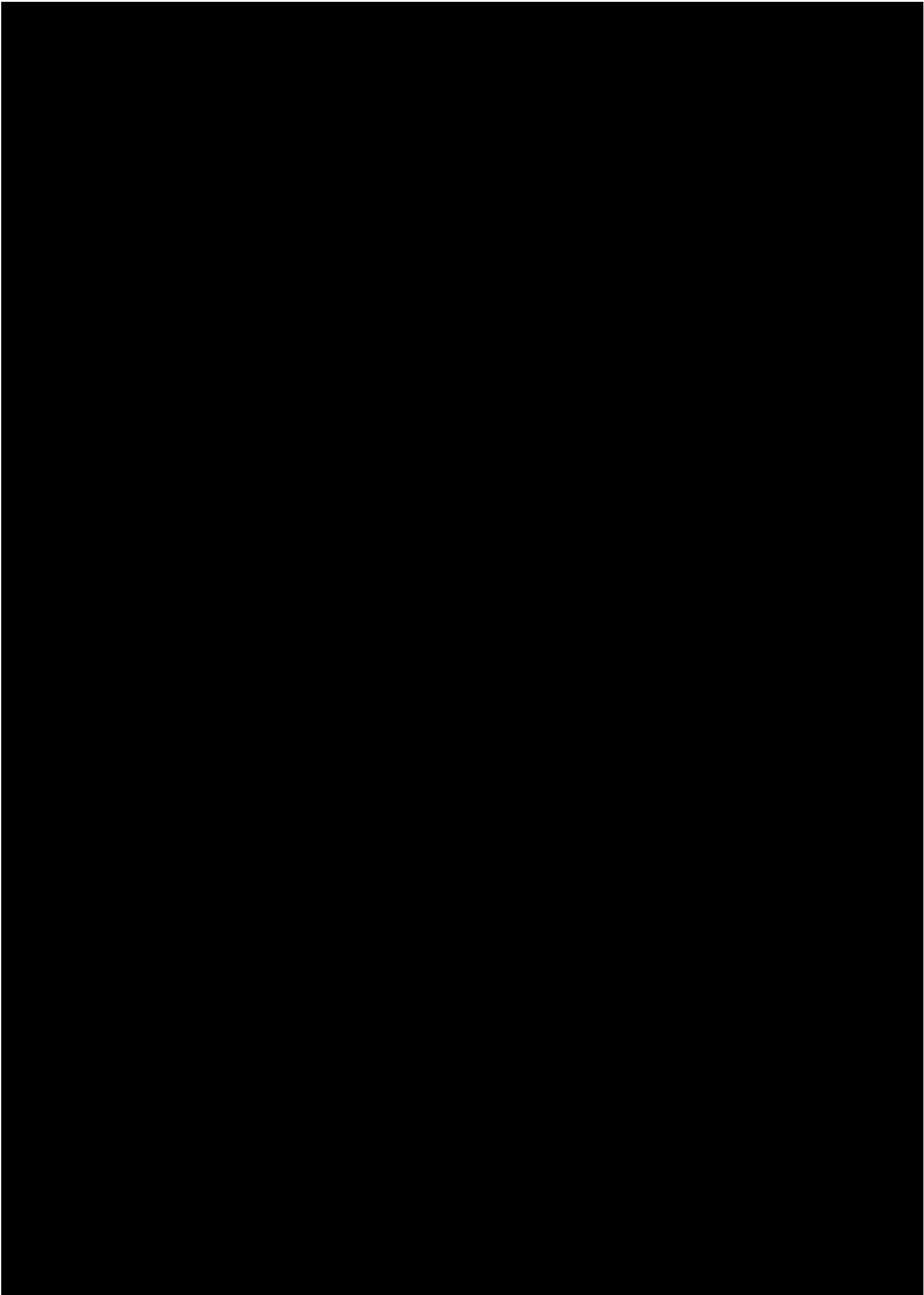
Respondents

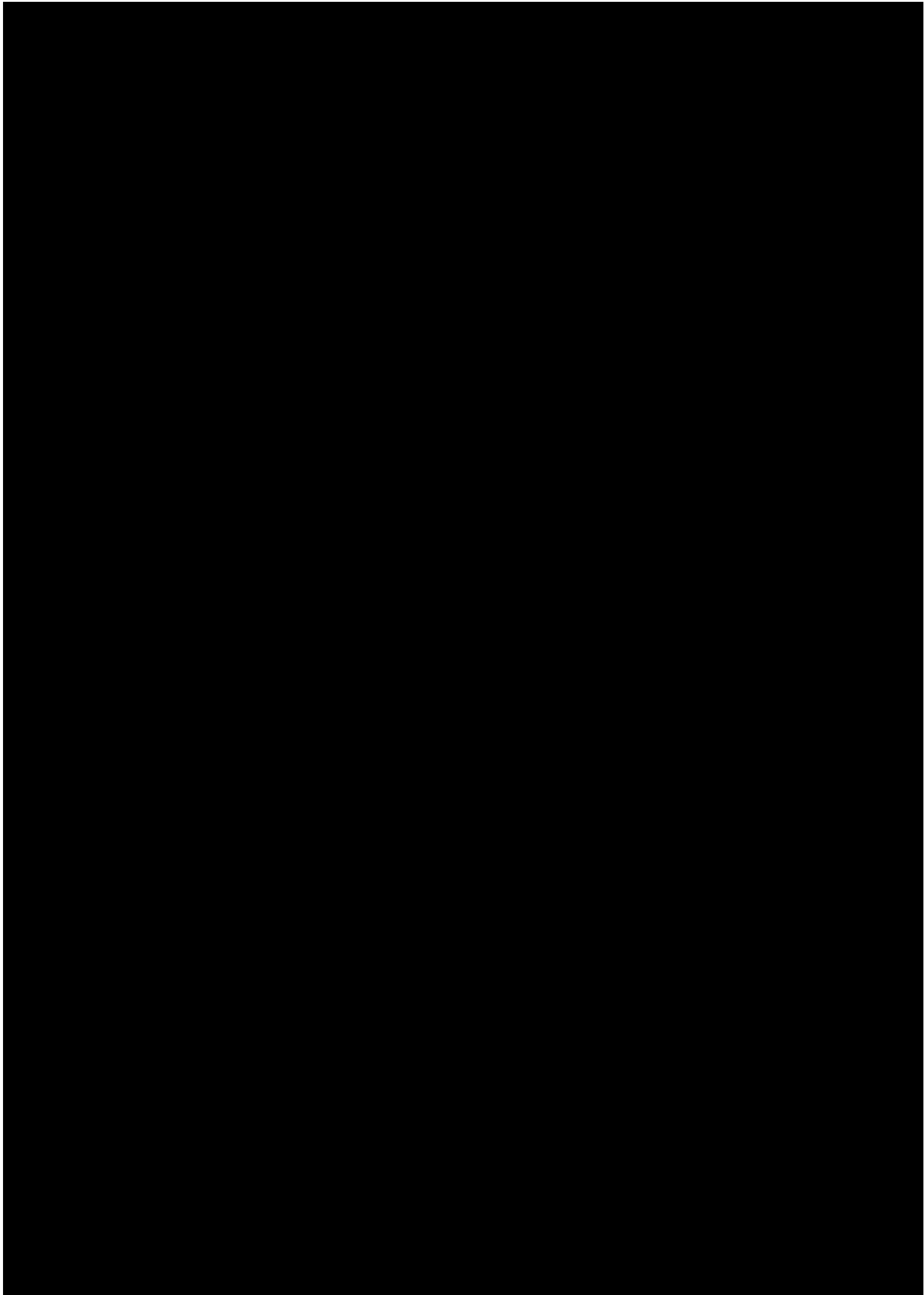
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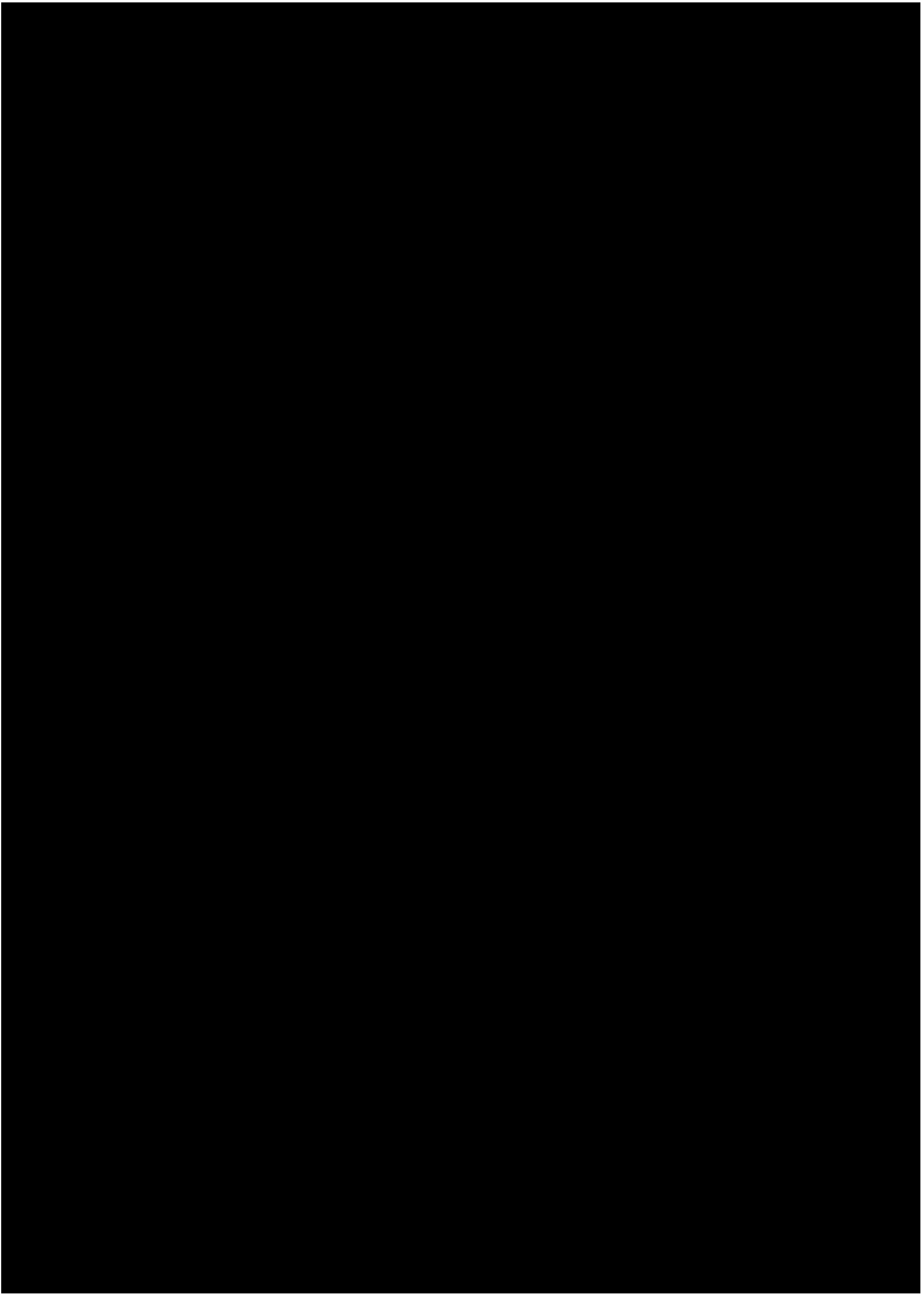
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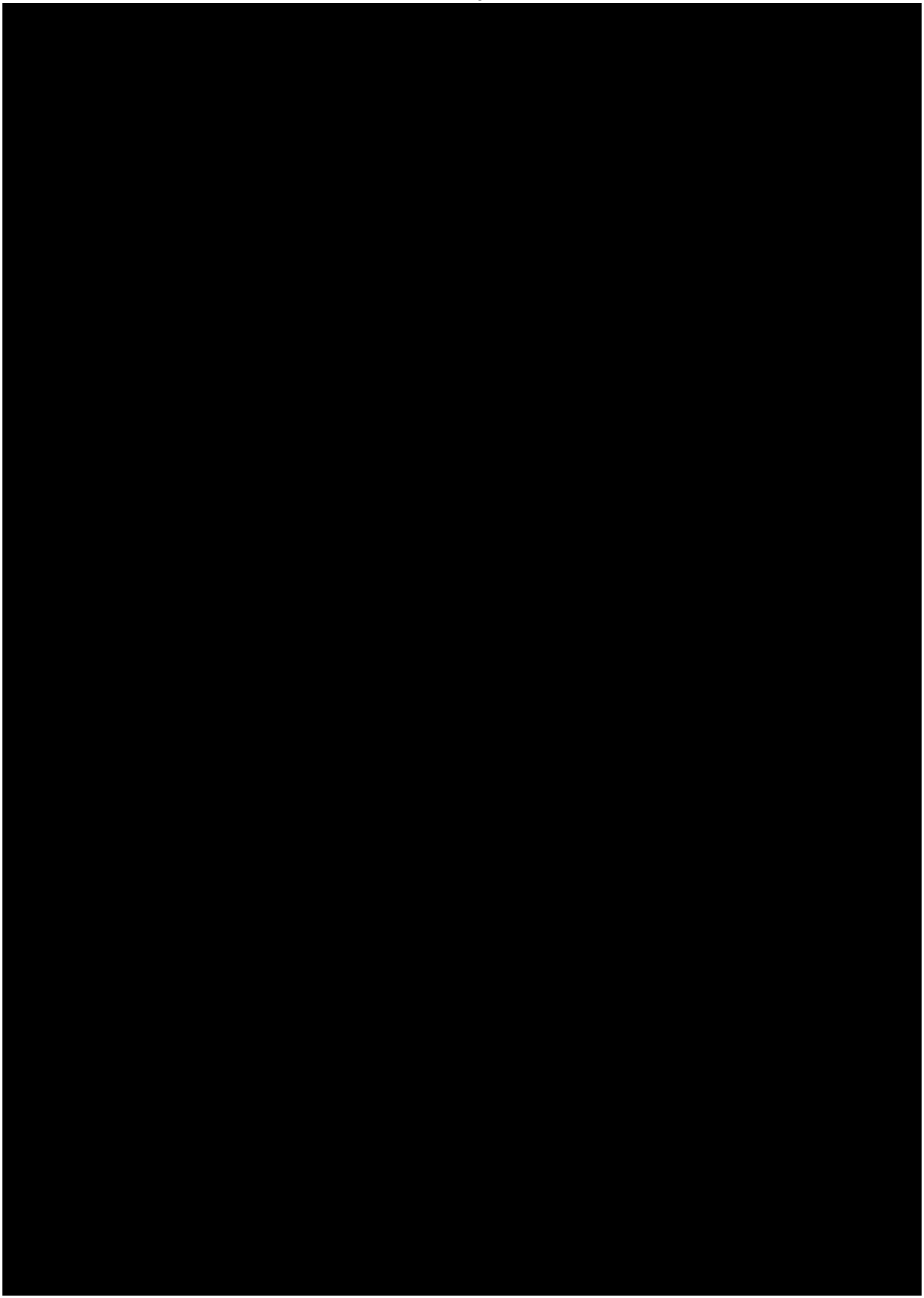
Before me:

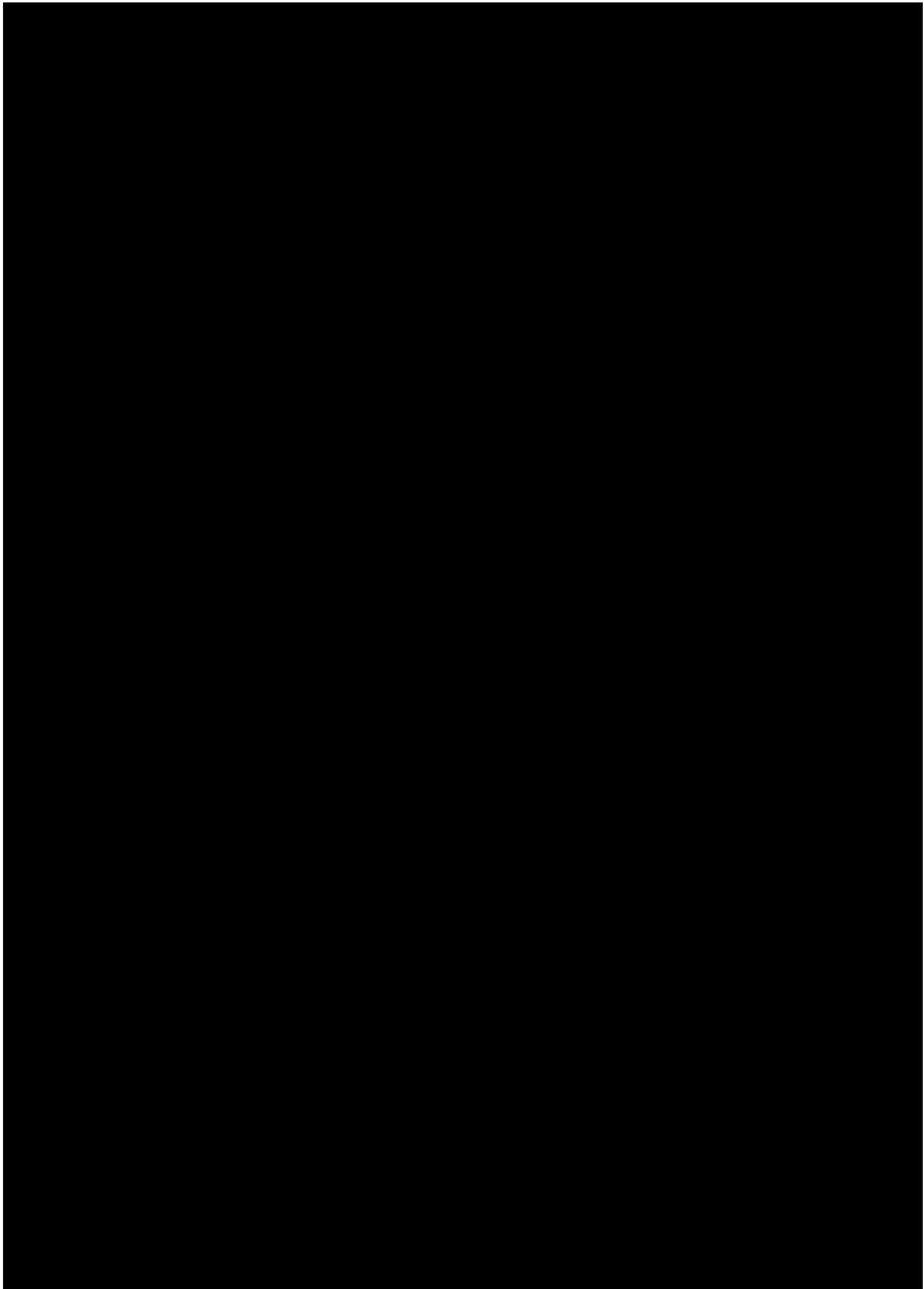
A handwritten signature in black ink, appearing to be 'L. J. Roper', written over a dotted line.











No. NSD527 of 2024

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

FORTESCUE LIMITED (ACN 002 594 872) and others

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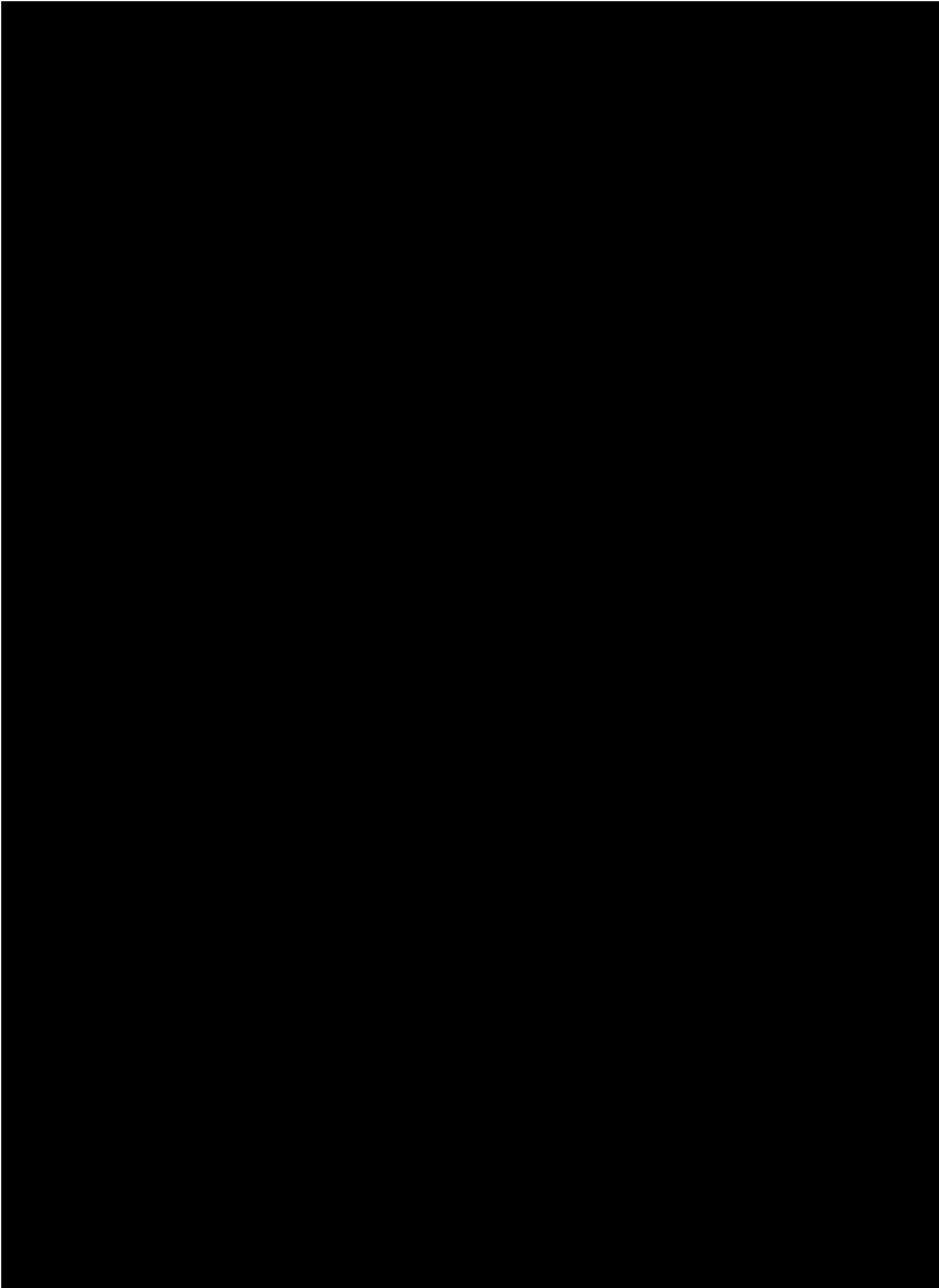
Respondents

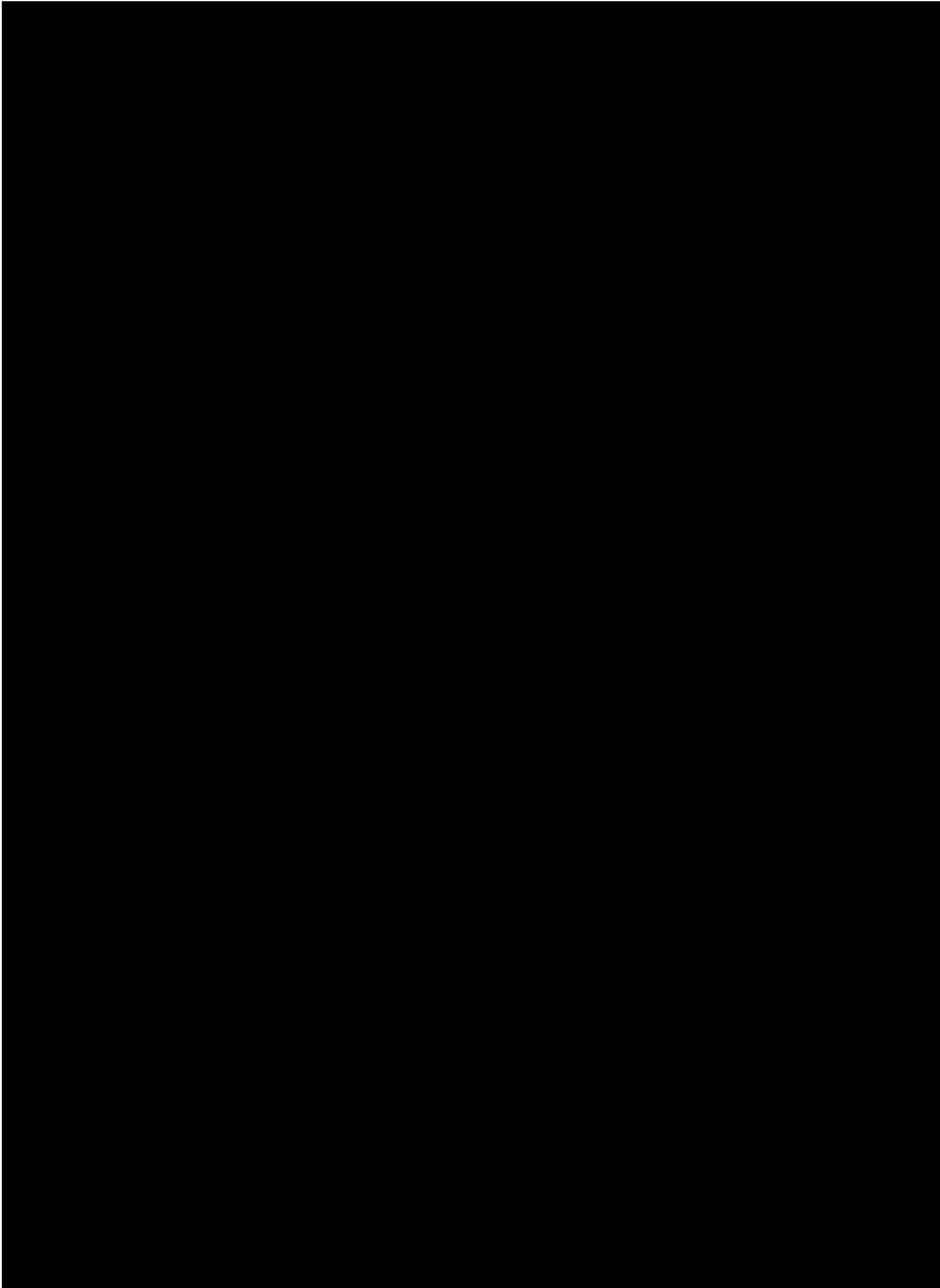
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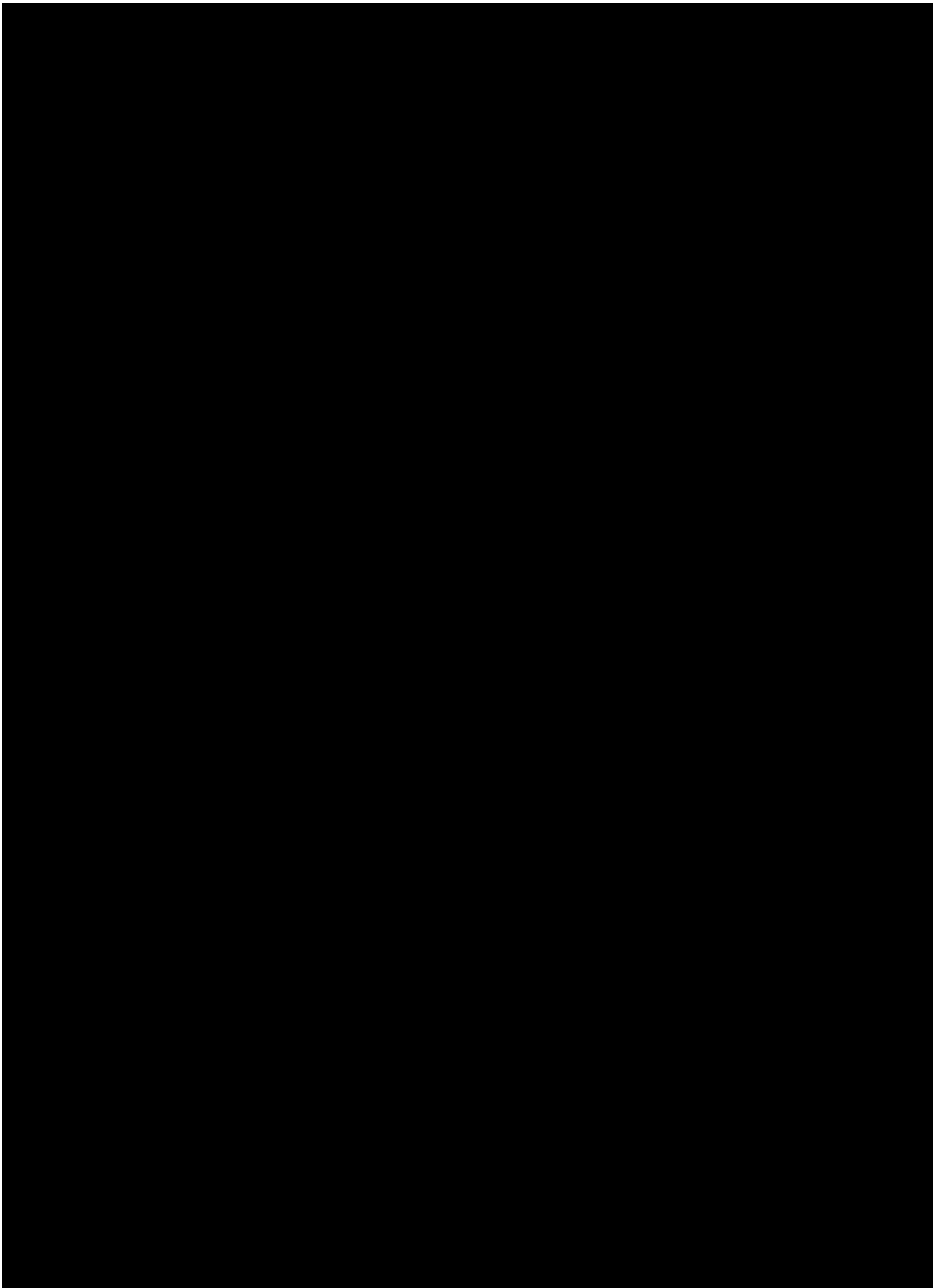
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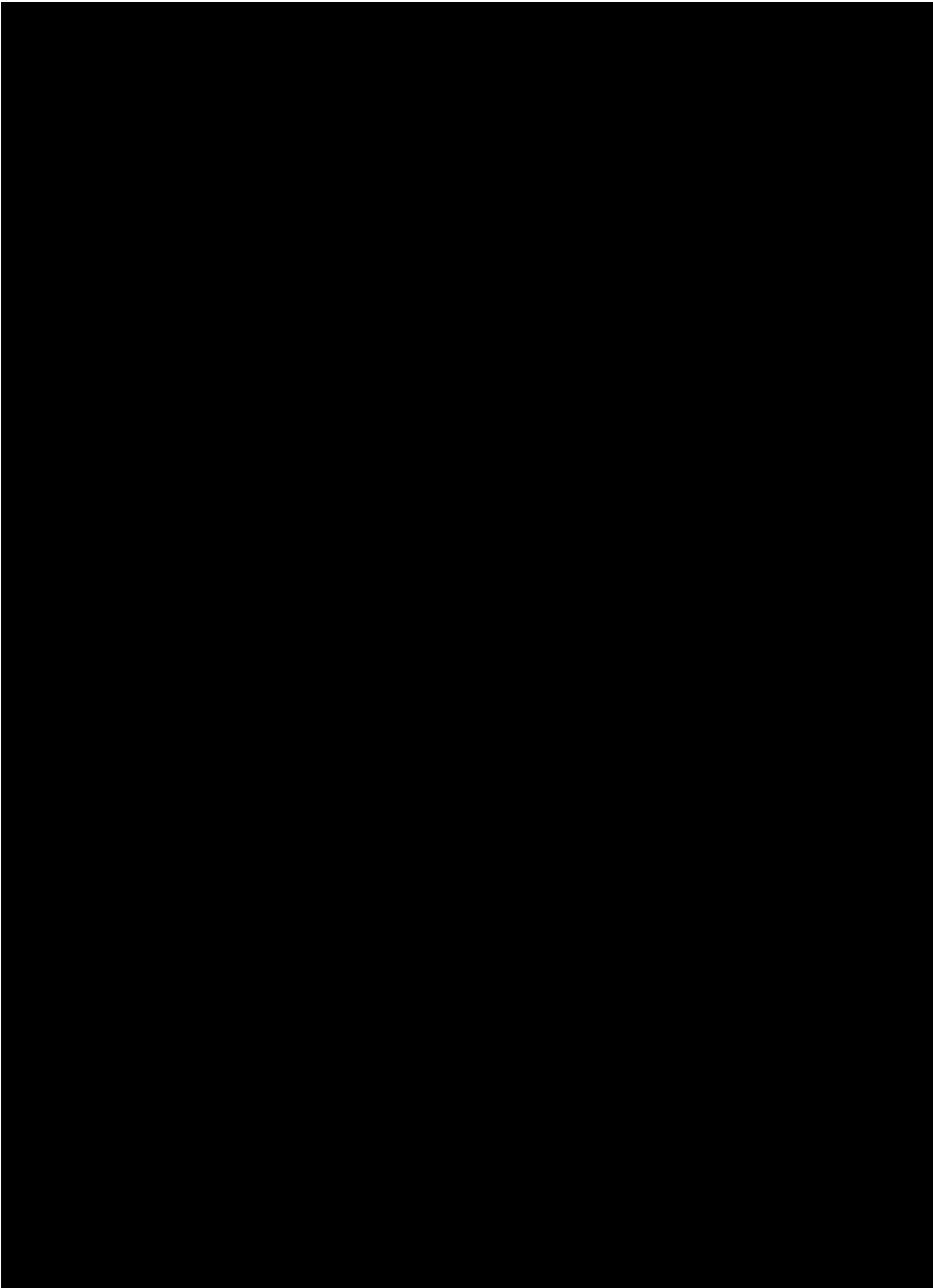
Before me:

