

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	29/09/2025 1:34:00 PM AEST
Date Accepted for Filing:	29/09/2025 1:34:03 PM AEST
File Number:	NSD527/2024
File Title:	FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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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.

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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: **Paul Alexander Dewar**
Address: Level 4, 7 Macquarie Place, Sydney NSW 2000
Occupation: Lawyer
Date: 19 August 2025

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Filed on behalf of	Fortescue Limited and others, the Applicants
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[Version 3 form approved 02/05/2019]

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39	Confidential Annexure PAD-73 , being a copy of BWJ.5001.0001.0456	234	580
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41	Confidential Annexure PAD-75 , being a copy of BWJ.5000.0003.5792	236	584

I, PAUL ALEXANDER DEWAR, of Level 4, 7 Macquarie Place, Sydney, New South Wales, 2000, Lawyer, affirm:

A. BACKGROUND

1. I am a principal of the law firm Davies Collison Cave Law (**DCCL**) of Level 4, 7 Macquarie Place, Sydney, New South Wales and have the care, conduct and control of this proceeding on behalf of the Applicants (**Fortescue**).
2. This is my tenth affidavit in this proceeding. I am authorised to make this affidavit on Fortescue's behalf. The statements in this affidavit are based on my personal knowledge and belief, unless I expressly state otherwise. Where I make statements based on information and belief, I state as much and identify the source of that information.

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3. I am not instructed to and do not intend in this affidavit to waive privilege on Fortescue's behalf, nor do I have the authority to do so.
4. I make this affidavit in support of Fortescue's interlocutory application dated 17 June 2025 (**Application**). I had previously made one affidavit in support of the Application, affirmed on 17 June 2025 (**Dewar 9**).
5. Fortescue seeks leave to amend the Application. A proposed **Amended Application** is annexed and marked **Annexure PAD-36**. I address the amendments below.
6. This affidavit is structured as follows:
 - (a) Section B below sets out the procedural history from the discovery orders being made, to the identification of the deficiencies and the Respondents' responses;
 - (b) Section C sets out the discovery deficiencies relied on by Fortescue, including both general and specific deficiencies;
 - (c) Section D makes some comments in relation to the expert affidavit of Dr Grant Jacobsen;
 - (d) Section E relates to Fortescue's application for the Respondents to produce certain documents without any claim to privilege;
 - (e) Section F relates to Fortescue's application for discovery in relation to a revised "Category 2";
 - (f) Section G relates to Fortescue's application for discovery in relation to new categories; and
 - (g) Section H relates to Fortescue's application to redact certain parts of a document discovered by Fortescue.
7. In this affidavit, '**Listed Things**' refers to the documents and things identified as such in Schedule A to the search orders made in this proceeding on 14 May 2024 (**Search Orders**). The Search Orders are annexed and marked **Annexure PAD-37**.

B. PROCEDURAL HISTORY

B.1 The Court makes discovery orders (Feb 2025)

8. On 26 February 2025, Justice Markovic made orders requiring the Respondents to give discovery in the categories in Schedule 1 to those orders (**Discovery Orders**). The Discovery Orders are annexed and marked **Annexure PAD-38**. In this affidavit, I use

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“**Category X**” to refer to the category numbered X in Schedule 1 to the Discovery Orders. I refer to the categories together as the “**Discovery Categories**”.

9. The Discovery Orders required the Respondents to give discovery of all documents within the Discovery Categories by 7 April 2025.

B.2 EZ Respondents give discovery (Apr–May 2025)

10. On **21 March 2025**, Justice Markovic made an order (order 3), extending the time for the Respondents to give discovery to 21 April 2025. The 21 March 2025 orders are annexed and at pages 122 to 123 of the bundle marked **Annexure PAD-39**.
11. On **29 April 2025**, the EZ Respondents filed and served their original lists of documents (**EZ Respondents’ Original Lists of Documents**):
 - (a) the First Respondent’s list of documents dated 29 April 2025 (**Element Zero’s Original List of Documents**);
 - (b) the Second Respondent’s list of documents dated 29 April 2025 (**Dr Kolodziejczyk’s Original List of Documents**); and
 - (c) the Fourth Respondent’s list of documents dated 28 April 2025 (**Mr Masterman’s Original List of Documents**).
12. On **9 May 2025**, DCCL sent a letter to the EZ Respondents’ lawyers (**G+T**) concerning (among other things) the EZ Respondents’ failure to properly describe in their original lists of documents:
 - (a) each document that has been but is no longer in each EZ Respondent’s control, as required by rule 20.17(2)(b) of the *Federal Court Rules 2011* (Cth) (**FCR**); and
 - (b) each document in respect of which any EZ Respondent makes a claim for privilege, as required by pursuant to FCR 20.17(2)(c).

DCCL’s 9 May 2025 letter is annexed and marked **Annexure PAD-40**.

13. On **13 May 2025**, the EZ Respondents produced native-form documents in their original lists of documents (**EZR’s Discovery**).

B.3 Dr Winther-Jensen gives discovery (May 2025)

14. As stated in [10] above, on **21 March 2025**, Justice Markovic made an order (order 3), extending the time for the Respondents to give discovery to 21 April 2025.

15. On **30 April 2025**, Justice Markovic made an order (order 1), extending the time for the Third Respondent (**Dr Winther-Jensen**) to give discovery to 12 May 2025. The orders made on 30 April 2025 are at pages 124 to 126 of **Annexure PAD-39**.
16. On **15 May 2025**, Justice Markovic made an order (order 1), extending the time for Dr Winther-Jensen to give discovery to 19 May 2025. The order made on 15 May 2025 are at pages 127 to 128 of **Annexure PAD-39**.
17. On **19 May 2025**, Dr Winther-Jensen filed and served his list of documents dated the same day (**Dr WJ's List of Documents**).
18. On **20 May 2025**, Dr Winther-Jensen produced the non-confidential documents in his list of documents. On **30 May 2025**, Dr Winther-Jensen produced the documents in his list of documents that he asserted to be confidential. I refer to the documents produced by Dr Winther-Jensen as "**Dr WJ's Discovery**".

B.4 EZ Respondents file and serve Supplementary Lists of Documents (Jun 2025)

19. In response to DCCL's 9 May 2025 letter, on **13 June 2025**, the EZ Respondents filed and served the following supplementary lists of documents (**EZ Respondents' Supplementary Lists of Documents**):
 - (a) the First Respondent's Supplementary List of Documents dated 13 June 2025 (**Element Zero's Supplementary List of Documents**);
 - (b) the Second Respondent's Supplementary List of Documents dated 13 June 2025 (**Dr Kolodziejczyk's Supplementary List of Documents**);
 - (c) the Fourth Respondent's Supplementary List of Documents dated 12 June 2025 (**Mr Masterman's Supplementary List of Documents**).

B.5 Respondents' confidentiality claims

20. I refer to the EZ Respondents' Original Lists of Documents, the EZ Respondents' Supplementary Lists of Documents, and Dr WJ's List of Documents together as the "**Respondents' List of Documents**".
21. I refer to the EZRs' Discovery and Dr WJ's Discovery together as the "**Respondents' Discovery**".
22. The Respondents' Lists of Documents assert that many documents discovered by the Respondents are confidential and their inspection is subject to a confidentiality regime. Broadly, one of the effects of that confidentiality regime is that DCCL is unable to disclose documents asserted by the Respondents to be confidential to Fortescue. While

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Fortescue reserves its right to challenge those claims of confidentiality, for the avoidance of doubt I confirm that Fortescue representatives have not been provided with any document asserted to be confidential by the Respondents. Therefore, in this affidavit I refer to the review of the Respondents' Discovery conducted by DCCL lawyers, and the views formed by DCCL in light of that review.

B.6 Discovery deficiency correspondence (June–Aug 2025)

23. DCCL has reviewed the Respondents' Discovery since the dates it was provided by the respective Respondent ([13], [18] above). As a result of this review, DCCL identified many deficiencies, which became the subject of the correspondence below.
24. On **16 June 2025**, DCCL sent a confidential letter to G+T and Dr Winther-Jensen's lawyers (**MinterEllison**), (among other things) notifying them of deficiencies identified by DCCL up to that point. DCCL's 16 June 2025 letter was Annexure PAD-34 to Dewar 9 and (for convenient reference) is annexed again and marked **Confidential Annexure PAD-41**.
25. On **18 June 2025**, G+T sent a confidential letter to DCCL, (among other things) responding to the deficiencies identified in DCCL's 16 June 2025 letter. G+T's 18 June 2025 letter is annexed and marked **Confidential Annexure PAD-42**.
26. On **19 June 2025**, DCCL sent a confidential response to G+T's 18 June 2025 letter. DCCL's 19 June 2025 letter is annexed and marked **Confidential Annexure PAD-43**.
27. Also on **19 June 2025**, Justice Markovic ordered a timetable for the Application, including Fortescue's giving notice of discovery deficiencies it relies on for paragraph 1 of the Application and the Respondent's providing responses to those notifications. The orders made on 19 June 2025 are annexed and marked **Annexure PAD-44**.
28. **First Deficiency Letter**: On **4 July 2025**, DCCL notified G+T and MinterEllison of discovery deficiencies Fortescue relied on for paragraph 1 of the Application (**First Deficiency Letter**). The First Deficiency Letter is annexed and marked **Confidential Annexure PAD-45**.
29. As at the date of the First Deficiency Letter, DCCL had not completed its review of the Dr WJ's Discovery. As stated in [18] above, Dr Winther-Jensen only completed producing documents on 30 May 2025.
30. DCCL therefore advised in the First Deficiency Letter, page 22, that it was continuing to review the Dr WJ's Discovery and that *"The Applicants reserve the right to provide a supplementary list of deficiencies in due course"*.

31. **Second Deficiency Letter**: On **14 July 2025**, DCCL notified G+T and MinterEllison of further discovery deficiencies Fortescue relied on for paragraph 1 of the Application (**Second Deficiency Letter**). The Second Deficiency Letter is annexed and marked **Confidential Annexure PAD-46**.
32. **Respondents' Responses**: On **24 July 2025**, the Respondents provided their responses to the First and Second Deficiency Letters:
- (a) the EZ Respondents' response (including Annexures A and B) is annexed and marked **Confidential Annexure PAD-47 (EZRs' Response)**; and
 - (b) Dr Winther-Jensen's response is annexed and marked **Confidential Annexure PAD-48 (Dr WJ's Response)**.
33. **Status of Further Document Production**: On **31 July 2025**, DCCL sent an email to G+T and MinterEllison, requesting the Respondents produce the further documents they said in their responses that they would produce. DCCL's 31 July 2025 email is annexed and marked **Annexure PAD-49**.
34. On **6 August 2025**, MinterEllison sent an email to DCCL, containing a link to access 14 further documents produced by Dr Winther-Jensen. MinterEllison's email is annexed and marked **Annexure PAD-50**.
35. On **8 August 2025**, G+T responded to DCCL's 31 July 2025 letter ([33] above). G+T's 8 August 2025 response is annexed and marked **Annexure PAD-51**. The relevant part of G+T's response reads:

As indicated in [the EZRs' Response], our clients [the EZ Respondents] are prepared to produce further documents in response to the issues raised by your clients (without any admission that they are required to do so).

There is no basis to suggest that your clients require these further documents to prepare their evidence in support of the interlocutory application. Your clients have identified alleged deficiencies, and, where indicated in our letter of 24 July 2025, our clients are resolving certain of those alleged deficiencies by conducting further searches, reviewing and producing further documents. The contents of those documents do not bear on or relate to your clients' application.

Our clients will produce the additional documents once they have completed the searches and review that we have indicated they will undertake.

36. As at the date of this affidavit, the EZ Respondents have not produced the further documents they said they would produce in the EZ Response.

C. DISCOVERY DEFICIENCIES RELIED ON BY FORTESCUE

C.1 Summary

37. In summary, Fortescue relies on the following matters:

- (a) **Section C.2:** The Respondents have admitted 7 deficiencies in their discovery. The deficiencies admitted by the EZ Respondents affect an unknown number of documents — [38]-[43] below.
- (b) **Section C.3:** the EZ Respondents have agreed to produce, but have not yet produced, further documents in response to 12 deficiencies notified by Fortescue. The number of documents to be produced is unknown — [44]-[45] below.
- (c) **Section C.4:** General deficiency: the EZ Respondents have failed to discover documents that are or have been in their control by reason of Dr Winther-Jensen's roles in researching and developing Element Zero's process and at Element Zero, at least including the documents marked Categories 2A, 6, 6A and 7 in Dr WJ's Discovery. This in turn affects their discovery for Category 8 — [46]-[71] below.
- (d) **Section C.5:** General deficiency: the EZ Respondents have failed to discover documents in Categories 2A(a), 11(e) and 14; including for Category 11(e), the documents discovered by Dr Winther-Jensen. These documents must exist — [72]-[94] below.
- (e) **Section C.6:** General deficiency: the EZ Respondents have failed to discover relevant documents in Category 1. What they discovered in Category 1 is not responsive to the category. When questioned, the EZ Respondents say they have no Category 1 documents in their control, despite the EZ Respondents marking 205 documents as responsive to Category 1, and Dr Kolodziejczyk's admissions in the evidence in support of the search order — [95]-[102] below.
- (f) **Section C.7:** General deficiency: the EZ Respondents admitted they have failed to properly search Dr Kolodziejczyk's and Mr Masterman's non-Element Zero email addresses — [103]-[108] below.
- (g) **Section C.8:** General deficiency: the EZ Respondents have taken an inappropriately narrow view of Category 11(f) — [109]-[113] below.

- (h) **Section C.9:** General deficiency: the EZ Respondents have admitted documents were not recognised as “families” of related documents, such that an unknown number of documents has not been discovered — [114]-[127] below.
- (i) **Section C.10:** General deficiency: the EZ Respondents have experienced unspecified “technical error/s” in giving discovery, such that they did not discover an unknown number of documents. Their responses to this deficiency have been inconsistent — [128]-[138] below.
- (j) **Section C.11:** General deficiency: the Respondents have not provided an adequate explanation in relation to these deficiencies, or have cross-referenced documents which do not provide an answer, or a complete answer, to the deficiencies raised – [139] to [155] below.
- (k) **Section C.12:** The EZ Respondents have provided inconsistent explanations in relation to the fates of the USB Listed Things. Part 3 of their Original and Supplementary Lists of Documents are materially different — [156]-[163] below.
- (l) **Section C.13:** Specific deficiencies: the EZ Respondents have failed to discover revisions or versions of documents in Category 11(f) (EZ process R&D) — [164]-[186] below.
- (m) **Section C.14:** Specific deficiencies: the Respondents have failed to discover cross-referenced and appended documents — [187]-[196] below.

C.2 Deficiencies admitted by the EZ Respondents and Dr Winther-Jensen

- 38. **EZ Respondents:** The EZ Respondents admit **five deficiencies** notified by DCCL, which affect an **unknown** number of documents.
- 39. The deficiency identifiers, affected Categories, number of affected documents, and reference of the admitted deficiencies are identified below:
 - (a) **Deficiencies #52–375;** Category 11(f) (EZ process R&D) — unknown number of documents “*inadvertently omitted*” from EZRs’ Discovery — EZRs’ Response, page 3.
 - (b) **Deficiencies #376-378;** Category 11(a) (EZ Trial Plant basis of design documents) — five documents “*not discovered because they were inadvertently not coded as ‘family’ documents*” — EZRs’ Response, Annexure A, pages 7-8.
 - (i) The EZ Respondents make the same admission in relation to **deficiencies #1, #487 and #488;** although they do not identify the number

of affected documents: see EZRs' Response, Annexure A, pages 1 and 26.
As to deficiency #1, see also [95]-[102] below.

- (c) **Deficiency #379**; Category 11(a) (EZ Trial Plant basis of design documents) — seven documents “*inadvertently not discovered*” by the EZ Respondents — EZRs' Response, Annexure A, page 8.
 - (d) **Deficiency #387**; Category 11(b) (EZ Trial Plant piping & instrumentation diagrams) — one document “*inadvertently not discovered*” by the EZ Respondents — EZRs' Response, Annexure A, page 9.
 - (e) **Deficiencies #396-398**; Category 11(d) (Documents to Playground Ventures) — one document “*inadvertently not discovered*” by the EZ Respondents — EZRs' Response, Annexure A, page 10.
40. The EZ Respondents have provided no explanation for their “*inadvertent*” failures to discover the above documents, why the documents were initially not discovered, the search terms used to locate documents falling with the Discovery Categories, or how further searches were conducted to rectify the deficiencies identified by DCCL.
41. **Dr Winther-Jensen**: Dr Winther-Jensen admits **two deficiencies** notified by Fortescue, which affect 13 documents.
42. The deficiency identifiers, affected Categories, number of affected documents and reference of the admitted deficiencies are identified below:
- (a) **Deficiency #464**; Category 11(e) (work leading to creation of EZ); Category 11(f) (EZ process R&D) — two documents “*inadvertently omitted*” by Dr Winther-Jensen — Dr WJ's Response, page 2.
 - (b) **Deficiencies #468-470**; Category 11(e) (work leading to creation of EZ); Category 11(f) (EZ process R&D) — Dr Winther-Jensen will discover 11 further documents — Dr WJ's Response, page 3.
43. Dr Winther-Jensen has provided no explanation for the “*inadvertent*” failures to discover the above documents, why the documents were initially not discovered, the search terms used to locate documents falling with the Discovery Categories, or how further searches were conducted to rectify the deficiencies identified by DCCL.

C.3 Deficiencies for which EZ Respondents will produce further documents

44. In the EZ Response, the EZ Respondents indicated they would produce further documents for **12 deficiencies** notified by Fortescue, “*without admissions as to*

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relevance". As stated above ([36]), as at the date of this affidavit, the EZ Respondents have not produced these further documents, so their number is unknown.

45. The Discovery Categories, deficiency identifier, affected documents and reference to the further production are identified below:

- (a) **Deficiencies #41-46**; Category 11(d) (Documents to Playground Ventures) — the EZ Respondents will produce an unknown number of further documents because they did not search "*non-Element Zero email addresses belonging to the Second and Fourth Respondents*" — EZRs' Response, Annexure A, pages 6-7.
- (b) **Deficiencies #52-375**; Category 11(f) (EZ process R&D) — the EZ Respondents will produce unknown number of documents by reference to the Dr WJ's Discovery — EZRs' Response, Annexure A, page 7.
- (c) **Deficiency #399**; Category 11(d) (Documents to Playground Ventures) — the EZ Respondents will produce one further document — EZRs' Response, Annexure A, pages 10-11.
- (d) **Deficiency #407**; Category 11(d) (Documents to Playground Ventures) — the EZ Respondents will produce four further documents — EZRs' Response, Annexure A, page 13.
- (e) **Deficiency #408**; Category 11(d) (Documents to Playground Ventures) — the EZ Respondents will produce two further documents — EZRs' Response, Annexure A, page 13.
- (f) **Deficiency #425**; Category 11(f) (EZ process R&D) — the EZ Respondents will produce 13 further documents — EZRs' Response, Annexure A, pages 16-17.
- (g) **Deficiency #426**; Category 11(f) (EZ process R&D) — the EZ Respondents will produce one further document — EZRs' Response, Annexure A, page 17.
- (h) **Deficiencies #428-429**; Category 11(f) (EZ process R&D) — the EZ Respondents will produce two further documents — EZRs' Response, Annexure A, pages 17-18.
- (i) **Deficiency #430**; Category 11(f) (EZ process R&D) — the EZ Respondents will produce one further document — EZRs' Response, Annexure A, page 18.
- (j) **Deficiency #448**; Category 11(f) (EZ process R&D)— the EZ Respondents will produce four further documents — EZRs' Response, Annexure A, page 23.

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- (k) **Deficiency #493**; Categories 11(c) (Laboratory books) and 11(f) (EZ process R&D) — the EZ Respondents will produce one further document — EZRs' Response, Annexure A, page 27.
- (l) **Deficiency #494**; Category 11(f) (EZ process R&D) — the EZ Respondents will produce one further document — EZRs' Response, Annexure A, page 27-28.

C.4 General deficiency: the EZ Respondents have failed to discover documents that are or have been in their control by reason of Dr Winther Jensen's roles, at least including Categories 2A, 6, 6A, 7 and 8 (deficiencies #4, #10, #20)

C.4.1 Background

46. Based on documents filed in this proceeding, I note that:

- (a) Dr Winther-Jensen was employed by Fortescue as FFI's Technology Development Lead from about **15 February 2021** to about **12 November 2021**: FASOC at [8](c)-(d); EZ Respondents' Defence at [8]; Dr WJ's Defence at [8](c)-(d).
- (b) The EZ Respondents admit Dr Winther-Jensen (together with Dr Kolodziejczyk) researched and developed Element Zero's process, before Element Zero was incorporated in December 2022: EZ Respondents' Defence at [29](a).
- (c) Dr Winther-Jensen was a founding director and shareholder of Element Zero from about 7 December 2022 to 11 January 2024: FASOC at [8](f); EZ Respondents' Defence at [8]; Dr WJ's Defence at [8](c).
- (d) Dr Winther-Jensen worked at Element Zero until December 2023: EZ Respondents' Defence at [29](c); Dr WJ's Defence at [8](f); Dr Winther-Jensen's affidavit affirmed on 8 July 2024 at [41].
- (e) During his time at Element Zero, Dr Winther-Jensen was Element Zero's research and development manager: Mr Masterman's affidavit sworn 20 June 2024 at [27].

C.4.2 Dr Winther-Jensen's discovery in Categories 2A, 6, 6A and 7

47. Among other things, Categories 2A, 6, 6A and 7 of the Discovery Categories are directed to showing that Dr Kolodziejczyk or Dr Winther-Jensen copied documents or information from Fortescue. Category 8 is directed to showing misuse of these documents. Those categories are in the following terms:

2A. *All documents, and all documents recording information, copied, taken or otherwise obtained by [Dr Kolodziejczyk or Dr Winther-Jensen] from*

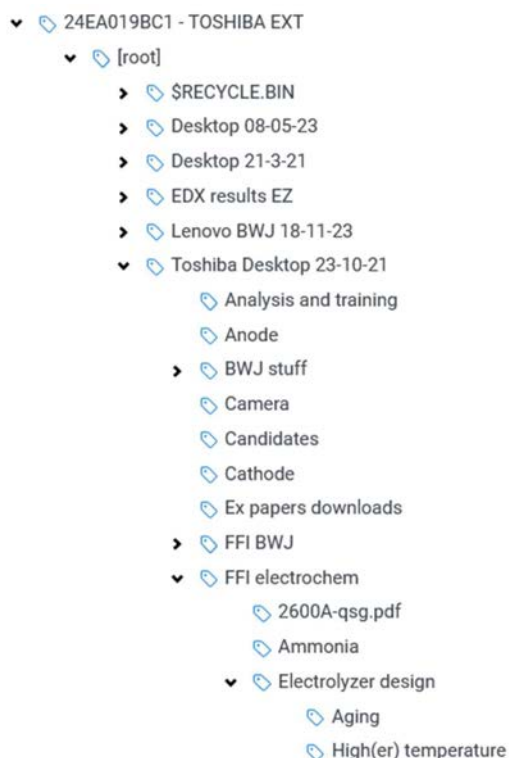
Fortescue (including Fortescue's network, systems or devices) in the period from September 2021 to November 2021, including [subcategories (a)-(g) not reproduced].