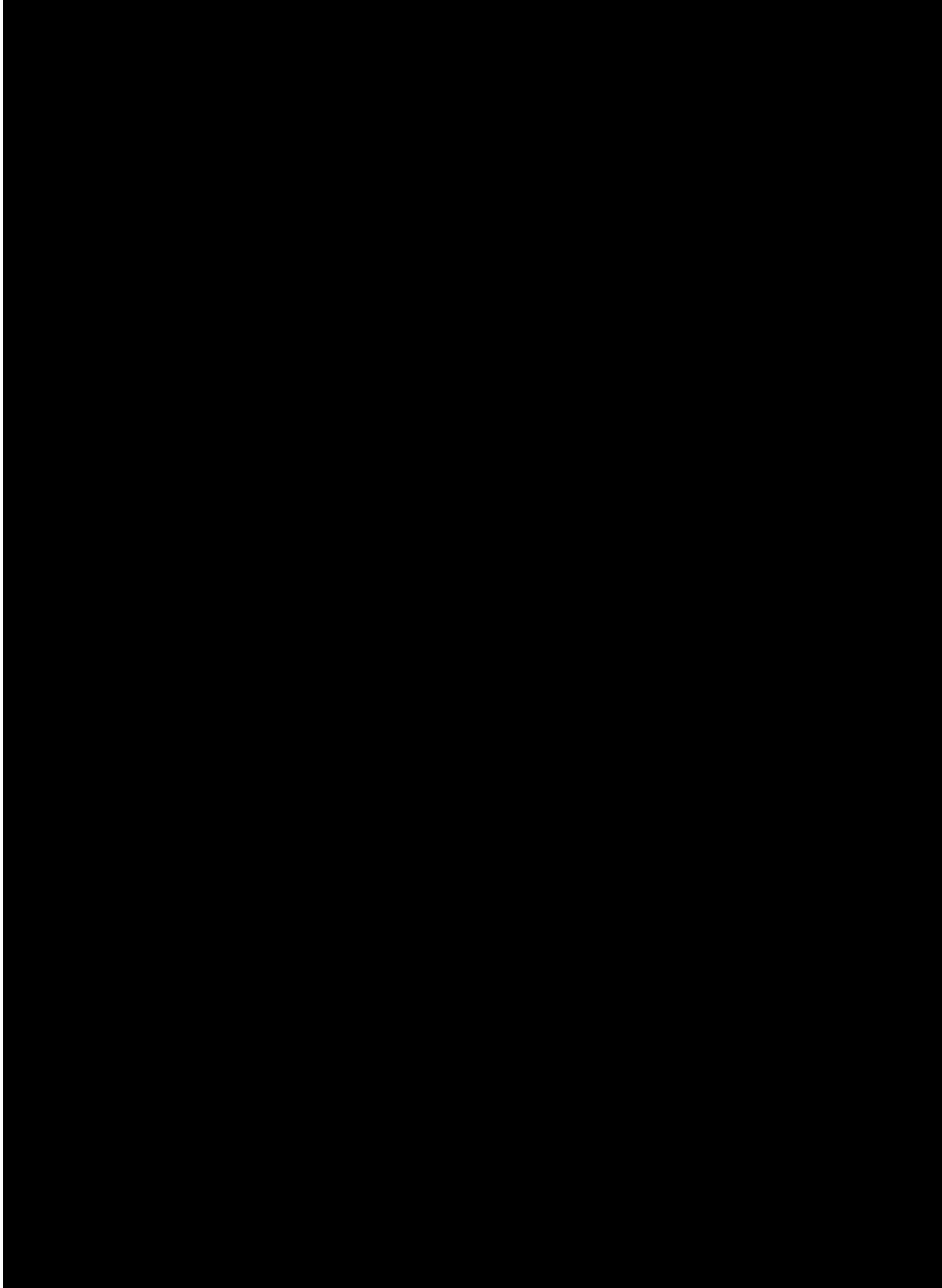


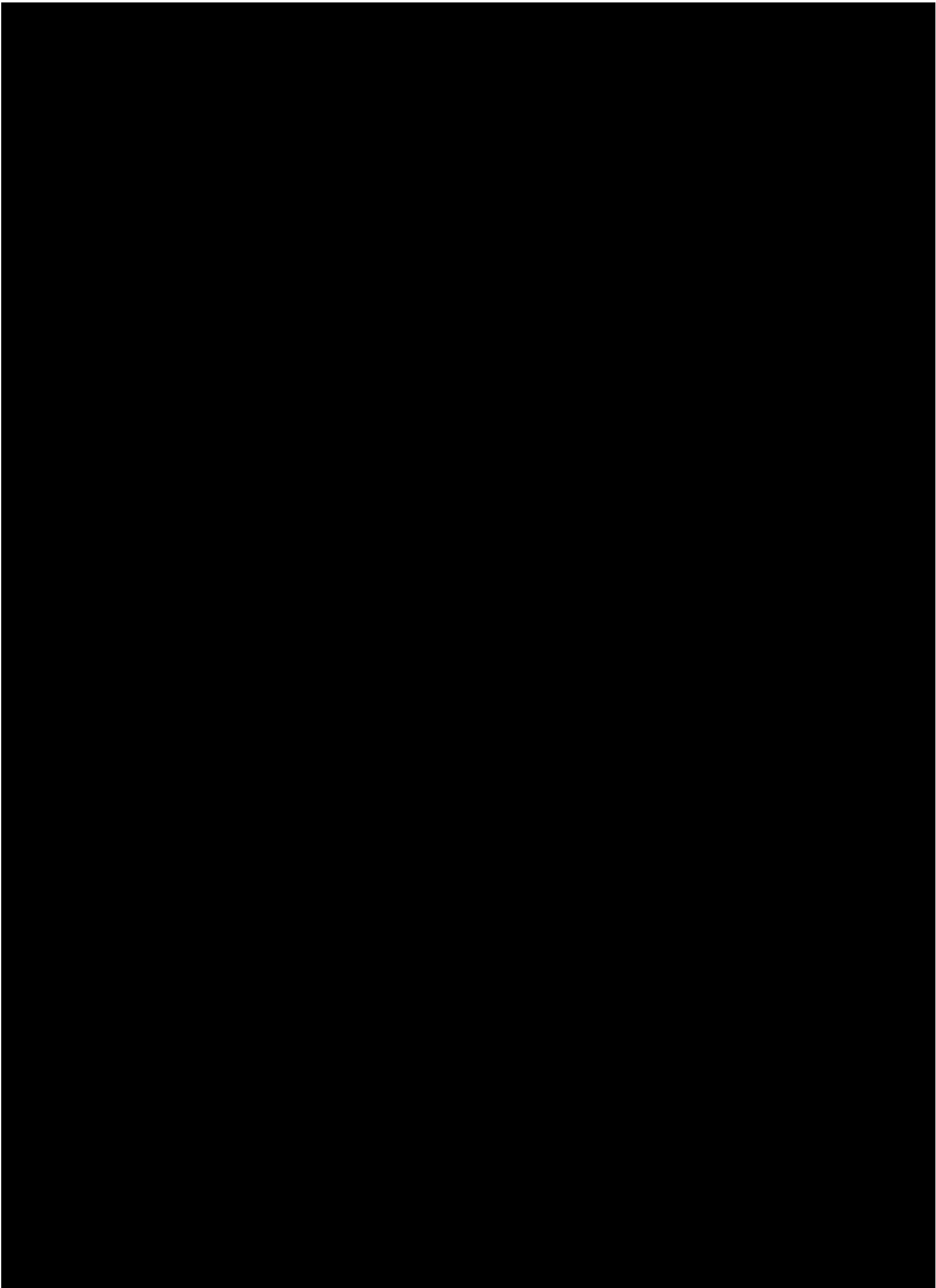


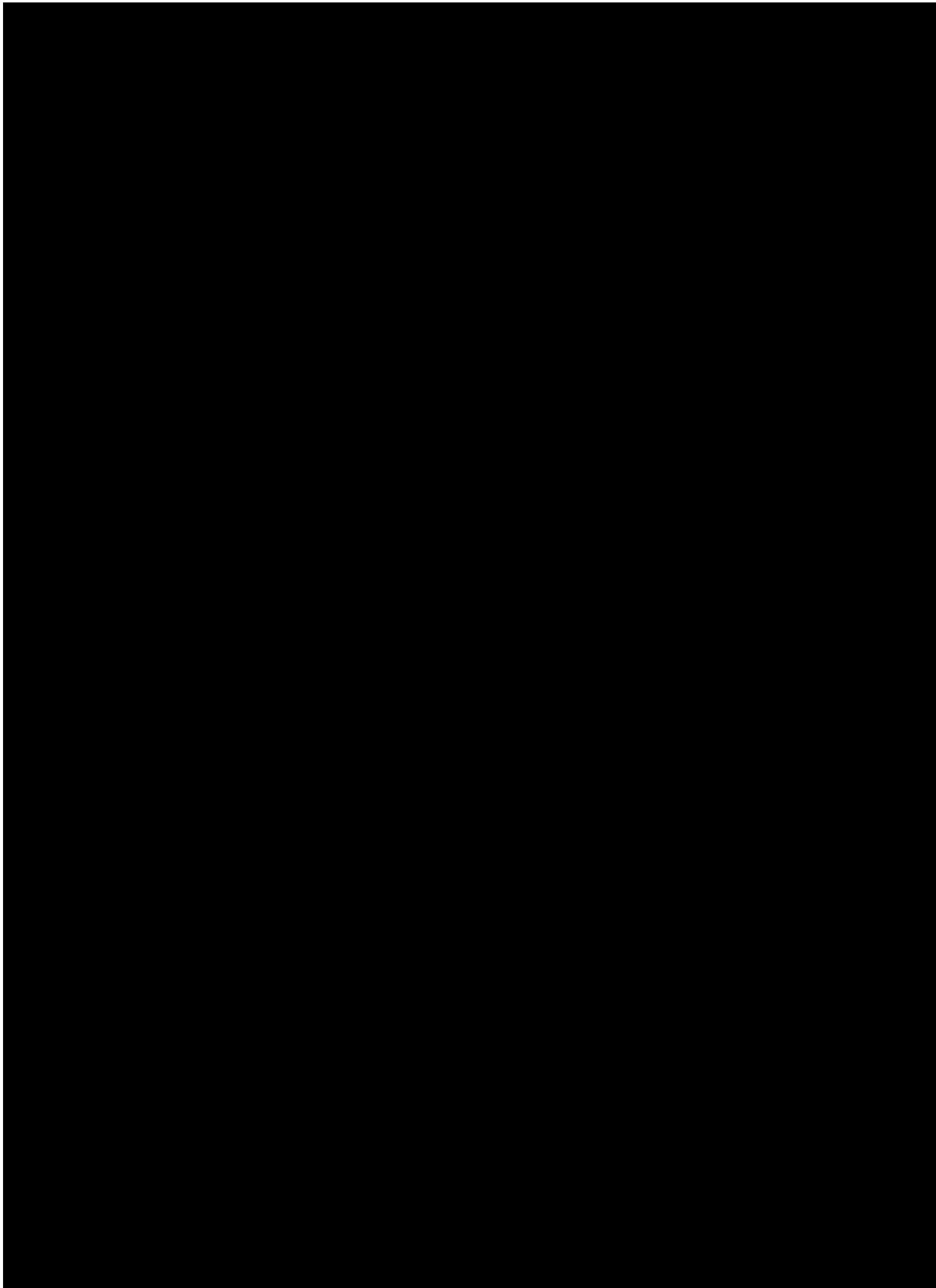


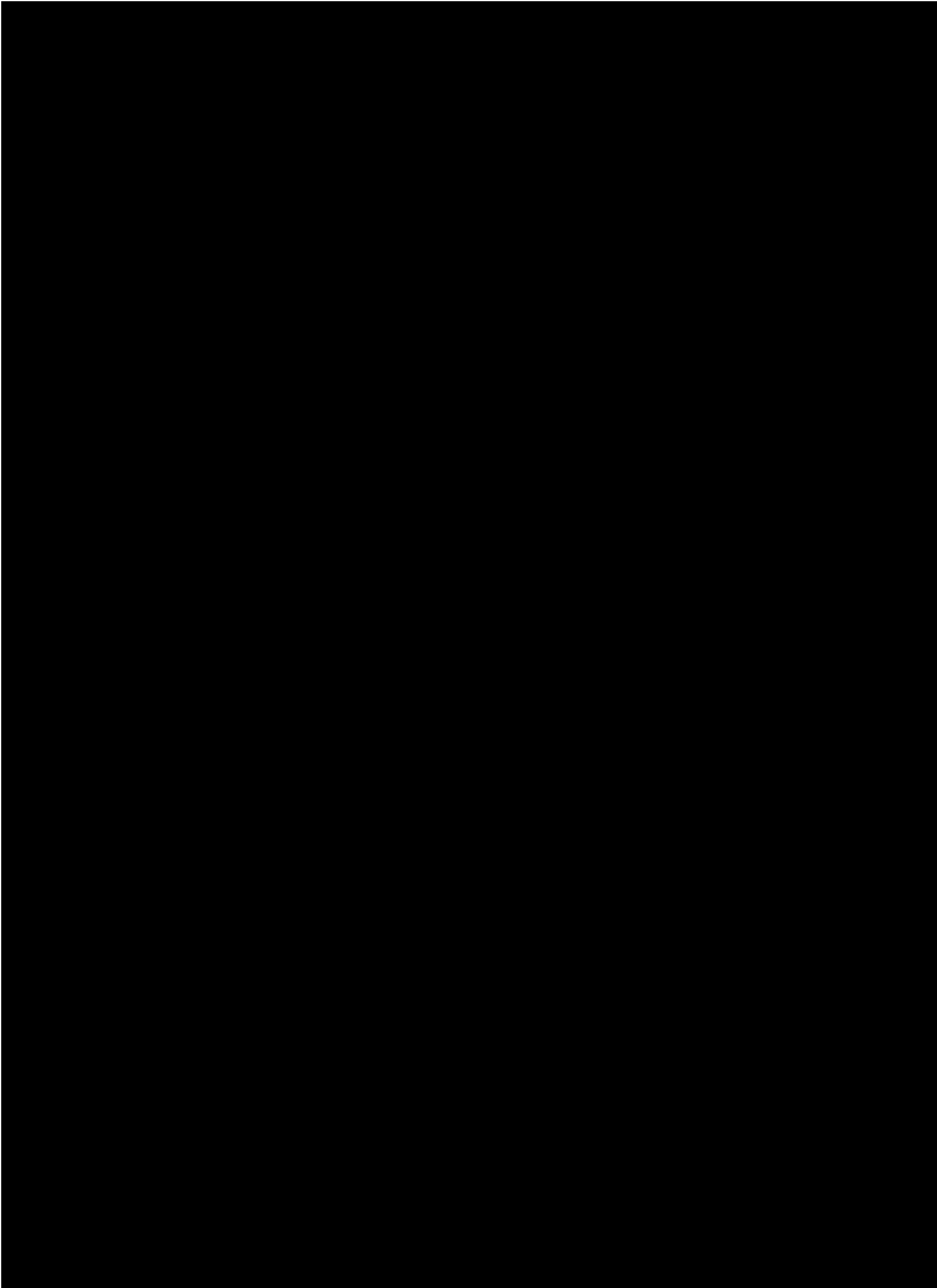


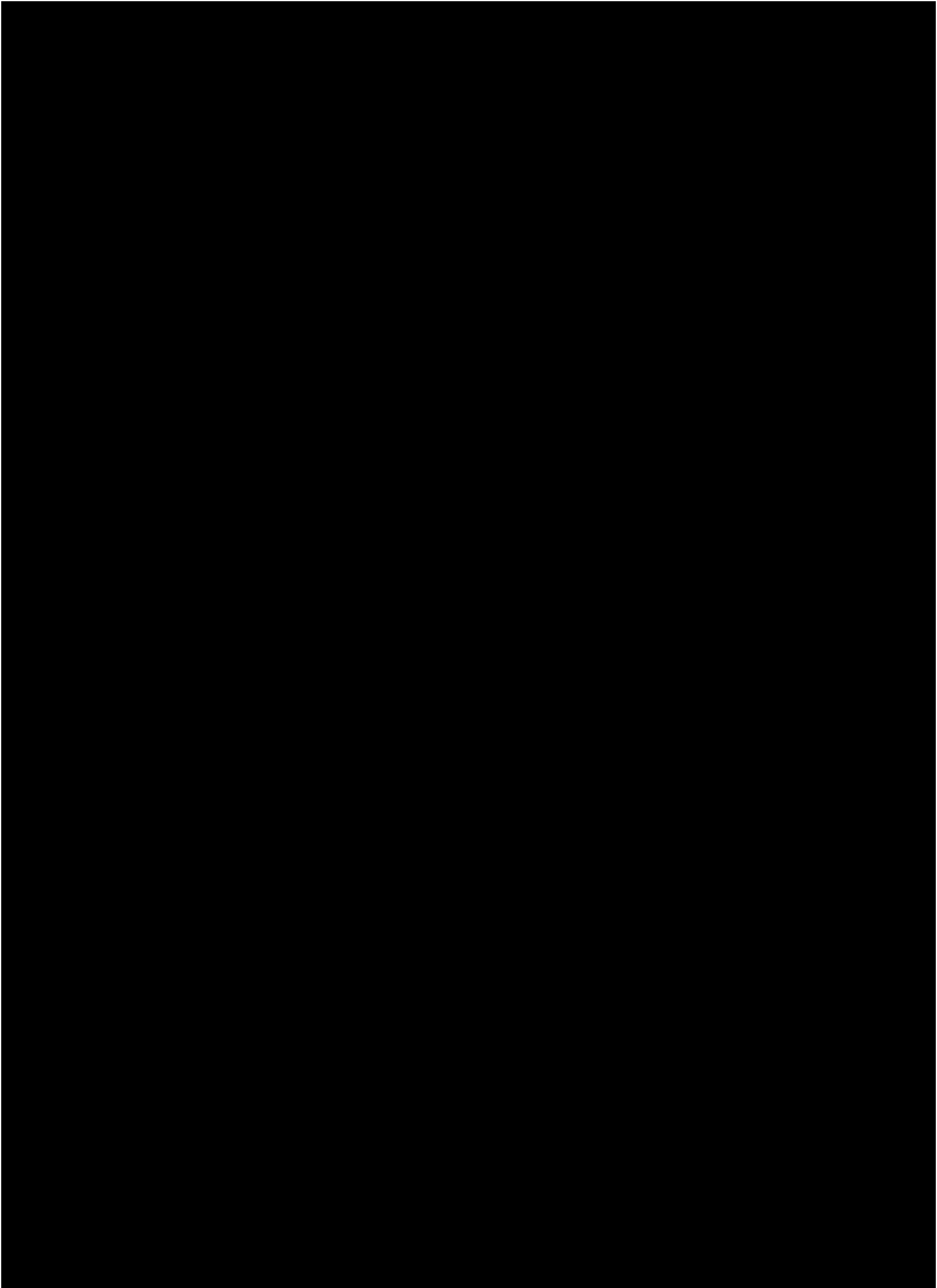


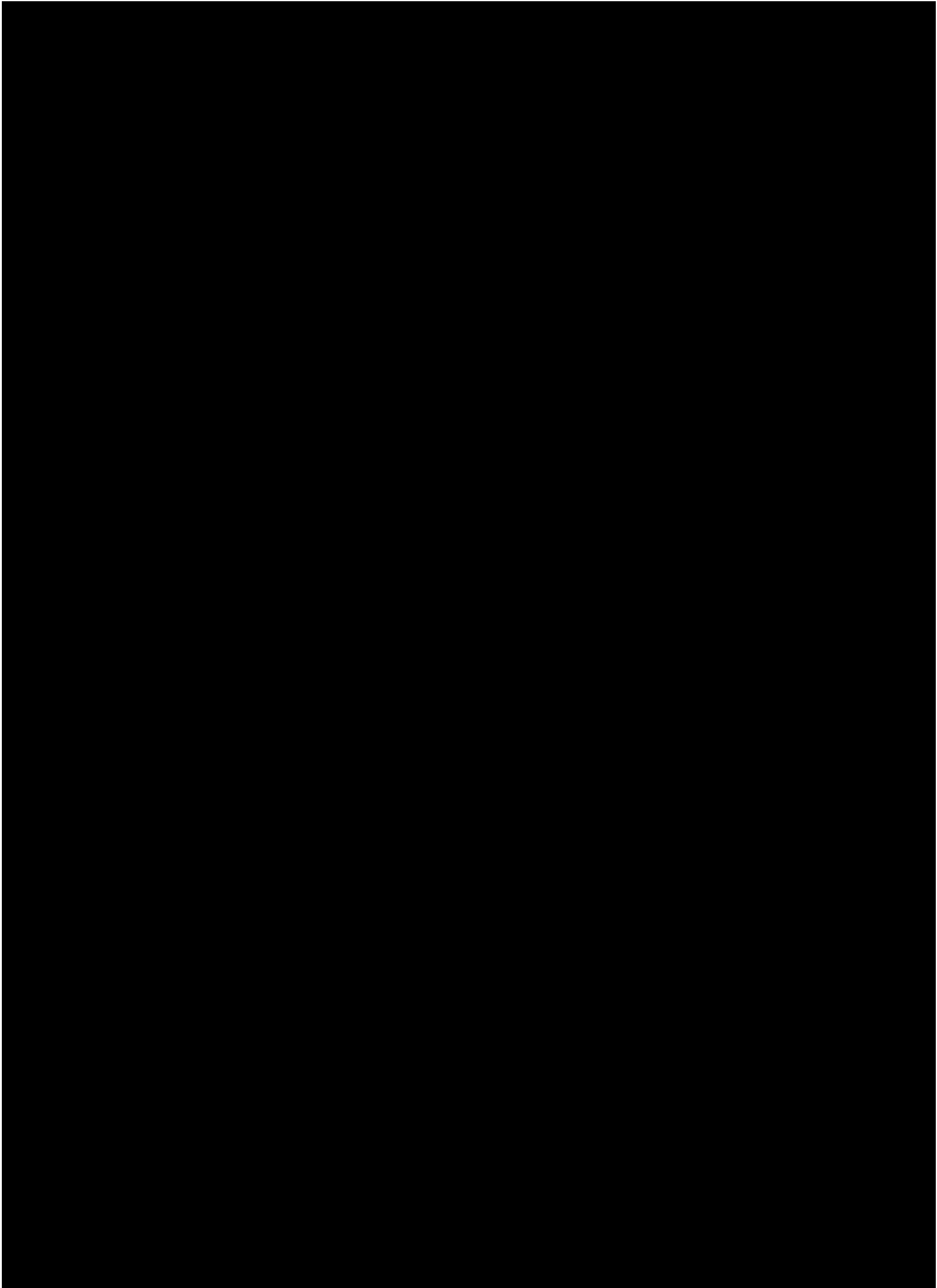


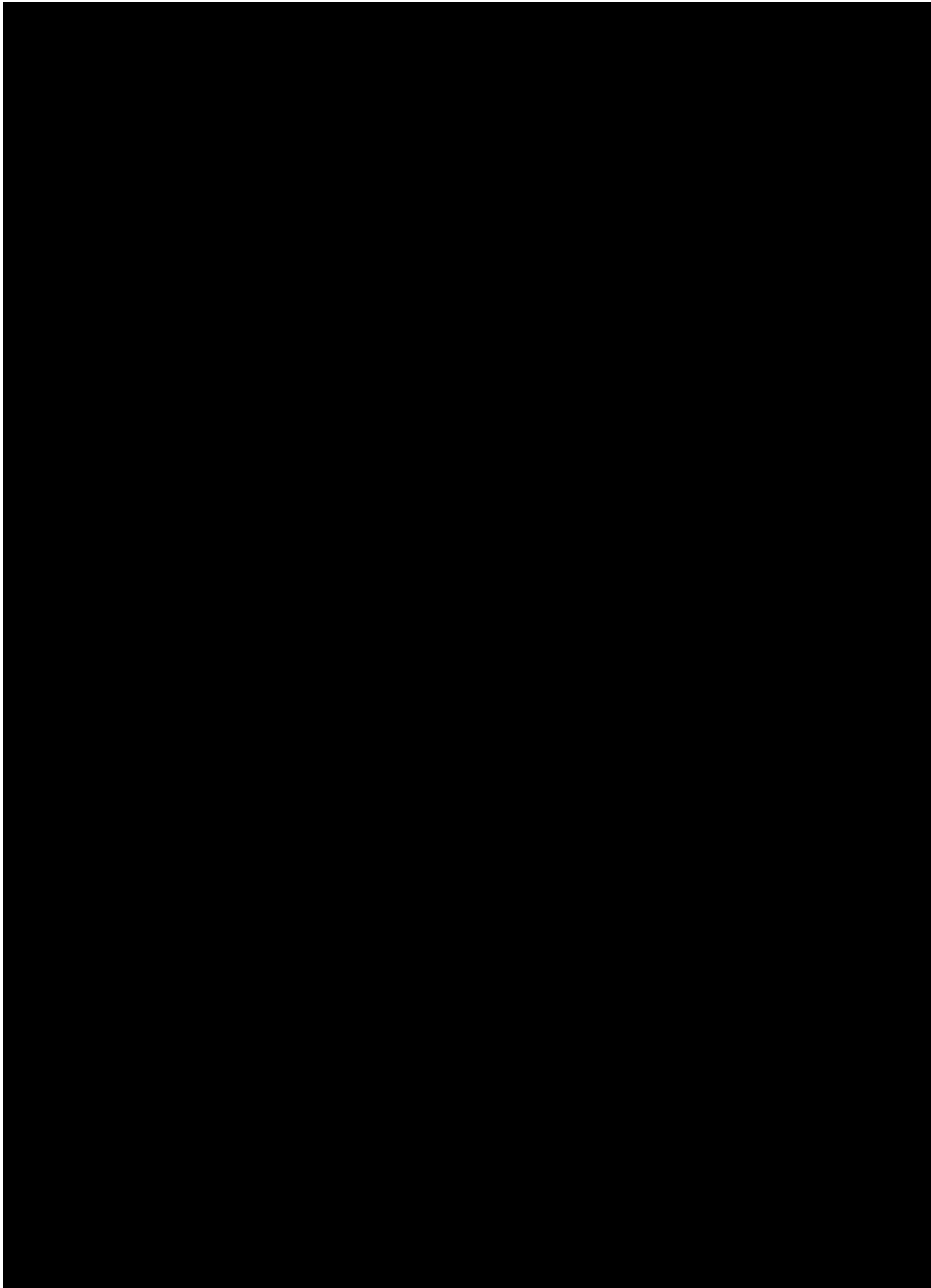


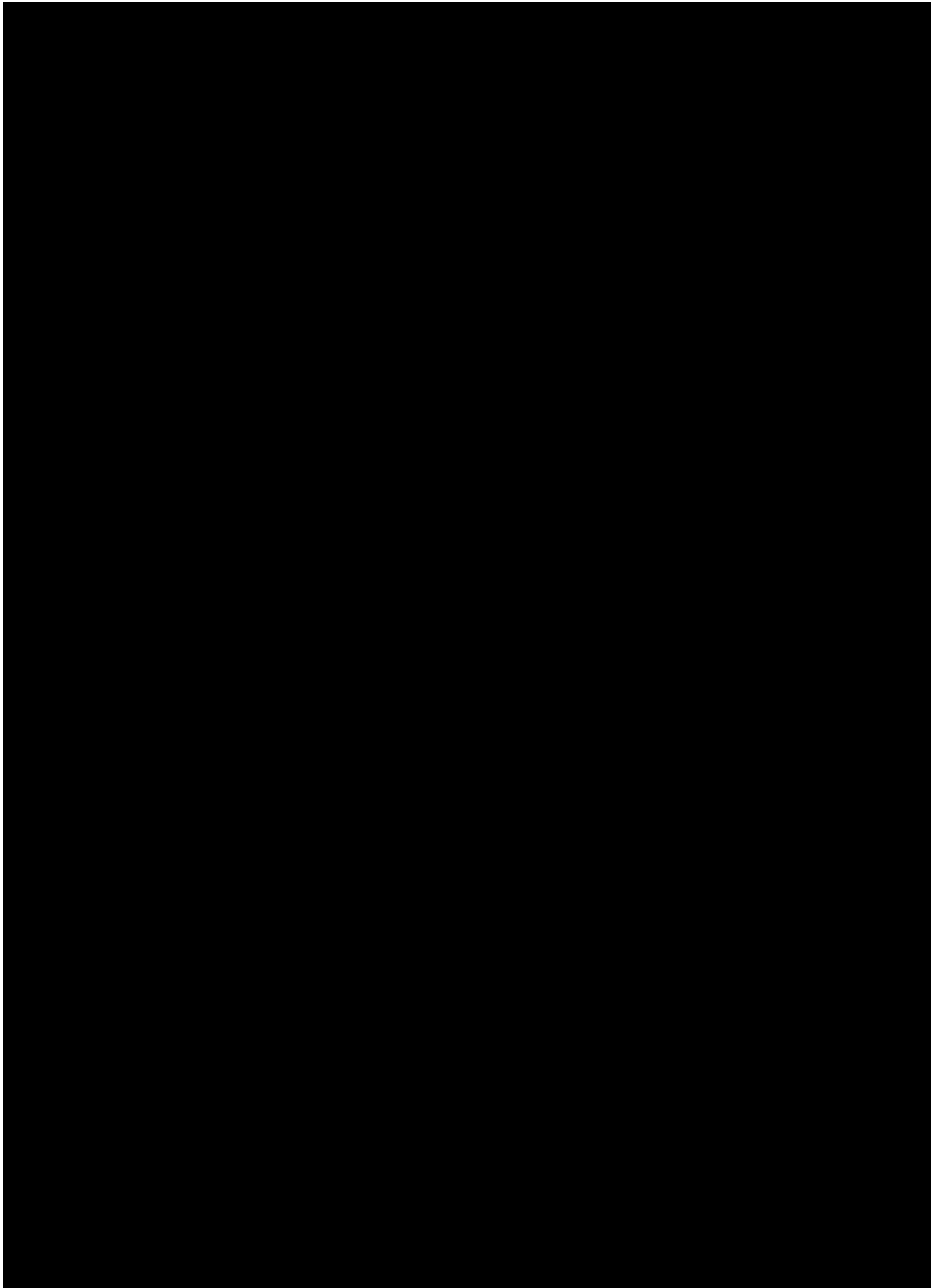


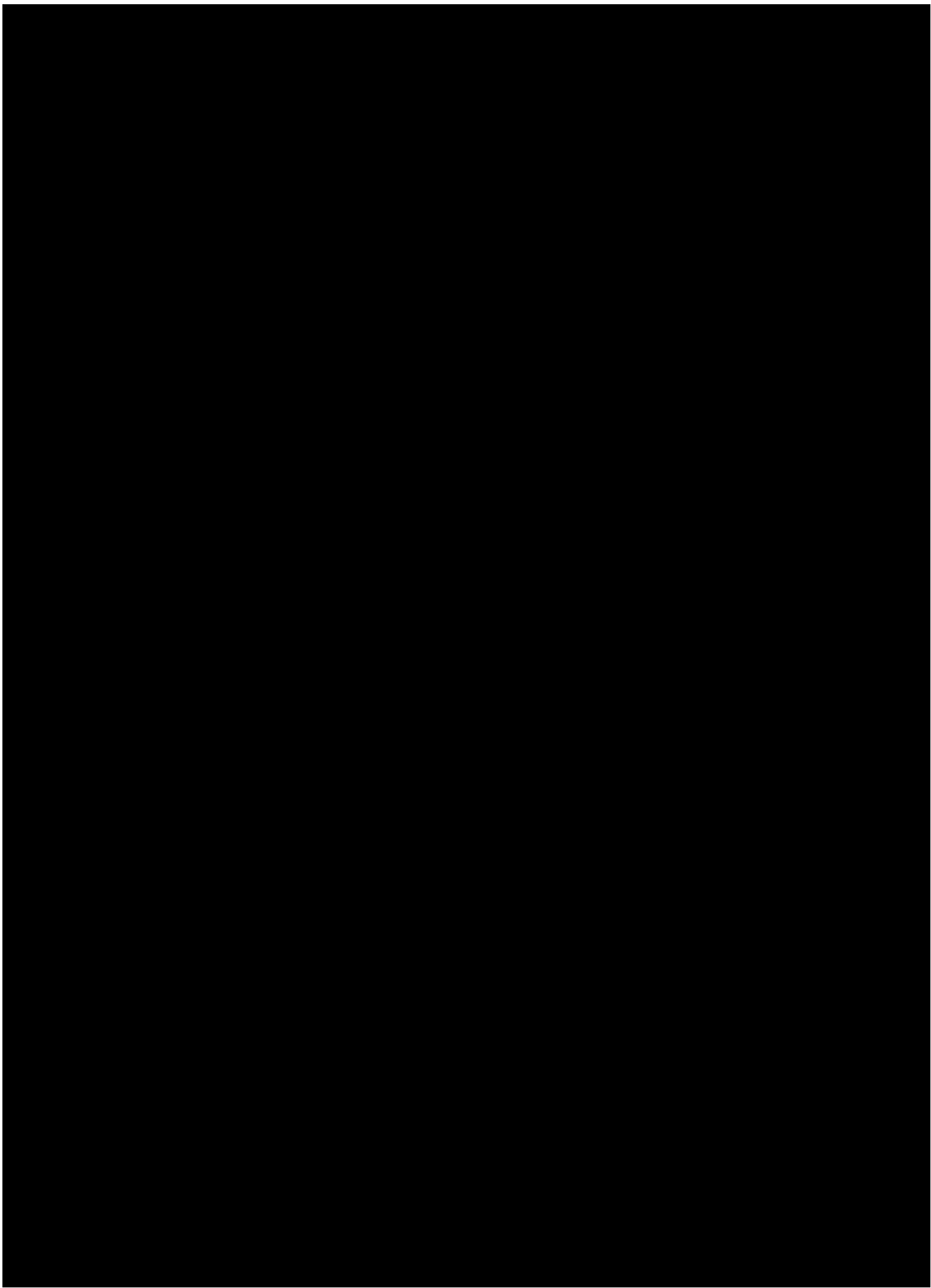


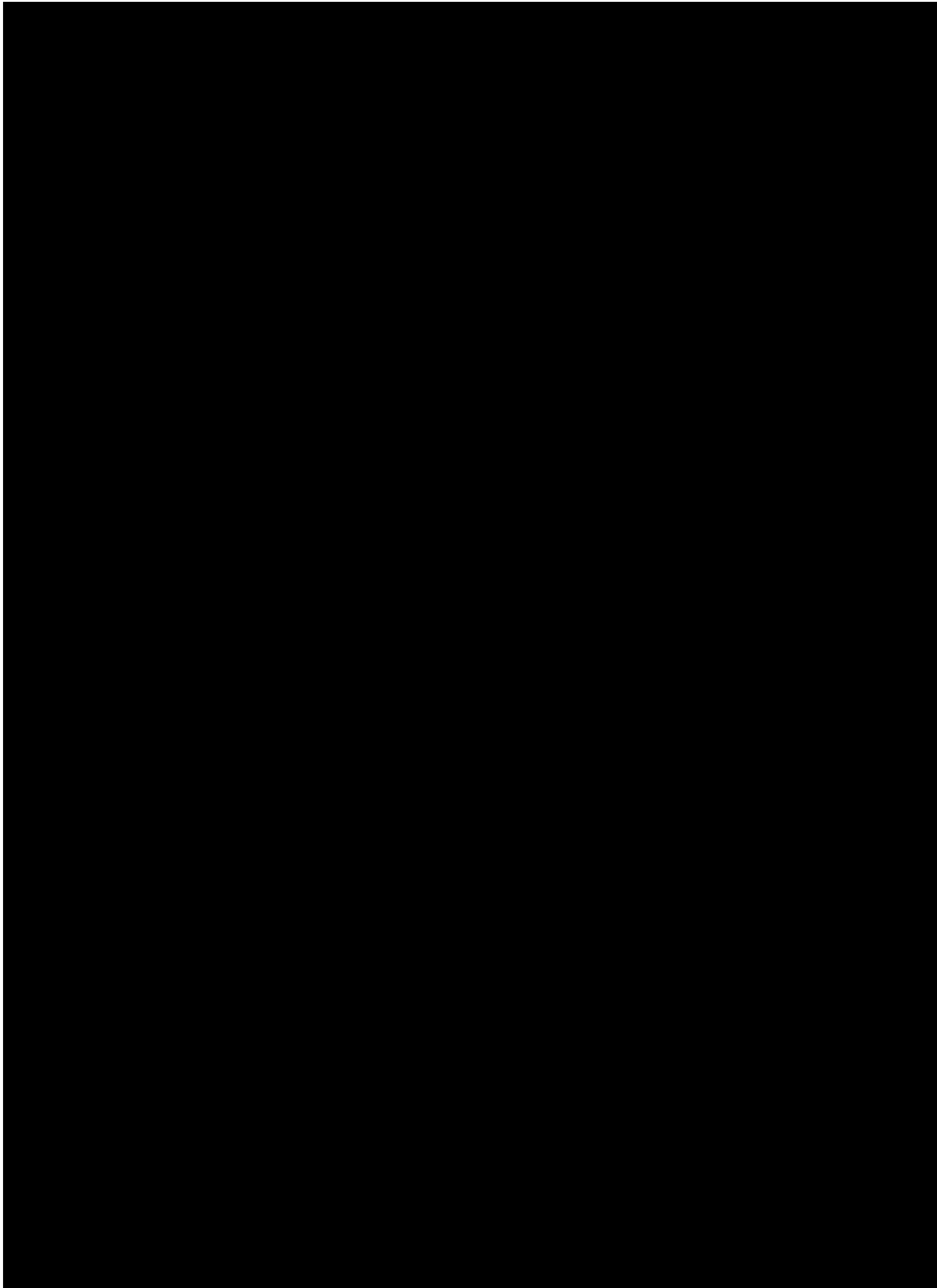


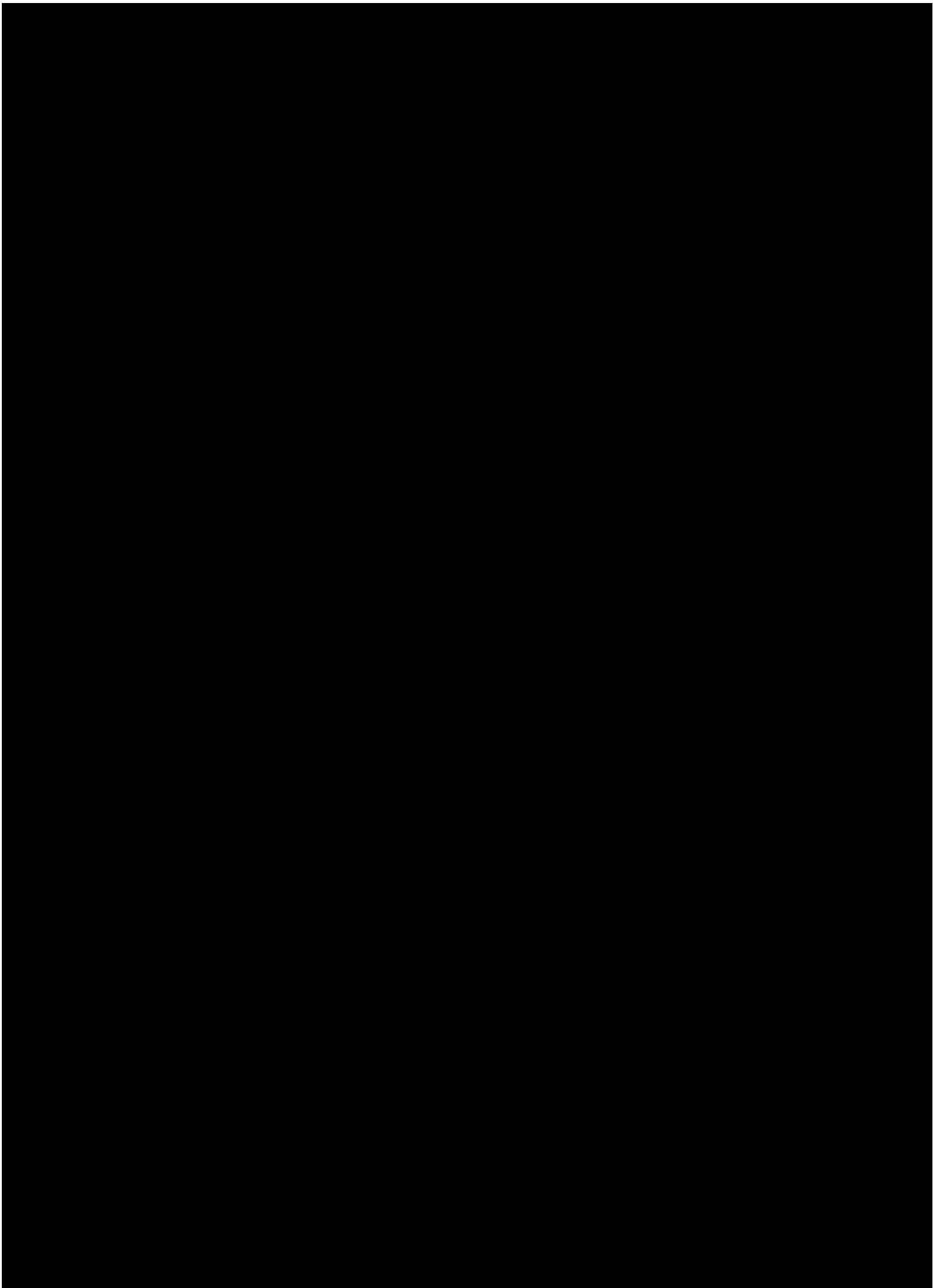


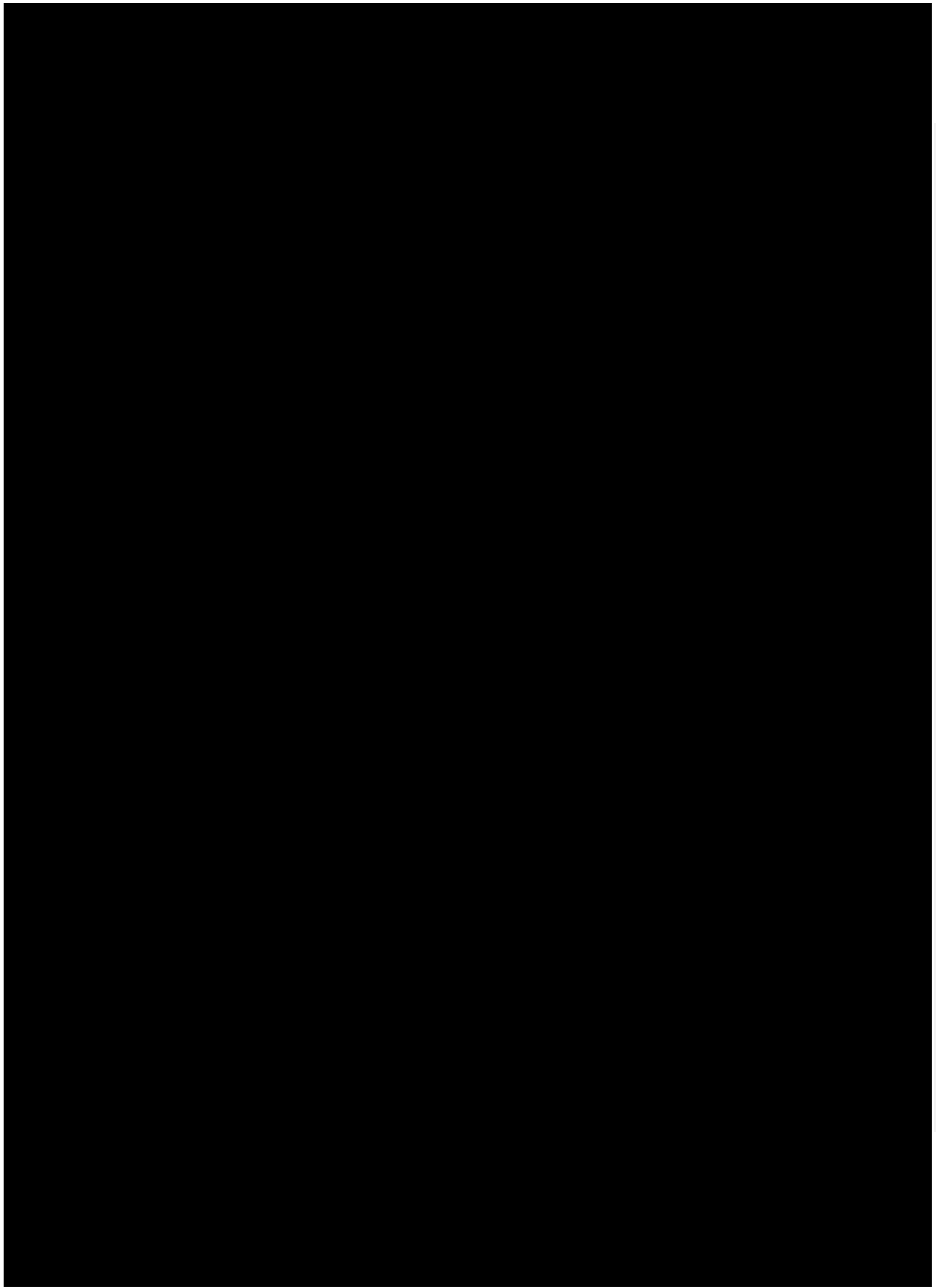


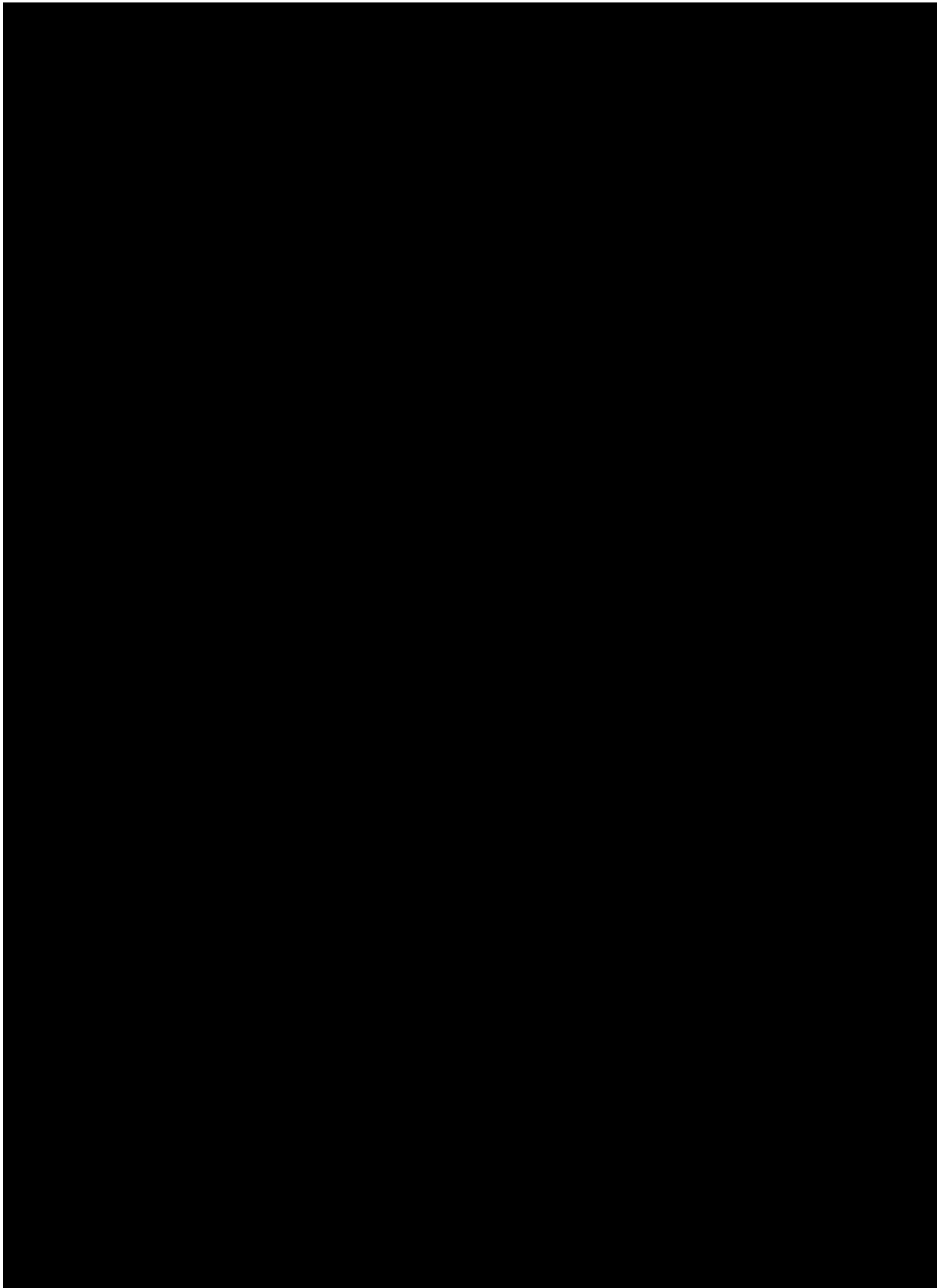


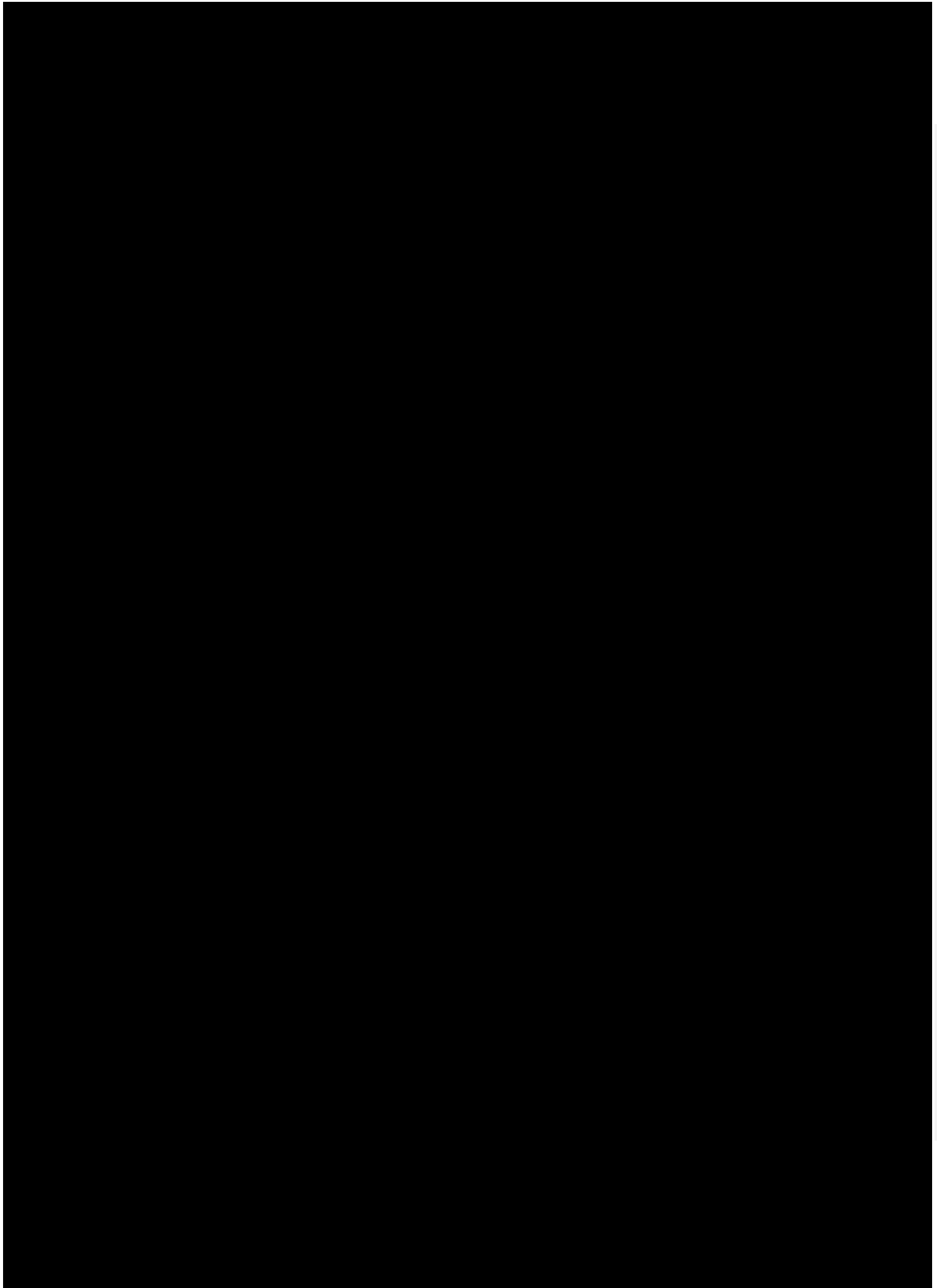


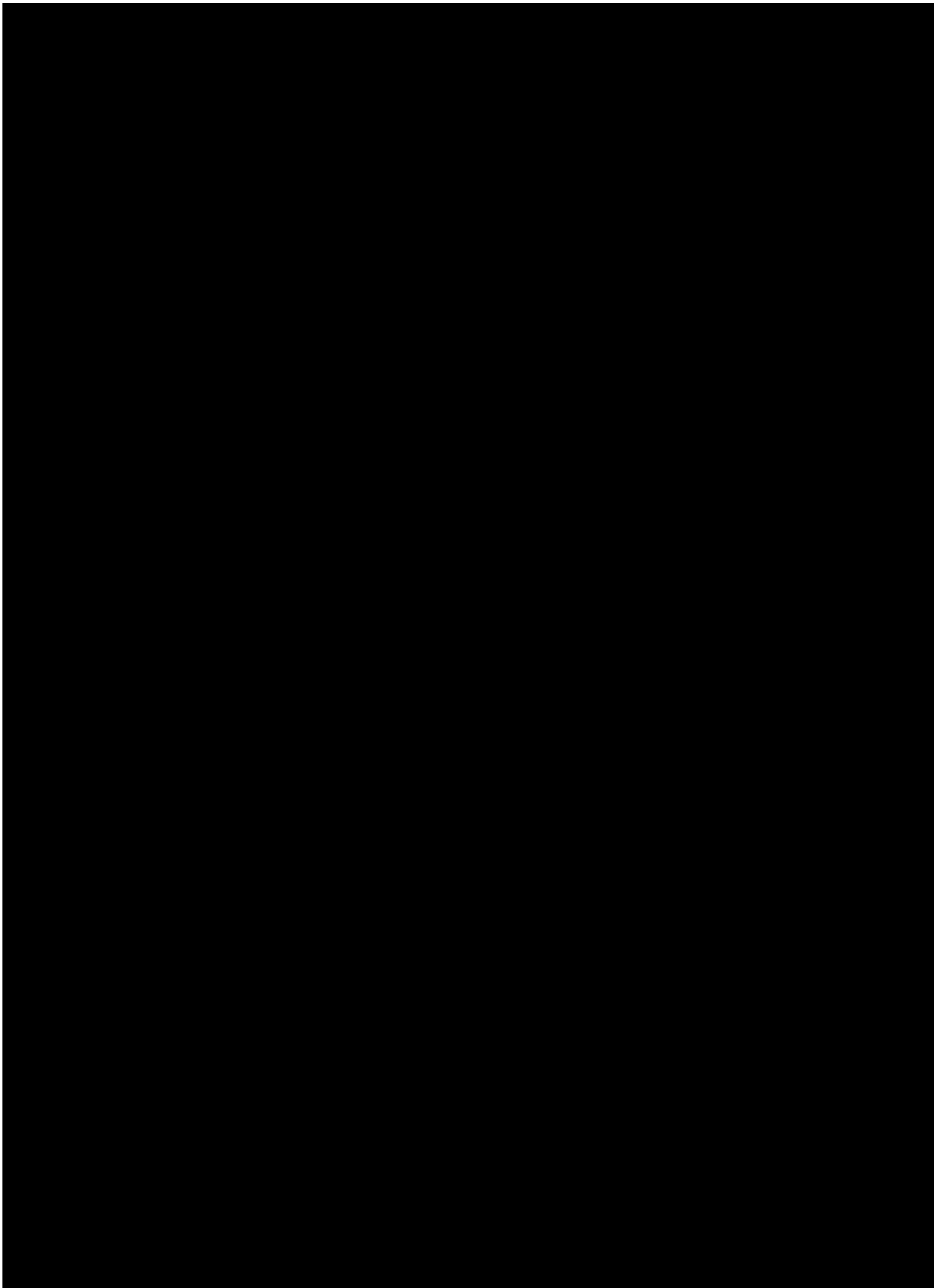


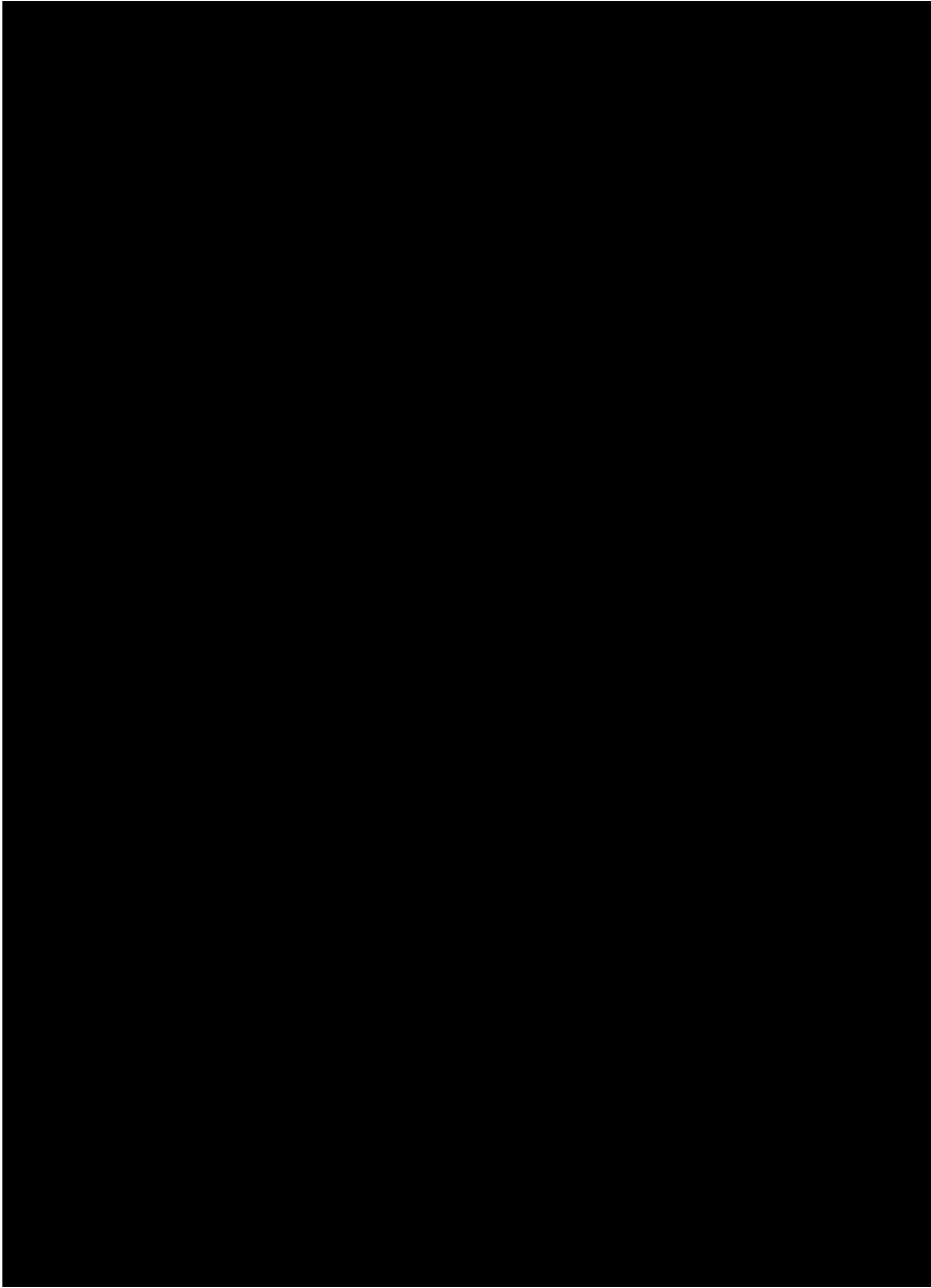












No. NSD527 of 2024

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

FORTESCUE LIMITED (ACN 002 594 872) and others

Applicants