6. *All documents constituting or referring to the First Specified Documents.*
[The term "First Specified Documents" is defined in the Discovery Categories as "the documents referred to in the particulars of paragraphs 19 and 20 of the FASOC", including but not limited to certain documents.]
- 6A. *All documents concerning the design, engineering, construction, operation and/or feasibility of a green iron pilot plant, that were taken or copied by [Dr Kolodziejczyk or Dr Winther-Jensen] from Fortescue during the period 1 January 2021, until they respectively ceased employment with Fortescue.*
7. *All documents constituting or referring to the Second Specified Documents.*
[The term "Second Specified Documents" is defined in the Discovery Categories as "any modified forms of First Specified Documents, including previous or subsequent drafts"]
8. *All documents recording or evidencing any use or disclosure of any one or more of the First and/or Second Specified Documents by any one or more of the Respondents or their agents.*






























48. In Dr WJ's Discovery, Dr Winther-Jensen discovered 1,067 unique documents in Categories 2A, 6, 6A and 7, consisting of:
 - (a) 1,062 documents marked Category 2A;
 - (b) 22 documents marked Category 6;
 - (c) 6 documents marked Category 6A; and
 - (d) 6 documents marked Category 7.
49. Dr Winther-Jensen discovered no documents in Category 8.
50. I have caused the Rohit Dighe, senior associate, from DCCL to review Dr WJ's Discovery in Categories 2A, 6, 6A and 7 and create a list of documents that contain or appear to contain Fortescue's confidential information. That list is annexed and marked **Annexure PAD-52**.

C.4.3 File path analysis of Dr Winther-Jensen's discovery

51. I observe that the documents in Dr WJ's Discovery contained file path metadata (i.e. where the document was obtained from).
52. I caused DCCL's e-discovery provider (**TransPerfect**) to build a file path index based on the metadata of Dr WJ's Discovery. The partial screenshot below represents the file paths structure in *"/24EA019BC/24EA019BC_Subset.ad1/24EA019BC1.E01:Partition 1 [953867MB]:TOSHIBA EXT [NTFS]"*, abbreviated as *"24EA019BC1 - TOSHIBA EXT"*. I am informed by the affidavit of the independent lawyer, Stephen Klotz, affirmed 29 May 2024, page 19, [1.7.1](3) and believe that **Device 24EA019BC** is a Toshiba hard disk drive belonging to Dr Winther-Jensen and collected during the execution of the Search Orders on 15 May 2024.



- ▼  Electrolyzer electrodes
 -  fwalkalineelectrodes.zip
 -  NiOx NiFeOx particless and coatings
- ▼  Iron ore
 -  Analysis forms and data
 -  Chrunching and grinding
 - ▶  Composition
 - ▼  Electro-deposition
 -  Fluid bed EC
 -  NaOH
 -  Water-in-Salt Electrolytes
 -  Fe(III) Chelating
 -  H2
 -  Hematite to Magnetite
 - ▶  High Temp
 -  ILs and molten salts
 -  Light assisted
 - ▶  Microwave
 -  Patents
 -  Reductive dissolution
 -  Solubility of iron oxides
 -  Solvents

-  Ore reduction vmp data
 - ▶  TSB works
- ▼  FFI inventions
 -  Ammonia
 -  FFI pics
- ▼  FFI planing
 -  Facility
 -  Green Cement
 - ▼  Helios
 -  Quotations
- ▼  FFI Purchase admin
 - ▶  BWJ refund (pics)
 -  Orders
 -  Quotations
 -  Flow Cell
 -  Green iron presentations
- ▼  Green Steel
 -  Milling
 -  s10800-010-0172-0.pdf
 -  Siderwin
 -  ULCOS
 -  Zeolites
-  Grinding and Leaching
- ▶  Kanta Math
- ▼  Literature
 -  Glassy-carbon coated stainless steel bipolar electrodes for PEM fuel cell.pdf
-  people admin
-  PICS 040621
-  Travel

53. Based on [52] above, I believe that:

- (a) Dr Winther-Jensen copied material from Fortescue on Saturday **23 October 2021** ("*Toshiba Desktop 231021*").
- (b) Saturday 23 October 2021 is:
 - (i) one day after Dr Kolodziejczyk gave his notice of resignation to Fortescue on 22 October 2021 (Annexure AH-20 to the affidavit of Adrian Huber sworn 1 May 2024); and
 - (ii) less than two weeks before Dr Winther-Jensen gave his notice of resignation to Fortescue on 4 November 2021 (Annexure AH-23 to the affidavit of Adrian Huber sworn 1 May 2024).
- (c) The material copied by Dr Winther-Jensen from Fortescue on 23 October 2021 comprised his electrochemistry research at Fortescue ("*FFI electrochem*"), organised in a systematic way, including research on:
 - (i) "Electrolyzer design";
 - (ii) "*Electrolyzer electrodes*";
 - (iii) *electrochemical* reduction of "Iron ore", including using sodium hydroxide ("NaOH"), ionic liquids and molten salts ("ILs and molten salts");
 - (iv) "*FFI inventions*";
 - (v) "*Green iron presentations*";
 - (vi) "*Green Steel*";
 - (vii) "*Grinding and Leaching*".
- (d) Dr Winther-Jensen retained the electrochemistry research material he copied from Fortescue throughout the period he researched and developed Element Zero's process and throughout the period he worked at Element Zero ([46(b)]-[46(e)] above).

C.4.4 EZ Respondents' failure to discover the documents discovered by Dr Winther-Jensen

54. I caused TransPerfect to compare the file names of the documents in Dr WJ's Discovery marked Categories 2A, 6, 6A or 7 against the file names in the EZRs' Discovery and identify documents that have identical file names.

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[Signature]

55. I am informed by David Dunn, Senior Director, Project Management at TransPerfect and believe that the only document in Dr WJ's Discovery marked Categories 2A, 6, 6A or 7 that has an identical file name with a document in the EZRs' Discovery is the document "*Ore composition after drying.xlsx*".

C.4.5 Review of "*Ore composition after drying.xlsx*"

56. "***Ore composition after drying.xlsx***" is a confidential Fortescue document:
- (a) on Fortescue's SharePoint site (Annexure AIB-29 to the affidavit of Dr Anand Bhatt affirmed on 1 May 2024);
 - (b) particularised in FASOC at particulars [19](ii) and [20](iv); and
 - (c) specified as a "First Specified Document" in the Discovery Categories.
57. I am informed by Dr Bhatt and believe that "*Ore composition after drying.xlsx*" sets out confidential characteristics of various Fortescue iron ores, which is useful for research and development for a pilot plant and the engineering required for pilot plant design and construction. Specifically, the spreadsheet shows the composition of 4 types of Fortescue ores/blends from different mine sites. The contents of the ores/blends are helpful to determine, for example:
- (a) which ores/blends to process;
 - (b) flow sheet options (for example, leaching circuit design) and sizing of equipment, specifically to remove different levels of gangue content; and
 - (c) the sizing of equipment and flow sheet options to process the iron ore mineral type.
58. Dr Winther-Jensen discovered two copies of "***Ore composition after drying.xlsx***":
- (a) **BWJ.5000.0002.4881:**
 - (i) document date: **7 May 2021** (i.e. during Dr Winther-Jensen's employment at Fortescue: [46(a)] above);
 - (ii) file path:
**/24EA019BC/24EA019BC_Subset.ad1/24EA019BC1.E01:Partition 1
[953867MB]:TOSHIBA EXT [NTFS]/[root]/Toshiba Desktop 23-10-
21/Grinding and Leaching** (i.e. copied as part of the material copied by Dr Winther-Jensen from Fortescue on 23 October 2021: [52]-[53(d)] above).

(b) **BWJ.5000.0004.4278:**

- (i) document date: **19 January 2023** (i.e. during the period Dr Winther-Jensen was working at Element Zero as its research and development manager: [46(c)]-[46(e)] above);
- (ii) file paths (bold emphases added):
 - (A) **/24EA019BA/24EA019BA_Subset.ad1/24EA019BA1.E01:Basic data partition (3) [457997MB]:Windows [NTFS]/[root]/Users/bjornwj/Desktop/Element Zero/NewPro**
 - (B) **/24EA019BA/24EA019BA_Subset.ad1/24EA019BA1.E01:Basic data partition (3) [457997MB]:Windows [NTFS]/[root]/Users/bjornwj/Desktop/Element Zero/NewPro**
 - (C) **/24EA019BC/24EA019BC_Subset.ad1/24EA019BC1.E01:Partition 1 [953867MB]:TOSHIBA EXT [NTFS]/[root]/Desktop 08-05-23/NewPro**
 - (D) **/24EA019BC/24EA019BC_Subset.ad1/24EA019BC1.E01:Partition 1 [953867MB]:TOSHIBA EXT [NTFS]/[root]/Lenovo BWJ 18-11-23/Desktop/NewPro**
 - (E) **/24EA019BC/24EA019BC_Subset.ad1/24EA019BC1.E01:Partition 1 [953867MB]:TOSHIBA EXT [NTFS]/[root]/Lenovo BWJ 18-11-23/Desktop/NewPro**
 - (F) **/24EA019BC/24EA019BC_Subset.ad1/24EA019BC1.E01:Partition 1 [953867MB]:TOSHIBA EXT [NTFS]/[root]/Lenovo BWJ 18-11-23/Desktop/Skrivebord/NewPro.**
- (iii) I note the following matters, which I believe to be true, from the affidavit of the independent lawyer, Stephen Klotz, affirmed 29 May 2024:
 - A. **Device 24EA019BA** is a HP laptop belonging to Dr Winther-Jensen and collected during the execution of the Search Orders — Mr Klotz's affidavit, page 19 at [1.7.1](1);
 - B. **Device 24EA019BC** is a Toshiba hard disk drive belonging to Dr Winther-Jensen and collected during the execution of the Search Orders — Mr Klotz's affidavit, page 19 at [1.7.1](3); and
 - C. **Lenovo** is the brand of computers used by most staff at Element Zero — Mr Klotz's affidavit, page 33 at [50], [55]; pages 42-43 at [15],

[17](a), [17](c)–[17](e), [19]; page 44 at [22], [24]; and page 49, items 11-12, 14-16.

- (iv) I am informed by Kevin Huang, lawyer from DCCL, based on his review of the Respondents' Discovery, and believe that "**NewPro**" is a reference to NewPro Consulting & Engineering Services Pty Ltd, an engineering consulting firm engaged by Element Zero in relation to the development of Element Zero's pilot plant.

59. The EZ Respondents discovered one copy of "*Ore composition after drying.xlsx*".

(a) **EZR.0002.0002.0084:**

- (i) document date: **19 January 2023** (i.e. the same document date as [58(i)] above);
- (ii) while the EZ Respondents did not provide file path metadata in the EZRs' Discovery, EZR.0002.0002.0084 is marked Category 6 (i.e. First Specified Document: [47], [56] above);

60. I have caused the DCCL review team to compare a copy of "*Ore composition after drying.xlsx*" provided by Fortescue against the three copies discovered by the Respondents (BWJ.5000.0002.4881; BWJ.5000.0004.4278; EZR.0002.0002.0084). I am informed by Mr Huang, and believe, the documents are the same.

61. Based on the matters in [51]–[53(d)], [56]–[60] above, I believe:

- (a) Dr Winther-Jensen copied electrochemical research material from Fortescue on 23 October 2021, shortly before he resigned, including "*Ore composition after drying.xlsx*" (a "First Specified Document").
- (b) While working at Element Zero, Dr Winther-Jensen copied at least one Fortescue document ("*Ore composition after drying.xlsx*") from his trove of Fortescue-copied material to his Element Zero computer (file paths containing "*Element Zero*" and "*Lenovo*").
- (c) Dr Winther-Jensen and the EZ Respondents then used at least one Fortescue document ("*Ore composition after drying.xlsx*") for Element Zero's purposes, including in engaging NewPro to develop Element Zero's pilot plant.

C.4.6 Technology Base Presentations prepared by Dr Winther-Jensen and sent to Dr Kolodziejczyk (May–Jul 2022)

62. I also caused TransPerfect to compare the file names of the documents marked Categories 2A or 6 in Dr WJ's Discovery against the documents in Dr WJ's Discovery having a file path containing "Element Zero", "EZ" or "ElementZero", and identify documents with identical file names. I then caused the DCCL review team to review the documents having identical file names.
63. Other than "*Ore composition after drying.xlsx*" (discussed above), the relevant documents having identical file names are presentation-style documents named or titled "**Technology base**" (collectively, **Technology Base Presentations**):
- (a) **BWJ.5000.0003.4272** (*Technology Base May 22.pdf*):
 - (i) This document has file paths including *.../Element Zero/Presentations Green Metals*;
 - (b) **BWJ.5000.0003.4278** (*Technology Base May 22.pdf*):
 - (i) This document was attached to an email sent by Dr Winther-Jensen to Dr Kolodziejczyk on 21 May 2022 (BWJ.5000.0003.4277). The subject of the email was "*Iron and nickel ore reduction*";
 - (c) **BWJ.5000.0003.4526** (*Technology Base May 22.pptx*);
 - (d) **BWJ.5000.0003.4536** (*Tech base May22.pdf*):
 - (i) This document has file paths including *.../Element Zero/Presentations Green Metals*;
 - (e) **BWJ.5000.0003.5099** (*Technology Base May 22.pptx*);
 - (i) This document has file paths including *.../Element Zero/Presentations Green Metals*;
 - (f) **BWJ.5000.0003.5109** (*First Q June 22.pdf*):
 - (i) This document has file paths including *.../Element Zero/Presentations Green Metals*;
 - (g) **BWJ.5000.0003.5118** (*First Q June 22.pdf*):
 - (i) This document was attached to an email sent by Dr Winther-Jensen to Mr David Arnall (a former Fortescue employee) dated 14 June 2022

(BWJ.5000.0003.5116). The emails in the same email chain proposes a meeting between Dr Winther-Jensen, Mr Arnall and a representative of **First Quantum Minerals**, a mining company. Based on the file name ("*First Q June 22.pdf*"), I believe this version of the Technology Base Presentation was intended to be disclosed to First Quantum Minerals;

(h) **BWJ.5000.0003.5281** (*Technology Base June 22.pptx*):

(i) This document has file paths including *.../Element Zero/Presentations Green Metals*;

(i) **BWJ.5000.0003.5741** (*Technology Base Juli 22.pptx*):

(i) This document has file paths including *.../Element Zero/Presentations Green Metals*;

(j) **BWJ.5000.0003.5751** (*Tech base July 22.pdf*):

(i) This document was attached to an email sent by Dr Winther-Jensen to Dr Kolodziejczyk on 25 July 2022 (BWJ.5000.0003.5750). The subject of the email was "*Re: Efficiency*"; and

(k) **BWJ.5000.0003.8422** (*Tech base July 22.pdf*).

64. I believe each Technology Base Presentation in [63(a)]-[63(k)] above was authored by Dr Winther-Jensen because the footer of each document bears his initials "*BWJ*".

65. Each Technology Base Presentation in [63(a)]-[63(k)] above contains a slide that discusses Fortescue's research on the electrochemical reduction of iron ore and includes a photograph of equipment at what appears to be Fortescue's laboratory (**Equipment Photograph**). I have inferred that it is a photograph of Fortescue's laboratory based on the wording in the slide "Reduction of iron oxides (ore) to metallic iron in flow cell. 100C 50% NaOH. Fortescue Future Industries benchtop setup (September 2021)." (emphasis added).

66. I believe the EZ Respondents did not discover the Technology Base Presentations, for the following reasons:

(a) the file name comparisons undertaken by TransPerfect — [54]-[55] above;

(b) Dr Winther-Jensen's email to Dr Kolodziejczyk attaching a Technology Base Presentation ([63(b)(i)] above) was notified as part of deficiencies #52-#375 (First Deficiency Letter, page 5); and

(c) as stated in [39(a)] and [45(b)] above, the EZ Respondents' response was that unknown number of documents "*inadvertently omitted*" from EZRs' Discovery, and they will produce unknown number of documents.

67. I have also caused the DCCL review team to consider *photographs* in Dr WJ's Discovery and whether the discovered photographs include the Equipment Photograph. I am informed by Mr Dighe from DCCL, and believe, that Dr WJ's Discovery does not include photographs of what appears to be Fortescue's laboratory, and that the Equipment Photograph was not specifically discovered by Dr Winther-Jensen. For that reason, I believe Dr Winther-Jensen has at least one photograph of Fortescue's laboratory (being the Equipment Photograph), which he has not discovered.

C.4.7 EZ Respondents' responses do not adequately address the deficiency

68. The EZ Respondents' responses to the above issues were (EZ Response, Annexure A, pages 1, 3) (emphases added):

4. ...The Element Zero Respondents have conducted extensive searches for documents in [subcategories in Category 2A, 6A, 7 and 8], including where appropriate across the seized materials. / There are no documents in these categories in the Element Zero Respondents' control and therefore there is nothing further to produce.

10. The Element Zero Respondents have conducted extensive searches across the seized materials for all of the First Specified Documents [i.e. Category 6] and the only document in the possession, custody or control of the Element Zero Respondents is EZR.0002.0002.0084 [i.e. "Ore composition after drying.xlsx"]

69. I believe that, in giving the EZRs' Discovery, the EZ Respondents have not (sufficiently) searched for or considered the discoverability of documents that are or were in their control by reason of Dr Winther-Jensen's roles in researching and developing Element Zero's process and at Element Zero ([46(b)]-[46(e)] above), at least including the documents in Dr WJ's Discovery marked Categories 2A, 6, 6A and 7. The bases for my belief are:

- (a) The EZ Respondents qualify their searches of the seized materials for documents in Categories 2A, 6A, 7 and 8 by the phrase "*where appropriate*". The extent to which they did search the seized materials is not clear.
- (b) While the EZ Respondents say they have conducted "*extensive searches across the seized materials for all of the First Specified Documents*" (Category 6), they do

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not say what those searches were; particularly searches for documents that are or were in their control by reason of Dr Winther-Jensen's roles in researching and developing Element Zero's process and at Element Zero ([46(b)]-[46(e)] above).

- (c) The assertion in EZ Response, page 2 ("*None of the documents produced by the Third Respondent [in Category 6] are, or have been, in [the EZ Respondents'] control*") is wrong, given that both Dr Winther-Jensen and the EZ Respondents have discovered "*Ore composition after drying.xlsx*", and that document appears to have been used by Element Zero for its own purposes, including in engaging NewPro to develop Element Zero's pilot plant: [56]-[61(c)] above. There is therefore reason to believe other documents discovered by Dr Winther-Jensen in Categories 2A, 6, 6A and 7, are or were in the EZ Respondents' control.
- (d) The EZ Respondents' responses to deficiencies #41-#46, #52-#375—including the Technology Base Presentations ([63]-[66] above)—where they say they will produce further documents "*by reference to*" Dr WJ's Discovery: EZ Response, pages 6-7. This suggests the EZ Respondents had not previously searched for or considered those documents.
- (e) G+T's 8 August 2025 letter, in which the EZ Respondents say they are still "*conducting further searches*": [35] above. This suggests *the searches that the EZ Respondents had **not** previously done* are time-intensive and substantial.

70. Any deficiency in respect of Categories 6 and 7 also affects Category 8 because Category 8 is defined by reference to concepts in Categories 6 and 7 (First Specified Documents; Second Specified Documents).

C.4.8 Conclusion

71. Based on the matters in [46]-[70] above, I believe the EZ Respondents have failed to discover documents that are or have been in their control by reason of Dr Winther-Jensen's roles in researching and developing Element Zero's process and at Element Zero ([46(b)]-[46(e)] above), at least including the documents marked Categories 2A, 6, 6A and 7 in Dr WJ's Discovery. This in turn affects their discovery for Category 8.

C.5 General deficiency: the EZ Respondents have failed to discover documents in Categories 2A(a), 11(e) and 14 (deficiencies #4, #47-#51)

72. The EZ Respondents discovered no documents in Categories 2A(a), 11(e) and 14 (deficiency #4).

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73. The EZ Respondents' response was (EZ Response, Annexure A, page 1):

The Element Zero Respondents' position is that they have given proper discovery in answer to categories 2A(a), 2A(c), 5, 6A, 7, 8, 11(e) and 14. / The Element Zero Respondents have conducted extensive searches for documents in these categories, including where appropriate across the seized materials. / There are no documents in these categories in the Element Zero Respondents' control and therefore there is nothing further to produce.

74. I repeat [69(a)] above about the phrase "where appropriate" and the lack of clarity about the extent to which the EZ Respondents searched the seized materials.

75. I consider documents in the following categories must exist and be or were in the EZ Respondents' control, for the following reasons.

C.5.1 Category 2A(a) (deficiency #4)

76. In summary, Dr Kolodziejczyk asserts in evidence that he was asked to take Fortescue documents to use when working from home, after he handed in his Fortescue-issued laptop. However, the EZ Respondents have not discovered these documents, nor have they included these documents in Part 3 of their Original or Supplementary List of Documents.

77. Category 2A(a) and (b) are:

2A. *All documents, and all documents recording information, copied, taken or otherwise obtained by the Second Respondent or the Third Respondent from Fortescue (including Fortescue's network, systems or devices) in the period from September 2021 to November 2021, including:*

(a) *the documents copied by the Second Respondent while working from home in October and November 2021;*

(b) *the documents taken by the Second Respondent "to finish off [his] work for Fortescue", referred to in paragraph 50 of the Second Respondent's affidavit sworn on 19 June 2024;*

78. I refer to Dr Kolodziejczyk's affidavit sworn 19 June 2024 at [49]-[56]. Pages 1, 8–10 of Dr Kolodziejczyk's affidavit are annexed and marked **Annexure PAD-53**.

79. In his affidavit, Dr Kolodziejczyk says he worked from home from Monday 25 October 2021 to Friday 29 October 2021, and during that week, he realised he had some documents to finalise and would not be able to do so by the end of the week: [49]. He

returned his Fortescue laptop on Friday 29 October 2021 ([51]) and then worked from home in his final week (29 October–5 November 2021) using his personal laptop ([50], [55]). Dr Kolodziejczyk says he was told by Fortescue's Mr Roper to take the documents he needed to "finish off [his] work for Fortescue" during this time ([50]). Once he completed his work, he sent them to Mr Roper from his personal email address ([55]).

80. Despite this, the EZ Respondents have not discovered any documents in Category 2A(a), nor have they included any such documents in Part 3 of their Original or Supplementary Lists of Documents.
81. Categories 2A(a) and 2A(b) have some overlap. However, no documents relevant to Category 2A(a) were discovered by Dr Kolodziejczyk in Category 2A(b). The EZ Respondents discovered 43 documents in Category 2A(b). Of these 43 documents:
 - (a) there are four emails from Dr Kolodziejczyk to Mr Roper, attaching the *finished* work product, rather than any document copied by Dr Kolodziejczyk to create that work product (EZR.0004.0001.0182, EZR.0004.0001.0192, EZR.0004.0001.0514, EZR.0004.0001.0190, EZR.0001.0001.0489);
 - (b) the emails in [81(a)] above together have six attachments; and
 - (c) the remaining files are 33 image files, which appear to be email signature images.
82. The EZ Respondents have therefore not produced any documents reflecting the documents Dr Kolodziejczyk took to "finish off [his] work for Fortescue". For example, I consider that Dr Kolodziejczyk must have at least taken drafts of the documents he eventually emailed to Mr Roper in [81(a)] above.