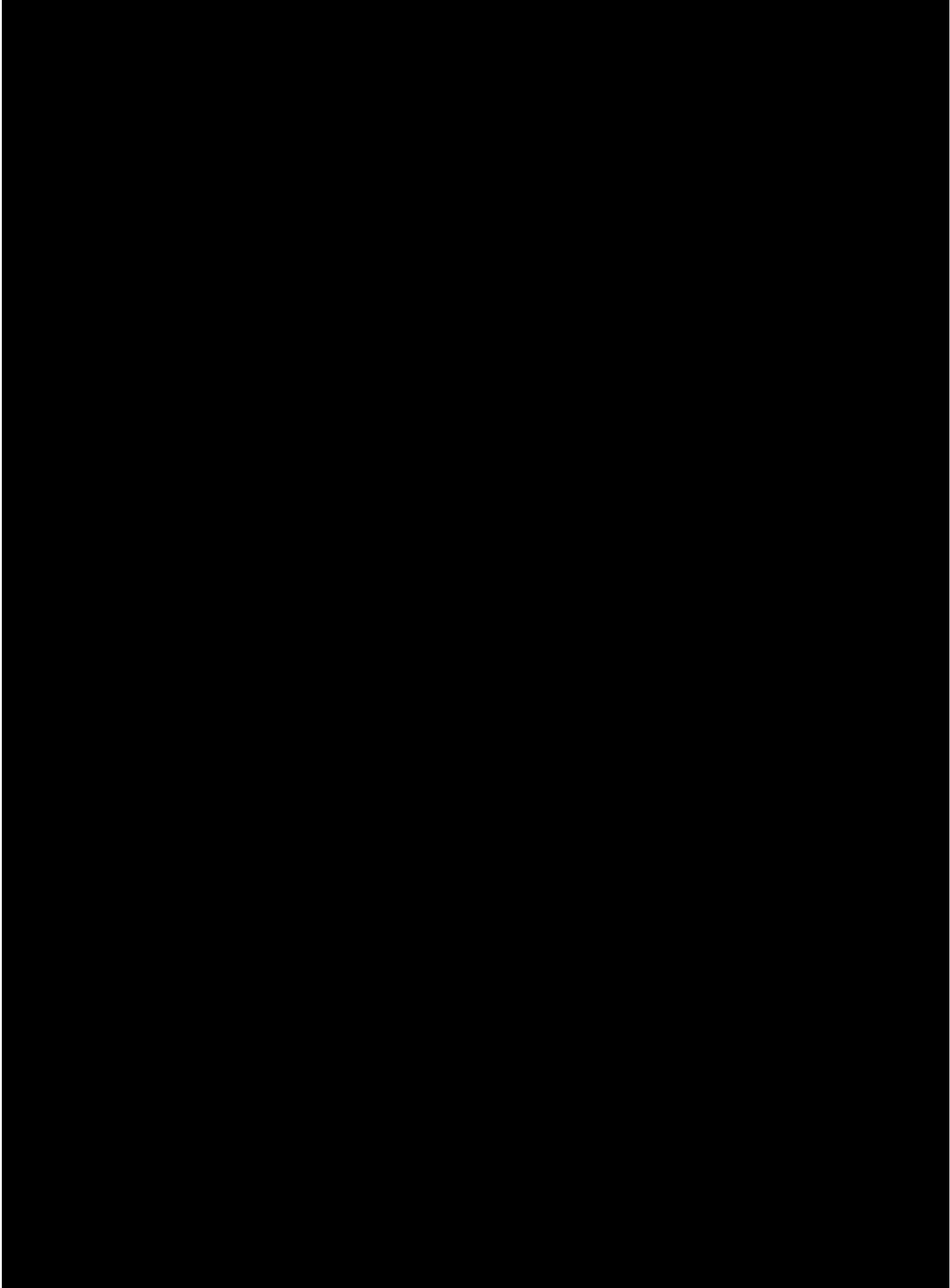
ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others

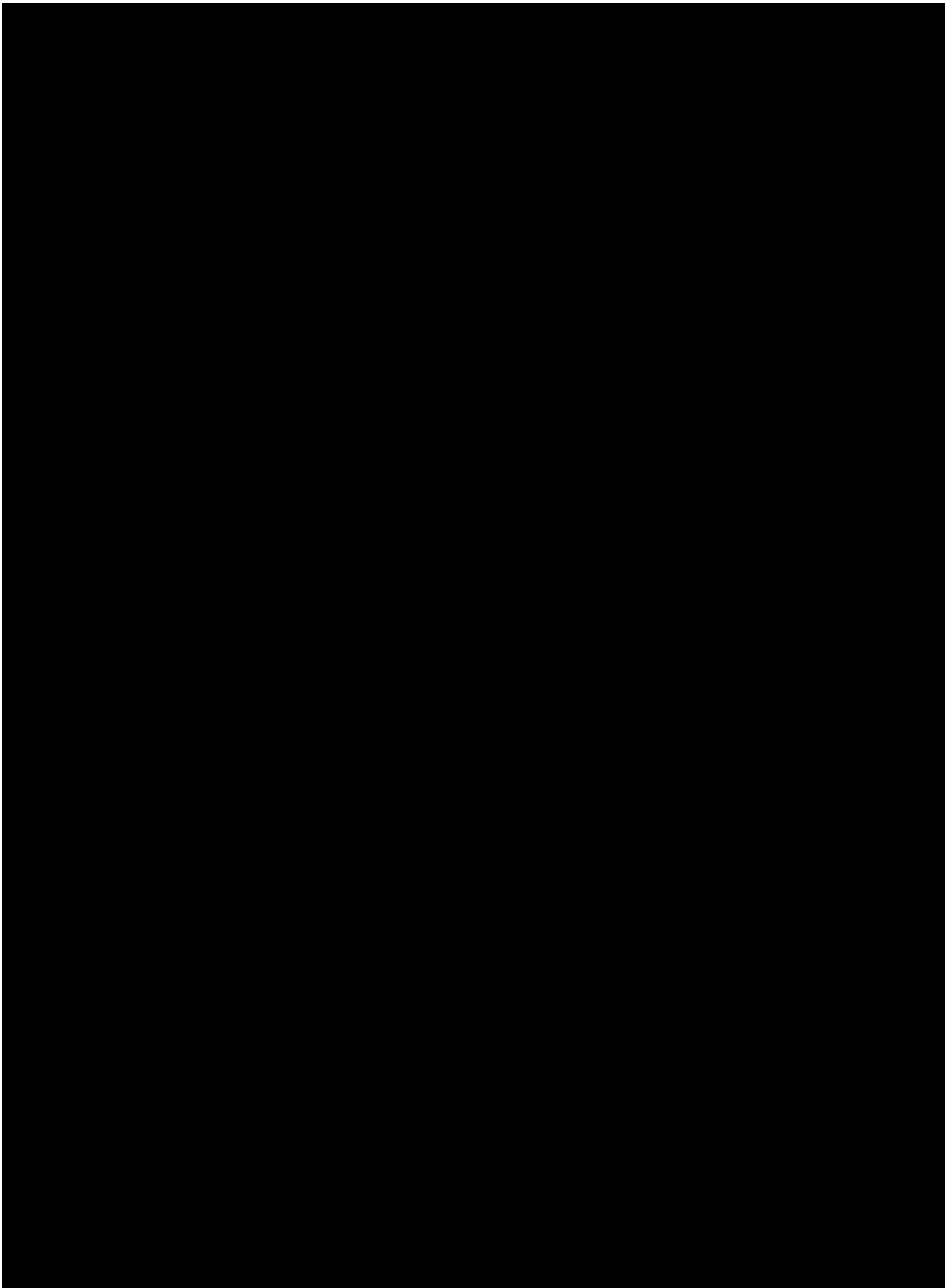
Respondents

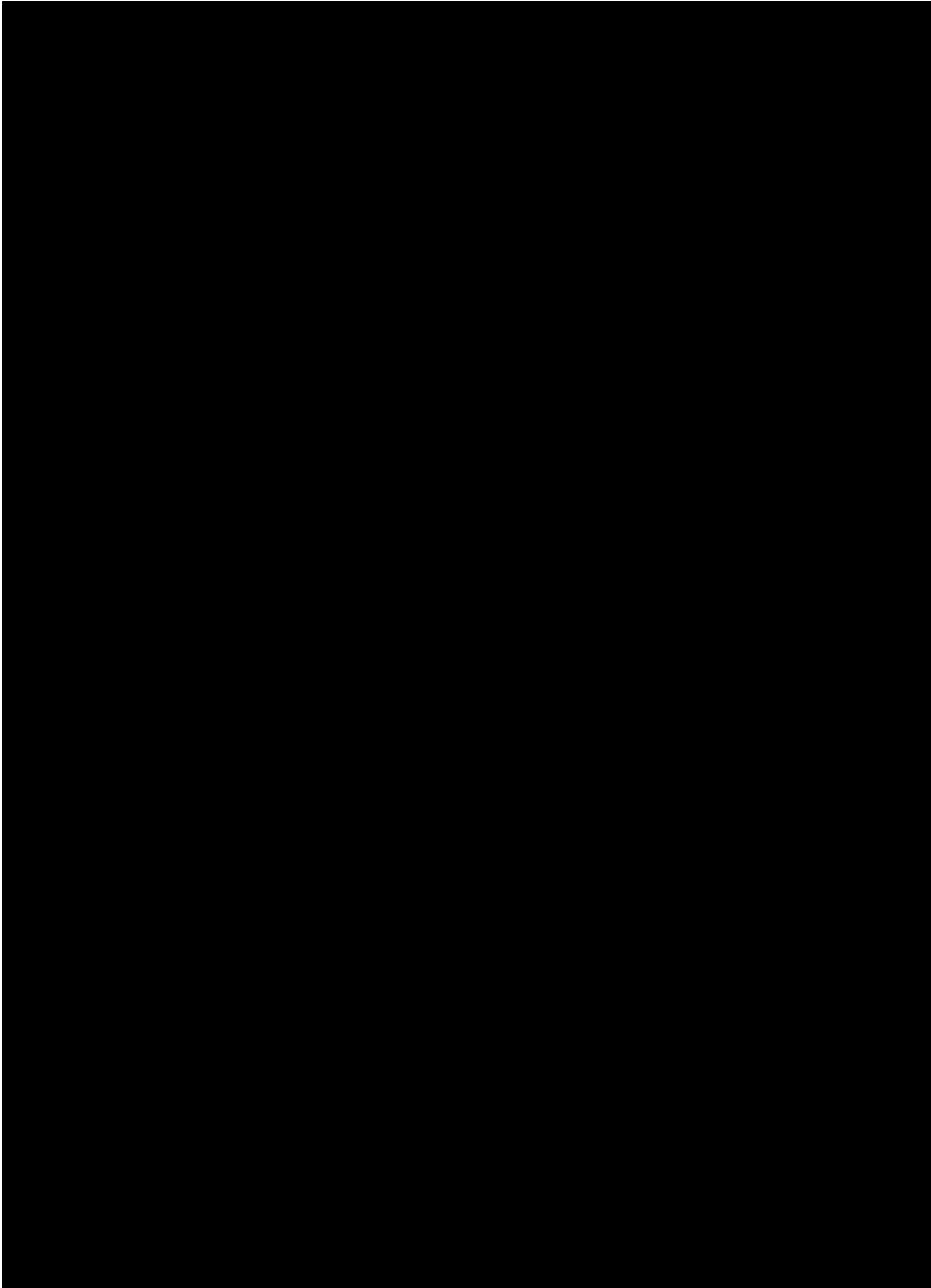
CONFIDENTIAL ANNEXURE MFR-9

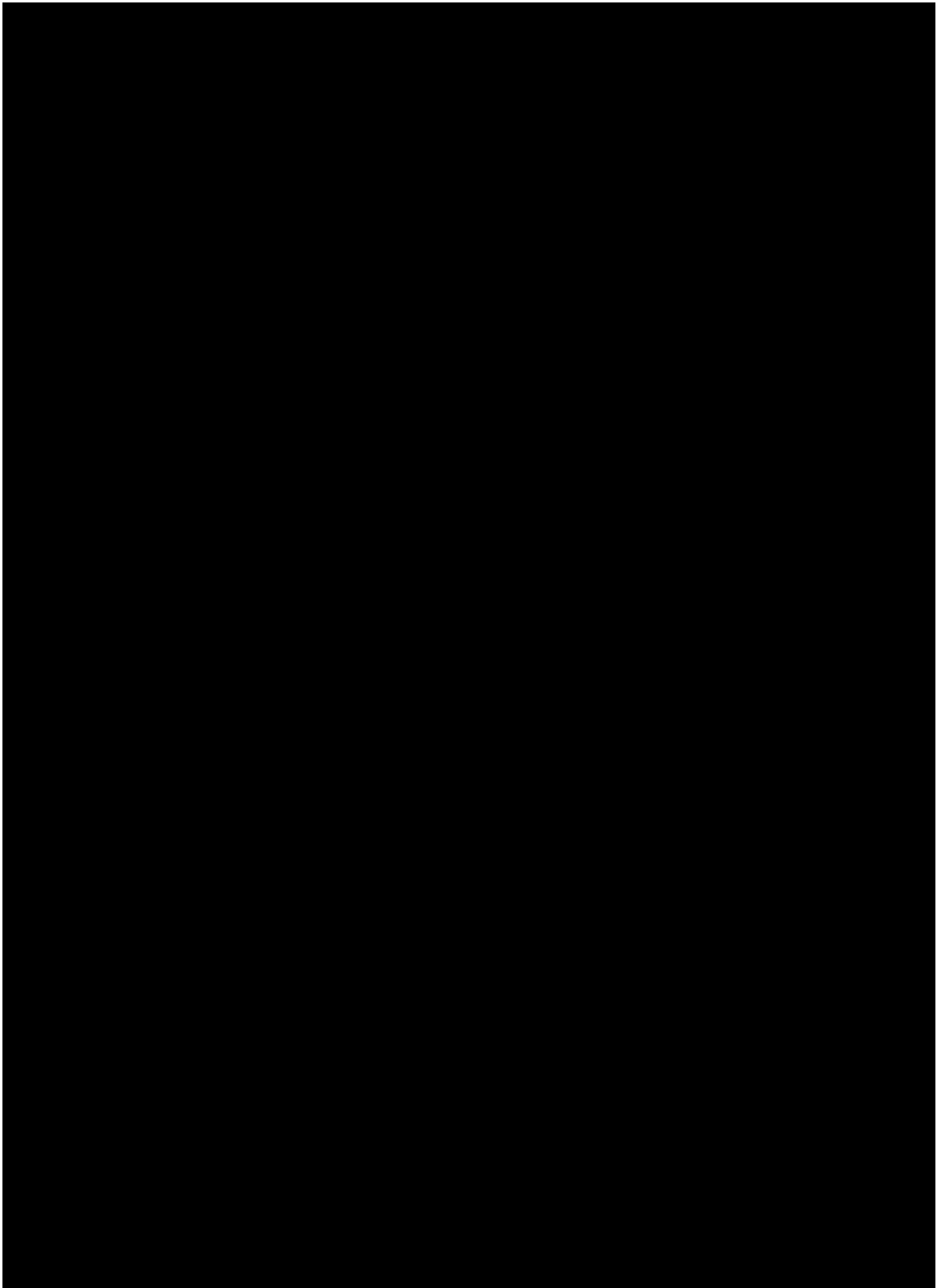
This is the CONFIDENTIAL annexure marked **MFR-9** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

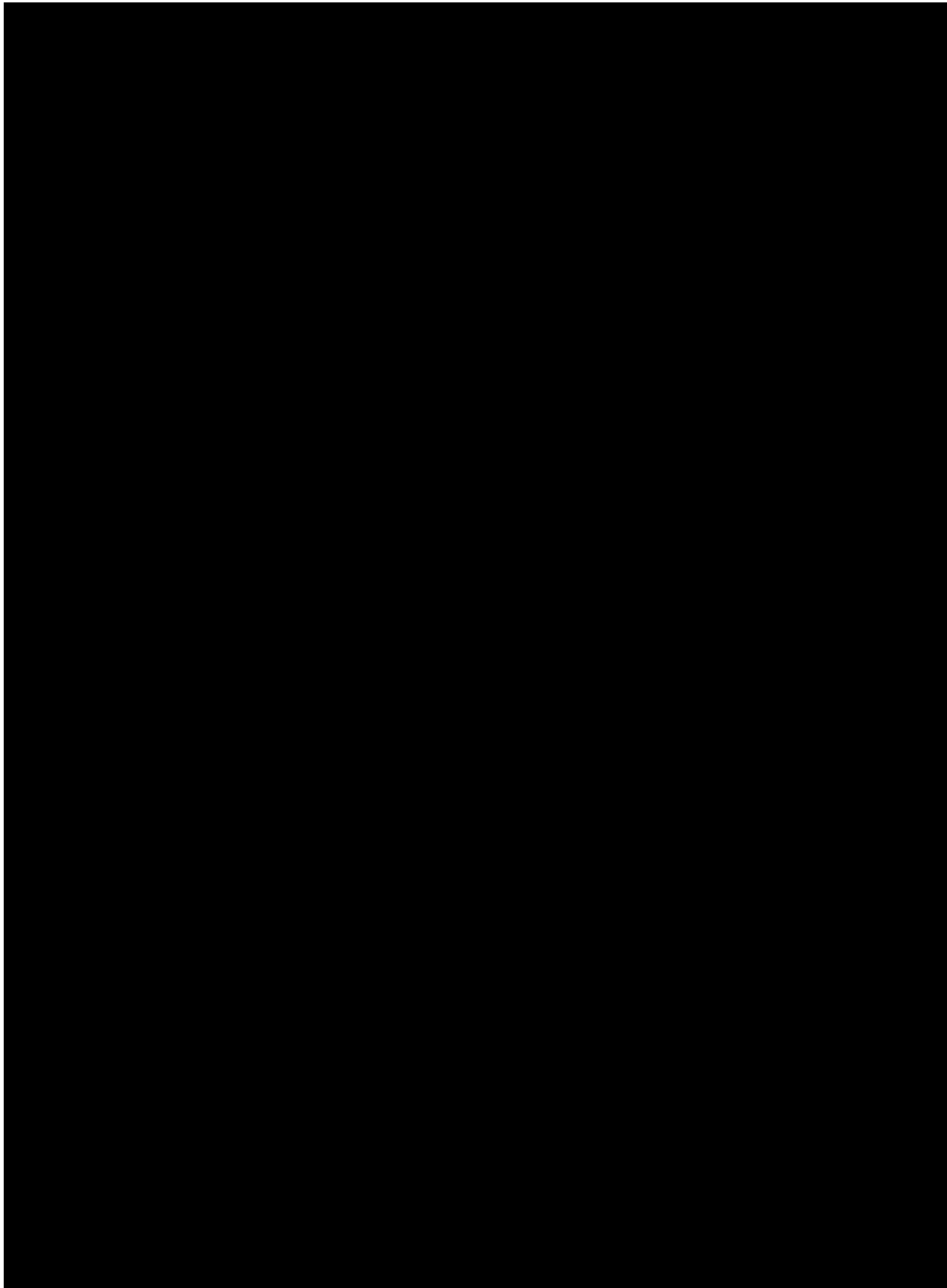
Before me: 