C.5.2 Category 11(e)

83. In addition to deficiency #4 in relation to Category 11(e), I refer to deficiencies #47-#51 (First Deficiency Letter, page 5):

The [EZ Respondents] have not discovered documents which were discovered by [Dr Winther-Jensen] in response to category 11(e), which documents were sent or received by, or copied to, one or more of the [EZ Respondents] ...

84. Category 11(e) states:

*All versions, including drafts, of the following documents (howsoever described):
... (e) documents recording or evidencing the "retirement 'project'", the "work[] with nickel [and] iron", and the "work that eventually led to the creation of Element*

Zero”, referred to in paragraph 40 of the affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024.

85. The EZ Respondents discovered no documents in Category 11(e). Dr Winther-Jensen discovered 466 documents in the same category.
86. The EZ Respondents responded to deficiencies #47-#51 as follows (EZ Response, Annexure A, page 7, emphasis added):

The Element Zero Respondents’ position is that they have provided proper discovery in answer to category 11(e).

The Element Zero Respondents do not know what documents Dr Winther-Jensen considers record his “retirement project”[,] the “work[] with nickel [and] iron”, and the “work that eventually led to the creation of Element Zero” as referred to in paragraph 40 of the Third Respondent’s affidavit.

To the extent such documents recorded the research and development of the Element Zero process, they would be produced by the Element Zero Respondents in answer to category 11(f).

87. I consider that the EZ Respondents’ response does not address the substance of deficiencies #4, #47-#51, for the following reasons.
88. First, Category 11(e) is not “documents Dr Winther-Jensen considers [record the] retirement project” etc: EZ Response, Annexure A, page 7. Category 11(e) calls for “documents recording or evidencing the retirement project” etc: [84] above.
89. Secondly, the assertion that the EZ Respondents “do not know what documents Dr Winther-Jensen considers record his ‘retirement project’[,] the ‘work[] with nickel [and] iron’, and the ‘work that eventually led to the creation of Element Zero” is inconsistent with the EZ Respondents’ case. I refer to the following matters:
 - (a) the EZ Respondents admit Dr Kolodziejczyk and Dr Winther-Jensen researched and developed Element Zero’s process, before Element Zero was incorporated in December 2022 — EZ Respondents’ Defence at [29](a);
 - (b) Dr Kolodziejczyk, Dr Winther-Jensen and Mr Masterman were founding directors and shareholders in Element Zero — FASOC at [7](e)-(f), [8](f)-(g), [9](f)-(g); EZ Respondents’ Defence at [7](d), [8], [9](b);
 - (c) the EZ Respondents read and relied on Dr Winther-Jensen’s affidavit referred to in Category 11(e) ([84] above) in their application to discharge the search orders

— Dr Winther-Jensen’s affidavit at [4] (page 1 of that affidavit is annexed and marked **Annexure PAD-54**) and page 17, lines 20-22 of the transcript of the discharge application hearing on 19 August 2024 (page 17 of that transcript is annexed and marked **Annexure PAD-55**).

90. Third, it is not the case that “*documents recorded the research and development of the Element Zero process... would be produced by the Element Zero Respondents in answer to category 11(f)*”:

- (a) The EZ Respondent’s discovery is deficient in Category 11(f) — [39(a)] and [45(b)] above;
- (b) Category 11(f) states:

All versions, including drafts, of the following documents (howsoever described): ... (f) documents recording the research and development of: (i) the “Element Zero Process” referred to in paragraph 29 of [the EZ Respondents’ Defence]; or (ii) the “Element Zero process” referred to in paragraphs 29(b)-(c) of Dr Winther-Jensen’s defence, during the period from January 2022 to February 2024.

- (c) Dr Winther-Jensen says he started research and development of the Element Zero process in “**March 2022**” — Dr Winther-Jensen’s affidavit at [40] (page 9 of that affidavit is annexed and marked **Annexure PAD-56**);
- (d) by contrast, the EZ Respondents define the “Element Zero Process” as the researched and developed by Dr Kolodziejczyk and Dr Winther-Jensen “*since around **July 2022***” — EZ Respondents’ Defence at [29](a);
- (e) the EZ Respondents’ definition of “Element Zero Process” means that documents in early 2022 discovered by Dr Winther-Jensen marked Category 11(e) might fall outside “*since around July 2022*” limitation. I observe that:
 - (i) in January–June 2022, the EZ Respondents discover 14 documents marked Category 11(f);
 - (ii) in contrast, in the same period, Dr Winther-Jensen discovers 164 documents marked Category 11(e) and 168 documents marked Category 11(f).

(f) as further examples, at least two documents discovered by Dr Winther-Jensen marked Category 11(e) were not discovered by the EZ Respondents at all. These documents were emails sent or copied to Dr Kolodziejczyk:

- (i) BWJ.5000.0003.2533, being an email with the subject “*RE: FW: SML Dust Sample*”, from Dave Arnall to Dr Kolodziejczyk, copying Dr Winther-Jensen, on 25 March 2022 (annexed and marked **Confidential Annexure PAD-57**); and
- (ii) BWJ.5000.0003.4060, being an email with the subject “*RE: Pics*”, from Dave Arnall to Dr Kolodziejczyk and Dr Winther-Jensen (annexed and marked **Confidential Annexure PAD-58**);

91. Fourthly, based on their response (quoted in [86] above), it is unclear what—if anything—the EZ Respondents did to search for and consider the discoverability of documents in Category 11(e). It appears from the EZ Response (page 2, last paragraph) that the EZ Respondents’ position is, because Dr Winther-Jensen is separately represented, G+T were “*not in a position to take instructions from [Dr Winther-Jensen] in relation to what of the work he undertook in 2022 ... falls into*” Category 11(e), and that represented the totality of their efforts to give discovery in that category. Given Dr Winther-Jensen’s roles in researching and developing Element Zero’s process and his previous roles in Element Zero, including as director ([46(b)]-[46(e)] above), I consider that position is unreasonable.

C.5.3 Category 14 (deficiency #4)

92. Category 14 is as follows:

All documents evidencing or recording the use of any of the documents in categories 1, 2A, 6 and/or 7 above for or in preparing or inventing any of the patents or patent applications referred to in category 13 above.

93. The EZ Respondents discovered no documents in Category 14.

94. Given the EZ Respondents’ discovery was deficient for Categories 2A, 6 and 7 ([46]-[71], [76]-[82] above) and Category 1 ([95]-[102] below), I consider that it follows that the EZ Respondents’ discovery in Category 14 was also deficient.

C.6 General deficiency: the EZ Respondents have failed to discover relevant documents in Category 1 (deficiency #5)

95. Category 1 states:

All documents recording or evidencing work undertaken by [Dr Kolodziejczyk] and/or Fortescue at any time during the period from 25 March 2019 to 12 November 2021, and/or [Dr Winther-Jensen] at any time during the period from 15 February 2021 to 12 November 2021, in relation to an electrochemical reduction process involving Ionic Liquid.

96. Ionic Liquid is defined as:

any salt or mixture of salts that is capable of acting as an electrolyte in electrowinning and/or electroplating of metals and/or ores when in its liquid form (irrespective of the temperature range at which the salt or mixture is in its liquid form) including, without limitation, electrolytes that may be described as ionic liquids, molten salts, eutectics, molten hydroxide-based electrolytes, molten carbonate-based electrolytes, “hydroxide alkali melt or eutectic melt” (referred to in paragraph 29(a)(i) of the EZ Parties’ defence) and/or “molten hydroxide eutectic” (referred to in paragraph 29(c) of Dr Winther-Jensen’s defence).

97. The EZ Respondents have discovered 205 documents marked Category 1. I have caused the DCCL review team to review those documents. I am informed by the Mr Huang and believe that *none* of the documents marked Category 1 are responsive to Category 1. In summary, the documents relate to Dr Kolodziejczyk’s contributions to external publications on subject matter not related to an electrochemical reduction process involving Ionic Liquid (as defined). These documents are plainly not relevant to Category 1 and suggest the EZ Respondents have misunderstood the scope of the category.

98. For example, the documents discovered by the EZ Respondents marked Category 1 include the following documents:

- (a) an SAE report prepared by Dr Kolodziejczyk on hydrogen and fuel cell systems in the automotive industry, titled “Unsettled Issues Concerning the Use of Fuel Cells in Electric Ground Vehicles” (e.g. EZR.0004.0001.0370);
- (b) an SAE report prepared by Dr Kolodziejczyk on ammonia fuel and its use in automotive applications, titled “Unsettled Issues Concerning the Use of Green Ammonia Fuel in Ground Vehicles” (e.g., EZR.0004.0001.0289);

- (c) an SAE Report prepared by a third-party author titled “Unsettled Issues Regarding Power Options for Decarbonized Commercial Vehicles” (e.g., EZR.0001.0001.0607);
 - (d) a report prepared by Dr Kolodziejczyk and third-party authors titled “International coordination and policy instruments to promote a hydrogen economy: a focus on the steel-making industry” (e.g., EZR.0004.0001.0230); and
 - (e) a policy brief in relation to the report in [98(d)] above (e.g., EZR.0004.0001.0314).
99. When the deficiency in Category 1 was raised with the EZ Respondents, they responded (EZ Response, Annexure A, pages 1-2) (emphasis added):

*The Element Zero Respondents’ position is that they have provided proper discovery in answer to category 1. / The Element Zero Respondents conducted extensive searches for documents falling into this category, including over the seized materials. / There are **no** such documents in the Element Zero Respondents’ control and therefore there is nothing further to produce. ...*

100. The above response is inconsistent with the EZRs’ Discovery. If “[t]here are no documents [in Category 1] in [their] control”, it is unclear to me why the EZ Respondents have marked 205 documents as being responsive to Category 1.
101. Fortescue also relies on the admissions in documents by Dr Kolodziejczyk as to the existence of documents in Category 1, which was the subject of Fortescue’s evidence in support of the search order. That evidence is in Part D of the affidavit of Dr Anand Indravadan Bhatt affirmed 1 May 2024 and is summarised in the Court’s discharge decision (*Fortescue v Element Zero (No 2)* [2024] FCA 1157) at [50](8)(a)-(d), [50](10) and [66](1)-(6). The Court concluded at [67] that (emphasis added):

Contrary to the EZ respondents’ submissions, a number of these documents could be described as “significant” and, in any event, demonstrate that work had been undertaken including by laboratory testing and that there was an intention to scale up to a commercial system...

102. Further, Fortescue relies on the fact that Dr Winther-Jensen (who worked with and reported to Dr Kolodziejczyk while they were at Fortescue) discovered documents in Category 1, and the file paths metadata in Dr WJ’s Discovery appear to show that Dr Winther-Jensen copied research on ionic liquids and molten salts (“*ILs and molten salts*”) from Fortescue on 23 October 2021: [52], [53(c)(iii)] above.

C.7 General deficiency: EZ Respondents admitted they have failed to properly search Dr Kolodziejczyk's and Mr Masterman's non-Element Zero email addresses (deficiencies #41-#46)

103. In responding to a specific deficiencies #41-#46, the EZ Respondents admitted that they have failed properly to search Dr Kolodziejczyk's and Mr Masterman's non-Element Zero email addresses.

104. Deficiencies #41-#46 state (First Deficiency Letter, page 5):

[The EZ Respondents] *have not discovered documents which were discovered by [Dr Winther-Jensen] in response to category 11(d), which documents were sent or received by, or copied to, one or more of [the EZ Respondents]...*

105. The EZ Respondents responded to deficiencies #41-#46 as follows (EZ Response, Annexure A, pages 6-7, emphasis added):

...The Element Zero Respondents have reviewed the additional documents discovered by [Dr Winther-Jensen] and note that those documents include communications from non-Element Zero email addresses belonging to [Dr Kolodziejczyk and Mr Masterman]. Without admissions as to relevance, and in order to progress the matter, the Element Zero Respondents will produce further documents by reference to the Dr WJ's Discovery in answer to category 11(d) and will conduct further searches by reference to those email addresses and produce any additional documents in answer to category 11(d) if identified.

106. It appears from the above response that the EZ Respondents admit that they did not search or properly search Dr Kolodziejczyk's and Mr Masterman's non-Element Zero email addresses for documents falling within the Discovery Categories. I believe this deficiency is not limited to Category 11(d).

107. My reasons for this belief include the following:

(a) **bart@kolodziejczyk.com** — the bases for my belief are that:

- (i) Dr Winther-Jensen has discovered emails to and from bart@kolodziejczyk.com in his discovery; and
- (ii) I caused a search of bart@kolodziejczyk.com to be done across the EZRs' Discovery, which search returned no results to/from that email address.

- (b) mgmasterman@gmail.com — the bases for my belief are that:
- (i) Dr Winther-Jensen has discovered emails to and from mgmasterman@gmail.com in his discovery;
 - (ii) I caused a search of mgmasterman@gmail.com to be done across the EZRs' Discovery, which only returned three results (EZR.0002.0001.0336; EZR.0006.0001.0006; EZR.0006.0001.0017), all marked Category 11(d).

108. I observe that:

- (a) the email addresses bart@kolodziejczyk.com and mgmasterman@gmail.com were identified in Listed Things 6(a) and 6(c) in the Search Orders (Annexure PAD-37); and
- (b) the independent computer expert Mr McKemmish obtained a capture of Dr Kolodziejczyk's bart@kolodziejczyk.com email address as part of the seized materials: affidavit of independent lawyer Stephen Klotz affirmed 29 May 2024, page 29 at [20] and page 48, item 3.

C.8 The EZ Respondents have taken an inappropriately narrow view of Category 11(f) (EZ process R&D) (deficiency #12)

109. I have set out the terms of Category 11(f) (EZ process R&D) in [90(b)] above.

110. I refer to deficiency #12 (First Deficiency Letter, page 3):

[The EZ Respondents] have taken an inappropriately narrow view of category 11(f), meaning that they have not discovered an unknown number of documents in their possession responsive to the category: see G+T's letter dated 18 June 2025 [referred to in [25] above and annexed as Confidential Annexure PAD-42]: "It appears that [Dr Winther-Jensen] had additional documents in his possession and/or took a different view [to the EZ Respondents] and produced additional documents, but this does not establish any deficiency in [the EZ Respondents'] discovery" (emphasis added).

111. The EZ Respondents' response to deficiency #12 was (EZ Response, Annexure A, page 4):

[The EZ Respondents'] position is that they have provided proper discovery in answer to category 11(f). / See response to items 52 - 375 below.

112. The EZ Respondents' response to deficiencies #52–#375 was (EZ Response, Annexure A, pages 6-7):

... [The EZ Respondents] have reviewed the documents discovered by [Dr Winther-Jensen] (which were not discovered by [the EZ Respondents]) and are of the view that the majority of those documents are not relevant to category 11(f). / In any event, without admissions as to relevance, and in order to progress the matter, [the EZ Respondents] will produce further documents by reference to [Dr WJ's Discovery] in answer to category 11(f).

113. As I have said in [35]–[36] above, as at the date of this affidavit, the EZ Respondents have not produced the “further documents” they said they would produce.

C.9 General deficiency: the EZ Respondents have admitted that documents were not recognised as “families” of related documents, such that an unknown number of documents has not been discovered (deficiency #1)

114. The EZ Respondents have failed to discover an unknown number of documents because they were not recognised as “families” of related documents.
115. The EZ Respondents use the **Relativity** system to prepare their discovery: see G+T's 18 June 2025 letter, page 2 at [1(a)] (Confidential Annexure PAD-42). I am informed by Christopher Lichtenberg, Senior eDiscovery Project Manager, TransPerfect and believe that, in Relativity, documents are recognised as belonging to the same “family” if they have a parent / child relationship. A document that is attached to or embedded within another document is considered a “child” document. A “parent” document is the document to which the child document is embedded or attached. Parent and child documents are jointly referred to as a document family. For example, an email and its attachments would be recognised as a “family” of documents (with the email being the “parent” and the attachments being the “child”), as would an electronic document and any documents embedded within it (with the electronic document being the “parent” and the embedded documents being the “child”).
116. In DCCL's 16 June 2025 letter, page 4 (Confidential Annexure PAD-41), DCCL notified G+T that documents in EZRs' Discovery referred to annexures not discovered by the EZ Respondents. Example (a) in that letter was:

*the NewPro document entitled “**Overview Feasibility Study Report**” (10182-0000-PM-REP-0001 Green Metal FS) [discovered by the EZ Respondents] includes appendices which have not been produced (at least Appendices 10.2, 10.4–10.9),¹⁶ ...*

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¹⁶ Document IDs: EZR.0001.0001.0002, EZR.0001.0001.0003, and EZR.0001.0001.0074.

117. The title page and table of contents of the Overview Feasibility Study Report (EZR.0001.0001.0002, pages 1-5) are annexed and marked **Confidential Annexure PAD-59**. The table of contents (page 5) refers to appendices 10.1–10.9.
118. In G+T's 18 June 2025 letter, page 2 (Confidential Annexure PAD-42), the EZ Respondents responded:

We confirm that Appendices 10.8 and 10.9 have been produced with the Doc IDs EZR.0001.0001.0086 and EZR.0001.0001.0082, respectively. The naming does not correlate to the "Overview Feasibility Study Report" due to the use of deduplication software within the Relativity system. The balance of the appendices have not been produced. We have investigated this issue and confirm that these documents were inadvertently omitted as they were not recognised as "family" documents by Relativity and, on the face of the individual documents themselves, they were not relevant to the discovery categories. That issue has now been resolved, and we will separately produce the balance of the appendices (being 5 documents).

119. I observe that neither EZR.0001.0001.0086 (said to be Appendix 10.8) nor EZR.0001.0001.0082 (said to be Appendix 10.9) shows a "family" relationship to any other document, so the failure to recognise documents as a "family" is not limited to Appendices 10.2, 10.4–10.7.
120. This issue was again raised in DCCL's 19 June 2025 letter (Confidential Annexure PAD-43), where DCCL noted that other documents might be affected by the same issue.
121. Deficiency #1 is (First Deficiency Letter, page 2):

In processing documents on their Relativity platform, certain documents were not recognised as "family" documents (i.e. not identified as related), such that the EZ Respondents... have failed to discover an unknown number of documents: see G+T's letter dated 18 June 2025: "We have investigated this issue and confirm that these documents were inadvertently omitted as they were not recognised as "family" documents by Relativity..."

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122. The EZ Respondents' response to deficiency #1 was (EZR's Response, Annexure A, page 1):

See response to item 376 - 378 below. / We have investigated this issue and confirm that no other documents are affected by this issue.

123. The EZ Respondents' response to deficiencies #376-#378 was (EZR's Response, Annexure A, pages 7-8):

The Element Zero Respondents will produce Appendices 10.2, 10.4, 10.5, 10.6, 10.7. / These documents were initially not produced because they were inadvertently not coded as "family" documents. We have investigated and confirm that this is a confined issue, with no other documents impacted.

124. As stated in [35]-[36] above, as at the date of this affidavit, the EZ Respondents have not produced the further documents they said they would produce in the EZ Response, including omitted Appendices 10.2, 10.4–10.7.

125. Moreover, the EZ Respondents have not explained what steps they took to identify the "family" of documents associated with the Overview Feasibility Study Report. They have not explained how they were able to determine that *"this is a confined issue, with no other documents impacted"*.

126. The EZ Respondents' assertion that *"this is a confined issue, with no other documents impacted"* is inconsistent with the following:

- (a) neither EZR.0001.0001.0086 (said to be Appendix 10.8) nor EZR.0001.0001.0082 (said to be Appendix 10.9) shows a "family" relationship to any other document — [119] above;
- (b) deficiency #487: the EZ Respondents did not discover "Process Design Criteria Rev C" (BWJ.5000.0004.7343), and they adopt their response on deficiencies #376-#378 in response to deficiency #487 (EZR's Response, Annexure A, page 26);
- (c) deficiency #488: the EZ Respondents did not discover "NewPro Green Metals SS Capex 2023_RevA_BB.pdf" (BWJ.5000.0004.7556), and they adopt their response on deficiencies #376-#378 in response to deficiency #488 (EZR's Response, Annexure A, page 26); and
- (d) the EZ Respondents did not discover the email from Jonathon Clements of NewPro to the individual Respondents on 23 March 2023, with the subject *"Green*

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Metals - Presentation of study outcomes” (BWJ.5000.0004.7280), attaching documents whose file names appear to match the Appendices to the Overview Feasibility Study Report.

127. Given this lack of explanation, I am concerned that the EZ Respondents’ failure to recognise documents as a “family”, due to the use of “*deduplication software*” ([118] above), is more widespread. This failure, together with the assertion that “*individual documents... were not relevant to the discovery categories*” ([118] above), mean that the EZ Respondents have failed to discover an unknown number of documents that have not been recognised as “families” of related documents.

C.10 General deficiency: the EZ Respondents have experienced unspecified “technical error/s” in giving discovery, such that they have not discovered an unknown number of documents. Their responses to this deficiency have been inconsistent (deficiencies #2, #3, #383, #384)

128. The EZ Respondents have failed to discover an unknown number of documents due to unspecified “technical error/s”. When these deficiencies were raised with them, the EZ Respondents’ responses have been inconsistent.
129. In DCCL’s 16 June 2025 letter (Confidential Annexure PAD-41), DCCL notified G+T that documents produced by the EZ Respondents in response to Category 11 contained references to drafts or revisions that have not been discovered (despite Category 11 requiring discovery of “[a]ll versions, including drafts”). The examples given included:

(b) the NewPro “General and Process Design Criteria for Green Metals Project Stage 2A Pilot Plant” (10202-1000-PDC-0001) Revision ‘E’ has been produced, but other revisions have not been produced;¹⁹ ...

¹⁹ Document ID: EZR.0001.0001.0069

(c) the “Element Zero Phase 2A” Gantt chart (16012024 EPCM Schedule.pdf)²⁰ dated 16 January 2024 refers to “Pilot Plant Detail Design”, comprising “Detail Engineering”, from 4 December 2023 to 21 May 2024, which includes a task entitled “PID and Flow Sheet update” from 23 February 2024 to 15 March 2024. No such piping and instrumentation documents have been produced.

²⁰ Document ID: EZR.0001.0001.0050

130. G+T responded to these deficiencies as follows (G+T’s 18 June 2025 letter, page 2 at [2](b)-(c) (Confidential Annexure PAD-42), emphases added):

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(b) We confirm that the other revisions (“A” and “C”) are contained in one document with the file name “Process Design Criteria Rev C.pdf” and this document will be produced. This document was originally omitted from production due to a technical issue.