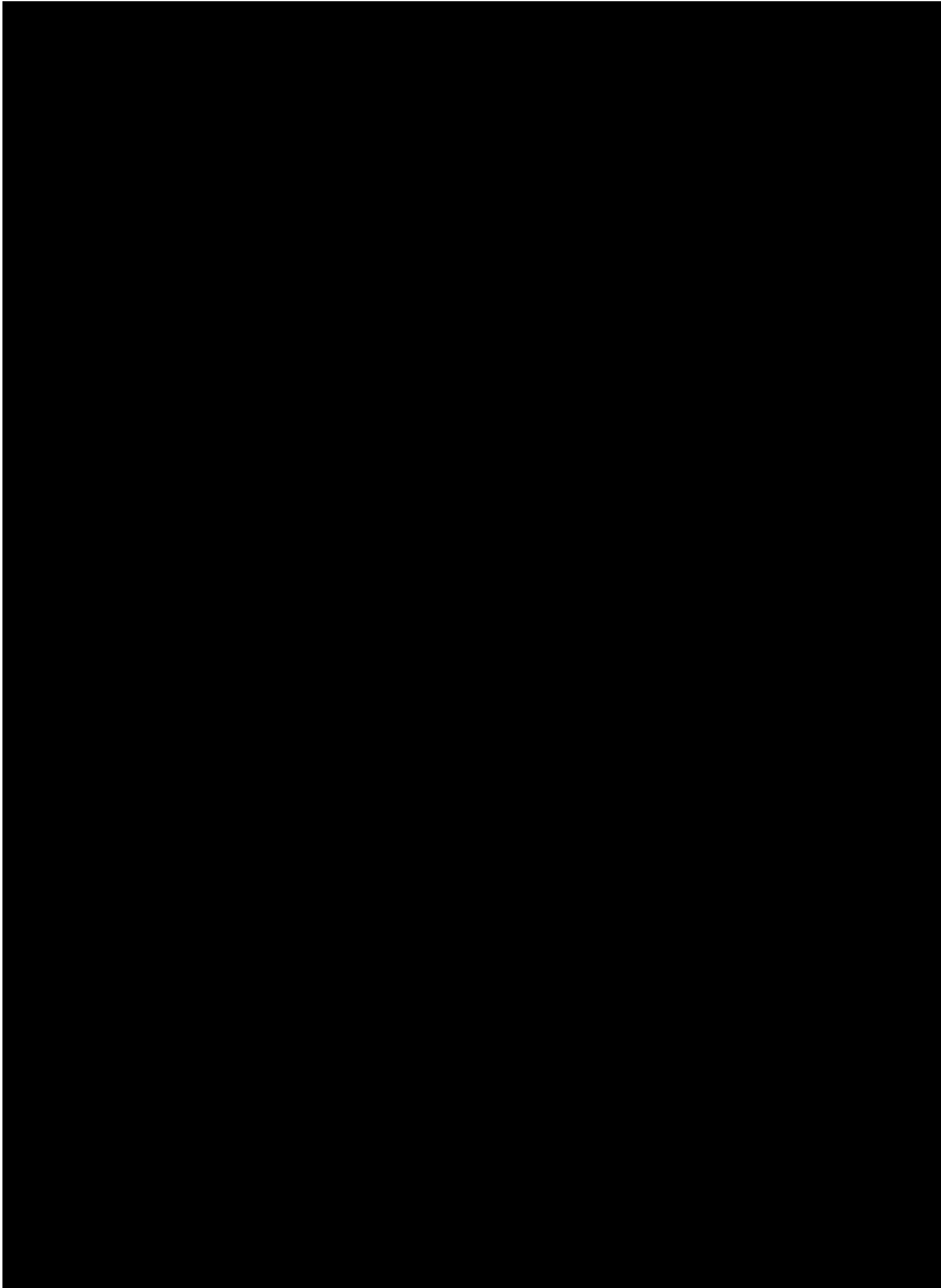


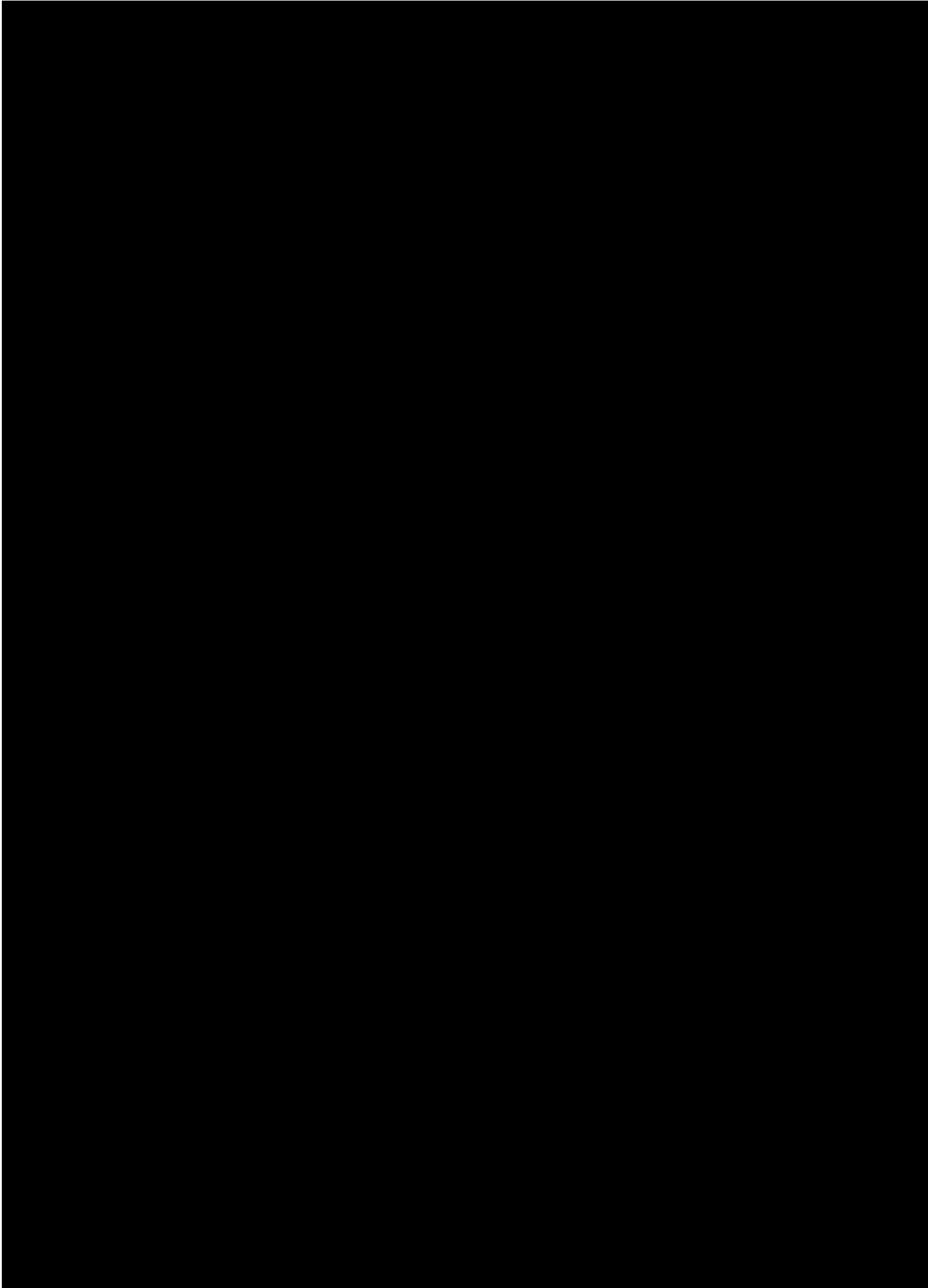


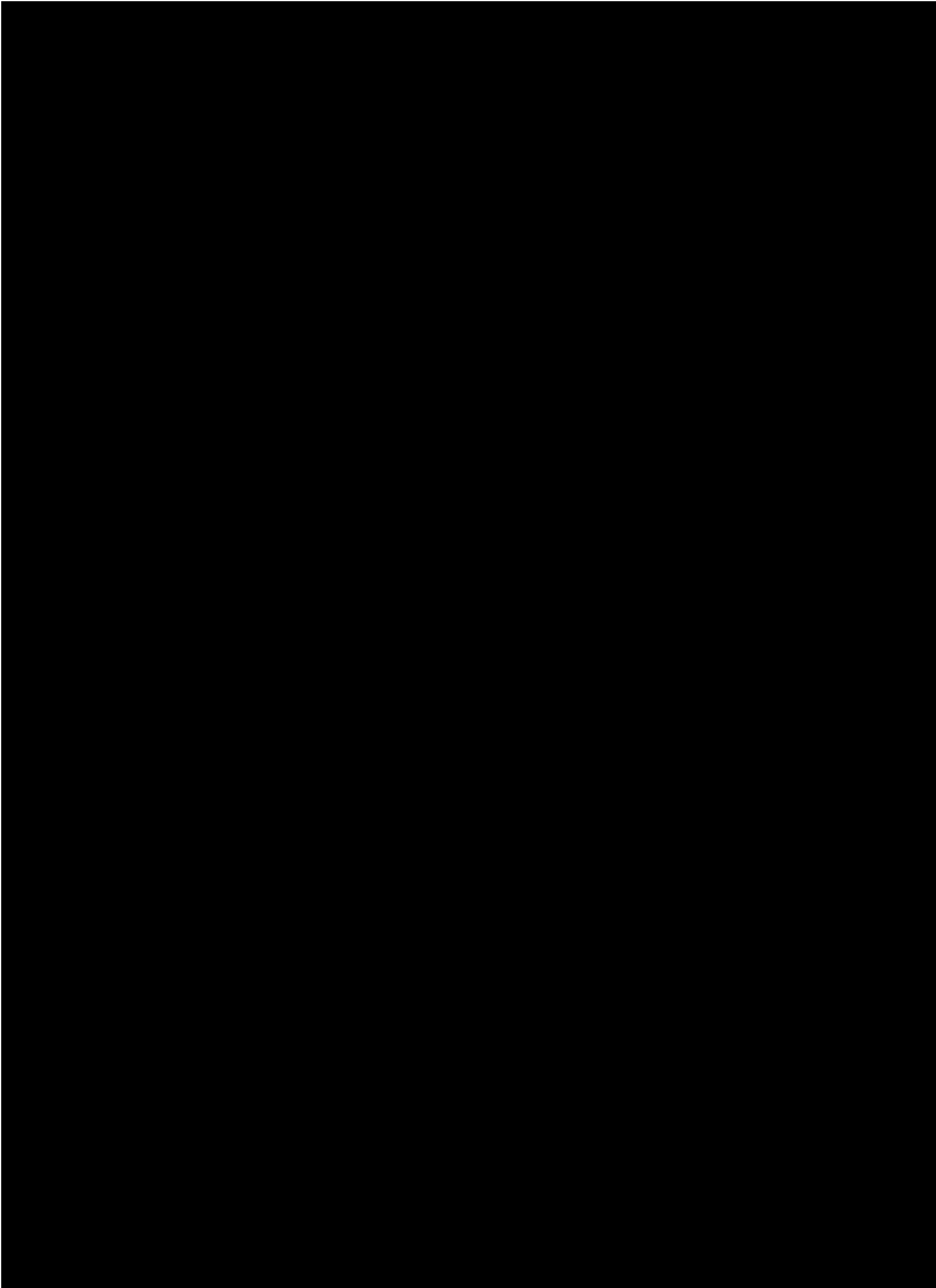


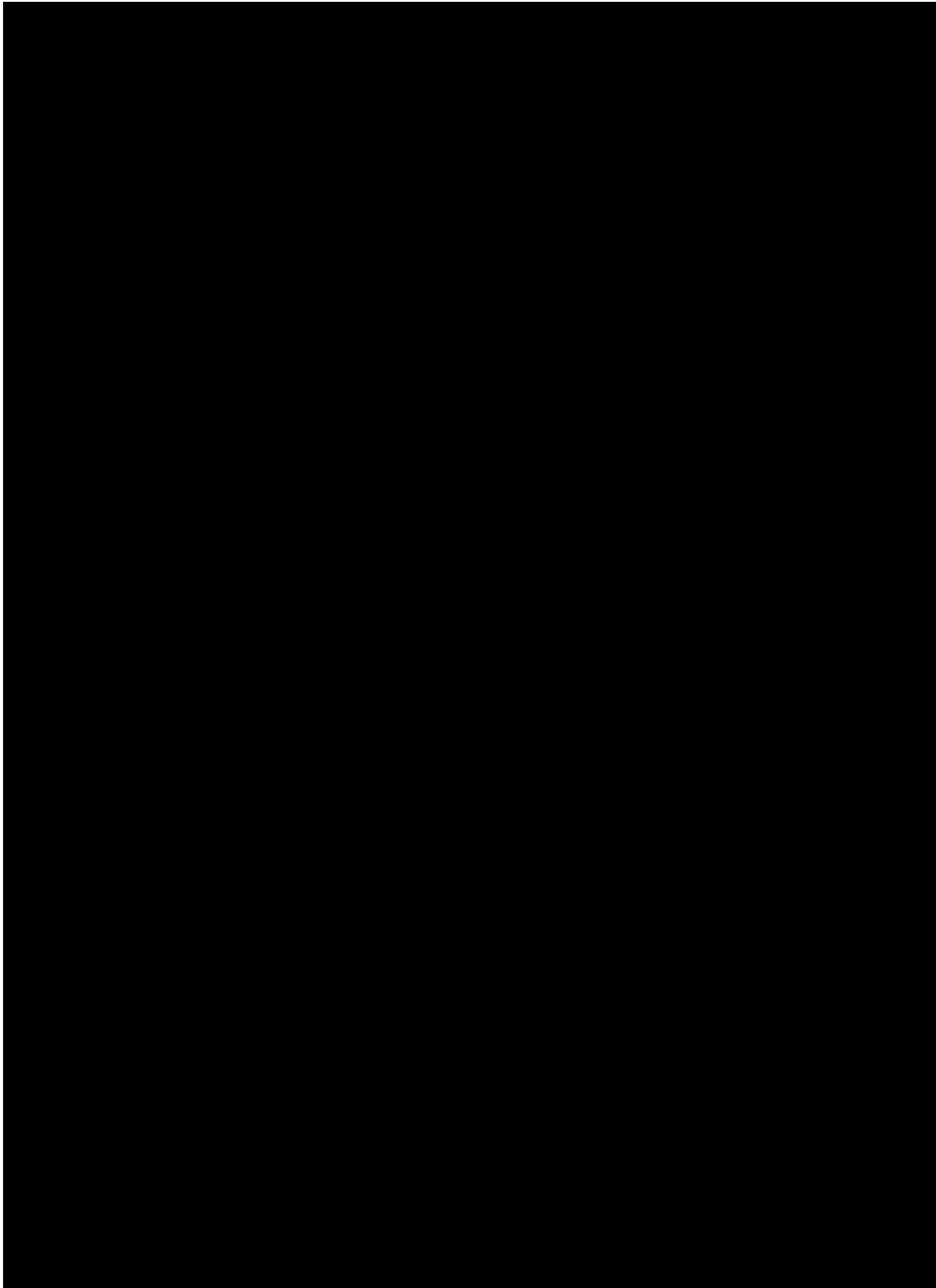


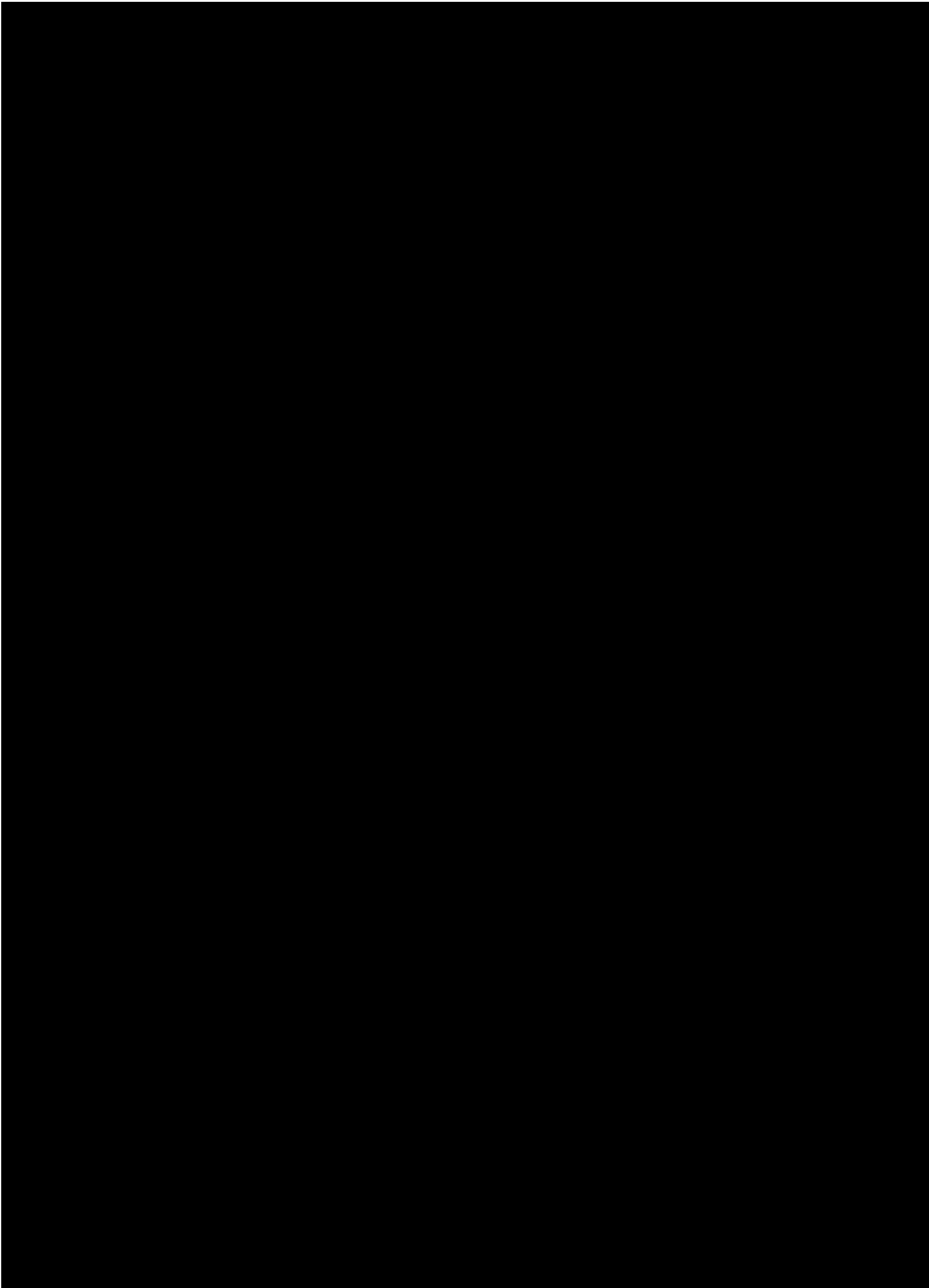


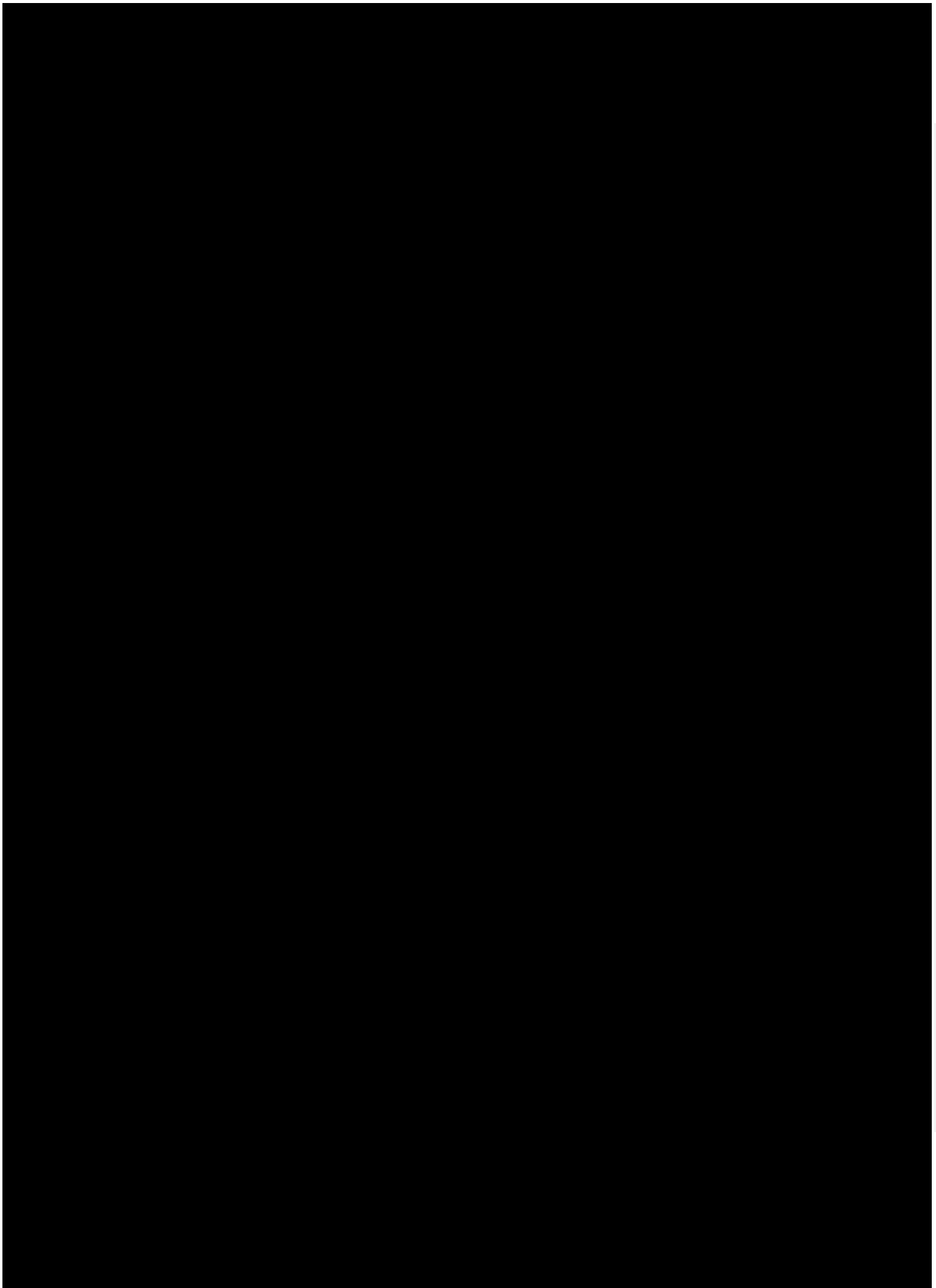


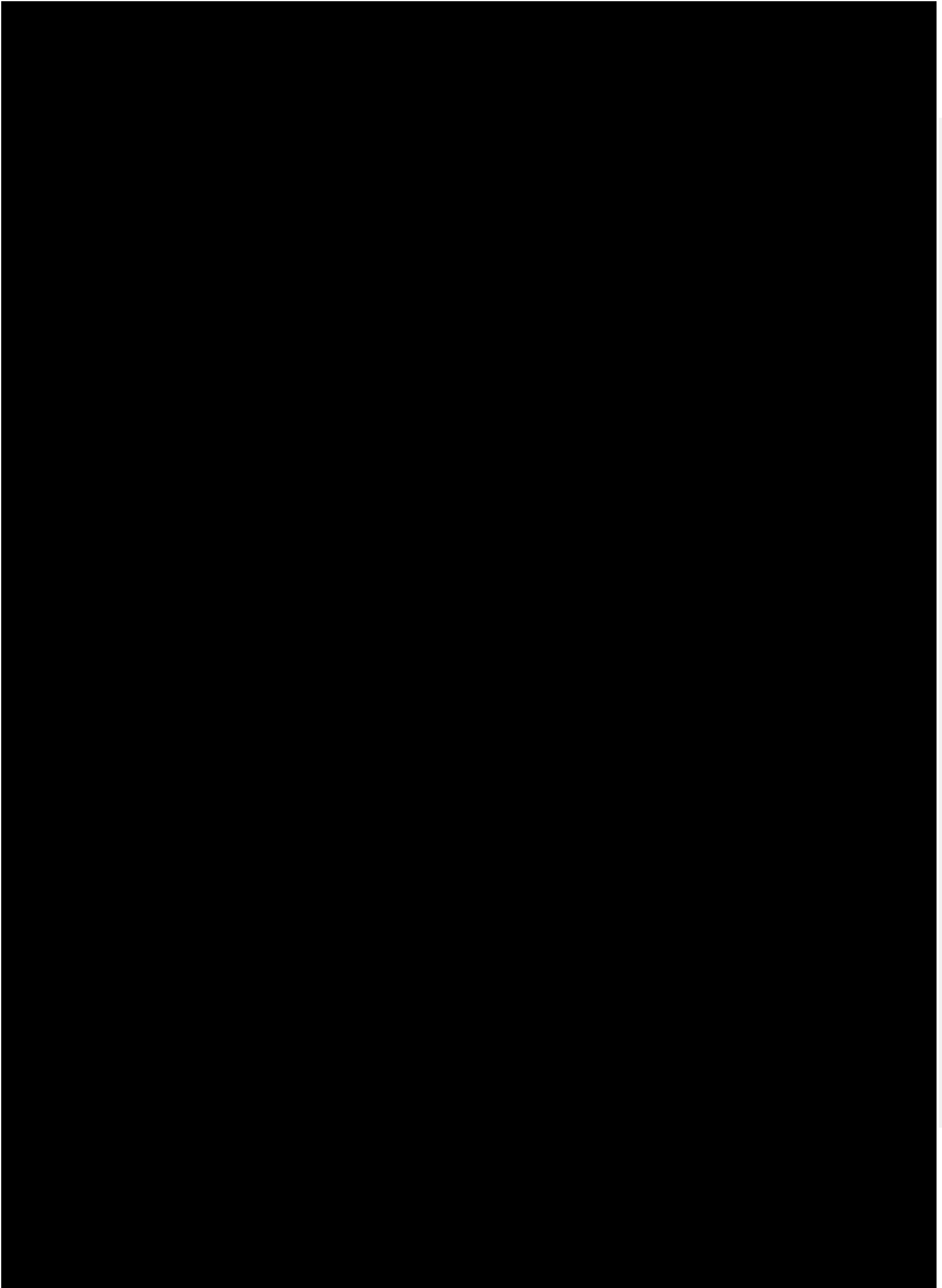


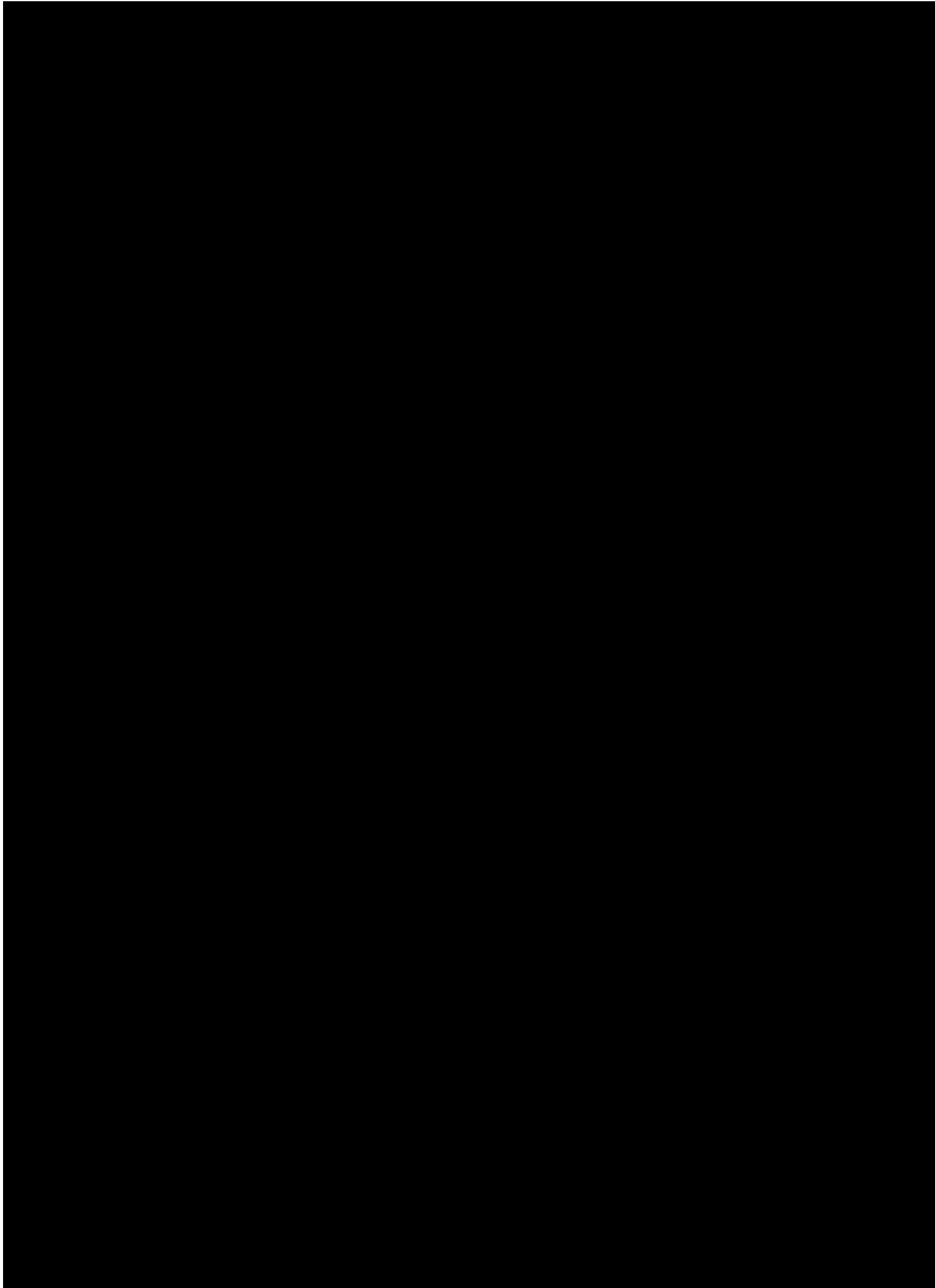


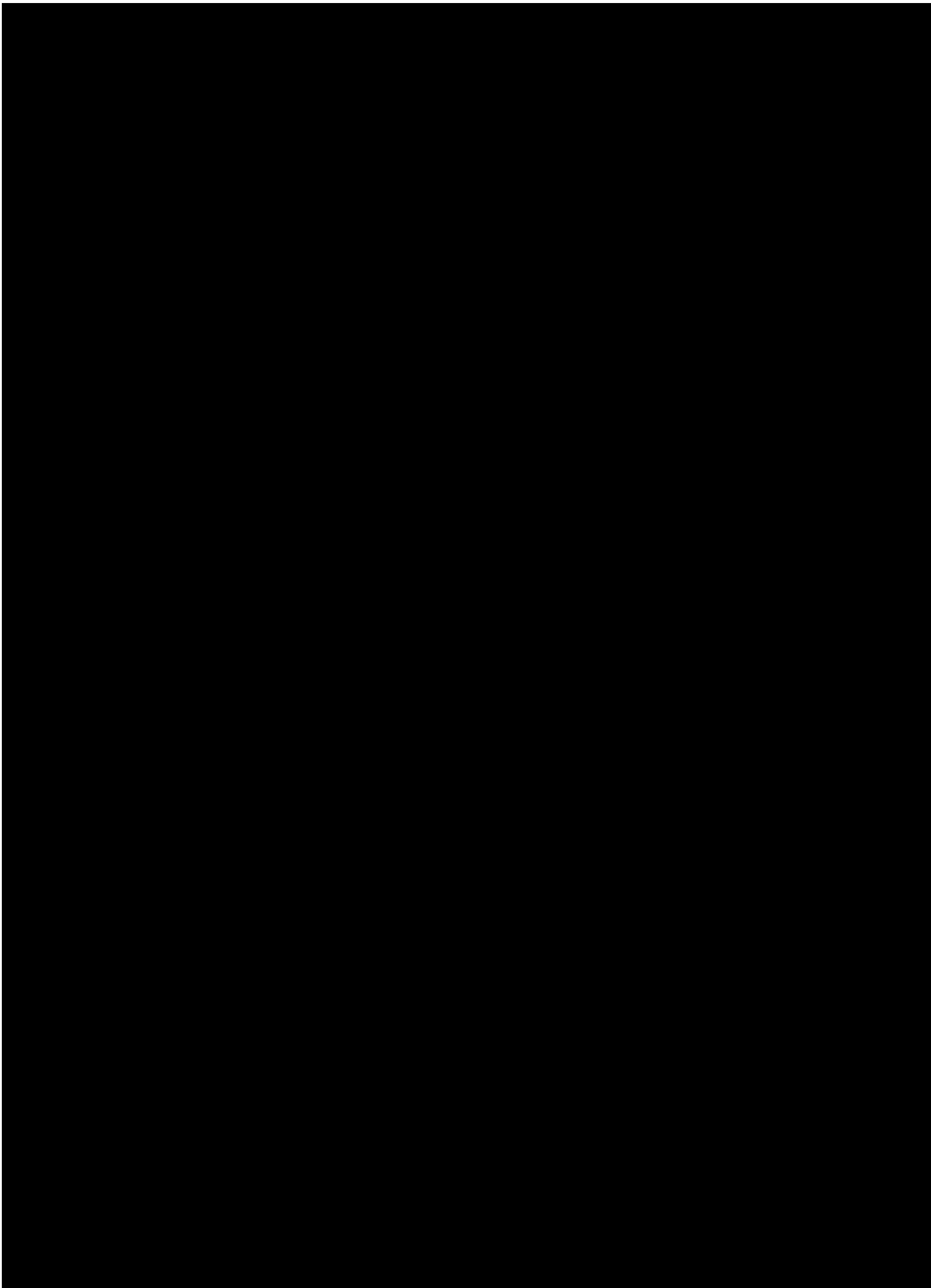


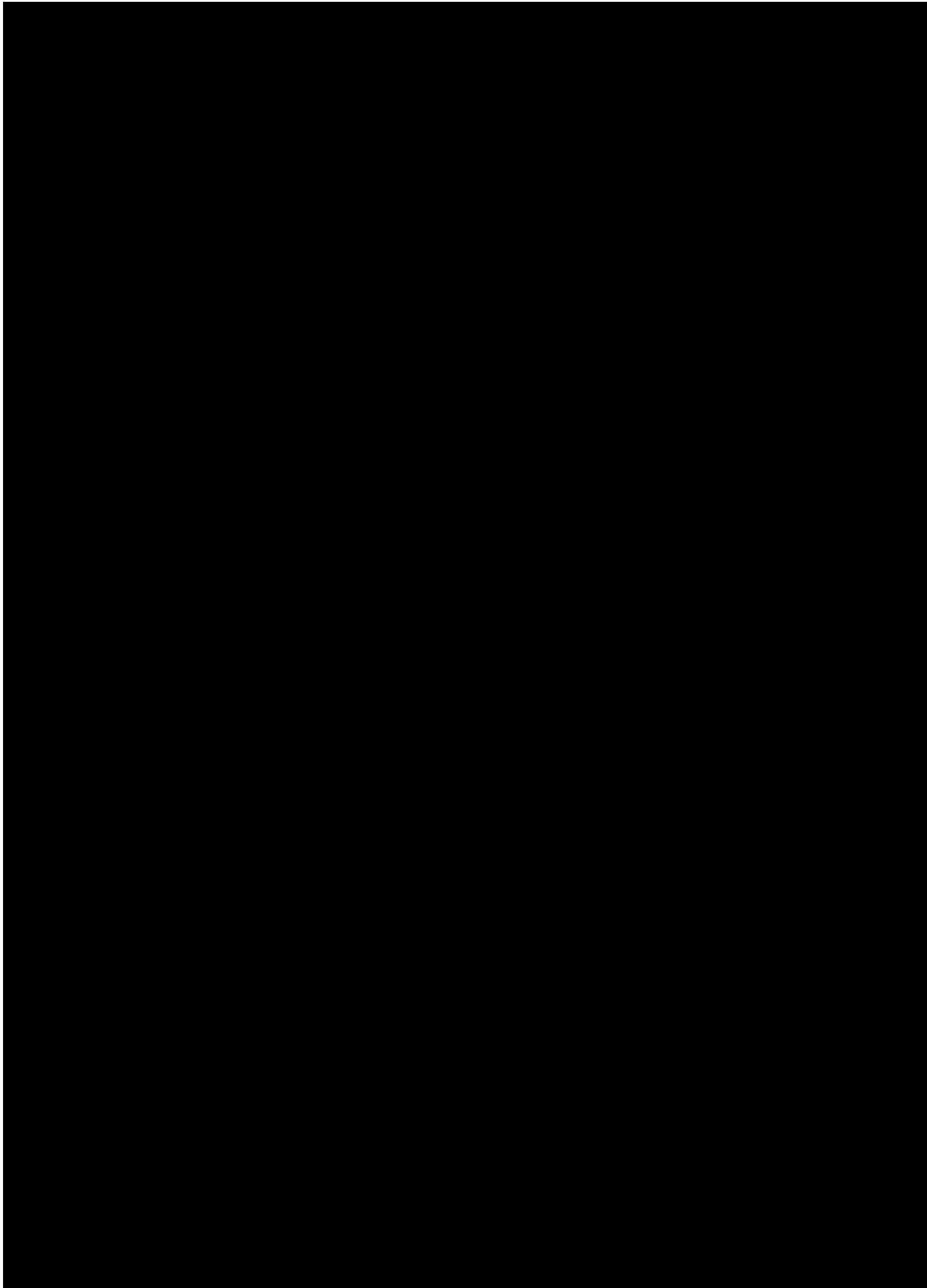


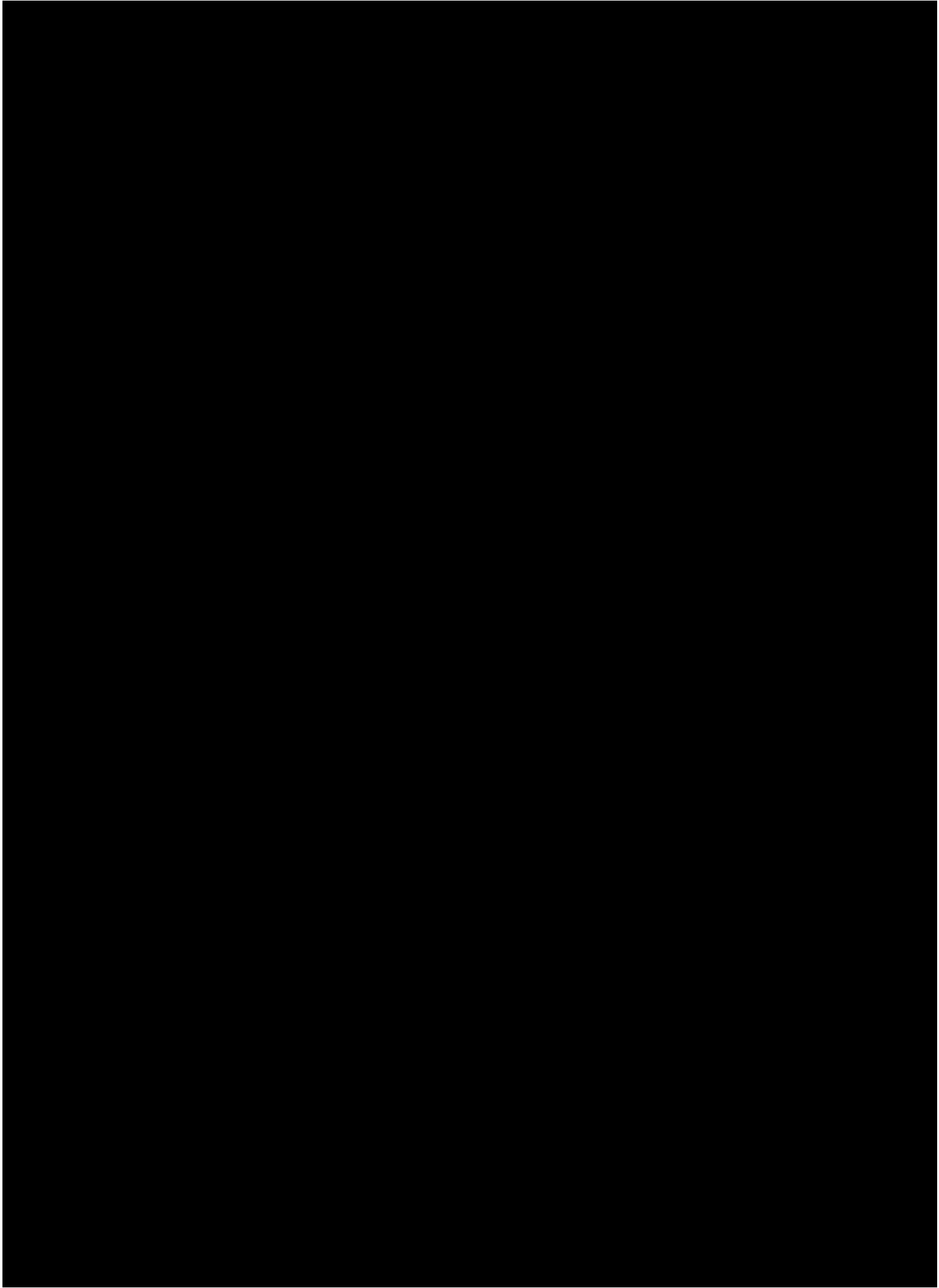


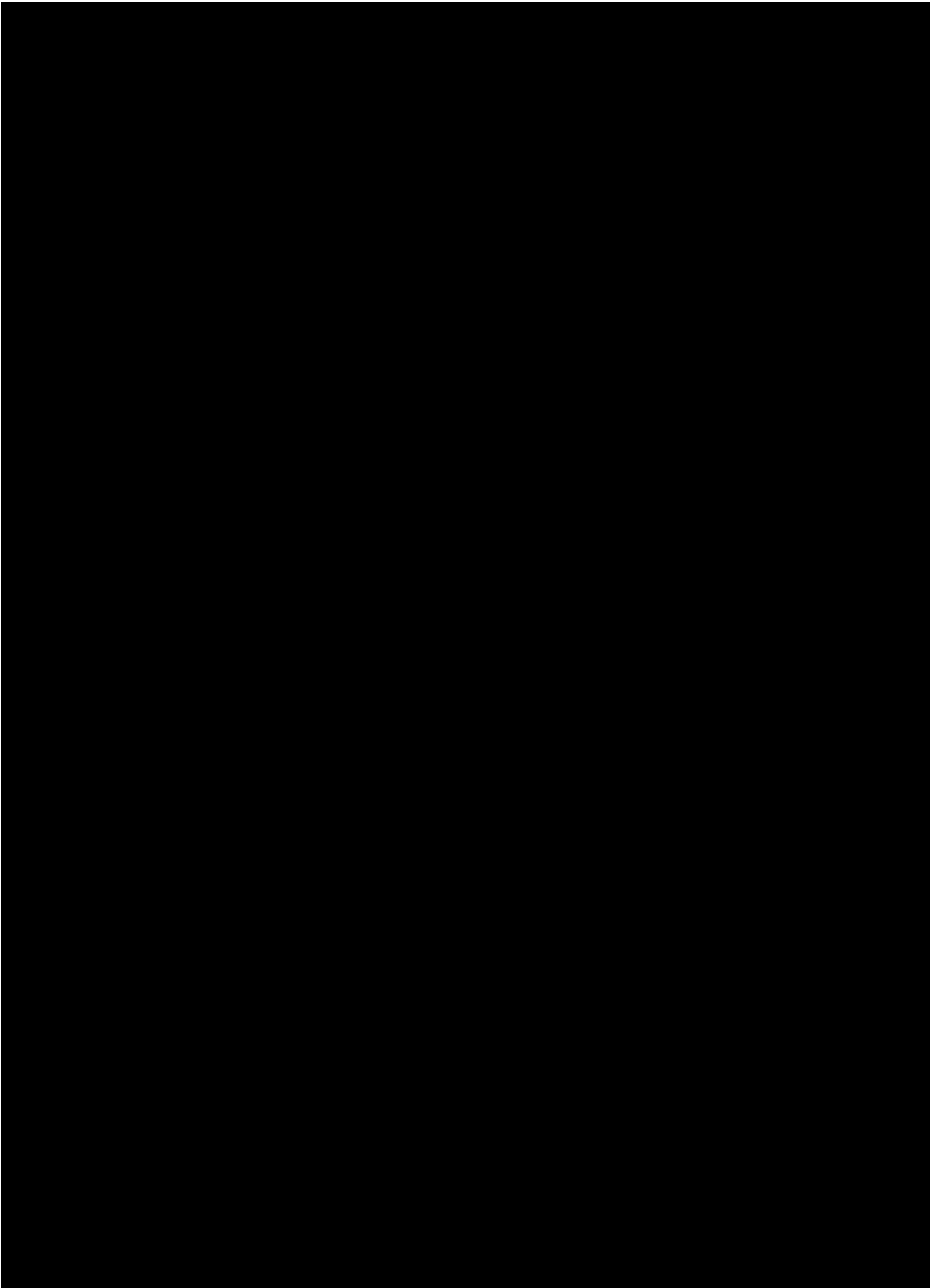


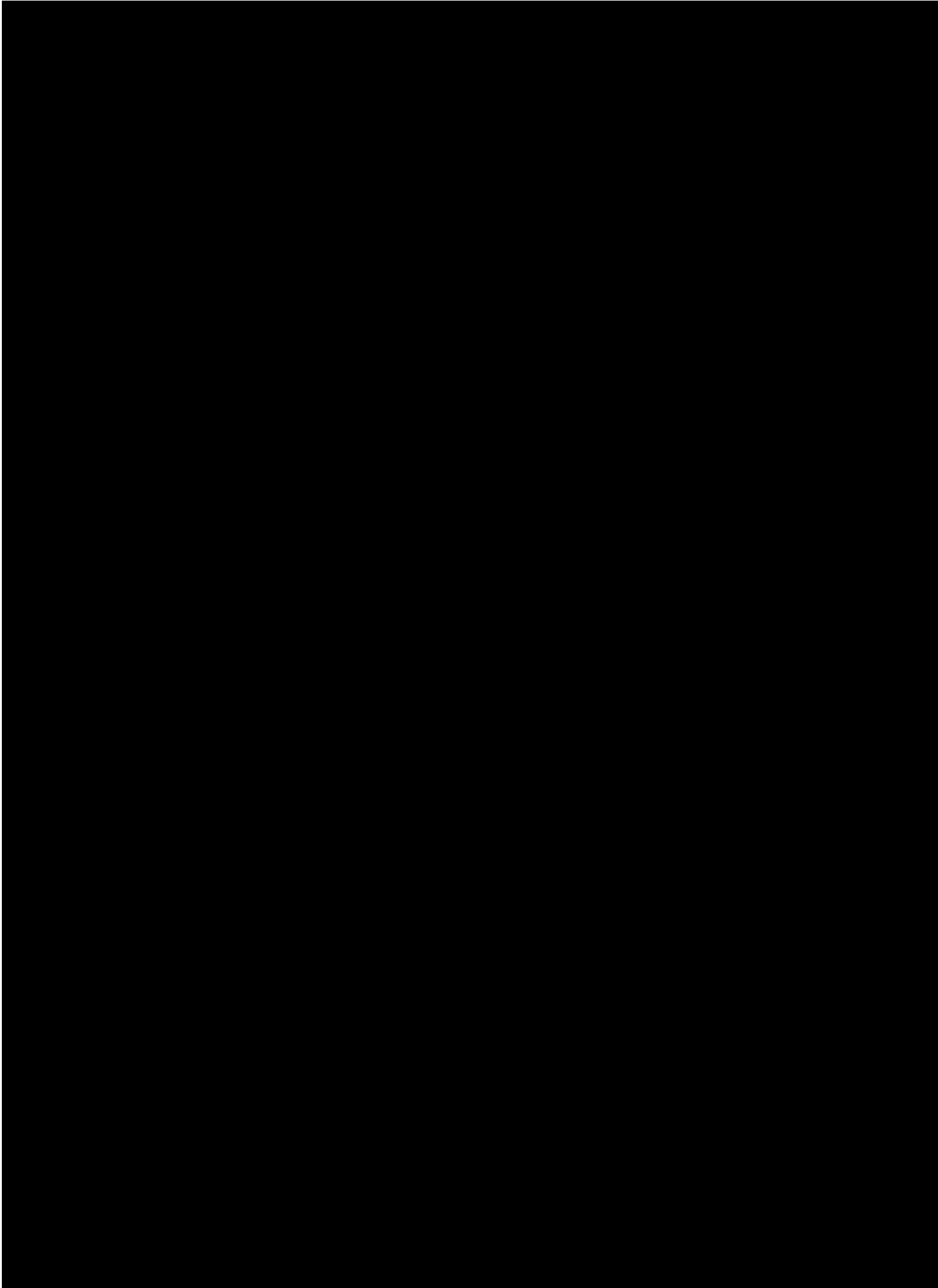


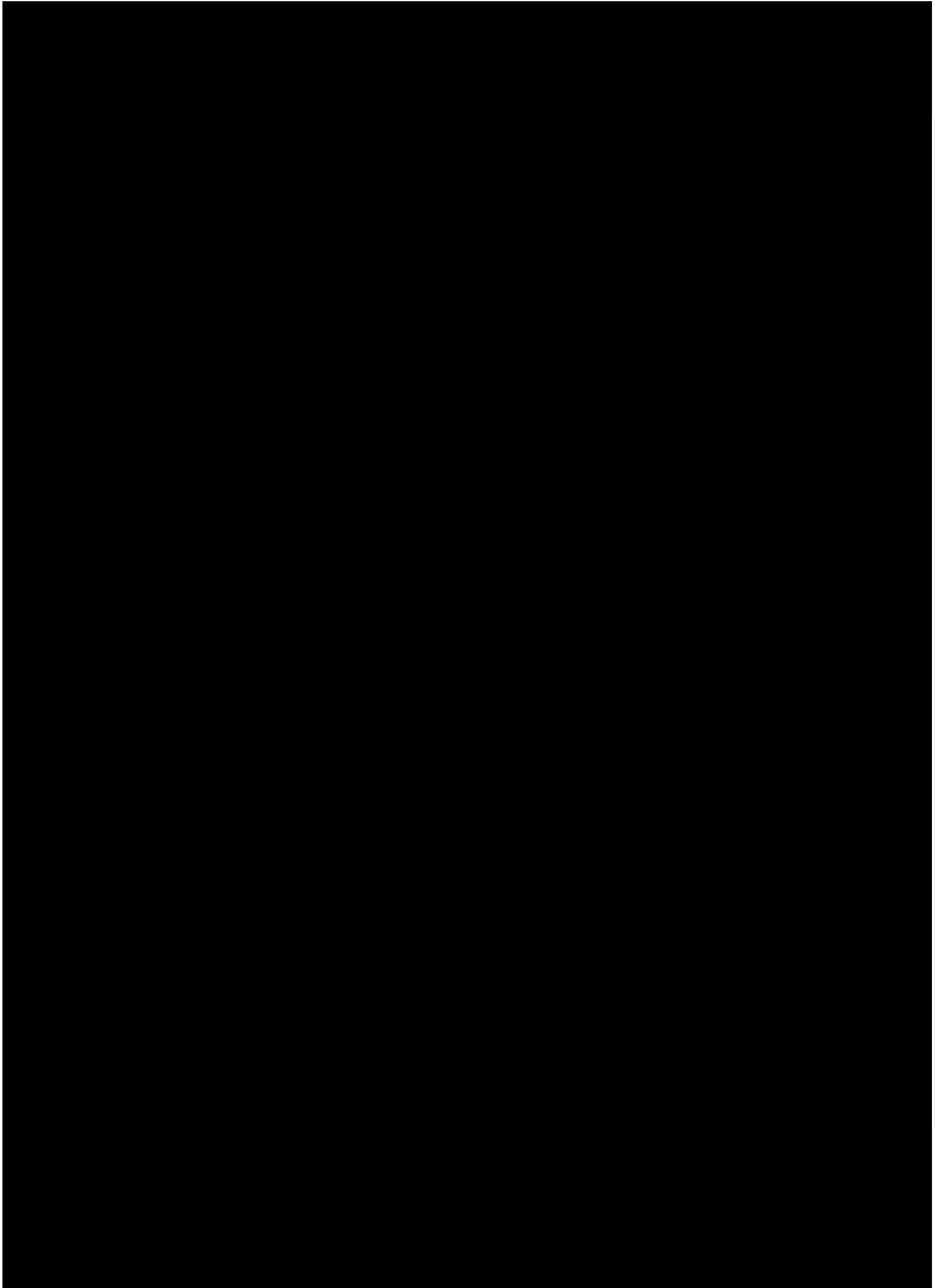


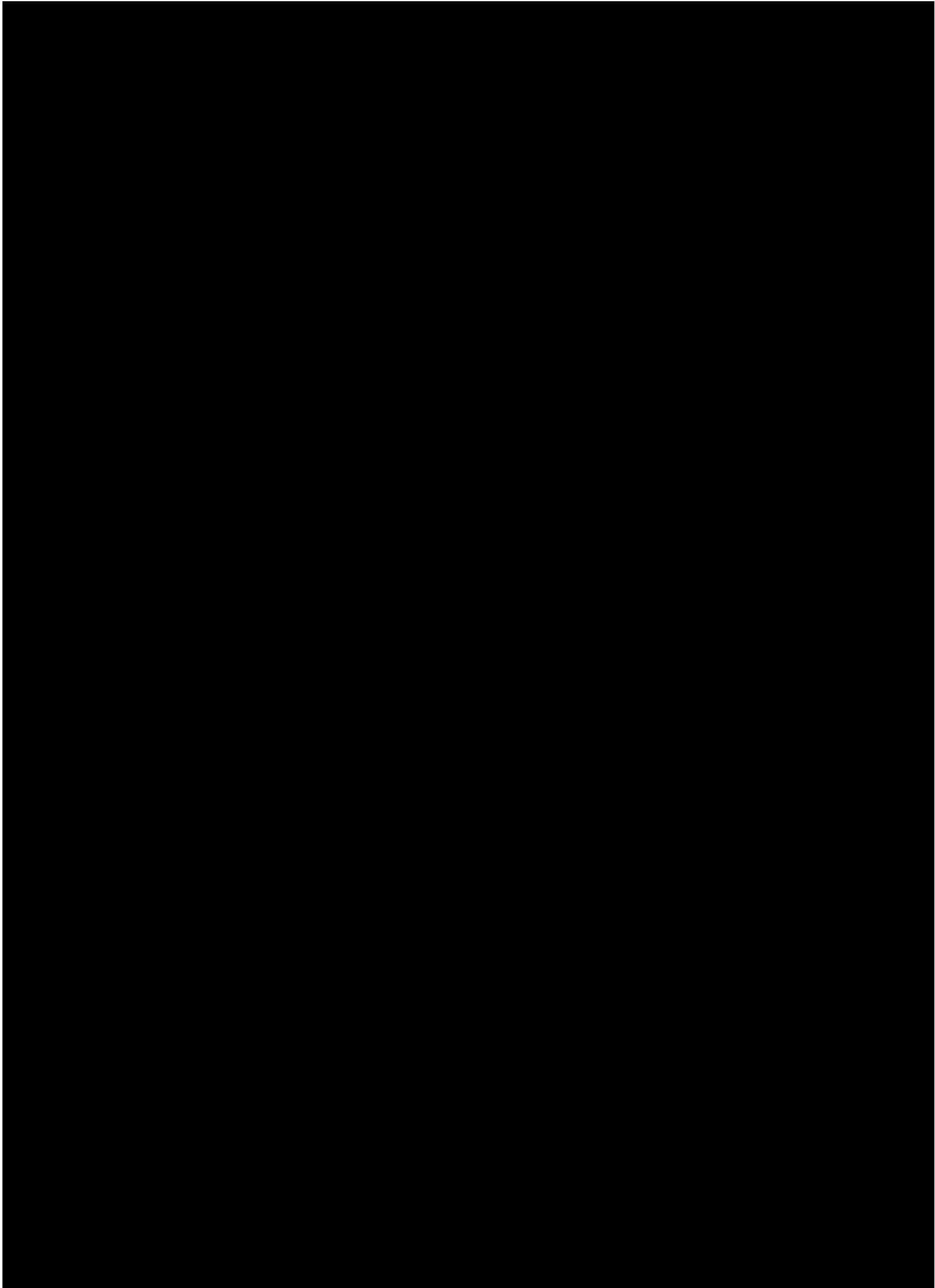












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Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others

Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others

Respondents

CONFIDENTIAL ANNEXURE MFR-10

This is the CONFIDENTIAL annexure marked **MFR-10** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me:



Rohit Dighe

From: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
Sent: Friday, 5 November 2021 12:32 PM
To: Matthew Roper
Subject: Iron flow battery - prior art and novelty of current invention
Attachments: Iron Flow Battery.docx

Follow Up Flag: Follow up
Flag Status: Flagged

This Message Is From an External Sender

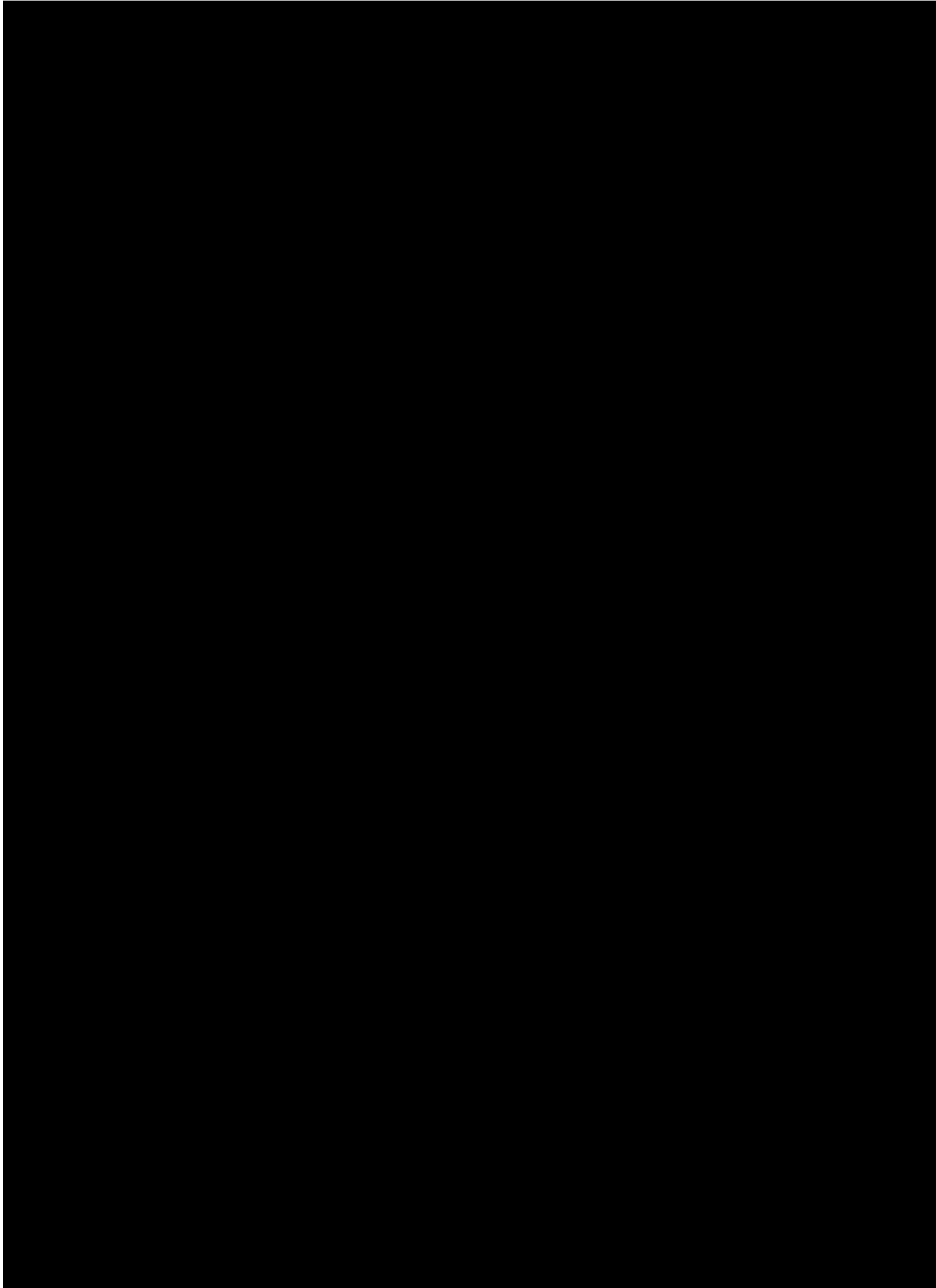
This email originated from outside of Fortescue. If the email seems suspicious, please use the Report Phish button in Outlook.

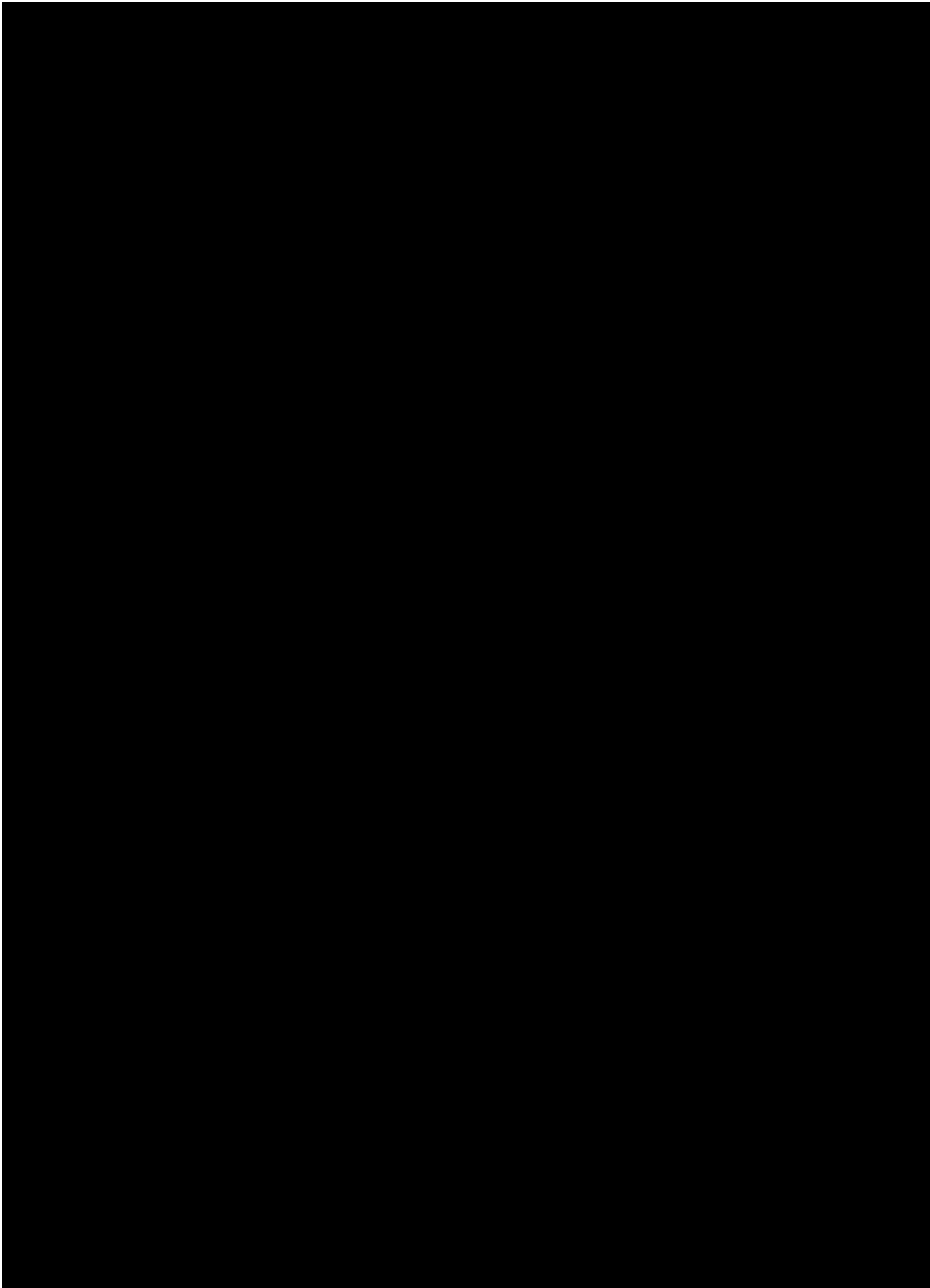
Hi Matt,

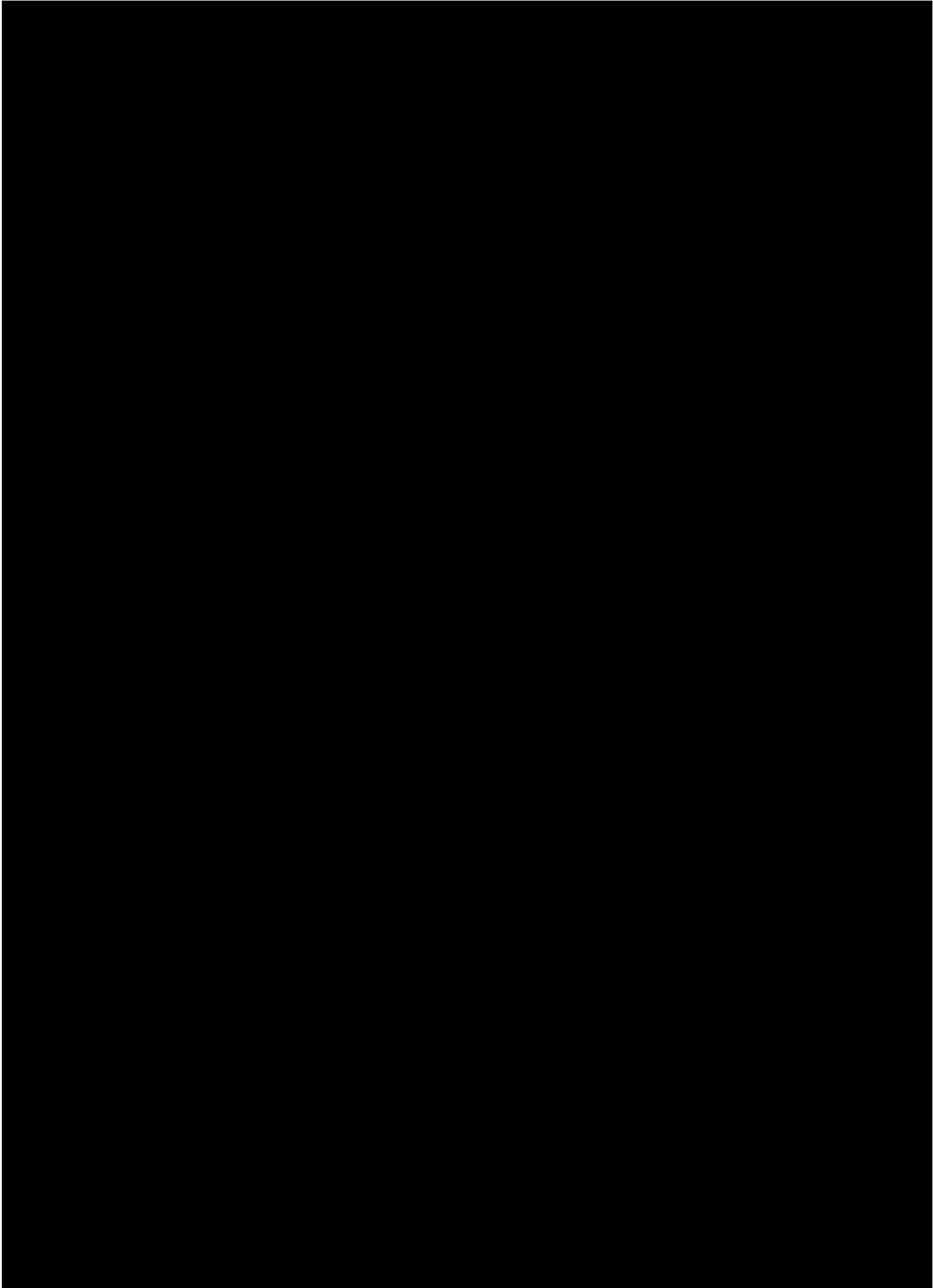
In addition to the invention disclosure shared before, I am sending further information on the iron flow battery. I have done an extensive search and have described prior art. I have also emphasised the novelty or point of difference of the current invention.

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.

Bart







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

ANNEXURE MFR-11

This is the annexure marked **MFR-11** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me: 

Rohit Dighe

From: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
Sent: Friday, 5 November 2021 1:06 PM
To: Matthew Roper
Subject: Re: Iron flow battery - prior art and novelty of current invention

This Message Is From an External Sender

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Hi Matt,

In this case, I will work over the weekend to finish the electrode write-up including prior art, importance, and novelty.

Bart

On Fri, 5 Nov 2021 at 09:21, Matthew Roper <matthew.roper@fmgl.com.au> wrote:

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.

Bart

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

ANNEXURE MFR-12

This is the annexure marked **MFR-12** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me: 

Rohit Dighe

From: Matthew Roper
Sent: Monday, 22 November 2021 5:17 PM
To: Bart Kolodziejczyk
Subject: RE: Introduction - Lens.org and IP Team at FFI

Thanks Bart.

Best Regards,

Matthew Roper

From: Bart Kolodziejczyk <kolodziejczykbartlomiej@gmail.com>
Sent: Monday, 22 November 2021 10:46 AM
To: Mark Garlinghouse <mark.garlinghouse@lens.org>; Richard Jefferson <raj@cambia.org>; Matthew Roper <matthew.roper@fmgl.com.au>
Subject: Introduction - Lens.org and IP Team at FFI

This Message Is From an External Sender

This email originated from outside of Fortescue. If the email seems suspicious, please use the Report Phish button in Outlook.

Hi Matt,

I hope you're doing well. I just talked to Richard and Mark at Lens.org. You might be aware of Lens, which is one of the leading innovation platforms. What I didn't know was that Lens.org is based in Australia.

Richard and Mark are introducing a new service that will allow to quickly and effectively "landscape" different innovation fields and sectors to evaluate what has been done in the past or what competitors are doing.

I thought this service might be of interest to you and FFI, hence this introduction. Nevertheless, worth having a chat. I have been using Lens.org over the years to do some patent searches. It is more intuitive and easier to use than many national patent search engines.

Best regards,
Bart

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Division: General

FORTESCUE LIMITED (ACN 002 594 872) and others

Applicants

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Respondents

CONFIDENTIAL ANNEXURE MFR-13

This is the CONFIDENTIAL annexure marked **MFR-13** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 31 July 2024.

Before me: 

Rohit Dighe

From: Aabhash Shrestha <aabhash.shrestha@fmgl.com.au>
Sent: Tuesday, 21 September 2021 5:48 PM
To: Matthew Roper
Cc: Bjorn Winther-jensen; Nikki Hensen; David Arnall; David White; Bart Kolodziejczyk
Subject: IP disclosure form for [REDACTED]
Attachments: 210921_IP disclosure_[REDACTED]

Hello Matthew,

How are you doing? I hope all is well at your end.

We have prepared an IP disclosure for [REDACTED]
[REDACTED]
[REDACTED] I will be glad if you could review the IP document and provide some feedback. It will also be helpful if you could assist us to determine the merit of invention (e.g. novelty) and how we can proceed further.

I look forward on hearing back from you soon.

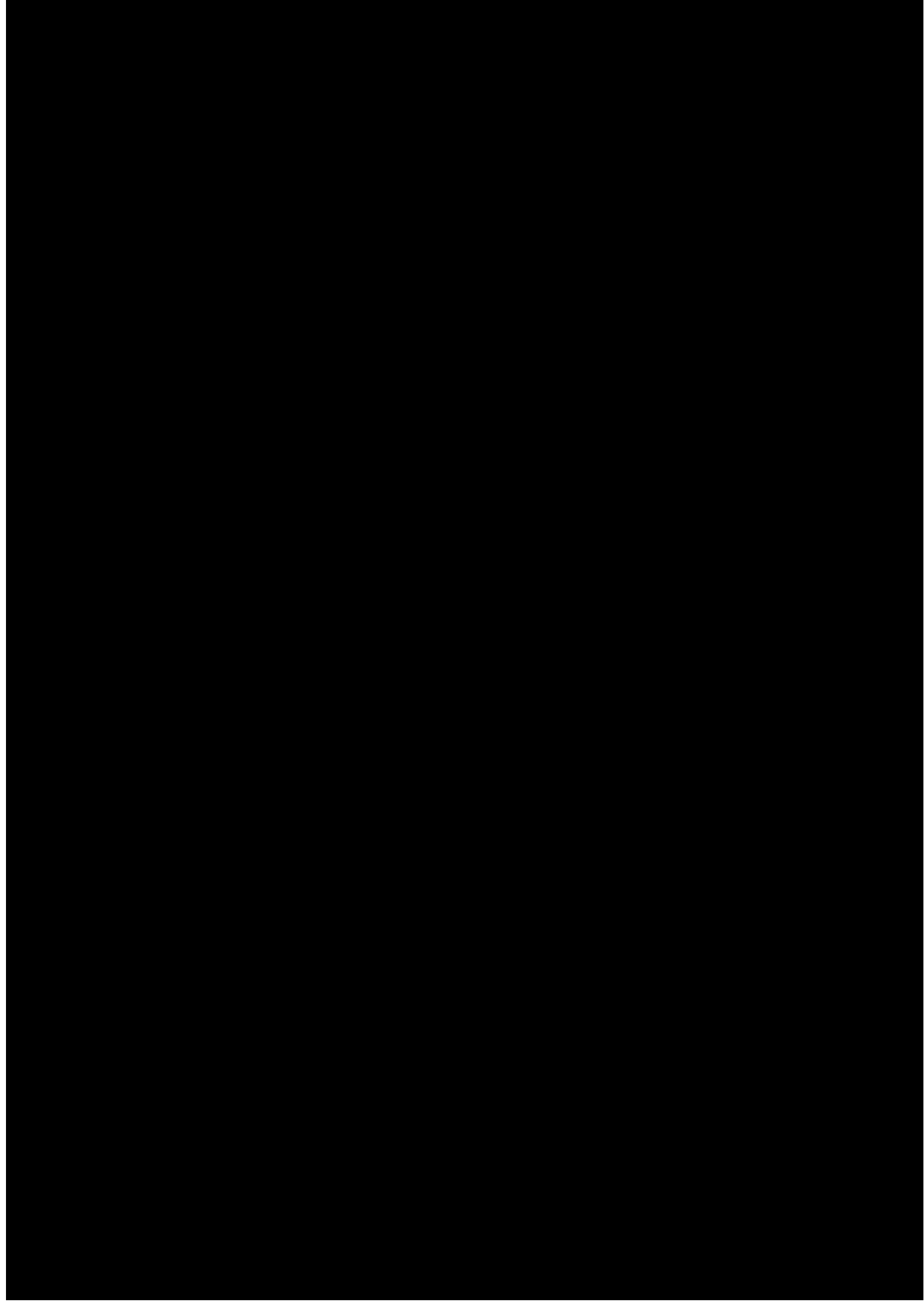
Cheers,
AS

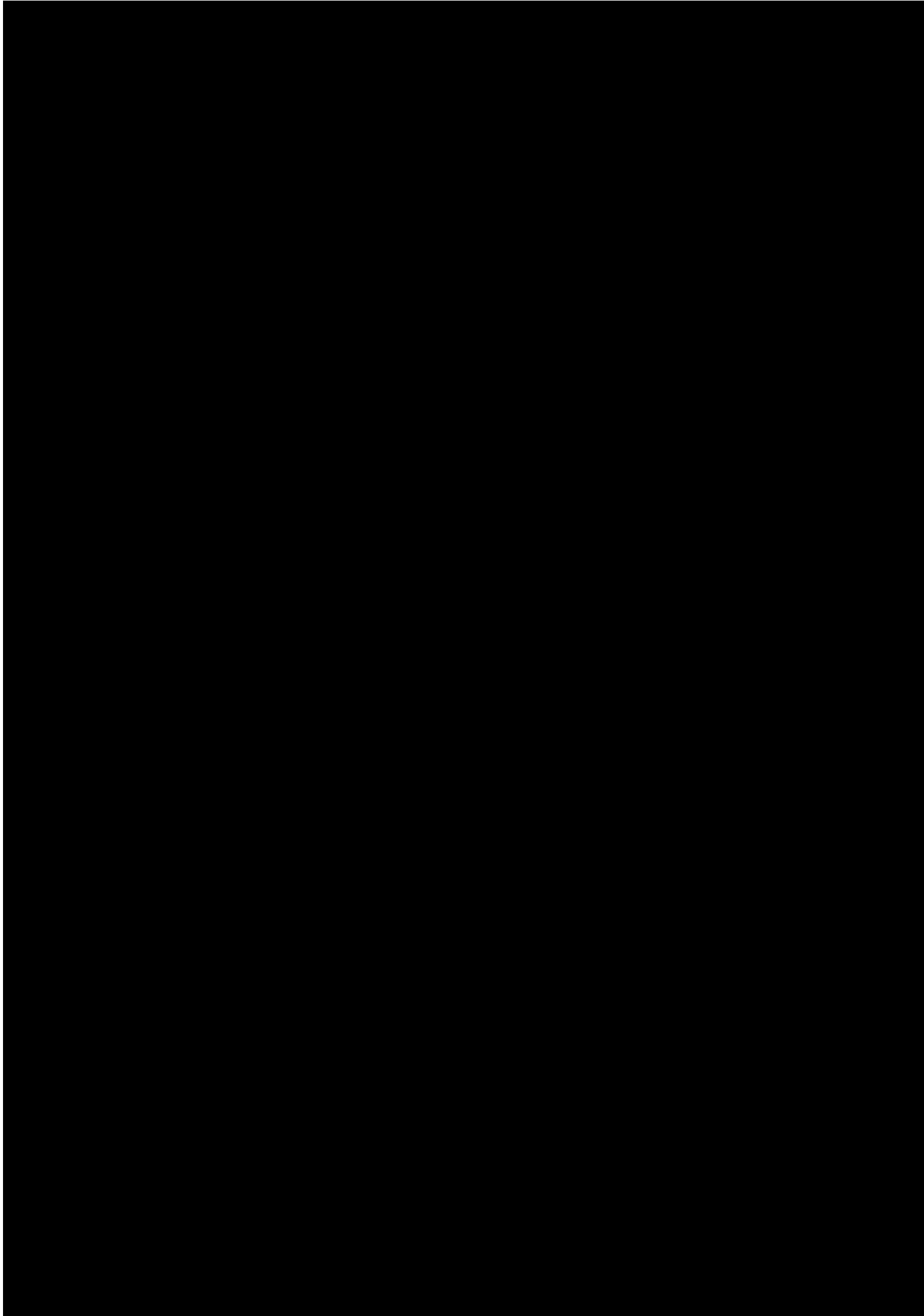
Aabhash Shrestha
Electrochemist, Energy

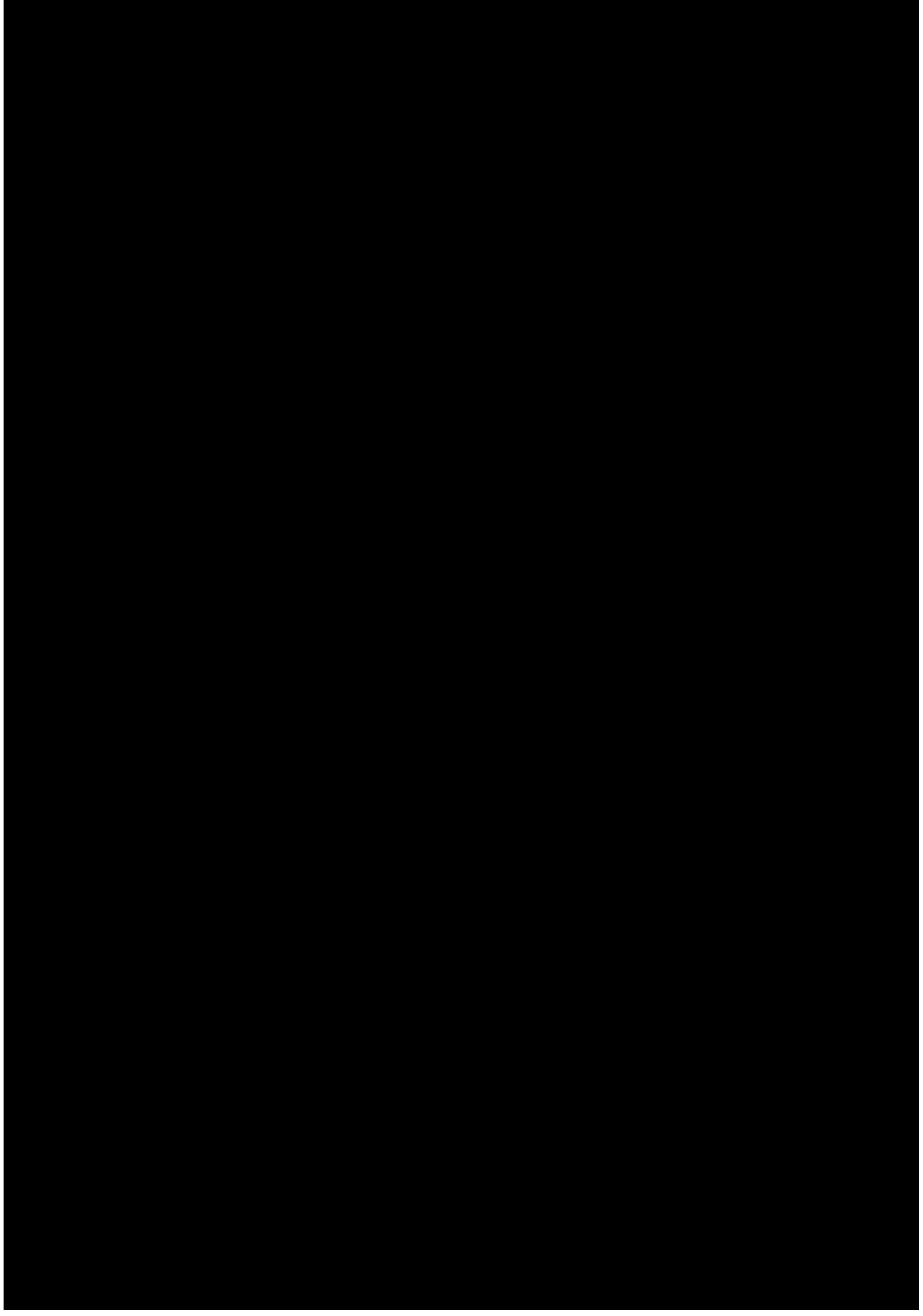
Fortescue Future Industries Pty Ltd
Level 1, 6 Bennett Street, East Perth WA 6004

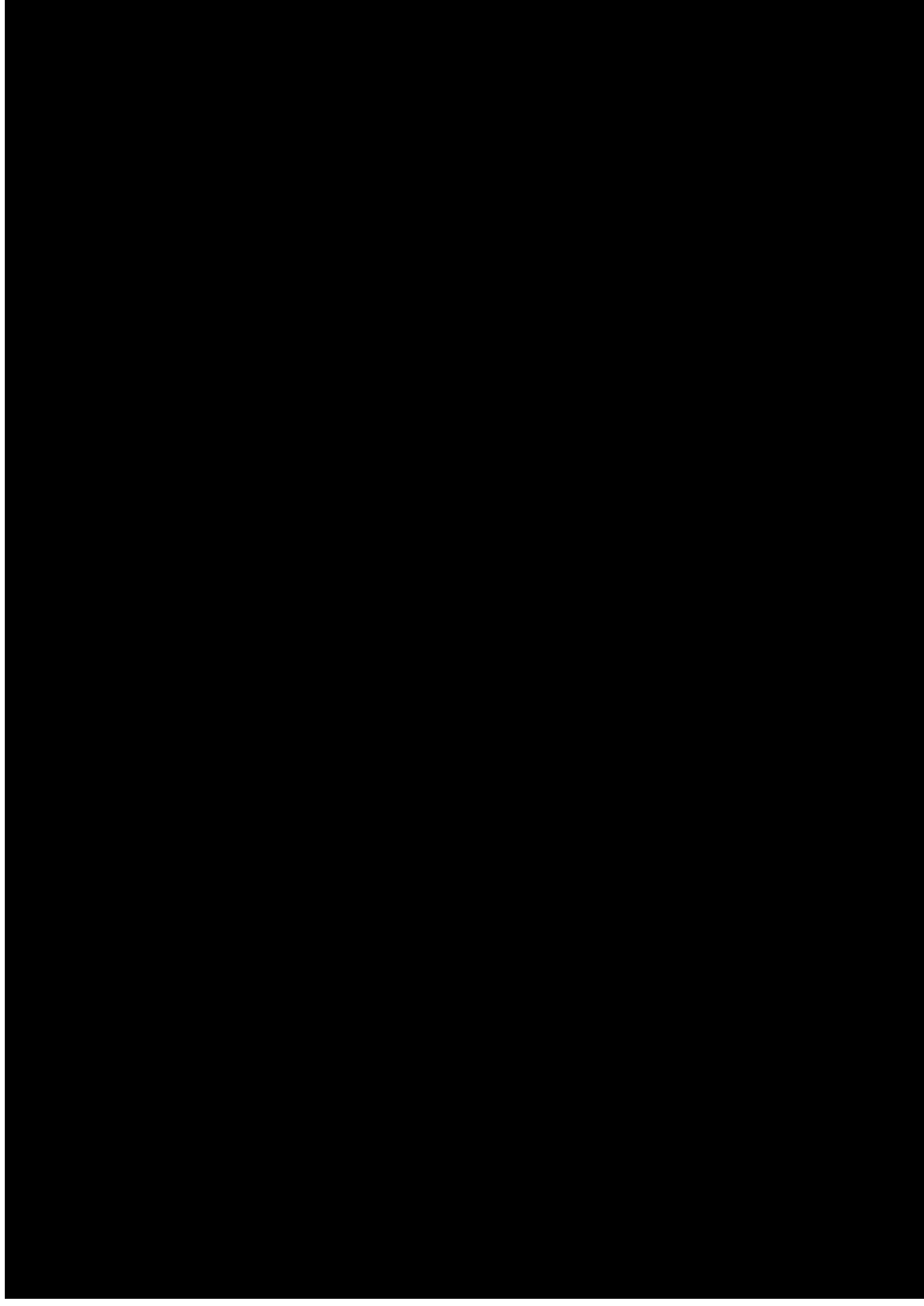
P: +61 8 6218 8888 | **M:** 0 420 510 [REDACTED]
E: aabhash.shrestha@fmgl.com.au
Twitter: @FortescueNews | www.ffi.com.au | www.fmgl.com.au