(c) We are instructed that the documents relevant to the “PID and Flow Sheet update” appear at Doc ID EZR.0003.0003.0074. The separate native documents hyperlinked in that email have not been produced due to technical issues arising as a result of the file type (meaning the file type could not be opened as it is only accessible using Autodesk Navisworks Freedom software). Notwithstanding this, we will separately provide this document. We are instructed that there is also an additional model with the file name “Model 20231102.nwd” that was not produced due to the same technical issue. Notwithstanding this, we will separately provide this document.

131. This issue was again raised in DCCL’s 19 June 2025 letter (Confidential Annexure PAD-43), where DCCL noted that the exclusion of these documents was “unjustified and unexplained”. As to the PID and Flow Sheet Update, DCCL explained why EZR.0003.0003.0074 could not be the “PID and Flow Sheet update” referred to EZR.0001.0001.0050 (page 5, paragraph 1).

132. These deficiencies were raised as deficiencies #2 and #3, as follows (First Deficiency Letter, page 2):

2. The EZRs’ discovery was impacted by an unspecified “technical issue”, such that [the EZ Respondents] have failed to discover an unknown number of documents: see G+T’s letter dated 18 June 2025: “This document was originally omitted from production due to a technical issue”.

3. [The EZ Respondents] have failed to discover documents where G+T could not open the document file type: see G+T’s letter dated 18 June 2025: “The separate native documents... have not been produced due to technical issues arising as a result of the file type (meaning the file type could not be opened as it is only accessible using Autodesk Navisworks Freedom software)”.

133. The EZ Respondents’ responses to deficiencies #2 and #3 was (EZRs’ Response, Annexure A, page 1):

2. We have investigated this issue and confirm that only 4 documents are affected, and will be produced.

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3. See response to item 2 above.

134. I observe that G+T's 18 June 2025 letter ([130] above) suggest two (or more) "technical issues", the EZ Respondents' responses to deficiencies #2 and #3 ([133] above) suggest there to be only one technical issue.
135. The EZ Respondents have not explained what the "technical issue/s" is/are, what steps they took to investigate the issue/s, and how they can confirm "*only 4 documents are affected*". And, as stated above ([36]), as at the date of this affidavit, the EZ Respondents have not produced the four affected documents.
136. The EZ Respondents' responses to deficiencies #2 and #3 appear inconsistent with their responses to deficiencies #384 and #383 (which refer to the specific documents in deficiencies #2 and #3 respectively):

384. *The Element Zero Respondents have conducted further searches for documents referred to in item 384 [i.e. the General and Process Design Criteria, Revisions A–D in [129] above]]. / Revision A was not in the Element Zero Respondents' control at the time discovery was given. It is an internal NewPro document. The document is now in the Element Zero Respondents' control and will be produced. / As to Revisions B, C and D, there are no such documents in the Element Zero Respondents' control and therefore there is nothing further to produce. Note that the document does not refer to revisions B, C and D.*

383. *The Element Zero Respondents have conducted further searches for documents referred to in item 383 [i.e. the PID and Flow Sheet update in [129] above]], and there are no such documents in the Element Zero Respondents' control and therefore there is nothing further to produce.*

137. I observe that EZ Respondents' explanations on deficiencies #2, #3, #384 and #383 have been inconsistent over time:
- (a) "*technical issues/s*"; PID and Flow Sheet update already produced as EZR.0003.0003.0074 — [130] above;
 - (b) "*only 4 documents are affected, and will be produced*" — [133] above;
 - (c) Revision A of the General and Process Design Criteria to be produced; otherwise "*no such documents in the Element Zero Respondents' control and therefore there is nothing further to produce*" — [136] above.

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138. For these reasons, I believe that the unspecified “technical issue/s” first raised by the EZ Respondents to be more widespread such that the EZ Respondents have not discovered an unknown number of documents.

C. 11 The EZ Respondents have provided inadequate explanations for deficiencies and/or cross-referenced documents which do not cure the deficiency

139. In response to a number of deficiencies, the EZ Respondents have cross-referenced other discovered documents which they say cure the deficiency, or provided explanations for the deficiency which are incorrect. This relates to deficiencies #383, #402, #405-406, #428-429.

140. Deficiency #383 states (First Deficiency Letter, page 5):

The piping and instrumentation documents in respect of the task entitled "PID and Flow Sheet update" (referred to in the "Element Zero Phase 2A" Gantt chart ("16012024 EPCM Schedule.pdf") dated 16 January 2024 have not been discovered by the EZRs.

141. The EZ Respondents’ response to deficiency #383 was (EZRs’ Response, Annexure A, page 8):

The Element Zero Respondents have conducted further searches for documents referred to in item 383, and there are no such documents in the Element Zero Respondents’ control and therefore there is nothing further to produce.

142. The EZ Respondent’s initial response to this deficiency (in the 18 June Letter, page 2, numbered paragraph 2(c)) was:

2(c) We are instructed that the documents relevant to the “PID and Flow Sheet update” appear at Doc ID EZR.0003.0003.0074.

143. In the 19 June Letter (page 5, numbered paragraph 1), DCCL states:

In paragraph 2(c) of Your Letter...your client identifies Doc ID EZR.0003.0003.0074 as being relevant to the “PID and Flow Sheet update” referred to in the Gantt chart in Doc ID EZR.0001.0001.0050. This cannot be the case. First, the email in Doc ID EZR.0003.0003.0074 is dated 11 December 2023 and attaches files dated 29 November 2023 – these documents cannot be an “update” because they pre-date the Gantt chart dated 16 January 2024. Further, it is clear on the face of the Gantt chart that the “PID and Flow Sheet update” is scheduled for 23 February 2024 to 15 March 2024. It defies logic that the Gantt

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chart would have scheduled for a future date a deliverable which had already been delivered. Secondly, Doc ID EZR.0003.0003.0074 appears to be a 3D CAD rendering, not a piping and instrumentation diagram (PID) or a flow sheet. The preceding email chain in that document also indicates that the 3D renderings of Element Zero's "BV plant" were prepared for their investor Playground Global, apparently for the purposes of a "[slide] deck", and not for the purposes of the detailed engineering referred to in the Gantt chart. In the circumstances, the deficiency identified in paragraph 2(c) of Our Letter remains unaddressed. It also casts doubt on your clients' claim that the slide deck for their investor Playground Global is privileged.

144. Therefore the EZ Respondent's initial response in the 19 June Letter appears inconsistent with the position it takes in the EZ Response, which is that there are no documents in the EZ Respondent's control and therefore nothing to produce.

145. Deficiencies #402, #405-406 state (First Deficiency Letter, pages 13-14):

#402: The EZRs have not discovered documents recording the research and development work into "dissolution and deposition tests" using FMG "Iron Bridge Magnetite concentrate 68% Fe, 30 µm" from at least around 2 November 2023 (EZR.0006.0001.0013, slide 6 to 3 February 2024 (EZR.0003.0003.0005, slide 28).

EZR.0003.0003.0005 / EZR.0006.0001.0013 / EZR.0003.0003.0026 / EZR.0003.0003.0031

#405: The EZRs have not discovered documents recording the research and development work into "dissolution and deposition tests" using FMG "Iron Bridge Magnetite concentrate 70%, Fe 30 µm", including between 3 November 2023 (EZR.0003.0003.0031) and 3 February 2024 (EZR.0003.0003.0005).

EZR.0003.0003.0005

406: The EZRs have not discovered documents recording the research and development work into "deposition tests" using Roy Hill "WHIMS cons 60% Fe*, 80 µm" ore between 3 February 2024 and 3 November 2023 (EZR.0003.0003.0005, slide 28; cf. EZR.0003.0003.0031, slide 6).

EZR.0003.0003.0005

146. The EZ Respondents' response to deficiency #402 and #405 was the same, as follows (EZRs' Response, Annexure A, page 11):

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The Element Zero Respondents' position is that these documents are not relevant to a category of discovery.

To the extent any of the categories required production of such documents, they have already been produced. See for example, EZR.0001.0001.0422, EZR.0001.0001.0420.

In any event, the Element Zero Respondents have conducted further searches for documents referred to in item [402 / 405], and there are no such documents in the Element Zero Respondents' control and therefore there is nothing further to produce.

147. Document EZR.0001.0001.0422 cannot be responsive to either deficiency #402 or #405 because the document is dated 1 September 2023 to 31 October 2023, which is before the time period set out in relation to deficiency #402 and #405.
148. Document EZR.0001.0001.0420 cannot be responsive to either deficiency #402 or #405 because the document is dated 31 July 2023 to 31 August 2023, which is before the time period set out in relation to deficiency #402 and #405.
149. The EZ Respondents' response to deficiency #406 was (EZRs' Response, Annexure A, page 11):

The Element Zero Respondents' position is that these documents are not relevant to a category of discovery.

To the extent any of the categories required production of such documents, they have already been produced. See for example, EZR.0001.0001.0420, EZR.0001.0001.0419.

In any event, the Element Zero Respondents have conducted further searches for documents referred to in item 406, and there are no such documents in the Element Zero Respondents' control and therefore there is nothing further to produce.

150. The two documents referred to in the Deficiency Letter regarding deficiency #406 are "EZR.0003.0003.0005, slide 28; cf. EZR.0003.0003.0031, slide 6". EZR.0003.0003.0031 is an EZ board presentation ("Element Zero - 3 Nov Board Meeting - Final.pdf"), which, at slide 6, lists the EZ lab testing program for iron and notes the following comment for the "Roy Hill WHIMS cons 60% FE*, 80 µm" – "Test / Dissolution tests" and no comment under the "Comment" column for that particular quality of ore. EZR.0003.0003.0005 is an EZ board presentation ("Element Zero - 6 Feb 2024 Board

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Meeting - Final.pdf”), which, at slide 28, lists the EZ lab testing program for iron and notes the following comments for the “Roy Hill WHIMS cons 60% Fe*, 80 µm” – “Test / Dissolution tests and deposition tests performed” and “Comment / Similar results to WHIMS cons 62% Fe*, 80 µm”. This suggests to me that that testing had not yet been done as at 3 November 2023 but had been completed by 6 February 2024.

151. Document EZR.0001.0001.0420 cannot be responsive to deficiency #406 because the document is dated 31 July 2023 to 31 August 2023, which is before the time period set out in relation to deficiency #406.
152. Document EZR.0001.0001.0419 cannot be responsive to deficiency #406 because the document is dated 3 July 2023 to 29 July 2023, which is before the time period set out in relation to deficiency #406.
153. Deficiencies #428-429 state (First Deficiency Letter, page 17):

The EZRs have not discovered documents recording the "Experiments" (nos. 1 and 3) and "Additional experiments and considerations" (each of nos. 1-6) in their totality.

EZR.0001.0001.0111 EZR.0001.0001.0112

154. The EZ Respondents' response to deficiencies #428-429 is as follows (EZRs' Response, Annexure A, page 117-18):

The Element Zero Respondents' position is that these documents are not relevant to a category of discovery.

To the extent any of the categories required production of such documents, they have already been produced. See for example, see EZR.0001.0001.0198 EZR.0001.0001.0333, EZR.0001.0001.0335, EZR.0001.0001.0336, EZR.0001.0001.0337, EZR.0009.0005.0112.

In any event, the Element Zero Respondents have conducted further searches for documents referred to in items 428 - 429. Without admissions as to relevance, and in order to progress the matter, the Element Zero Respondents' will produce 2 further documents, one of which will be produced in response to item 426. Further documents fall outside the date range in category 11(f).

155. I have reviewed an advanced drafted of the affidavit of Dr Grant Jacobsen (**Jacobsen Affidavit**). I refer to paragraphs [259] – [265], in which Dr Jacobsen, having reviewed the EZR documents referred to in the EZ Response regarding deficiencies #428-429, states that those documents “do not record the “Experiments” and “Additional

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experiments and considerations” in their totality” ([263] and that he would “expect that Element Zero would have kept other documentation recording an experiment with the features above” ([264]).

C. 12 The EZ Respondents have provided inconsistent explanations in relation to the fates of the USB Listed Things. Part 3 of their Original and Supplementary Lists of Documents are materially different (deficiency #9)

156. The Search Orders (Annexure PAD-37) included the following Listed Things 1(a) and 1(b):

- (a) Toshiba branded USB drive with serial no. 07080A078F1B6304 (**Toshiba USB device**)
- (b) Kingston branded USB drive with serial no. 900042ACAE668708 (**Kingston USB device**).

157. I observe from independent lawyer Mr Klotz’s affidavit made on 29 May 2024 that the Toshiba USB device and the Kingston USB device were not found during the execution of the Search Orders on 15-16 May 2024.

158. On 14 June 2024, G+T sent the letter to DCCL annexed and marked **Confidential Annexure PAD-60**. The relevant part of the letter reads (emphasis added):

Since the return date, Dr Kolodziejczyk has undertaken a thorough search at his home for [the Toshiba USB device and the Kingston USB device] but has been unable to locate them. Dr Kolodziejczyk has not provided the USBs or their contents to any other person.

In the event that Dr Kolodziejczyk locates the USBs, he undertakes not to access them and to promptly provide them to our office, pending further order of the Court.

159. DCCL did not receive any further correspondence from G+T about the Toshiba USB device and the Kingston USB device.

160. As stated in [11] above, on 29 April 2025, the EZ Respondents served their original List of Documents. Each of the EZ Respondents’ Original Lists of Documents contained the same Part 3 (Documents that have been but are no longer in the control of the relevant

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EZ Respondent). For example, Part 3 of Dr Kolodziejczyk's Original List of Documents (**Annexure PAD-61**) states:

Part 3 – Documents that have been but are no longer in the control of Second Respondent

No.	Description of document	Date of document	What became of document
3	Documents which may have been lost, deleted or destroyed over time or in the ordinary course of business which documents cannot be identified	Unknown	Lost, deleted or destroyed
4	Emails and other documents stored electronically which may have been deleted and which cannot now be recovered from back-up tapes or databases, and which therefore cannot now be identified.	Unknown	Lost, deleted or destroyed

161. As stated in [19] above, on 13 June 2025, the EZ Respondents served their Supplementary List of Documents. Part 3 of each Supplementary List of Documents is different from Part 3 of the EZ Respondent's Original List of Documents. For example, Part 3 of Dr Kolodziejczyk's Supplementary List of Documents (**Annexure PAD-62**) now states:

Part 3 – Documents that have been but are no longer in the control of Second Respondent

No.	Description of document	Date of document	What became of document
1	Documents on the Toshiba USB device (serial 07080A078F1B6304) except for documents referred to in Part 1 of this List of Documents	Various	To the best of my recollection, the USB on which the documents were located was lost or disposed of at some time in or after December 2021.
2	Documents on the Kingston USB device (serial 900042ACAE668708) except for documents referred to in Part 1 of this List of Documents	Various	To the best of my recollection, the USB on which the documents were located was disposed of at some time in or after December 2023.

162. I consider that the explanation about the fate of the Toshiba USB device and the Kingston USB device in G+T's 14 June 2024 letter ([158] above) to be inconsistent with the explanation in Part 3 of Dr Kolodziejczyk's Supplementary List of Documents ([161] above).

163. I also consider Part 3 of Dr Kolodziejczyk's Original List of Documents) about the documents previously but no longer in his control ([160] above) to be materially different from Part 3 of Dr Kolodziejczyk's Supplementary List of Documents) ([161] above).

C.13 Specific deficiencies: the EZ Respondents have failed to discover revisions or versions of documents in Category 11(f) (EZ process R&D) (example deficiencies #384, #385, #386)

164. Category 11(f) is quoted in [90(b)] above and begins "All versions, including drafts...".

165. Some documents discovered by the EZ Respondents in Category 11(f) refer to various revisions or versions of those documents (either in the body of the document, or its title) which have not been produced by the EZ Respondents. Examples of these are below.

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C.13.1 Revisions B–D of “General and Process Design Criteria for Green Metal Project Stage 2A Pilot Plant” (10202-1000-PDC-0001) (deficiency #384)

166. I repeat [128]–[138] above in relation to deficiencies #2 and #384.

C.13.2 Revisions of “10182-1000-MB-0001 Mass Balance Rev B Green Metals.pdf” (deficiency #385)

167. Deficiency #385 is (First Deficiency Letter, page 12):

Revisions of the document entitled “10182-1000-MB-0001 Mass Balance Rev B Green Metals.pdf” have not been discovered by the EZRs. / EZR.0001.0001.0081

168. The EZ Respondents’ response to deficiency #385 was (EZ Response, Annexure A, page 9):

The Element Zero Respondents have conducted further searches for documents referred to in item 385, and there are no such documents in the Element Zero Respondents’ control and therefore there is nothing further to produce. / Note that the document does not refer to any further revisions.

169. Document EZR.0001.0001.0081 is annexed and marked **Confidential Annexure PAD-63**

170. The file name of EZR.0001.0001.0081 is *10182-1000-MB-0001 Mass Balance Rev B Green Metals.pdf* and the document is dated 23 March 2023. Contrary to the EZ Respondents’ response that the document does not refer to any further revisions, various pages of the document contain an annotation in the top-right and/or bottom-right corners: “**Rev A**”. There is therefore a discrepancy between the annotation (“Rev A”) and the file name (which contains “Rev B”).

171. In addition, Dr Winther-Jensen has discovered BWJ.5000.0005.7465, being a document with the same file name save for the file format (*10182-1000-MB-0001 Mass Balance Rev B Green Metals.xls*). BWJ.5000.0005.7465 contains different information to EZR.0001.0001.0081, is dated 20 June 2023 (i.e., almost three months later), and was attached to an email from NewPro to David Arnall and copied to Dr Kołodziejczyk (at his Element Zero email address) and Dr Winther-Jensen on 20 June 2023 (BWJ.5000.0005.7463). The email and its attachments documents have not been discovered by the EZ Respondents.

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172. The title page of BWJ.5000.0005.7465 reads:

BKM PROJECT

Mass Balance Maximum Rainfall Case

Document Number:

10145-2000-MB-0001

A	20/8/22	18k Model Issued for Review	KGB			
REV	DATE	DESCRIPTION OF REVISION	Originator	Checked	Approved	Client

173. Email BWJ.5000.0005.7463 and a screenshot of the first page/Excel sheet of each of its attachments BWJ.5000.0005.7464 and BWJ.5000.0005.7465 are annexed and marked **Confidential Annexure PAD-64.**

174. Further, the EZ Respondents have discovered EZR.0001.0001.0328, with the file name *20_ Mass Balance Rev D.xls*, which appears to have the title page as BWJ.5000.0005.7465 ([172] above).

BKM PROJECT

Mass Balance Maximum Rainfall Case

Document Number:

10145-2000-MB-0001

A	20/8/22	18k Model Issued for Review	KGB			
REV	DATE	DESCRIPTION OF REVISION	Originator	Checked	Approved	Client

175. A screenshot of the first page/Excel sheet of EZR.0001.0001.0328 is annexed and marked **Confidential Annexure PAD-65.**

176. I observe that EZR.0001.0001.0328 appears to have the same or very similar content to BWJ.5000.0005.7465 ([172] above). EZR.0001.0001.0328's file name contains the words "**Rev D**", whereas BWJ.5000.0005.7465's file name contains the words "**Rev B**". EZR.0001.0001.0328 has a document date of **6 September 2024**, 14.5 months after BWJ.5000.0005.7465's document date (**20 June 2023**).

177. The first-page footer of BWJ.5000.0005.7465 ([172] above) and EZR.0001.0001.0328 ([174] above) refers a "**Rev A**", dated 20 August 2022.

178. Based on the matters in [167]-[177] above, I believe the EZ Respondents have failed to discover all revisions and versions of *10182-1000-MB-0001 Mass Balance Rev B Green*

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Metals.pdf. The EZ Respondents have not explained what “further searches” they have conducted, how they can conclude “there are no such documents in [their] control, given that Dr Kolodziejczyk received Revision B ([171]-[172] above) and the EZ Respondents discovered Revision D ([174] above).

C.13.3 Revisions of “General and Process Design Criteria” (10182-1000-PDC-0001)
(deficiency #386)

179. Deficiency #386 is (First Deficiency Letter, page 12):

Revisions of the document entitled “General and Process Design Criteria” (10182-1000-PDC-0001) have not been discovered by [the EZ Respondents]. / EZR.0001.0001.0085

180. I believe EZR.0001.0001.0085 is a different document from the General and Process Design Criteria document in [128]-[138], [166] above because they have NewPro different document references (EZR.0001.0001.0085: **10182**-1000-PDC-0001; and EZR.0001.0001.0069: **10202**-1000-PDC-0001).

181. The EZ Respondents’ response to deficiency #386 (EZ Response, Annexure A, page 9):

The Element Zero Respondents have conducted further searches for documents referred to in item 386, and there are no such documents in the Element Zero Respondents’ control and therefore there is nothing further to produce. / Note that the document does not refer to any further revisions.

182. Document EZR.0001.0001.0085 is annexed and marked **Confidential Annexure PAD-66**.

183. The file name of EZR.0001.0001.0085 is *Process Design Criteria Rev C.xlsb.pdf* and the document is dated 22 March 2023. Contrary to the EZ Respondents’ response that the document does not refer to any further revisions, the first page of the document contains an annotation in the top-right corner: “Rev A”. There is therefore a discrepancy between the annotation in the document (“Rev A”) and the file name (“Rev C”).

184. In addition, I am informed by Microsoft webpage at URL https://learn.microsoft.com/en-us/openspecs/office_file_formats/ms-xlsb/acc8aa92-1f02-4167-99f5-84f9f676b95a (annexed and marked **Annexure PAD-67**) and believe that “xlsb” in the filename is a reference to a file format used in Microsoft Excel. I therefore believe the EZ Respondents have not discovered Excel versions of EZR.0001.0001.0085.

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185. Further, Dr Winther-Jensen has discovered BWJ.5000.0004.7343, a 108-page document dated 23 March 2023, which incorporates the whole of EZR.0001.0001.00851 plus additional information under the same title (*“General and Process Design Criteria / (10182-1000-PDC-0001)”*). This document has not been discovered by the EZ Respondents and is referred to in deficiency #487 ([39(b)(i)], [126(b)] above)
186. Document BWJ.5000.0004.7343 is annexed and marked **Confidential Annexure PAD-68**.

C.14 Specific deficiencies: the Respondents have failed to discover cross-referenced and appended documents (example deficiencies #420-#422, #510-#512)

187. Some documents discovered by the Respondents cross-refer or append other documents. These cross-referenced and appended documents have not been discovered by the Respondents. Examples of these are below.

C.14.1 EZ Respondents: “[s]pectra of all samples can be found in the attached pdf files” (deficiencies #420-#422)

188. Laboratory reports of Dr Orawan Winther-Jensen produced by the EZ Respondents refer to attachments (e.g. *“[s]pectra of all samples can be found in the attached pdf files”*) which have not been produced by the EZ Respondents.
189. Deficiencies #420–#422 (a subset of #419–#424) are as follows (First Deficiency Letter, page 16):

Experimental data referred to in Dr Orawan Winther-Jensen’s laboratory reports concerning the Element Zero Process have not been discovered by the EZRs in their totality. In particular, underlying experimental data and source files have not been produced (e.g. original data from SEM, EDS/EDX, Raman spectroscopy, etc.). For example:

...