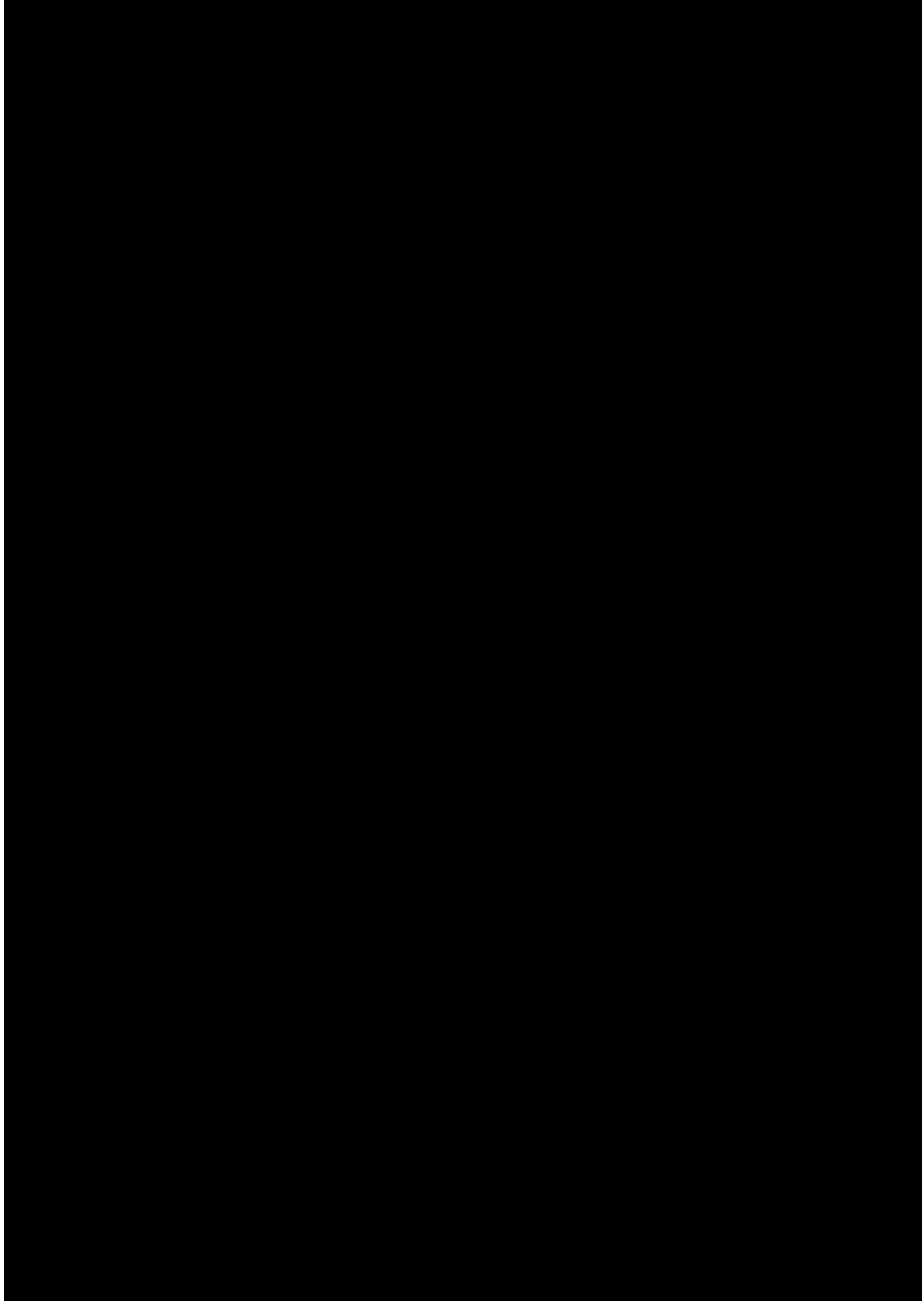


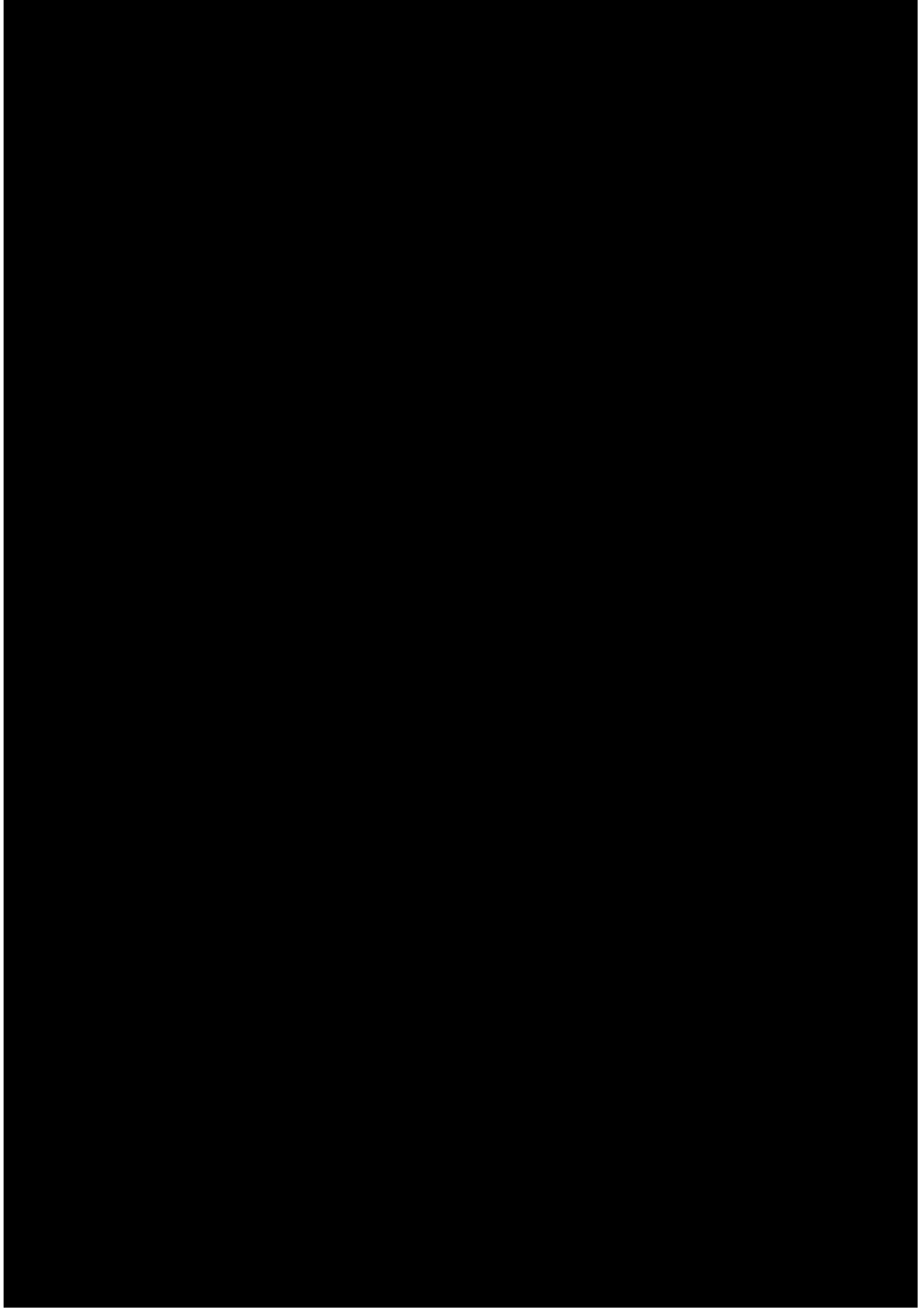


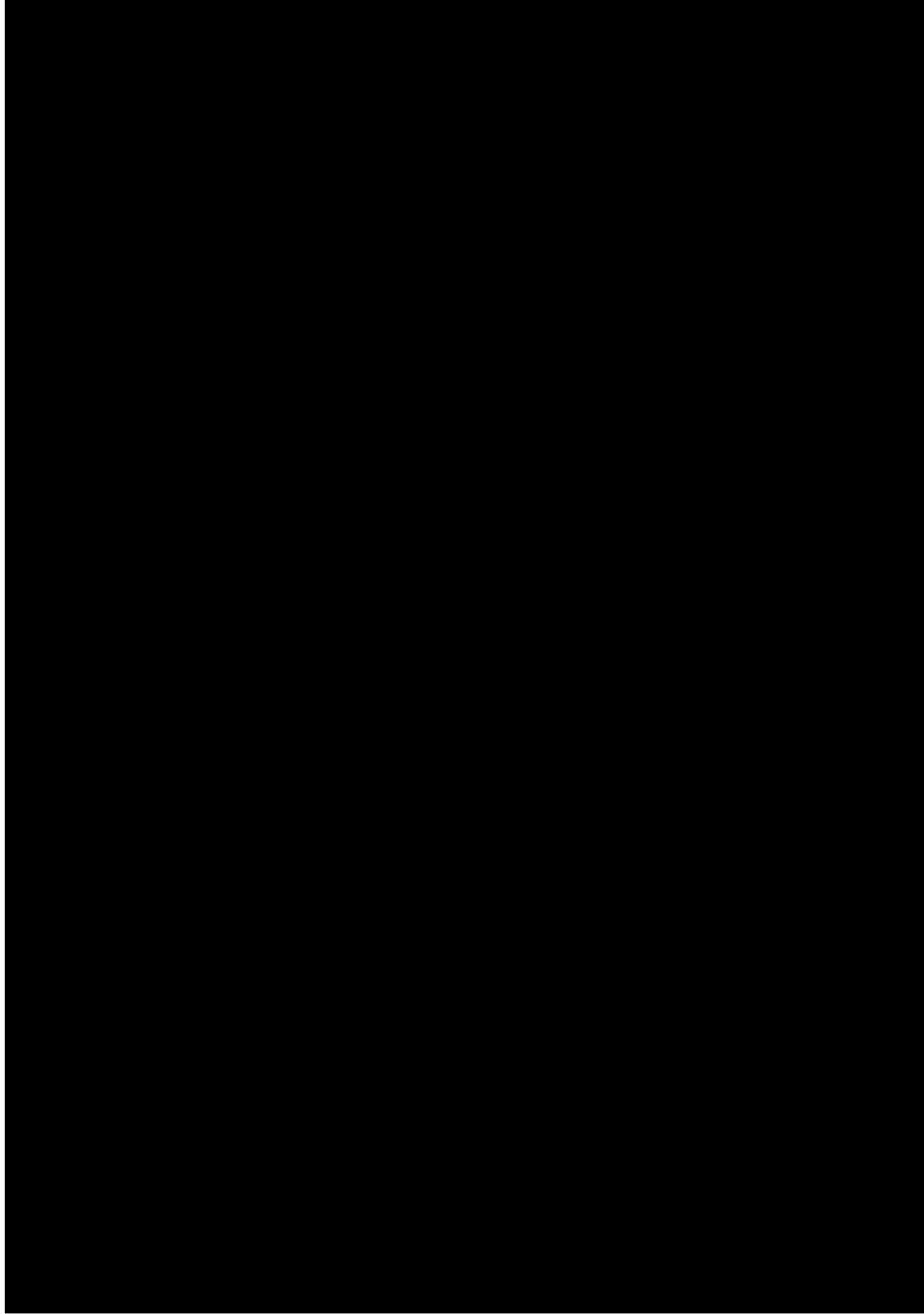


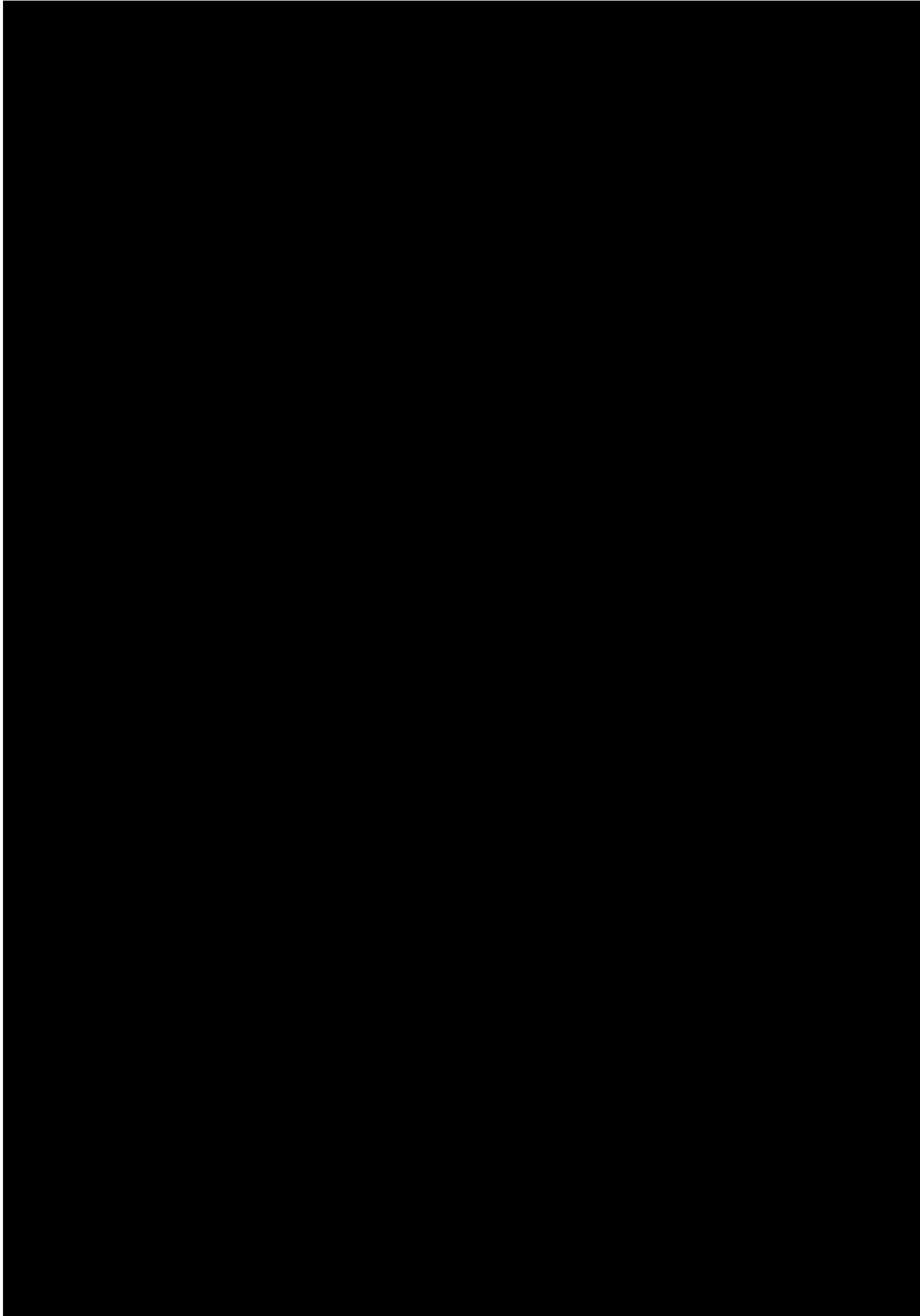


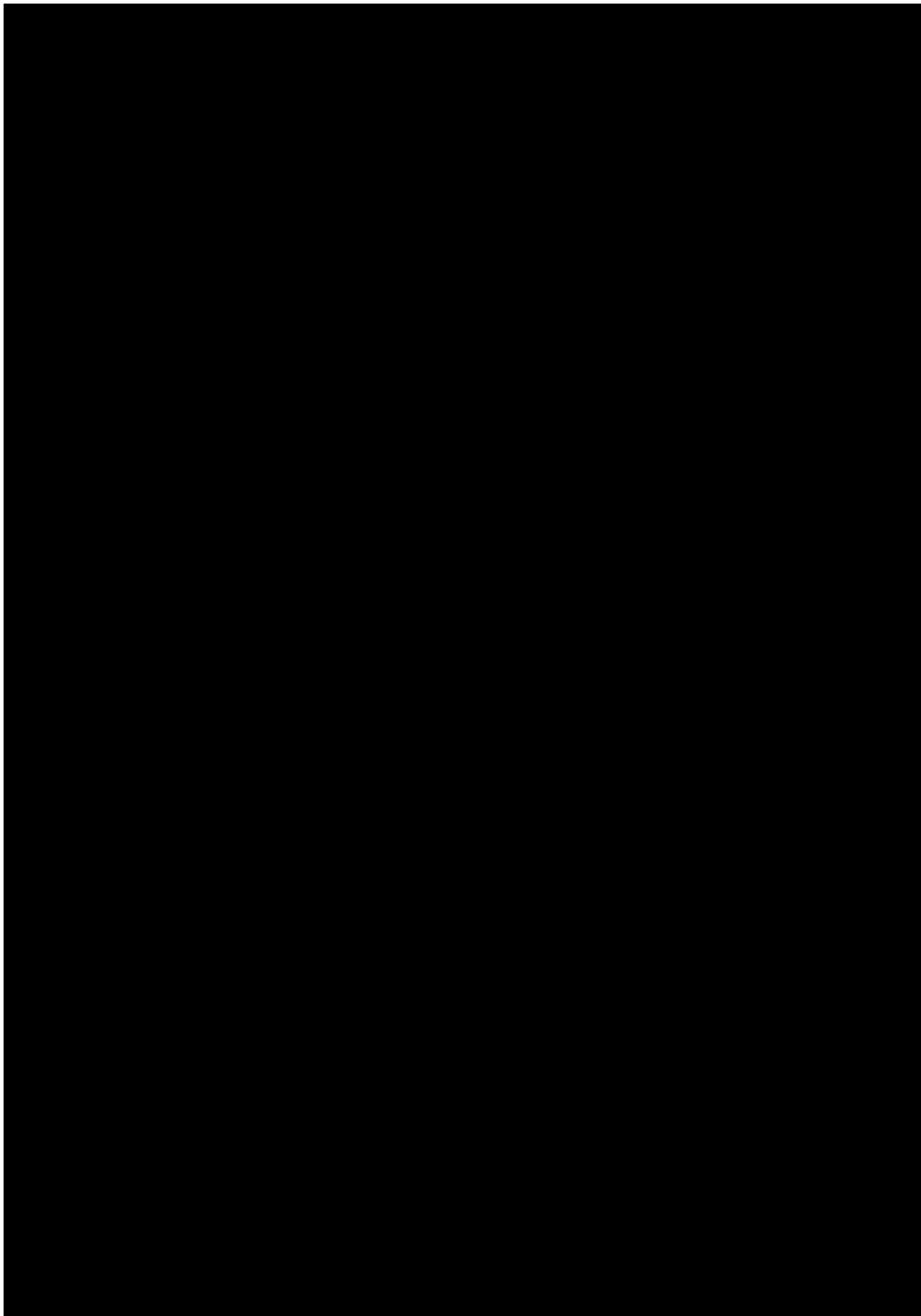


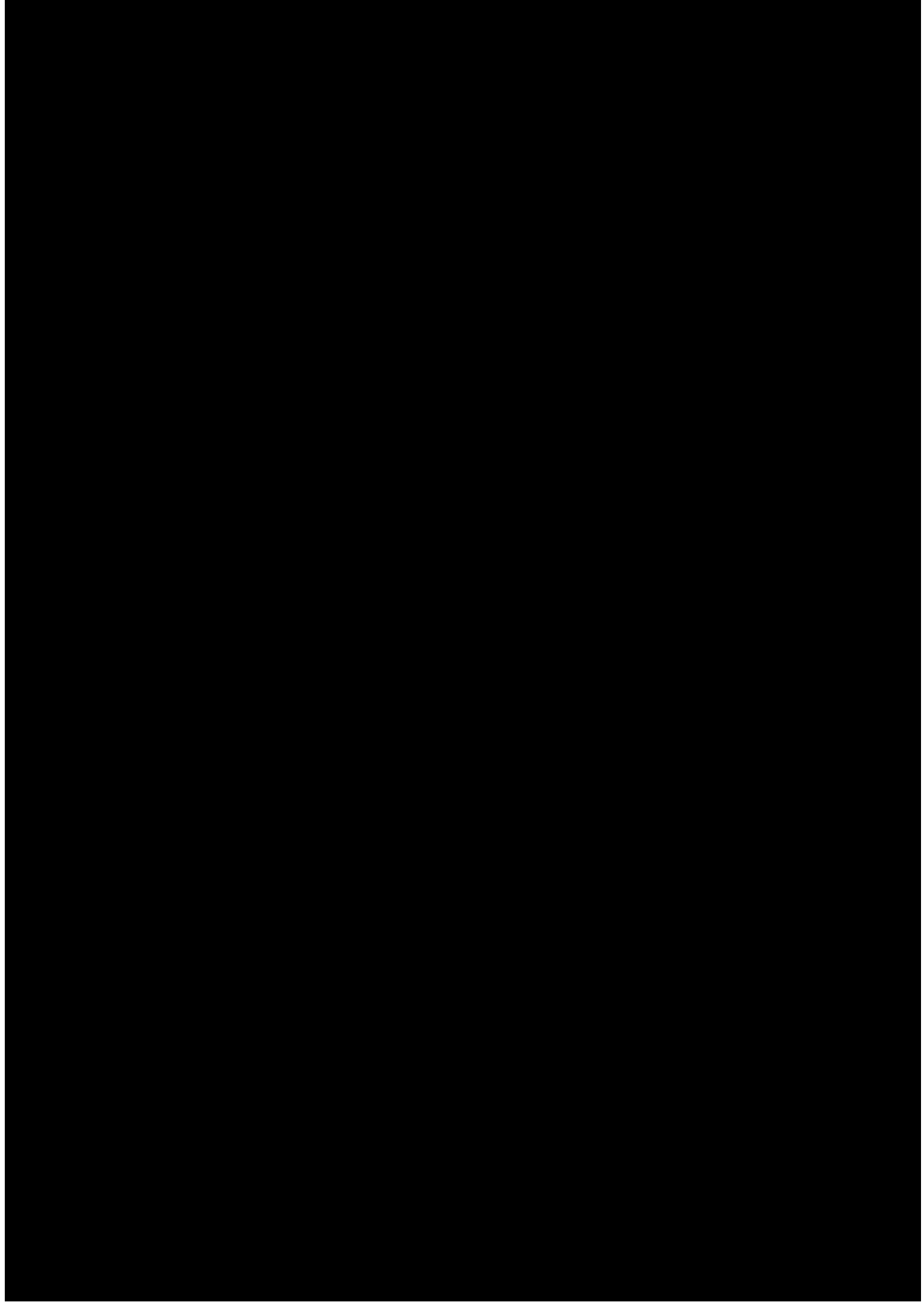












Federal Court of Australia
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FORTESCUE LIMITED (ACN 002 594 872) and others

Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others

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ANNEXURE MFR-14

This is the annexure marked **MFR-14** produced and shown to **MATTHEW FITZGERALD ROPER** at the time of affirming his affidavit on 30 July 2024.

Before me: 

Julia Burvill

Unrestricted legal practitioner (admitted in Western Australia)

Rohit Dighe

From: Michaela Johnstone
Sent: Friday, 29 October 2021 1:18 PM
To: Matthew Roper; James Herring; Kara Vague; Emily Ward; Stephen Insch
Subject: RE: Bart and IP

Hi Team,

Bart has decided he will return his laptop today.

Cheers

MJ

From: Matthew Roper <matthew.roper@fmgl.com.au>
Sent: Friday, 29 October 2021 10:16 AM
To: James Herring <jherring@fmgl.com.au>; Michaela Johnstone <mjohnstone@fmgl.com.au>; Kara Vague <kara.vague@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>; Stephen Insch <stephen.insch@fmgl.com.au>
Subject: RE: Bart and IP

Stephen will develop a plan on best way to obtain laptop.

Re his IP, he is motivated to file patents as it boosts his inventorship status for his CV. I am interested in receiving his invention disclosures however I will not necessarily file them as patents.

Best Regards,

Matthew Roper

From: James Herring <jherring@fmgl.com.au>
Sent: Friday, 29 October 2021 10:12 AM
To: Michaela Johnstone <mjohnstone@fmgl.com.au>; Kara Vague <kara.vague@fmgl.com.au>; Matthew Roper <matthew.roper@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Subject: Re: Bart and IP

If can can complete his work without his FFI supplied stuff it would better. If it's not possible then he can send it back.

Also what will be the process for receiving all his documentation and data.

Em

Have we written up what we need from him prior to him getting a termination payment?

Jim Herring
Fortescue Future Industries

Level 2, 87 Adelaide Terrace East Perth WA 6004
Mobile – 0459 171 206
Email jherring@fmgl.com.au

From: Michaela Johnstone <mjohnstone@fmgl.com.au>
Sent: Friday, October 29, 2021 10:02:18 AM
To: James Herring <jherring@fmgl.com.au>; Kara Vague <kara.vague@fmgl.com.au>; Matthew Roper <matthew.roper@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Subject: RE: Bart and IP

He will be staying in Melbourne with his family. He finishes up his lease in Perth tomorrow I believe. We can ask him to send the laptop back if he still needs it. I will find out. Access to network and emails will end next Friday night.

MJ

From: James Herring <jherring@fmgl.com.au>
Sent: Friday, 29 October 2021 10:00 AM
To: Michaela Johnstone <mjohnstone@fmgl.com.au>; Kara Vague <kara.vague@fmgl.com.au>; Matthew Roper <matthew.roper@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Subject: Re: Bart and IP

Team

Do we need him to hand over his work laptop etc before he goes? Is he coming back are is he staying in Melbourne?

Jim Herring

Fortescue Future Industries
Level 2, 87 Adelaide Terrace East Perth WA 6004
Mobile – 0459 171 206
Email – jherring@fmgl.com.au

From: Michaela Johnstone <mjohnstone@fmgl.com.au>
Sent: Friday, October 29, 2021 9:55:53 AM
To: Kara Vague <kara.vague@fmgl.com.au>; Matthew Roper <matthew.roper@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Cc: James Herring <jherring@fmgl.com.au>
Subject: RE: Bart and IP

Hi Team,

Spoke with Bart – all cool to extend to next Friday 5 November. He is flying to Melbourne on Monday so will complete the work over there and will be able to meet with Justin, the IP Attorney, face to face.

Cheers

MJ

From: Kara Vague <kara.vague@fmgl.com.au>
Sent: Thursday, 28 October 2021 10:47 PM
To: Matthew Roper <matthew.roper@fmgl.com.au>; Michaela Johnstone <mjohnstone@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Cc: James Herring <jherring@fmgl.com.au>
Subject: RE: Bart and IP

Hi Matthew

Good news that Bart is cooperating.

MJ – could you please reach out to Bart to confirm one week extension and discuss with him what is needed for close out?

Thanks team.

KV

From: Matthew Roper <matthew.roper@fmgl.com.au>
Sent: Wednesday, 27 October 2021 3:31 PM
To: Michaela Johnstone <mjohnstone@fmgl.com.au>; Kara Vague <kara.vague@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Cc: James Herring <jherring@fmgl.com.au>
Subject: RE: Bart and IP

Hi All,

I've spoken to Bart and our drafting attorneys re timings of having all Invention Disclosures and patent drafting completed by Friday and I believe we would get an inferior let if we enforced that timing.

I suggest we add another week allow for a better transfer of knowledge and record of IP. Bart is cooperating well with me at this point, but need him to stay focused to a deadline, hence one week extension.

Best Regards,

Matthew Roper

From: Michaela Johnstone <mjohnstone@fmgl.com.au>
Sent: Wednesday, 27 October 2021 3:19 PM
To: Kara Vague <kara.vague@fmgl.com.au>; Matthew Roper <matthew.roper@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Cc: James Herring <jherring@fmgl.com.au>
Subject: RE: Bart and IP

Hi Team,

Just please keep me in the loop with regard to final date as it will impact termination in systems and the release deed I am preparing.

Cheers

MJ

From: Kara Vague <kara.vague@fmgl.com.au>
Sent: Wednesday, 27 October 2021 12:21 PM
To: Matthew Roper <matthew.roper@fmgl.com.au>; Emily Ward <eward@fmgl.com.au>
Cc: James Herring <jherring@fmgl.com.au>; Michaela Johnstone <mjohnstone@fmgl.com.au>
Subject: Bart and IP

Hi team

I just wanted to check in on how we are progressing with Bart's handover of the IP and registering of patents?

What are we thinking in terms of end date?

Just keen to make sure we work out a plan for Friday or if we need to extend?

Thanks team

KV