- *EZR.0001.0001.0419 contains screenshots of SEM/EDS data and states that “[a]ll spectra of samples 7-13 can be found in the attached pdf files.” (p 9), however, the source data and cross-referenced PDF files have not been discovered.*
- *EZR.0001.0001.0420 contains screenshots of SEM/EDS data and states that “[s]pectra of all samples can be found in the attached pdf files” (p 27), however, the source data and cross-referenced PDF files have not been discovered.*

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- *EZR.0001.0001.0421 contains screenshots of SEM/EDS data and states that “[s]pectra of all samples can be found in the attached pdf files” (p 13), however, the source data and the cross-referenced PDF files have not been discovered...*

190. The EZ Respondents’ response to #419–#424 (including #420–#422) was (EZ Response, Annexure A, pages 15-16):

[The EZ Respondents’] position is that these documents are not relevant to a category of discovery. / In any event, [the EZ Respondents] have conducted further searches for documents referred to in items 419 - 424, and there are no such documents in [the EZ Respondents’] control and therefore there is nothing further to produce.

191. Given the cross-referenced PDF documents were “attached” to discovered documents, the EZ Respondents have not explained why the cross-referenced PDF documents are irrelevant or what further searches they have conducted to locate them.

C.14.2 Dr Winther-Jensen: Appendices 10.4, 10.6 and 10.7 to the “Overview Feasibility Study Report” (deficiencies #510–#512)

192. Appendices to the “Overview Feasibility Study Report” have not been discovered by Dr Winther-Jensen.

193. Deficiencies #510–#512 are (Second Deficiency Letter, page 5):

Appendices 10.4, 10.6 and 10.7 to the “Overview Feasibility Study Report” have not been discovered by the 3R in category 11(a). / BWJ.5000.0005.0625[,] BWJ.5000.0005.1052[,] BWJ.5000.0005.1131

194. Dr Winther-Jensen’s response to deficiencies #510–#512 was (Dr WJ’s Response, page 6):

Not accepted / [Dr Winther-Jensen] has discovered all documents responsive to category 11(a) in his control. [Dr Winther-Jensen] does not have within his control a copy of the “Overview Feasibility Study Report” containing appendices 10.4, 10.6 and 10.7.

195. I am concerned that Dr Winther-Jensen has misunderstood deficiencies #510–#512. Dr Winther-Jensen says he “does not have within his control a copy of the ‘Overview Feasibility Study Report’ containing appendices 10.4, 10.6 and 10.7”. However,

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Dr Winther-Jensen has not produced appendices 10.4, 10.6 or 10.7, in combination with the “Overview Feasibility Study Report” or separately.

196. Dr Winther-Jensen has discovered versions of the Overview Feasibility Study Report (BWJ.5000.0005.0625; BWJ.5000.0005.1052; BWJ.5000.0005.1131). He also discovered some of the Appendices: [126(d)] above. Dr Winther-Jensen’s response ([194] above) does not indicate Dr Winther-Jensen conducted further searching and if so, what searching he did and why he considers he does not have the Appendices in his control.

D. FURTHER COMMENTS

197. I refer to the Jacobsen Affidavit. In sections J.2 to J.23, Dr Jacobsen identifies various R&D related documentation that he says he would have expected the Respondents to keep. I confirm that I have caused the DCCL review team to search the Respondents’ Discovery for documentation of the type referred to by Dr Jacobsen in sections J.2 to J.23 and I am informed by Mr Huang and Mr Dighe and believe that no such documents were discovered.

198. I refer to deficiency #17 in the First Deficiency Letter (page 4):

The EZRs have not produced the totality of the research and development records of Dr Kethaki Wickramaarachchi into the Element Zero Process. In particular, the EZRs have failed to discover any reports of experiments by Dr Wickramaarachchi in at least the periods January 2024—7 April 2024; 9 April—26 September 2024; 28 September—28 October 2024; 30 October—15 December 2024. Dr Wickramaarachchi was working on experiments in these periods, as evidenced by at least items 430, 451, 452, and 456 below.

199. The EZ Response (Annexure A, page 5) to deficiency #17 states:

There is no discovery category requiring production of the research and development records of Dr Kethaki Wickramaarachchi into the Element Zero Process.

To the extent those documents are relevant to category 11(f), they have been produced by the Element Zero Respondents. Note that category 11(f) only calls for documents to February 2024.

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200. I refer to sections B.1 and B.2 of the Jacobsen Affidavit in which Dr Jacobsen talks about the nature of chemical R&D projects, as well as the types of documents he expects would be kept by chemists undertaking these types of projects.

201. I confirm that I have caused Mr Huang to search the EZ Respondents' discovery for any reports of experiments by Dr Wickramaarachchi in the period January to February 2024 inclusive, and none could be found. I am aware from at least the following documents that Dr Wickramaarachchi was working with, or for, Element Zero from at least October 2023 through January and February 2024:

- (a) EZR.0001.0001.0423, which is an Element Zero lab report dated 1 November 2023 to 15 December 2023 which refers to "Keth's report 17/10/23-13/12/23" (I understand "Keth" is a reference to "Kethaki", Dr Wickramaarachchi's first name);
- (b) BWJ .5000.0017.0720, which is an email chain dated 4 and 5 January 2024 that includes an email from Dr Wickramaarachchi at an Element Zero email address; and
- (c) EZR.0001.0001.0106, which is a report dated 6 February 2024 addressed to "Kethaki Wickramaarachchi" at Element Zero.

E. RESPONDENTS' PRIVILEGE CLAIMS

202. I refer to:

- (a) **Part 2** of each Respondent's Original List of Documents and each of the EZ Respondents' Supplementary List of Documents;
- (b) the EZRs' Response, page 3 and Annexure B; and
- (c) Dr WJ's Response, pages 11–13.

203. In summary, the Respondents maintain their claims for privilege over the majority of the documents listed in their respective Part 2, save that Dr Winther-Jensen:

- (a) does not maintain claim his claim for privilege in relation to BWJ.5000.0005.1299; and
- (b) is willing to provide a redacted copy of the following documents if Fortescue agrees that disclosure will not constitute a waiver of any privilege:
 - (i) BWJ.5000.0005.5809 (item 65);
 - (ii) BWJ.5000.0005.5818 (item 67);

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- (iii) BWJ.5000.0005.5847 (item 72);
- (iv) BWJ.5000.0005.5874 (item 73);
- (v) BWJ.5000.0005.5925 (item 74);
- (vi) BWJ.5000.0005.5931 (item 75);
- (vii) BWJ.5000.0005.5945 (item 76); and
- (viii) BWJ.5000.0005.5959 (item 77).

E.1 Waiver by disclosures to Playground Ventures

204. Fortescue continues to seek production of the following documents in Part 2 of the EZ Respondents' Supplementary List of Documents (page 17):

- (a) EZR.0003.0003.0122;
- (b) EZR.0002.0001.0255;
- (c) EZR.0002.0001.0256;
- (d) EZR.0002.0001.0266; and
- (e) EZR.0002.0001.0267.

205. These documents are responsive to Category 11(d), which states:

*All versions, including drafts, of the following documents (howsoever described):
... (d) any documents provided by or on behalf of the Respondents or any of them to Playground Ventures containing any information in relation to chemical processes, plant design, the green iron/green steel industry and/or industry participants;*

206. The EZ Respondents said in relation to the claim for privilege over these documents (EZ Response, pages 3-4):

...the first five rows [EZ Response, Annexure B] contain documents that were provided to Playground Ventures, who had a common interest in the subject matter of the advice and an ongoing intention to preserve the confidentiality and privilege of the advice. Evidence will be filed in support of these privilege claims.

207. The EZ Respondents have not identified the alleged common interest Playground Ventures had at the time these disclosures were made. I am informed by an ASIC extract of Element Zero (**Annexure AH-3** to the affidavit of Adrian Huber affirmed 1 May 2024,

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page 36) and believe that Playground Ventures did not become a shareholder in Element Zero until an effective date of 21 August 2023 (ASIC document 5EIC31298), which is about two months after the date of the disclosures (late June 2023). The ASIC extract in Annexure AH-3 is annexed and marked **Annexure PAD-69**.

E.2 Waiver by disclosure to Dr Robert Kerr

208. I refer to the following versions of a provisional patent specification, with file names beginning "*hp4396-pr.DRAFT.Prov.Speci...*":

- (a) Part 2 of the EZ Respondents' Supplementary List of Documents and EZ Response, Annexure B:
 - (i) EZR.0003.0002.0312 (EZ Response, Annexure B, page 3);
 - (ii) EZR.0003.0002.0339 (EZ Response, Annexure B, page 4);
 - (iii) EZR.0003.0002.0341 (EZ Response, Annexure B, page 4);
 - (iv) EZR.0003.0002.0342 (EZ Response, Annexure B, page 4);
 - (v) EZR.0003.0002.0343 (EZ Response, Annexure B, page 4);
 - (vi) EZR.0003.0002.0344 (EZ Response, Annexure B, page 5);
 - (vii) EZR.0003.0002.0345 (EZ Response, Annexure B, page 5); and
- (b) Part 2 of Dr WJ's List of Documents:
 - (i) BWJ.5000.0004.0471 and its document family (page 62);
 - (ii) BWJ.5000.0004.0503 (page 62);
 - (iii) BWJ.5000.0004.0526 and its document family (page 62);
 - (iv) BWJ.5000.0004.0621 and its document family (page 62);
 - (v) BWJ.5000.0004.0662 and its document family (page 62);
 - (vi) BWJ.5000.0004.0695 (page 63);
 - (vii) BWJ.5000.0004.0722 and its document family (page 63);
 - (viii) BWJ.5000.0004.0783 and its document family (page 63);
 - (ix) BWJ.5000.0004.0855 and its document family (page 63);
 - (x) BWJ.5000.0004.0880 (page 63);

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- (xi) BWJ.5000.0004.0907, BWJ.5000.0004.0928 and their document family (page 63);
 - (xii) BWJ.5000.0004.0983 and its document family (page 64); and
 - (xiii) BWJ.5000.0004.1199 and its document family (page 64).
209. Dr Winther-Jensen discovered an email he sent to Dr Robert Kerr at Deakin University on 29 November 2022, with the subject “*The difference...*” (BWJ.5000.0004.2163).
- (a) The email attaches *hp4396au-pr.specification as filed.20-10-22.pdf* (BWJ.5000.0004.2164), which is the same file name as BWJ.5000.0004.1199 ([208(b)(xiii)] above);
 - (b) Documents BWJ.5000.0004.2163 and BWJ.5000.0004.2164 are annexed and marked **Confidential Annexure PAD-70**.
210. In the above email, Dr Winther-Jensen wrote:
- Hi Rob, / thanks for helping out with this. / Attached our provisional patent application “as filed” (Australian application number 2022903090). / Cheers Bjorn*
211. Based on the content of the above email, I believe Dr Winther-Jensen had disclosed one or more drafts of the provisional patent specification in [208(a)]-[208(b)] above to Dr Kerr and Dr Kerr provided input into or otherwise “*help[ed]*” Dr with the specification.

F. REVISED DISCOVERY CATEGORY 2

212. By paragraph 3 of the Application, Fortescue seeks discovery in respect of amended Category 2.
213. Revised Category 2 (in Amended Application, Annexure A) is a narrow category, directed to documents that record:
- (a) the “*preliminary work that we have done in ionic liquids and low temperature iron ore reduction*” that Dr Kolodziejczyk referred to in an email to a third party on 21 October 2020 (Annexure AIB-7 to Dr Bhatt’s affidavit affirmed 1 May 2024). This subcategory is sought against the EZ Respondents only;
 - (b) the “*patent application for our low-temperature electrochemical ores reduction in ionic liquid electrolytes*”, being the patent application Dr Kolodziejczyk reported he was “*currently working on*” in the email to Dr Andrew Forrest and Mr Masterman

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dated 22 December 2020, and any drafts thereof (Annexure AIB-12 to Dr Bhatt's affidavit, page 93);

- (c) the "*R&D roadmap*" that Dr Kolodziejczyk told Chris McMahan, John Paul Olivier and Mr Masterman that he was "*currently developing*" in the email dated 6 January 2021, and any drafts thereof (Annexure AIB-15 to Dr Bhatt's affidavit, page 106).

To further limit the burden on the Respondents, Fortescue has proposed search terms in Amended Application, Annexure B.

- 214. I refer to the Court's conclusion in the discharge decision at [67] that Fortescue's documents "*demonstrate that work had been undertaken including by laboratory testing and that there was an intention to scale up to a commercial system*": [101] above.
- 215. I am informed by Mr Huang and Mr Dighe and believe that none of the documents discovered by the EZ Respondents or Dr Winther-Jensen to date fall within Revised Category 2.
- 216. Fortescue has previously sought discovery of documents responsive to Revised Category 2:
 - (a) in Fortescue's interlocutory application dated 20 November 2024, annexed and marked **PAD-71**; and
 - (b) in short minutes of order provided to the Respondents on 17 February 2025 and provided to the Court on 19 February 2025. The correspondence and short minutes of order dated 17 February 2025 are annexed and marked annexed and marked **PAD-72**.
- 217. Revised Category 2 (and its predecessors) has been the subject of submissions at case management hearings on:
 - (a) 6 February 2025 — see transcript excerpt at Annexure PAD-35 to my Ninth Affidavit, top-centre pages 22-29;
 - (b) 20 February 2025 — see transcript excerpt at Annexure PAD-35 to my Ninth Affidavit, top-centre pages 30-44
 - (c) 30 April 2025 — see transcript excerpt Annexure PAD-35 to my Ninth Affidavit, top-centre pages 13-21.
- 218. The parties have exchanged correspondence concerning Revised Category 2, as set out in Annexure PAD-35 to my Ninth Affidavit, and summarised as follows:

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- (a) DCCL's letter to G+T and MinterEllison dated 8 April 2025 (Annexure PAD-35, pages 45-52);
- (b) G+T's letter to DCCL dated 17 April 2025 (Annexure PAD-35, page 53);
- (c) DCCL's letter to G+T and MinterEllison dated 23 April 2025 (Annexure PAD-35, pages 54-61);
- (d) DCCL's letter to G+T and MinterEllison dated 8 May 2025 (Annexure PAD-35, pages 62-68);
- (e) G+T's letter to DCCL dated 22 May 2025 (Annexure PAD-35, page 69).

219. Given that Revised Category 2 is narrow and search terms have been provided; the Respondents' existing discovery is not responsive to Revised Category 2; and the EZ Respondents are already conducting further searches to address other deficiencies ([35]-[36] above), it is my opinion that discovery in Revised Category 2 does not cause any unreasonable burden or oppression on the Respondents.

G. NEW DISCOVERY CATEGORIES

220. By paragraph 3A of the Amended Application, Fortescue seeks discovery in respect of new Categories. These Categories only became apparent after DCCL reviewed the Respondents' Discovery, as explained below.

F.1 Discovery of EZ process R&D in November and December 2021

221. I refer to paragraphs [57]–[70] of the Jacobsen Affidavit. Based on the matters in those paragraphs, I believe that the date limitations in Categories 11(e) and 11(f) miss research and development work that would have been done in the period immediately after Dr Kolodziejczyk and Dr Winther-Jensen left Fortescue. Fortescue therefore seeks discovery of a new category against the Respondents.

222. **Category 15:** All versions (including drafts) of documents recording work, research or development during the period November 2021 and December 2021 and that would otherwise fall within the description in Category 11(e) or 11(f).

F.2 Discovery of documents copied by Dr Winther-Jensen from Fortescue

223. Fortescue seeks discovery of a new category against Dr Winther-Jensen:

224. **Category 16:** Documents in the following subfolders in the "Toshiba Desktop 23-10-21" folder in the Toshiba hard disk referred to as "24EA019BC" in the affidavit of the

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independent lawyer, Stephen Klotz, affirmed on 29 May 2024, including all subfolders within the following subfolders:

- (a) *"FFI electrochem"*;
- (b) *"FFI inventions"*;
- (c) *"FFI pics"*;
- (d) *"FFI planing"*;
- (e) *"FFI Purchase admin"*;
- (f) *"Flow cell"*;
- (g) *"Green iron presentations"*;
- (h) *"Green Steel"*;
- (i) *"Grinding and Leaching"*;

except insofar as any document has already been discovered by Dr Winther-Jensen in this proceeding.

225. **Category 17:** All documents recording or evidencing any use or disclosure of any one or more of the documents in Category **Error! Reference source not found.** above by any one or more of the Respondents or their agents.
226. The basis for believing documents exist is the file path structure created by TransPerfect based on the metadata in Dr WJ's Discovery: [52] above. Until Dr Winther-Jensen gave his discovery and TransPerfect created the metadata file path structure, Fortescue was not aware of the existence of these documents. These documents are necessary to determine the full extent of material copied by Dr Winther-Jensen in the circumstances in [53(a)]-[53(d)] above.

F.3 Discovery in relation to NewPro

227. Fortescue seeks discovery of new categories against the Respondents in relation to NewPro. As stated in [58(b)(iv)] above, **"NewPro"** is a reference to NewPro Consulting & Engineering Services Pty Ltd, an engineering consulting firm engaged by Element Zero in relation to the development of Element Zero's pilot plant.
228. **Category 18:** All documents recording or evidencing communications between any of the Respondents and NewPro, in relation to:
- (a) the project referred to as the "Green Metals" project;

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- (b) NewPro contract number “10182-0000-CS-CTC-0001”;
- (c) NewPro reference “10182”;
- (d) the project referred to as the “BKM” project;
- (e) the project referred to as the “Green Metals” project, “phase 2”;
- (f) NewPro contract number “10202-0000-CS-CTC-0001”;
- (g) NewPro reference “10202”;
- (h) the project referred to as the “Pilot Plant” project;
- (i) NewPro reference “10260”,

except insofar as any document has already been discovered by that Respondent in this proceeding.

229. **Category 19:** All documents and all documents recording the information communicated or provided by any of the Respondents to NewPro in connection with any of the matters in Categories 18(a)–18(i), except insofar as any document has already been discovered by that Respondent in this proceeding.

230. The basis for believing documents exist is documents discovered by the Respondents containing the identifiers in Categories 18(a)–18(i). Until the Respondents gave their discovery and DCCL reviewed it, Fortescue was not aware of NewPro’s engagement. These documents are necessary to determine whether any of the Respondents used the material they copied from Fortescue in engaging NewPro. There is already a basis for believing that they did use “*Ore composition after drying.xlsx*” to engage NewPro: see [56]–[61] above.

F.4 Discovery in relation to ex-Fortescue employees, Mr Arnall and Dr Kerr

231. Fortescue seeks discovery of new categories against the Respondents in relation to two ex-Fortescue employees (David Arnall and Dr Robert Kerr), whose association with the Element Zero venture was previously unknown.

232. **Category 20:** All documents recording or evidencing communications between any of the Respondents and David Arnall, in relation to:

- (a) the Element Zero Process (referred to in paragraph 29 of the EZ Parties’ defence and/or in paragraphs 29(b)–(c) of Dr Winther-Jensen’s defence);
- (b) the development of a trial or pilot plant for Element Zero; or

(c) services provided or to be provided by Mr Arnall to or for Element Zero.

233. **Category 21:** All documents recording or evidencing communications between any of the Respondents and Robert Kerr, in relation to:

- (a) the Element Zero Process (referred to in paragraph 29 of the EZ Parties' defence and/or in paragraphs 29(b)-(c) of Dr Winther-Jensen's defence);
- (b) the development of a trial or pilot plant for Element Zero; or
- (c) services provided or to be provided by Dr Kerr to or for Element Zero, including the provision of data or information.

234. Fortescue is seeking these new categories because

- (a) I am informed by paragraph 22(b) of the affidavit of Nicolas Marrast affirmed 8 May 2024, and paragraph 72 of the affidavit of Adrian Huber sworn 1 May 2024, and believe that Mr Arnall and Dr Kerr were previously employed by Fortescue; Mr Arnall worked in the Engineering team side of the Green Iron project; and Dr Kerr was an electrochemist under Dr Winther-Jensen's supervision;
- (b) Until DCCL reviewed the Respondents' Discovery, Fortescue was not previously aware that Mr Arnall and Dr Kerr were associated with the Element Zero venture:
 - (i) Mr Arnall's association appears to include the provision of dust samples in March 2022 (e.g. BWJ.5000.0003.2523) and consulting to Element Zero from April 2023 (e.g. BWJ.5001.0001.0456). BWJ.5001.0001.0456 is annexed and marked **Confidential Annexure PAD-73**.
 - (ii) Dr Kerr's association appears to include offering to provide data (BWJ.5000.0003.9301); providing "*help[]*" in relation to the provisional patent specification ([209]-[211] above); and speaking to a potential funder (BWJ.5000.0004.9469).
 - (A) BWJ.5000.0003.9301 is annexed and marked **Confidential Annexure PAD-74**.
 - (B) BWJ.5000.0003.9301 is concerning because Dr Kerr offered to provide data in September 2022, at a time when (I am informed by Mr Huber and believe that) he was employed by Fortescue, and the document includes an email from Dr Kerr that starts: "*Hi Bjorn, using my gmail just in case ;)*".

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F.5 Discovery of “BWJ Materials Consulting”

235. **Category 22:** All documents in relation to “BWJ Materials Consulting”.
236. Fortescue seeks discovery of a new category against the Respondents in relation to an unregistered business name, “BWJ Materials Consulting”, which appears to have been used by Dr Winther-Jensen to refer to the Element Zero venture before the incorporation of Element Zero. For example, BWJ.5000.0003.5792 (annexed and marked **Confidential Annexure PAD-75**) is an email chain in July-August in relation to obtaining iron ore samples, in which Dr Winther-Jensen says his company name is “*BWJ Materials Consulting*”. Discovery of this category is necessary to avoid missing relevant documents due to the presence of “*BWJ Materials Consulting*” or the absence of “*Element Zero*” in a document.

H. VARIATION OF PRODUCTION ORDER

237. By paragraph 3B of the Amended Application, Fortescue seeks an order that, in respect of the Applicants’ discovery document FRT.001.0002189, being Ms Kara Vague’s work journal (**Journal**), the Applicants need only produce to those parts of the Journal falling within discovery category 3 of Schedule 3 to the orders made on 26 February 2025, subject to any claim of privilege.
238. I am informed by Adrian Huber, Legal Manager at Fortescue and believe that Ms Vague was employed as the Head of People and Culture at FFI from February 2022 to March 2022, before being promoted to the Global Head of Culture from March 2022 until her departure from Fortescue in around July 2022.
239. I have reviewed the Journal and observe that it contains notes of Ms Vague’s conversations with different people in Fortescue. The Journal therefore contains highly commercially sensitive information confidential to Fortescue, including:
- (a) private and confidential information about Fortescue employees disclosed to Ms Vague in her position as part of the People & Culture team, such as employee’ salaries, personnel feedback and recruitment matters;
 - (b) notes recording confidential and commercially sensitive meetings;
 - (c) privileged communications (including the communication of privileged advice by Fortescue’s legal counsel); and
 - (d) information regarding business strategy, confidential projects and commercial decision-making that is wholly irrelevant to the issues in dispute in this proceeding.

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[Signature]

240. The Journal comprises 311 pages, with multiple separate entries on most pages.

241. In the copy of FRT.001.0002189 discovered by Fortescue:

- (a) irrelevant entries have been redacted;
- (b) privileged entries have been redacted (and the entries that have been redacted for privilege have been marked to reflect this status); and
- (c) entries which are relevant to a category in which Fortescue has been ordered to give discovery, and are not privileged, are not redacted.

Affirmed by Paul Alexander Dewar
at Sydney
in New South Wales
on 19 August 2025
Before me:

)
)
)
)
)



Signature of deponent



Signature of witness

Jessica E. Sapountsis

Level 28, 500 Bourke Street, Melbourne, Victoria 3000
An Australian Legal Practitioner (within the meaning of the *Legal Profession Uniform Law*
(Victoria))

A person authorised under section 19(1) of the Oaths and Affirmations Act 2018 to take an affidavit

This affidavit was sworn by the deponent by audio visual link using an electronic copy of the affidavit and not the original in completing the jurat requirements.

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 COVER SHEET

This is **Annexure PAD-36** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

Form 35
Rule 17.01(1)

Amended Interlocutory application

No. NSD 527 of 2024

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

FORTESCUE LIMITED ACN 002 594 872 and others

Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others

Respondents

To the Respondents

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

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

Time and date for hearing:

Place:

Date:

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

Filed on behalf of	Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd, the Applicants		
Prepared by	Paul Dewar		
Law firm	Davies Collison Cave Law		
Tel	02 9293 1000	Fax	02 9262 1080
Email	PDewar@dcc.com		
Address for service	Level 4, 7 Macquarie Place, Sydney NSW 2000		

Interlocutory orders sought

1. Pursuant to s 23 of the *Federal Court of Australia Act 1976* (Cth), leave be granted to the Applicants and their representatives to inspect the Listed Things seized pursuant to the search orders of the Court dated 14 May 2024, such inspection to occur in a form and manner to be notified by the Applicants.
 2. Pursuant to FCR rule 20.32, by a date to be fixed, each of the Respondents produce to the Applicants those documents referred to in Respondents' lists of documents as notified by the Applicants which ought to have been discovered without any claim to privilege.
 3. Pursuant to FCR rules 20.15 and 20.17, by a date to be fixed, each of the Respondents give non-standard discovery of all documents within his/its control within **Annexure A** and responding to the searches set out in **Annexure B** to these orders, other than insofar as any document has already been discovered by that Respondent in this proceeding.
- 3A. Pursuant to FCR rules 20.15 and 20.17, by a date to be fixed, the Respondents give non-standard discovery of all documents within his/its control within **Annexure C**, other than insofar as any document has already been discovered by that Respondent in this proceeding.
- 3B. As to the Applicants' production of the Applicants' discovery document bearing identifier FRT.001.0002189, being Ms Kara Vague's work journal (**Journal**), subject to any claim of privilege, the Applicants be permitted to redact any parts of the Journal that do not fall within the discovery categories in Schedule 3 or 4 to the orders made on 26 February 2025.
4. Such further or other orders as the Court sees fit.
 5. Costs.

Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 17 June 2025

.....
Signed by Paul Dewar, DCCL
Solicitor for the Applicants

ANNEXURE A

1. All documents which record any of:

- (a) the “*preliminary work that we have done in ionic liquids and low temperature iron ore reduction*” that Dr Kolodziejczyk referred to in an email to [suppressed name] on 21 October 2020 (see Bhatt AIB-7);

Note: the Third Respondent is not required to give discovery in this category.

- (b) the “*patent application for our low-temperature electrochemical ores reduction in ionic liquid electrolytes*”, being the patent application Dr Kolodziejczyk reported he was “*currently working on*” in the email to Andrew Forrest and Michael Masterman dated 22 December 2020 (see Bhatt AIB-12 p 93), and any drafts thereof;
- (c) the “*R&D roadmap*” that Dr Kolodziejczyk told Chris McMahan, John Paul Olivier and Michael Masterman that he was “*currently developing*” in the email dated 6 January 2021 (see Bhatt AIB-15 p 106), and any drafts thereof.

ANNEXURE B

Category	Search terms	Date
2(a)	<p>(1)</p> <p>[(iron OR Fe OR ferric OR ferrous OR hematite* OR haematite* OR magnetite* OR goethite*) OR (“FeO” OR “Fe₂O₃” OR “Fe₂O₃” OR “Fe₃O₄” OR “Fe₃O₄”)]</p> <p>AND</p> <p>[electrolyte* OR solvent* OR solution* OR “ionic liquid” OR “ionic liquids” OR “ionic mixture” OR “ionic mixtures” OR eutectic* OR hydroxide* OR “KOH” OR “NaOH” OR “LiOH”]</p>	<p>For documents to be discovered by the First, Second and Fourth Respondents: 25 March 2019 to 21 October 2020</p> <p><i>Note: the Third Respondent is not required to give discovery in this category.</i></p>
	<p>(2)</p> <p>[(iron OR Fe OR ferric OR ferrous OR hematite* OR haematite* OR magnetite* OR goethite*) OR (“FeO” OR “Fe₂O₃” OR “Fe₂O₃” OR “Fe₃O₄” OR “Fe₃O₄”)]</p> <p>AND</p> <p>[reduc* OR electroreduc* OR electrowin* OR electrodeposit* OR “Direct Electrochemical Reduction” OR “low temperature” OR “low-temperature” OR “low temp” OR “low-temp” OR “LTE”]</p>	

Category	Search terms	Date
2(b)	<p>(3)</p> <p>[“patent” OR specification* OR “invention disclosure”]</p> <p>AND</p> <p>[(green w/1 (“iron” OR “steel”)) OR ((“iron” OR “Fe” OR “ferric” OR “ferrous” OR “copper” OR “Cu” OR “nickel” OR “Ni” OR metal*) w/5 (oxide* OR ore* OR complex*)) OR (hematite* OR haematite* OR magnetite* OR goethite*) OR (“FeO” OR “Fe2O3” OR “Fe2O3” OR “Fe3O4” OR “Fe3O4”)]</p> <p>AND</p> <p>[electrolyte* OR solvent* OR solution* OR “ionic liquid” OR “ionic liquids” OR “ionic mixture” OR “ionic mixtures” OR eutectic* OR hydroxide* OR “KOH” OR “NaOH” OR “LiOH”]</p>	<p>For documents to be discovered by the First, Second and Fourth Respondents: 1 December 2020 to 12 November 2021</p> <p>For documents to be discovered by the Third Respondent: 15 February 2021 to 12 November 2021</p>
	<p>(4)</p> <p>[“patent” OR specification* OR “invention disclosure”]</p> <p>AND</p> <p>[(green w/1 (“iron” OR “steel”)) OR ((“iron” OR “Fe” OR “ferric” OR “ferrous” OR “copper” OR “Cu” OR “nickel” OR “Ni” OR metal*) w/5 (oxide* OR ore* OR complex*)) OR (hematite* OR haematite* OR magnetite* OR goethite*) OR (“FeO” OR “Fe2O3” OR “Fe2O3” OR “Fe3O4” OR “Fe3O4”)]</p> <p>AND</p> <p>[reduc* OR electroreduc* OR electrowin* OR electrodeposit* OR “Direct Electrochemical Reduction” OR “low temperature” OR “low-temperature” OR “low temp” OR “low-temp” OR “LTE”]</p>	

Category	Search terms	Date
2(c)	<p>(5)</p> <p>[(“research” OR develop* OR “R&D”) w/5 (“roadmap” OR “road map” OR “road-map” OR plan OR write-up* OR writeup* OR “write up”)]</p> <p>AND</p> <p>[(green w/1 “steel”) OR (“iron” OR “Fe” OR “ferric” OR “ferrous” OR hematite* OR haematite* OR magnetite* OR goethite*) OR (“FeO” OR “Fe2O3” OR “Fe2O3” OR “Fe3O4” OR “Fe3O4”)]</p>	<p>For documents to be discovered by the First, Second and Fourth Respondents: 6 January 2021 to 12 November 2021</p> <p>For documents to be discovered by the Third Respondent: 15 February 2021 to 12 November 2021</p>

ANNEXURE C

15. (As against all Respondents) All versions (including drafts) of documents recording work, research or development during the period November 2021 and December 2021 and that would otherwise fall within the description in Category 11(e) or 11(f) of Schedule 1 to the orders made on 26 February 2025.
16. (Against the Third Respondent only) Documents in the following subfolders in the “Toshiba Desktop 23-10-21” folder in the Toshiba hard disk referred to as “24EA019BC” in the affidavit of the independent lawyer, Stephen Klotz, affirmed on 29 May 2024, including all subfolders within the following subfolders:
- (a) “FFI electrochem”;
 - (b) “FFI inventions”;
 - (c) “FFI pics”;
 - (d) “FFI planing”;
 - (e) “FFI Purchase admin”;
 - (f) “Flow cell”;
 - (g) “Green iron presentations”;
 - (h) “Green Steel”;
 - (i) “Grinding and Leaching”.
17. (As against all Respondents) All documents recording or evidencing any use or disclosure of any one or more of the documents in Category 16 above by any one or more of the Respondents or their agents.
18. (As against all Respondents) All documents recording or evidencing communications between any of the Respondents and NewPro, in relation to:
- (a) the project referred to as the “Green Metals” project;
 - (b) NewPro contract number “10182-0000-CS-CTC-0001”;
 - (c) NewPro reference “10182”;
 - (d) the project referred to as the “BKM” project;
 - (e) the project referred to as the “Green Metals” project, “phase 2”;

- (f) NewPro contract number “10202-0000-CS-CTC-0001”;
 - (g) NewPro reference “10202”;
 - (h) the project referred to as the “Pilot Plant” project; or
 - (i) NewPro reference “10260”.
19. (As against all Respondents) All documents and all documents recording the information communicated or provided by any of the Respondents to NewPro in connection with any of the matters in Categories 18(a)–18(i) above.
20. (As against all Respondents) All documents recording or evidencing communications between any of the Respondents and David Arnall, in relation to:
- (a) the Element Zero Process (referred to in paragraph 29 of the EZ Parties’ defence and/or in paragraphs 29(b)-(c) of Dr Winther-Jensen’s defence);
 - (b) the development of a trial or pilot plant for Element Zero; or
 - (c) services provided or to be provided by Mr Arnall to or for Element Zero.
21. (As against all Respondents) All documents recording or evidencing communications between any of the Respondents and Robert Kerr, in relation to:
- (a) the Element Zero Process (referred to in paragraph 29 of the EZ Parties’ defence and/or in paragraphs 29(b)-(c) of Dr Winther-Jensen’s defence);
 - (b) the development of a trial or pilot plant for Element Zero; or
 - (c) services provided or to be provided by Dr Kerr to or for Element Zero, including the provision of data or information.
22. (As against all Respondents) All documents in relation to “BWJ Materials Consulting”.

Schedule

No. NSD 527 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

Applicants

Second Applicant:

FORTESCUE FUTURE INDUSTRIES PTY LTD**ACN 625 711 373**

Third Applicant:

FMG PERSONNEL SERVICES PTY LTD**ACN 159 057 646****Respondents**

Second Respondent:

BARTLOMIEJ PIOTR KOLODZIEJCZYK

Third Respondent:

BJORN WINTHER-JENSEN

Fourth Respondent:

MICHAEL GEORGE MASTERMAN

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 COVER SHEET

This is **Annexure PAD-37** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD527/2024

FORTESCUE LIMITED ACN 002 594 872 (currently described in the proceeding by the pseudonym QFM1) and another/others named in the schedule
Applicant

ELEMENT ZERO PTY LIMITED ACN 664 342 081 (currently described in the proceeding by the pseudonym RAB1) and another/others named in the schedule
Respondent

ORDER

JUDGE: JUSTICE PERRY

DATE OF ORDER: 14 May 2024

WHERE MADE: Sydney

PENAL NOTICE

TO:

- (a) Element Zero Pty Limited ACN 664 342 081;**
- (b) Bartłomiej Piotr Kolodziejczyk;**
- (c) Bjorn Winther-Jensen; and**
- (d) the occupants of each of:**
 - (i) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;**
 - (ii) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;**
 - (iii) 5A Volga Street, Hadfield, Victoria 3046; and**
 - (iv) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019.**

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

TO:

- (a) Element Zero Pty Limited ACN 664 342 081;
- (b) Bartłomiej Piotr Kolodziejczyk;
- (c) Bjorn Winther-Jensen; and
- (d) the occupants of each of
 - (i) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;
 - (ii) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;
 - (iii) 5A Volga Street, Hadfield, Victoria 3046; and
 - (iv) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019,

This is a **search order** made against You on 14 May 2024 by Justice Perry at a hearing without notice to You after the Court was given the undertakings set out in **Schedule B** to this order and after the Court read the affidavits listed in **Schedule C** to this order.

THE COURT ORDERS THAT:

Introduction

1. (a) The application for this order is made returnable immediately.
 - (a) The time for service of the following documents:
 - (i) the Originating Application;
 - (ii) the Statement of Claim;
 - (iii) the Interlocutory Application and Annexure I thereto (Search Application);
 - (iv) the affidavits listed in **Schedule C** and their annexures or exhibits (other than the confidential affidavit text, confidential annexures and confidential exhibits) and the schedule of corrections to those affidavits;
 - (v) any other document listed in **Schedule B, Part B.2**, paragraph 2,
- is abridged and service is to be effected by the Independent Lawyer on each Respondent in accordance with **Schedule B, Part B.3**, paragraph 1, on or before 21 May 2024.

2. Subject to the next paragraph, this order has effect up to and including 31 May 2024. On the **Return Date**, 30 May 2024 at 9:30am or as otherwise advised on that day or on 31 May 2024, there will be a further hearing before the Duty Judge in respect of this order.
3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to the chambers of the Duty Judge.
4. This order may be served only between 9am and 2pm (Australian Western Standard Time) on a business day.
5. In this order:
 - (a) **Applicant** means the person who applied for this order, and if there is more than one applicant, includes all the applicants.
 - (b) **Independent Computer Expert** means any person identified as an independent computer expert in the Search Party referred to in **Schedule A** to this order.
 - (c) **Independent Lawyer** means any person identified as an Independent Lawyer in the Search Party referred to in **Schedule A** to this order.
 - (d) **Listed Thing** means any thing referred to as such in **Schedule A** to this order.
 - (e) **Premises** means the premises and any of the premises identified in **Schedule A** to this order, including any vehicles and vessels that are under Your control on or about the premises or that are otherwise identified in **Schedule A**.
 - (f) **Search Party** means the persons identified or described as constituting the search party in **Schedule A** to this order.
 - (g) **Thing** includes a document.
 - (h) **You**, where there is more than one of you, includes all of you and includes you if you are a corporation.
 - (i) Any requirement that something be done **in your presence** means:
 - (i) in the presence of You or of one of the persons described in paragraph 6 below; or

- (ii) if there is more than one of You, in the presence of each of You at each of the Premises, or, in relation to each of You, in the presence of one of the persons described in paragraph 6 below.

6. This order must be complied with by:
 - (a) Yourself;
 - (b) any director, officer, partner, employee or agent of Yourself; or
 - (c) any other person having responsible control of the Premises.
7. This order must be served by, and be executed under the supervision of, an Independent Lawyer.

Entry, search and removal

8. Subject to paragraphs 10 to 20 below, upon service of this order, You must permit members of the Search Party to enter the Premises so that they can carry out the search and other activities referred to in this order.
9. Having permitted members of the Search Party to enter the Premises, You must:
 - (a) permit them to leave and re-enter the Premises on the same and the following day until the search and other activities referred to in this order are complete;
 - (b) permit them to search for and inspect the Listed Things and to make or obtain a copy, photograph, film, sample, test or other record of the Listed Things;
 - (c) disclose to them the whereabouts of all the Listed Things in Your possession, custody or power, whether at the Premises or otherwise;
 - (d) disclose to them the whereabouts of all computers (including smartphones, tablets and other mobile devices), computer disks, drives or memory (including portable drives and USB drives), electronic information storage devices or systems, and online accounts (including all cloud and email accounts) at or accessible from the Premises in which any documents among the Listed Things are or may be stored, located or recorded and cause and permit those documents to be copied or printed out;
 - (e) do all things necessary to enable them to access the Listed Things,

including by opening or providing keys to physical or digital locks and enabling them to access and operate computers and online accounts and providing them with all necessary passwords, access credentials and other access means;

- (f) permit any Independent Lawyer to remove from the Premises into the Independent Lawyer's custody:
 - (i) the Listed Things or things which reasonably appear to the Independent Lawyer to be the Listed Things and any things the subject of dispute as to whether they are Listed Things; and
 - (ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to in paragraph 9(b) above; and
- (g) permit any Independent Computer Expert to search any computer (including any smartphone, tablet and other mobile device), computer disk, drive or memory (including any portable drive and USB drive), any electronic information storage device or system, and online accounts (including all cloud and email accounts) at or accessible from the Premises, and make a copy or digital copy of any of the foregoing and permit any Independent Computer Expert to remove any of the foregoing from the Premises as set out in paragraphs 20 and 21 below.

Restrictions on entry, search and removal

- 10. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.
- 11. You are not required to permit anyone to enter the Premises until:
 - (a) an Independent Lawyer serves You with copies of this order and any affidavits referred to in **Schedule C** (confidential annexures and exhibits, if any, need not be served until further order of the Court) and the schedule of corrections to those affidavits; and
 - (b) You are given an opportunity to read this order and, if You so request, the Independent Lawyer explains the terms of this order to You.
- 12. Before permitting entry to the Premises by anyone other than the Independent

Lawyer, You, for a time (not exceeding two hours from the time of service or such longer period as the Independent Lawyer may permit):-

- (a) may seek legal advice;
 - (b) may ask the Court to vary or discharge this order;
 - (c) (provided You are not a corporation) may gather together any things which You believe may tend to incriminate You or make You liable to a civil penalty and hand them to the Independent Lawyer in (if You wish) a sealed envelope or container; and
 - (d) may gather together any documents that passed between You and Your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the Independent Lawyer in (if You wish) a sealed envelope or container.
13. Subject to paragraph 22 below, the Independent Lawyer must not inspect or permit to be inspected by anyone, including the Applicant and the Applicant's lawyers, any thing handed to the Independent Lawyer in accordance with subparagraphs 12(c) and 12(d) above and the Independent Lawyer must deliver it to the Court at or prior to the hearing on the Return Date.
14. During any period referred to in paragraph 12 above, You must:
- (a) inform and keep the Independent Lawyer informed of the steps being taken;
 - (b) permit the Independent Lawyer to enter the Premises but not to start the search;
 - (c) not disturb or remove any Listed Things. In the case of smartphones, You may continue to use any smartphone to obtain legal advice, provided that You comply with the terms of paragraphs 25 and 26 ('Prohibited Acts') below in relation to any such use; and
 - (d) comply with the terms of paragraphs 25 and 26 ('Prohibited Acts') below.
15. Any thing the subject of a dispute as to whether it is a Listed Thing must promptly be handed by You to the Independent Lawyer for safekeeping pending resolution of the dispute or further order of the Court.
16. Before removing any Listed Things from the Premises (other than things referred

to in the immediately preceding paragraph), the Independent Lawyer must supply a list of them to You, give You a reasonable time to check the correctness of the list, and give You and the Applicant's lawyers a copy of the list signed by the Independent Lawyer.

17. The Premises must not be searched, and things must not be removed from the Premises, except in Your presence or of a person who appears to the Independent Lawyer to be Your director, officer, partner, employee, agent or other person acting on Your behalf or on Your instructions.
18. If the Independent Lawyer is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the Independent Lawyer may permit the search to proceed and the Listed Things to be removed without full compliance.
19. The Applicant's lawyer and the Independent Lawyer must not allow the Applicant in person to inspect or have copies of any thing removed from the Premises nor communicate to the Applicant information about its contents or about anything observed at the Premises until 4:30pm on the Return Date or other time fixed by further order of the Court. However, the Applicant's lawyer may communicate to the Applicant:
 - (a) for the purpose of obtaining instructions if it appears it is not safe or otherwise practicable to proceed or continue with the execution of this search order at any of the Premises; and
 - (b) for the purpose of obtaining instructions for the hearing on the Return Date.

Computers

20. (a) The Search Party must include a computer expert, being an expert who is independent of the Applicant and of the Applicant's lawyers (the **Independent Computer Expert**), as set out in Schedule A to this order.
- (b) Any search of a computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system, and online accounts (including all cloud and email accounts) must be carried out only by an Independent Computer Expert.

- (c) Subject to (d1) and (d2) below, an Independent Computer Expert may:
 - (i) make a copy or digital copy of any computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system and online accounts (including all cloud and email accounts), as follows:
 - (A) in the case of smartphones, tablets and other mobile devices, such copy is to be made at the Premises; and
 - (B) in any other case, such copy may be made at the Premises or offsite and
 - (ii) remove from the Premises that copy or digital copy (if made at the Premises) or the original device (if the copy is to be made offsite).
- (d) Subject to (d1) and (d2) below, the Independent Computer Expert may search any computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system, and online accounts (including all cloud and email accounts) or the copy or digital copy thereof at the Premises or offsite for Listed Things and may copy the Listed Things electronically or in hard copy or both.
- (d1) For computers and other devices (except smartphones) claimed to belong to, or to be exclusively used by, an immediate family member of Dr Kolodziejczyk or Dr Winther-Jensen (including a child), an Independent Computer Expert may gain access to, operate and search that computer or other device at the Premises to see whether they can exclude the computer or other device from further search activities on the basis that it does not contain anything falling within paragraphs 2 to 9 of the Listed Things.
- (d2) For smartphones claimed to belong to, or to be exclusively used by, an immediate family member of Dr Kolodziejczyk or Dr Winther-Jensen (including a child), an Independent Computer Expert may gain access to and operate that smartphone to confirm the claim, and if so confirmed, is to return and exclude the smartphone from further search activities.

- (e) The Independent Computer Expert must:
 - (iii) return any original device removed from any of the Premises as soon as practicable, and in any event within one week after the execution of this order; and
 - (iv) as soon as practicable and, in any event, prior to the hearing on the Return Date, deliver the copy or digital copy of the computers (including smartphones, tablets and other mobile devices), computer disks, drives or memory (including portable drives and USB drives), electronic information storage devices or systems, and online accounts (including all cloud and email accounts), and all electronic and hard copies of Listed Things to the Independent Lawyer, together with a report of what the Independent Computer Expert has done including a list of such electronic and hard copies.
 - (f) The Independent Lawyer must, at or prior to the hearing on the Return Date, deliver to the Court all things received from the Independent Computer Expert and serve a copy of the Independent Computer Expert's report on the parties.
21. (a) This paragraph 21 applies if You are not a corporation and You wish to object to complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that You:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph 21 applies if You are a corporation and all of the persons who are able to comply with paragraph 20 on Your behalf and with whom You have been able to communicate, wish to object to Your complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or

- (ii) are liable to a civil penalty.
- (c) You must:
 - (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

Inspection

22. Prior to the Return Date, You or Your lawyer or representative shall be entitled, in the presence of the Independent Lawyer, to inspect any thing removed from the Premises and to:
- (a) make copies of the same; and
 - (b) provide the Independent Lawyer with a signed list of things which are claimed to be privileged or confidential and which You claim ought not to be inspected by the Applicant.

Provision of information

23. Subject to paragraph 24 below, You must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of Your ability inform the Applicant in writing as to:
 - (i) the location of the Listed Things;
 - (ii) the name and address of everyone who has supplied You, or offered to supply You, with any Listed Thing;
 - (iii) the name and address of every person to whom You have supplied, or offered to supply, any Listed Thing; and
 - (iv) details of the dates and quantities of every such supply and offer.
 - (b) within 10 working days after being served with this order, make and serve

on the Applicant an affidavit setting out the above information.

24. (a) This paragraph 24 applies if You are not a corporation and You wish to object to complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that You:
 - (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph 24 also applies if You are a corporation and all of the persons who are able to comply with paragraph 23 on Your behalf and with whom You have been able to communicate, wish to object to Your complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
 - (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
 - (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

Prohibited Acts

25. Except for the sole purpose of obtaining legal advice, You must not, until 4:30pm on the Return Date, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against You by the Applicant.
26. Until 4:30pm on the Return Date You must not destroy, tamper with, cancel or

part with possession, power, custody or control of the Listed Things otherwise than in accordance with the terms of this order or further order of the Court.

Costs

27. The costs of this application are reserved to the Court hearing the application on the Return Date.

Date that entry is stamped: 14 May 2024


Registrar

Schedule A

Premises

The premises located at:

- (a) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090; Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;
 - (b) 5A Volga Street, Hadfield, Victoria 3046; and
 - (c) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019,
- including any vehicle or vehicles under Your control on or about those premises.

Listed Things

1. All computers (including smartphones, tablets or other mobile devices), computer disks, drives or memory (including any portable drives and USB drives), electronic information storage devices or systems, or online accounts (including all cloud and email accounts), at or accessible from the Premises (including offsite data storage, cloud, email and other platforms or services that are accessible from the Premises), including the following devices:
 - a. Toshiba branded USB drive with serial no. 07080A078F1B6304; and
 - b. Kingston branded USB drive with serial no. 900042ACAE668708.
2. All documents (whether in hardcopy or electronic form) containing the word “Fortescue”, “FFI”, “FMG” or “FMGL”.
3. All documents (whether in hardcopy or electronic form) 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.
4. All documents (whether in hardcopy or electronic form) recording or evidencing the design, engineering, construction or operation of any pilot plant operated by or on behalf of Element Zero.
5. Any document listed in Annex 1 to this Schedule A (whether in hardcopy or electronic form) and any emails or communications attaching those documents.

6. Any document recording or evidencing communications to which any two or more of the Second to Fourth Respondents are parties. The email accounts and mobile numbers for the Second to Fourth Respondents include:
 - a. “kolodziejczyk.bartlomiej@gmail.com”,
“kolodziejczykbartlomiej@gmail.com”, and “bart@kolodziejczyk.com”;
 - b. “bjornwj@gmail.com” and “b.wintherjensen@kurenai.waseda.jp”;
 - c. “mgmasterman@gmail.com”;
 - d. +61416833585;
 - e. +61447865470; and
 - f. +61418951792 or +447791288381.
7. Emails in Dr Kolodziejczyk’s email accounts (including but not limited to “kolodziejczyk.bartlomiej@gmail.com”, “kolodziejczykbartlomiej@gmail.com”, and “bart@kolodziejczyk.com”):
 - a. to or from any email account in the domain “fmgl.com.au”; or
 - b. in the period from 25 March 2019 to January 2024.
8. Emails in Dr Winther-Jensen’s email accounts (including but not limited to “bjornwj@gmail.com” and “b.wintherjensen@kurenai.waseda.jp”):
 - a. to or from any email account in the domain “fmgl.com.au”; or
 - b. in the period from 18 January 2021 to January 2024.
- 8A. Documents relating to Australian provisional patent application no. 2023902103, Australian provisional patent application no. 2023903979 and any other patent applications in the name of any of the Respondents which have not become open to public inspection as at the date of this order.
9. All of the above may be located on any computer (including smartphone, tablet or other mobile device), computer disk, drive or memory (including any portable drive and USB drive), electronic information storage device or system, or online accounts (including all cloud and email accounts), at or accessible

from the Premises (including offsite data

storage, cloud, email and other platforms or services that are accessible from the Premises).

Search Party for Premises at Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090 and for Unit 1, 19 Oxleigh Drive Malaga, Western Australia 6090

1. Independent Lawyers:

- (a) Nicholas Beech of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000, assisted by:
- (b) Ebenezer Assibey-Bonsu of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000; or
- (c) Alexander Crowhurst of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000.

2. Applicant's lawyers:

- (a) Paul Dewar of Davies Collison Cave Law located at level 4, 7 Macquarie Place, Sydney, New South Wales 2000.

3. Independent Computer Experts:

- (a) Rod McKemmish of Cyter located at level 8, 280 Pitt St, Sydney, New South Wales 2000.
- (b) Darren Michael of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.
- (c) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

Search Party for Premises at 5A Volga Street, Hadfield, Victoria 3046

1. Independent Lawyers:

- (a) Katherine Payne of Hall & Wilcox located at Level 11, Rialto South Tower, 525 Collins Street, Melbourne, Victoria 3000.

2. Applicant's lawyers:

- (a) Rohit Dighe of Davies Collison Cave Law located at Level 4, 7 Macquarie Place, Sydney, New South Wales 2000.

3. Independent Computer Experts:
 - (a) Yian Sun of Cyter located at level 8, 280 Pitt St, Sydney, New South Wales 2000.
4. Independent child support person:
 - (a) Dr Felicity McFarlane (child psychologist) of Melbourne Children's Psychology Clinic located at 617 Hampton St, Brighton, Victoria 3186.

Search Party for Premises at Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019

1. Independent Lawyers:
 - (a) Penelope Ford of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000.
2. Applicant's lawyers:
 - (a) Ashley Cameron of Davies Collison Cave Law located at level 4, 7 Macquarie Place, Sydney, New South Wales 2000.
3. Independent Computer Experts:
 - (a) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

Annex 1 to Schedule A

Specified Listed Things

Documents referred to in paragraph 19 of the Statement of Claim

1. Green Update (02.08.2021).pdf
2. Copies of the specifications and drawings, as filed on 24 May 2021, of Australian provisional patent application no. 2021901547 entitled 'Apparatus and process for producing iron' in the name of Fortescue Future Industries Pty Ltd, including documents with the file names "35557986AU- Specification as filed (35557986).pdf" and "35557986AU - Drawings as filed (35557986).pdf"
3. Document titled "Basis of Design – Chameleon Pilot Plant" having document number or file name FFI0302-10000-00-EG-BOD-0001
4. Bumblebee PID markups 26_10_21.pdf

Documents referred to in paragraph 20 of the Statement of Claim

5. 211029_Iron ore leaching_Report_ASH.R1.docx
6. 211014_FFI Green Steel_Ore Leach_ASH_XRF results.csv
7. 211014_FFI Green Steel_Ore Leach_ASH_ICP results.csv
8. Technical Evaluation.xlsx
9. Email from David White sent on 4 November 2024 with Subject "Technical Evaluation of Green Iron process"
10. Microsoft PowerPoint document with the internal title, 'Green Iron Forum', internally dated 1 November 2021, including documents with the file name "Green Iron Update (01.11.2021)"
11. Copies of the specifications and drawings, as filed on 24 May 2021, of Australian provisional patent application no. 2021901547 entitled 'Apparatus and process for producing iron' in the name of Fortescue Future Industries Pty Ltd, including documents with the file names "35557986AU- Specification as filed (35557986).pdf" and "35557986AU - Drawings as filed (35557986).pdf"

SharePoint documents referred to in Affidavit of Dr Anand Bhatt

12. 2. FFI Pilot - concept flowsheet REV0.pdf

13. 2. FFI pilot plant (Project Chameleon).msg
14. 20210813 All Operations Tailings Chemistry to Current_SCH.xlsx
15. 210827_Leaching project draft plan_NTH_ASH edits.docx
16. 210920_Update presentation_ASH.pptx
17. 211004_Leaching experimental design_ASH.xlsx
18. 211029_Iron ore leaching_Report_ASH.R1.docx
19. 570CBC0001-02007-BD-EG-0001_1_US.pdf
20. A22314 - ISAMill SigPlot Report Final.pdf
21. A22314 - SigPlot Report Final edit.xlsx
22. Brief notes on processing product from 'filter press' test rig 10_6_21.docx
23. BumbleBee FFI0301-10000-00-EG-BOD-0001_A.docx
24. Bumblebee layout.docx
25. Christmas Creek OPF2 Mass Balance.xlsx
26. Effluent stream potentials.docx
27. Electrochemical ore reduction Figures and flow diagram (002).pptx
28. Engineering Diary Week 36_21 12_9_21.docx
29. Example Flow Diagrams 22_2_21.docx
30. Feed Input calc.XLS
31. FFI INNOVATION CENTRE Engineering Diary Week 42_21 22_10_21 DJA input.docx
32. FFI0001-0001-00-DR-PR-0002_rA_COMMINUTION STAGE - CHECK.pdf
33. FFI0001-0001-00-DR-PR-0004_rA_LEACHING STAGE - CHECK.pdf
34. FFI0301-0001-00-DR-PR-0001_rA GS RIG OVERALL BLOCK DIAGRAM.pdf
35. FFI0302-8100-EG-BOD-0001_A.docx
36. FFI0302-8100-EG-TNN-0001 - Questions.docx
37. FFI0303-8100-EG-PLN-0002 Comminution Testing Plan.xlsx

38. FFICGreen_Steel_Process_Overview_Memo_v2.docx
39. FFI-Green_Steel_Process_Overview_Memo_v1.docx
40. filter press concepts 22_3_21.pdf
41. filter press conversion.pdf
42. Filter Press tesfa.docx
43. green iron quick intro.pptx
44. Green Iron Update (10.09.2021) v1.pdf
45. Green_Steel_PFD_Example_Overview_BWJ_16-07-21_Comments.pdf
46. Green_Steel_PFD_Example_Overview_NOT_FOR_USE.pdf
47. Green_Steel_PFD_Rev1_v2_Example.png
48. GreenSteel_ProcessFlow_Schematic_v4.pdf
49. GS_PFD.png
50. IsaMill Budget Quote ETM 2120 6721.pdf
51. Isamill call 28_4_21docx.docx
52. Isamill purchase review.pdf
53. IsaMill_Technology_Used_in_Effecient_Grinding_Circuits.pdf
54. Leaching results_Rob.xlsx
55. Multiple Aspen software files located within the folder named Models
56. Ore composition after drying.xlsx
57. Pilot Plant Assumptions.xlsx
58. Pilot Plant Basis of Design - Mechanical.docx
59. Pilot Plant MEL draft.xlsx
60. Pilot Plant Technical Workshop .potx
61. Pilot Plant Workshop_Outputs.pptx
62. PTHPSM01_3BF00564-PTH_PRN_Belmont_0576_001.pdf
63. SGS Filter Press review 29_03_21.docx

64. SOL DID Rc chip polished blocks grades_JCedits final.xlsx
65. Solomon_Stratigraphy_Geo-Met_GE.pptx
66. SWIRS-WI-MT-0101 Wet Low Intensity Magnetic Sperator (Rev 0) SG.doc
67. Tailings stream potentials.docx
68. Tank Review 1_6_21 expanded .docx
69. tanks.xlsx
70. Test Plan for leaching variables.docx
71. ULT_Green Steel_u330327.a_Alkali roasting_Diff NaOH trial+Wash trial.csv
72. ULT_Green Steel_u330327.b_ICP_Bjorn Leach solution.csv
73. ·V1.0_Estimated Grade_Loading_Template_8mm_Sample
Post_Scrub_20201216 AL.xlsx

Internal Fortescue procedure and specification documents

74. Any of the documents in the table below.

Document Number	Title
100-PR-PM-0013	FMG Procedure Safety In Design
100-SP-CI-0003	FMG Engineering Specification Concrete
100-SP-CI-0007	FMG Engineering Specification Earthworks
100-SP-EL-0001	FMG Engineering Specification Electrical Design Criteria
100-SP-EL-0002	FMG Engineering Specification Earthing & Bonding
100-SP-EL-0005	FMG Engineering Specification Low Voltage MCCs and Switchboards
100-SP-EL-0006	FMG Engineering Specification Distribution and Control Panels
100-SP-EL-0008	FMG Engineering Specification Electrical Installation
100-SP-EL-0009	FMG Engineering Specification for Preferred Electrical Equipment
100-SP-EL-0010	FMG Engineering Specification Testing and Commissioning of Electrical Installations
100-SP-EL-0013	FMG Engineering Specification Low Voltage Induction Motors
100-SP-EL-0014	FMG Engineering Specification High Voltage Induction Motors
100-SP-IN-0001	FMG Engineering Specification Preferred Instrumentation List
100-SP-IN-0002	FMG Engineering Specification Instrumentation and Control Design
100-SP-IN-0014	FMG Engineering Specification Instrumentation

100-SP-IN-0015	FMG Engineering Specification Field Communication and Marshalling Panels
100-SP-IN-0019	FMG Engineering Specification Instrument Installations
100-SP-ME-0002	FMG Engineering Specification Mechanical Equipment
100-SP-ME-0004	FMG Engineering Specification Installation of Mechanical Equipment
100-SP-ME-0042	FMG Engineering Specification Centrifugal Pumps
100-SP-PI-0001	FMG Engineering Specification Pipe Work and Valves
100-SP-ST-0001	FMG Engineering Specification Structural Steelwork Fabrication
100-SP-ST-0002	FMG Engineering Specification Structural Steelwork Erection
100-SP-ST-0003	FMG Engineering Specification Protective Coating Systems – Hot Dip Galvanising
500CB-00000-SP-PI-0002	Manual Valves Specification
500CB-00000-SP-PI-0007	Special Piping Items

Schedule B

Undertakings given to the Court

B.1 Undertakings given to the Court by each Applicant by their counsel:

1. The Applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. The Applicant will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
3. The Applicant will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.

B.2 Undertakings given to the Court by each Applicant's lawyer:

1. The Applicant's lawyer will pay the reasonable costs and disbursements of the Independent Lawyer and of any Independent Computer Expert.
2. The Applicant's lawyer will provide to the Independent Lawyer for service on each Respondent copies of the following documents:
 - (a) this order;
 - (b) the Originating Application;
 - (c) the Statement of Claim;
 - (d) the Applicant's genuine steps statement;
 - (e) the Interlocutory Application and Annexure I thereto (Search Application);
 - (f) the following material in so far as it was relied on by the Applicant at the hearing when the order was made:
 - (i) the affidavits listed in **Schedule C** (other than confidential affidavit text) and the schedule of corrections to those affidavits;
 - (ii) annexures and exhibits capable of being copied (other than confidential annexures and exhibits);
 - (iii) the Applicant's written submissions dated 8 May 2024; and
 - (iv) any other document that was provided to the Court.
 - (g) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submissions that were put, to the Court.
3. The Applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a Listed Thing.
4. The Applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to each Respondent.

5. The Applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
6. The Applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
7. The Applicant's lawyer will not disclose to the Applicant any information that the lawyer acquires during or as a result of execution of the search order, until 4:30pm on the Return Date or other time fixed by further order of the Court, unless the disclosure is permitted by paragraph 19 of this order or with the leave of the Court.
8. The Applicant's lawyer will use best endeavours to follow all directions of the Independent Lawyer.

B.3 Undertakings given to the Court by each Independent Lawyer:

1. The Independent Lawyer will use his or her best endeavours to serve each Respondent with this order and the other documents referred to in undertaking **Part B.2** of the above (undertakings by each Applicant's lawyer).
2. Before entering the Premises, the Independent Lawyer will:-
 - (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
 - (b) inform each Respondent of his or her right to take legal advice.
3. Except for the Independent Computer Expert's removing computers, other devices and their copies or digital copies for copying or searching in accordance with paragraph 20 of this order and subject to undertaking 4 below, the Independent Lawyer will retain custody of all things removed from the Premises by the Independent Lawyer pursuant to this order until delivery to the Court or further order of the Court.
4. At or before the hearing on the Return Date, the Independent Lawyer will provide a written report on the carrying out of the order to the Court and provide a copy to the Applicant's lawyers and to each Respondent or each Respondent's lawyers. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an Independent Computer Expert.
5. The Independent Lawyer will use best endeavours to ensure that members of the Search Party act in conformity with the order and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to each Respondent, and will give such reasonable directions to other members of the Search Party as are necessary or convenient for the execution of the order.
6. The Independent Lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
7. The Independent Lawyer will not inform any other person of the existence of this

proceeding except for the purposes of this proceeding until after 4:30pm on the
Return Date.

B.4 Undertakings given to the Court by each Independent Computer Expert

1. The Independent Computer Expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the Independent Computer Expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to each Respondent.
2. The Independent Computer Expert will remove computers and other devices from the Premises for copying and searching in accordance with paragraph 20 of this order.
3. The Independent Computer Expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
4. The Independent Computer Expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
5. The Independent Computer Expert will use best endeavours to follow all directions of the Independent Lawyer.

Schedule C
Affidavits relied on

No.	Name of deponent	Date affidavit made
1.	Anand Indravadan Bhatt	1 May 2024
2.	Wayne McFaull	1 May 2024
3.	Susanne Monica Hantos	1 May 2024
4.	John Paul William Testaferrata Olivier	2 May 2024
5.	Adrian Huber	1 May 2024
6.	Paul Alexander Dewar	1 May 2024
7.	Rodney McKemmish	6 May 2024
8.	Adrian Chai	8 May 2024
9.	Nicolas Marrast	8 May 2024
10.	Paul Alexander Dewar	9 May 2024
11.	Stephen Klotz	14 May 2024
12.	Paul Alexander Dewar	14 May 2024

Name and address of Applicant's lawyers

The Applicant's lawyers are:

Davies Collison Cave Law

Level 4, 7 Macquarie Place, Sydney NSW 2000

Email: PDewar@dcc.com ; ACameron@dcc.com ; RDighe@dcc.com

Mobile: +61 404 047 047

Tel: 02 9293 1000

Fax: 02 9262 1080

Schedule D

Schedule of Parties

No: NSD527/2024

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Applicant	FORTESCUE FUTURE INDUSTRIES PTY LTD ACN 625 711 373 (currently described in the proceeding by the pseudonym QFN2)
Third Applicant	FMG PERSONNEL SERVICES PTY LTD ACN 159 057 646 (currently described in the proceeding by the pseudonym QFP3)
Second Respondent	BARTLOMIEJ PIOTR KOLODZIEJCZYK (currently described in the proceeding by the pseudonym RAC2)
Third Respondent	BJORN WINTHER-JENSEN (currently described in the proceeding by the pseudonym RAD3)
Fourth Respondent	MICHAEL GEORGE MASTERMAN (currently described in the proceeding by the pseudonym RAE4)

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 COVER SHEET

This is **Annexure PAD-38** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD527/2024

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule
Applicant

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule
Respondent

ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 26 February 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. By 7 April 2025, each of the respondents give non-standard discovery pursuant to rr 20.15 to 20.17 of the *Federal Court Rules 2011* (Cth) of all documents within the categories set out in Schedule 1 to these Orders; except that compliance with r 20.17(2)(a) of the Rules is not required insofar as the documents are to be identified by reference to the relevant discovery category/categories, as noted in Schedule 1.
2. Documents produced by the respondents pursuant to category 11 of Schedule 1 may only be inspected by or disclosed to the external solicitors of record and counsel for the applicants, and independent experts retained by the applicants for the purpose of this proceeding, who have first provided an undertaking to the court substantially in the form of Schedule 2 to these Orders.
3. On a date to be determined, each of the applicants give non-standard discovery pursuant to rr 20.15 to 20.17 of the Rules of all documents within the categories set out in Schedule 3 and Schedule 4 to these Orders; except that compliance with r 20.17(2)(a) is not required insofar as the documents are to be identified by reference to the relevant discovery category/categories, as noted in Schedule 3 and Schedule 4.
4. The applicants are to undertake the steps set out in paragraphs 21(b)-(d) of the unsworn affidavit of Paul Alexander Dewar which appears at Annexure ARC-1 to the affidavit of Ashley Robert Cameron sworn 19 February 2025 (**Steps**) by 19 March 2025 in respect



of those custodians that the applicants consider would comply with their reasonable search obligations including having regard to:

- (a) the 27 custodians identified by the First, second and fourth respondents' solicitors' letter dated 24 February 2025 in response to the applicants' solicitors' letter dated 21 February 2025; and
- (b) the six custodians identified by the third respondent's solicitors email dated 26 February 2024,

(Custodians).

- 5. By 5.00 pm on 19 March 2025, the applicants are to notify the respondents of:
 - (a) the number of documents resulting from the Steps in respect of the Custodians; and
 - (b) an estimated time required to comply with Order 3.
- 6. The matter be listed for case management at 9.30 am on 21 March 2025.

Date orders authenticated: 26 February 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



SCHEDULE 1

Applicants' Categories of Documents to be Discovered by the Respondents

Notes

All documents are to be produced in native form.

Each Document must be identified in relation to a discovery category

Definitions

- a. **"directly relevant"** means a document that falls within any of the criteria in rule 20.14(2) of the *Federal Court Rules 2011* (Cth).
- b. **"document"** has the meaning given to that term in Schedule 1 of the *Federal Court Rules*.
- c. **"First Specified Documents"** means the documents referred to in the particulars of paragraphs 19 and 20 of the FASOC including:

No.	Name	Ref
1	Green Iron Update (02.08.2021).pdf	see FASOC [19(i)(1)]
2	35557986AU- Specification as filed (35557986).pdf	see FASOC [19(i)(2)], see FASOC [20(i)(4)]
3	35557986AU - Drawings as filed (35557986).pdf	see FASOC [19(i)(2)], see FASOC [20(i)(4)]
4	Document titled "Basis of Design – Chameleon Pilot Plant" having document number or file name FFI0302-10000-00-EG-BOD-0001	see FASOC [19(i)(3)]
5	Bumblebee PID markups 26_10_21.pdf	see FASOC [19(i)(4)]
6	The SharePoint documents identified in paragraphs 112 to 118 of the affidavit of Dr Anand Indravadan Bhatt affirmed on 1 May 2024 and Annexure AIB-29	see FASOC [19(ii)], see FASOC [20(iv)]



No.	Name	Ref
7	The internal Fortescue procedures and specifications listed in paragraph 103 of the affidavit of Mr Wayne McFaull affirmed on 1 May 2024	see FASOC [19(iii)], see FASOC [20(v)]
8	211029_Iron ore leaching_Report_ASH.R1.docx	see FASOC [20(i)(1)]
9	211014_FFI Green Steel_Ore Leach_ASH_XRF results.csv	see FASOC [20(i)(2)]
10	211014_FFI Green Steel_Ore Leach_ASH_ICP results.csv	see FASOC [20(i)(3)]
11	Technical Evaluation.xlsx	see FASOC [20(i)(5)]
12	Email from David White sent on 4 November 2024 with Subject “Technical Evaluation of Green Iron process”	see FASOC [20(i)(6)]
13	Green Iron Update (01.11.2021).pdf	see FASOC [20(i)(7)]

- d. “**Fortescue**” has the meaning given to that term in paragraph 4 of the Further Amended Statement of Claim filed 24 October 2024 (**FASOC**).
- e. “**Ionic Liquid**” means any salt or mixture of salts that is capable of acting as an electrolyte in electrowinning and/or electroplating of metals and/or ores when in its liquid form (irrespective of the temperature range at which the salt or mixture is in its liquid form) including, without limitation, electrolytes that may be described as ionic liquids, molten salts, eutectics, molten hydroxide-based electrolytes, molten carbonate-based electrolytes, “hydroxide alkali melt or eutectic melt” (referred to in paragraph 29(a)(i) of the EZ Parties’ defence) and/or “molten hydroxide eutectic” (referred to in paragraph 29(c) of Dr Winther-Jensen’s defence).
- f. “**Second Specified Documents**” means any modified forms of First Specified Documents, including previous or subsequent drafts.

Categories

Ionic Liquid documents



1. All documents recording or evidencing work undertaken by the Second Respondent and/or Fortescue at any time during the period from 25 March 2019 to 12 November 2021, and/or the Third Respondent at any time during the period from 15 February 2021 to 12 November 2021, in relation to an electrochemical reduction process involving Ionic Liquid.
2. [Not used]
- 2A. All documents, and all documents recording information, copied, taken or otherwise obtained by the Second Respondent or the Third Respondent from Fortescue (including Fortescue's network, systems or devices) in the period from September 2021 to November 2021, including:
 - (a) the documents copied by the Second Respondent while working from home in October and November 2021;
 - (b) the documents taken by the Second Respondent "to finish off [his] work for Fortescue", referred to in paragraph 50 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (c) the documents "saved on the local drives of [the Second Respondent's] Fortescue laptop", referred to in paragraph 50 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (d) "the files on the local drives" deleted from the Second Respondent's Fortescue laptop, referred to in paragraph 51 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (e) the documents in the TempSD folder, referred to in paragraph 52 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (f) the documents on the Toshiba USB device (serial 07080A078F1B6304) and on the Kingston USB device (serial 900042ACAE668708); and
 - (g) the documents sent by the Third Respondent from his Fortescue email address "bjorn.winterjensen@fmgl.com.au" to his personal email address "bjornwj@gmail.com".
3. All documents evidencing the location and storage of any of the documents referred to in category 1 and 2A above during:
 - (a) the period 25 March 2019 to 12 November 2021;



(b) after 12 November 2021;

noting that compliance with this category does not require the “forensic investigation and analysis of the Element Zero Respondents’ computer systems”, in the sense described in the affidavit of Michael Williams sworn 29 December 2024 at paragraph [45].

4. [Not used]
5. All documents recording or evidencing any of the Respondents’ reference to the confidentiality of any of the documents referred to in category 1 and 2A above.

Specified Documents

6. All documents constituting or referring to the First Specified Documents.
- 6A. All documents concerning the design, engineering, construction, operation and/or feasibility of a green iron pilot plant, that were taken or copied by the Second or Third Respondents from Fortescue during the period 1 January 2021, until they respectively ceased employment with Fortescue.
7. All documents constituting or referring to the Second Specified Documents.
8. All documents recording or evidencing any use or disclosure of any one or more of the First and/or Second Specified Documents by any one or more of the Respondents or their agents.
9. [Not used]

Element Zero-related documents

10. [Not used]
11. All versions, including drafts, of the following documents (howsoever described):
 - (a) basis of design documents for the First Respondent’s pilot or trial plant/s, including the “**Element Zero Trial Plant**” (referred to in paragraph 30 of the EZ Parties’ defence);
 - (b) piping and instrumentation documents for the First Respondent’s pilot or trial plant/s, including the Element Zero Trial Plant;
 - (c) laboratory books (either in hard or soft copy) recording work done with respect to the development of each of beneficiation and leaching of ores and



electroplating and/or electrowinning and/or electrolyte development during the period from January 2022 to February 2024;

- (d) any documents provided by or on behalf of the Respondents or any of them to Playground Ventures containing any information in relation to chemical processes, plant design, the green iron/green steel industry and/or industry participants;
- (e) documents recording or evidencing the “retirement ‘project’”, the “work[] with nickel [and] iron”, and the “work that eventually led to the creation of Element Zero”, referred to in paragraph 40 of the affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024;
- (f) documents recording the research and development of:
 - i. the “Element Zero Process” referred to in paragraph 29 of the EZ Parties’ defence; or
 - ii. the “Element Zero process” referred to in paragraphs 29(b)-(c) of Dr Winther-Jensen’s defence,

during the period from January 2022 to February 2024.

12. One or more documents recording or evidencing the amount of expenditure on designing, engineering and constructing the First Respondent’s pilot or trial plant/s, including the Element Zero Trial Plant.

Documents showing use / patent docs

13. Copies of all patents and patent applications (or divisional or related patents and patent applications) filed by any of the Respondents, or in which the Second, Third, and/or Fourth Respondents are named as an inventor concerning any aspect of an electrochemical reduction process involving Ionic Liquid, leaching and/or any aspect of a pilot or trial plant for the electrochemical reduction of ore (including the Element Zero Trial Plant), including drafts thereof, and including but not limited to:
 - (a) no. 2022903090 entitled “Method of ore processing”;
 - (b) no. 2023902103 entitled “Ore Processing Method for Metal Recovery”;
 - (c) no. 2023903979 entitled “Electrowinning from Molten Salt” (979 Application);
 - (d) no. PCT/AU2023/051041 entitled “Method of ore processing”;



- (e) any patent application for an electrochemical reduction process involving Ionic Liquid;
- (f) any patent application concerning leaching;
- (g) any patent application that relates to the features of a pilot or trial plant (including the Element Zero Trial Plant) in respect of electrochemical reduction of ore;
- (h) the patents or patent applications that “cover the overall process and its unique chemistry” as referred to on the Element Zero website as shown at Bhatt AIB-22 p 141;
- (i) the patents or patent applications that cover “the complete circuit design for mineral processing incorporating a unique electrolyte” as referred to on the Element Zero website, as shown at Bhatt AIB-22 p 141;

except that the:

- (I) Second Respondent is not required to give discovery in respect of patents, patent applications, and drafts thereof that he did not work on after 25 March 2019; and
 - (II) Third Respondent is not required to give discovery in respect of patents, patent applications, and drafts thereof that he did not work on after 15 February 2021.
14. All documents evidencing or recording the use of any of the documents in categories 1, 2A, 6 and/or 7 above for or in preparing or inventing any of the patents or patent applications referred to in category 13 above.



SCHEDULE 2

Confidentiality Undertaking

No. NSD 527 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

FORTESCUE LIMITED ACN 002 594 872

and others named in the schedule

Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081

and others named in the schedule

Respondents

I, _____
of _____,
being an Australian external legal practitioner or an Australian barrister acting for the Applicants,
or an independent expert witness retained by the Applicants for the purposes of this Proceeding,
undertake to the Court, effective from the date set out on the final page of this undertaking, that
until and unless the Court otherwise orders or the Respondent(s) otherwise agrees in writing:

Confidentiality, disclosure and use

I will keep the Confidential Material confidential at all times.

To the extent I have access to Confidential Material:

I will use, handle, keep and store the Confidential Material in such a manner that will at all
times preserve its confidentiality;

I will establish and maintain reasonable security measures to safeguard the Confidential
Material from unauthorised access or use; and

I will not make any copies of Confidential Material except as reasonably necessary for the
sole purpose of the conduct of the Proceeding.

I will not use the Confidential Material for any purpose other than for the sole purpose of the conduct
of the Proceeding.

I will not use the Confidential Material for the purpose of:

drafting, amending or prosecuting any patent application or utility model in any jurisdiction;
or



any other legal proceeding in any jurisdiction (existing or otherwise).

Subject to paragraph 0 below, I will not disclose the Confidential Material (either in whole or in part) either directly or indirectly to any person including the Applicants, their servants, agents and related companies without the prior written consent of the Respondent(s)' Lawyers, unless:

such disclosure is expressly authorised by the Court, including by way of a determination by the Court:

that I be released from this undertaking with respect to the relevant Confidential Material; or

that the relevant Confidential Material is not confidential;

the Confidential Material is in, or enters into, the public domain other than in contravention of a confidentiality undertaking or other obligation of confidence; or

such disclosure is required by law.

The Confidential Material may be disclosed by me:

to any Judge, employee or other personnel of the Court or any person associated with recording the transcript at any hearing in the Proceeding for the purpose of the Proceeding and provided the Confidential Material is:

in the case of oral disclosures in relation to the Confidential Material, stated to be subject to this confidentiality undertaking; and

otherwise, clearly identified and marked "Confidential" and is otherwise kept confidential in accordance with this undertaking;

to the Applicants' Lawyers and Australian barristers retained by or on behalf of the Applicants to act for the Applicants in the Proceeding who have signed and provided to the Court undertakings in the same terms as this undertaking before that person has access to the Confidential Material;

to support and administrative staff employed by (or, in the case of Australian barristers, employed or engaged by the barrister or by their chambers) persons referred to in sub-paragraph 0 above who reasonably require access to the Confidential Material for the purpose of the Proceeding;

in an affidavit filed in the Proceeding by or on behalf of the Applicants, provided the Confidential Material is in an annexure or exhibit to such an affidavit and any such annexure or exhibit is clearly identified and marked "Confidential" and otherwise kept confidential in accordance with this undertaking; and

to independent experts retained by the Applicants' Lawyers in relation to the Proceeding who have signed and provided to the Court undertakings in the same terms as this undertaking before that person has access to the Confidential Material.

If I propose to disclose or otherwise use Confidential Material in any interlocutory or final hearing in the Proceeding, then subject to paragraph 0 above, I will take all necessary steps to ensure that the disclosure is not made in open Court and that the transcript of that portion of the hearing is confidential, with access thereto limited to the persons who have liberty to view such material under this undertaking or any orders of the Court.



Within 30 days of the final determination of the Proceeding or on the expiry of any applicable appeal period (whichever is the later) I will:

destroy all hard copies (including, without limitation, computer disks and USB drives) of all Confidential Material in my possession, custody, control or power, and give (or cause to be given) notice in writing to the Respondent(s)' Lawyers certifying the destruction of all such hard copies of Confidential Material; and

take all reasonable action to permanently delete, so as not be retrievable by any means, all Confidential Material stored in any electronic storage facility owned or used by me and give (or cause to be given) notice in writing to the Respondent(s)' Lawyers certifying the permanent deletion of all such electronic copies of Confidential Material or that I have taken such action, as the case may be.

except that:

the Applicants' Lawyers may retain one copy of the Confidential Documents;

the Applicants' Lawyers and Australian barristers retained by or on behalf of the Applicants may retain: (i) any notes, memoranda, summaries, reports, analyses, records and opinions made or caused to be made by the Applicants' Lawyers or Australian barristers (including any briefs to experts and any expert reports) which may contain Confidential Information; (ii) any evidence in the Proceeding or transcript of the Proceeding which may contain Confidential Information, in each case for record-keeping purposes, provided that they are stored confidentially within the internal records of the Applicants' Lawyers or Australian barristers (as the case may be); and

copies of the Confidential Material may be contained in electronic files created pursuant to automatic archiving and back-up procedures in the ordinary course of business,

provided that any such copies are kept confidential, and not accessible by any person, other than in accordance with the terms of this undertaking.

I will notify the Court and Respondent(s)' Lawyers (or cause the Court and Respondent(s)' Lawyers to be notified) as soon as practicable if I become aware of any suspected or actual unauthorised access, use or disclosure of any Confidential Material, and will provide all reasonable assistance requested by the Court, Respondent(s) and/or the Respondent(s)' Lawyers in relation to any action that the Court and/or Respondent(s) may take against any person for unauthorised use or disclosure of any Confidential Material provided to me pursuant to this undertaking.

Definitions

The following definitions apply in this undertaking:

Applicants means Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd.

Applicants' Lawyers means Davies Collison Cave Law.

Confidential Document means all documents (in any form or media) produced by any of the Respondents in response to category 11 in Schedule 1 to the orders of Justice Markovic dated [date of orders] in the Proceeding, being:



11. All versions, including drafts, of the following documents (howsoever described):

- (a) basis of design documents for the First Respondent's pilot or trial plant/s, including the "**Element Zero Trial Plant**" (referred to in paragraph 30 of the EZ Parties' defence);
- (b) piping and instrumentation documents for the First Respondent's pilot or trial plant/s, including the Element Zero Trial Plant;
- (c) laboratory books (either in hard or soft copy) recording work done with respect to the development of each of beneficiation and leaching of ores and electroplating and/or electrowinning and/or electrolyte development during the period from January 2022 to February 2024;
- (d) any documents provided by or on behalf of the Respondents or any of them to Playground Ventures containing any information in relation to chemical processes, plant design, the green iron/green steel industry and/or industry participants;
- (e) documents recording or evidencing the "retirement 'project'", the "work[] with nickel [and] iron", and the "work that eventually led to the creation of Element Zero", referred to in paragraph 40 of the affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024;
- (f) documents recording the research and development of:
 - i. the "Element Zero Process" referred to in paragraph 29 of the EZ Parties' defence; or
 - ii. the "Element Zero process" referred to in paragraphs 29(b)-(c) of Dr Winther-Jensen's defence,

during the period from January 2022 to February 2024.

Confidential Information means the contents of, and all information in, any Confidential Document, all information derived therefrom or in notes taken or reports or other documents generated therefrom.

Confidential Material means Confidential Information and Confidential Documents.

Court means the Federal Court of Australia.

Proceeding means Federal Court of Australia proceeding number NSD 527 of 2024, any cross-claim filed in that proceeding, and any appeal(s) therefrom, any applications for special leave to appeal, and any costs recovery proceedings in relation to any such proceedings.

Respondent(s) means the Respondent(s) to the Proceeding.

Respondent(s)' Lawyers means the respective Respondent's legal representatives of record in this Proceeding.



This undertaking

I acknowledge that this undertaking continues in force after the conclusion of the Proceeding.

I irrevocably submit to the jurisdiction of the Court for the purposes of enforcing this undertaking.

Signature: _____ Date: _____

Signature of Witness: _____

Name of Witness: _____



SCHEDULE 3

EZ Respondents' Categories of Documents to be Discovered by the Applicants

Capitalised terms are defined in the Further Amended Statement of Claim dated 23 October 2024 (**FASOC**).

Document has the same meaning as in the Evidence Act 1995 (Cth) not including any Excluded Documents.

Excluded Documents means documents already produced by the Applicants in the Proceedings.

Proceedings means the claim commenced by Fortescue in the Federal Court of Australia numbered NSD527/2024.

Notes:

All documents are to be produced in native form.

Each Document must be identified in relation to a discovery category

Documents recording all research and development work undertaken by the Second Respondent or the Third Respondent during the period from 25 March 2019 to 12 November 2021 on Direct Electrochemical Reduction processes, including approvals of research, research instructions, work undertaken, target timescales for that work, funding approvals and budgets and invoices for equipment and products used in such processes.

Documents recording the Ionic Liquid R&D Information and any research or development work undertaken in relation to Ionic Liquid R&D by the Second Respondent, the Third Respondent and/or Fortescue during the period from 25 March 2019 to 12 November 2021, including approvals of research, research instructions, work undertaken, target timescales for that work, funding approvals and budgets and invoices for equipment and products used in such processes.

Documents recording the end of Dr Kolodziejczyk's employment with Fortescue, including documents concerning:

- a. his resignation and terms on which his employment ended, including the preparation of a Deed of Separation;
- b. any instructions given to him in respect of the period following him giving notice of his resignation; and
- c. communications and records of any meetings between Dr Kolodziejczyk and Fortescue employees between 22 October 2021 and 5 November 2021.

[Not used].



A native copy of the documents identified at particular (i)1 – 4 to paragraph 19 and particular (i)1-7 to paragraph 20 of the FASOC and any documents that incorporate all or part of the information in those documents that is said to be confidential.

Fortescue internal policies in effect at any time during Dr Kolodziejczyk's and Dr Winther-Jensen's employment, insofar as those documents record obligations imposed on Dr Kolodziejczyk and Dr Winther-Jensen in respect of intellectual property and confidential information during each of their employment with Fortescue.

[Not used]

Documents recording Dr Kolodziejczyk and Dr Winther-Jensen obtaining the Fortescue information as referred to in paragraphs 19 and 20 of the FASOC.

[Not used]

Documents recording the results of any investigations or searches for the documents or into the conduct identified in FASOC [12]-[14], to the extent those results are not recorded in the affidavit of:

- (a) Ms Susanne Monica Hantos affirmed 1 May 2024;
- (b) Dr Anand Indravadan Bhatt affirmed 1 May 2024; or
- (c) Mr Adrian Huber sworn 1 May 2024 at Annexures AH-21, AH-22, AH-26, AH-27.



SCHEDULE 4

Third Respondent's Categories of Documents to be Discovered by the Applicants

Definitions

Capitalised terms are defined in the Further Amended Statement of Claim dated 23 October 2024 (**FASOC**).

Document has the same meaning as in the *Federal Court Rules 2011* (Cth) not including any Excluded Documents.

Excluded Documents means documents already produced by the Applicants in the Proceedings.

Proceedings means the claim commenced by Fortescue in the Federal Court of Australia numbered NSD527/2024.

Notes

- All documents are to be produced in native form.
 - Each document must be identified in relation to a discovery category.
1. Copies of all documents produced to the First, Second and Fourth Respondents by way of discovery.
 2. Documents recording the end of Dr Winther-Jensen's employment with Fortescue, including documents concerning:
 - (a) his resignation and terms on which his employment ended, including the preparation of a Deed of Separation;
 - (b) any instructions given to him in respect of the period following him giving notice of his resignation; and
 - (c) communications and records of any meetings between Dr Winther-Jensen and Fortescue employees between 3 November 2021 and 12 November 2021.
 3. [Not used].
 4. [Not used].
 5. A native copy of the documents identified at particular (i)1.-4 to paragraph 19 and particular (i)1-7 to paragraph 20 of the FASOC and any documents that incorporate all or part of the information in those documents that is said to be confidential.



Schedule of parties

No: NSD527/2024

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Applicant	FORTESCUE FUTURE INDUSTRIES PTY LTD ACN 625 711 373
Third Applicant	FMG PERSONNEL SERVICES PTY LTD ACN 159 057 646
Second Respondent	BARTLOMIEJ PIOTR KOŁODZIEJCZYK
Third Respondent	BJORN WINTHER-JENSEN
Fourth Respondent	MICHAEL GEORGE MASTERMAN

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 COVER SHEET

This is **Annexure PAD-39** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me:.....



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD527/2024

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule
Applicant

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule
Respondent

CONSENT ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 21 March 2025

WHERE MADE: Sydney

THE COURT ORDERS BY CONSENT THAT:

1. The date for compliance with Order 4 of the Orders made on 26 February 2025 (**February Orders**) be extended to 2 April 2025.
2. The date for compliance with Order 5 of the February Orders be extended to 2 April 2025.
3. The date for compliance with Order 1 of the February Orders be extended to 21 April 2025.
4. The case management hearing listed on 21 March 2025 at 9.30 am be vacated.
5. The proceeding be listed for case management on 4 April 2025 at 9.30 am.

Date orders authenticated: 21 March 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: NSD527/2024

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Applicant	FORTESCUE FUTURE INDUSTRIES PTY LTD ACN 625 711 373
Third Applicant	FMG PERSONNEL SERVICES PTY LTD ACN 159 057 646
Second Respondent	BARTLOMIEJ PIOTR KOŁODZIEJCZYK
Third Respondent	BJORN WINTHER-JENSEN
Fourth Respondent	MICHAEL GEORGE MASTERMAN



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD527/2024

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule
Applicant

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule
Respondent

ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 30 April 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The date for compliance by the third respondent with Order 1 of Orders made on 26 February 2025 (**February Orders**), as varied by Order 3 of the Orders made on 21 March 2025, be extended to 12 May 2025.
2. Discovery Category 2 (**EZ Categories**), of Schedule 3 to the February Orders, be amended to delete the words “and/or Fortescue”, and add “or” after the words “Second Respondent” so the category reads as follows:
“Documents recording the Ionic Liquid R&D Information and any research or development work undertaken in relation to Ionic Liquid R&D by the Second Respondent or the Third Respondent and/or Fortescue during the period from 25 March 2019 to 12 November 2021, including approvals of research, research instructions, work undertaken, target timescales for that work, funding approvals and budgets and invoices for equipment and products used in such processes”.
3. The dates on which the applicants are to give discovery pursuant to Order 3 of the February Orders are:
 - (a) 18 July 2025 for documents within categories 3, 5, 6, 8 and 10 of the EZ Categories, and category 2 of Schedule 4 to the February Orders; and
 - (b) 12 September 2025 for documents within categories 1 and 2 of the EZ Categories.



4. The proceeding be listed for case management hearing on 19 June 2025 at 9.30 am.
5. The proceeding be provisionally listed for hearing for three weeks commencing on 25 May 2026 and on 23 and 24 June 2026.

Date orders authenticated: 30 April 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: NSD527/2024

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Applicant	FORTESCUE FUTURE INDUSTRIES PTY LTD ACN 625 711 373
Third Applicant	FMG PERSONNEL SERVICES PTY LTD ACN 159 057 646
Second Respondent	BARTLOMIEJ PIOTR KOŁODZIEJCZYK
Third Respondent	BJORN WINTHER-JENSEN
Fourth Respondent	MICHAEL GEORGE MASTERMAN



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD527/2024

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule
Applicant

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule
Respondent

CONSENT ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 15 May 2025

WHERE MADE: Sydney

THE COURT ORDERS BY CONSENT THAT:

1. The date for compliance by the third respondent with Order 1 of the Orders made on 26 February 2025, as varied by Order 3 of the Orders made on 21 March 2025 and Order 1 of the Orders made on 30 April 2025, be extended to 19 May 2025.

Date orders authenticated: 15 May 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: NSD527/2024

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Applicant	FORTESCUE FUTURE INDUSTRIES PTY LTD ACN 625 711 373
Third Applicant	FMG PERSONNEL SERVICES PTY LTD ACN 159 057 646
Second Respondent	BARTLOMIEJ PIOTR KOŁODZIEJCZYK
Third Respondent	BJORN WINTHER-JENSEN
Fourth Respondent	MICHAEL GEORGE MASTERMAN

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 COVER SHEET

This is **Annexure PAD-40** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

BY EMAIL:

MWilliams@gtlaw.com.au;
RDunn@gtlaw.com.au
Mike.Hales@minterellison.com;
Daniella.Lambert@minterellison.com

Our Ref: 2023413**Your Refs:** MJW:RXD:1058625
1496352

9 May 2025

Mr Michael Williams / Ms Rebecca Dunn
Gilbert + Tobin
L35, Tower Two, International Towers Sydney
200 Barangaroo Avenue
Barangaroo NSW 2000

**Fortescue Limited & Ors v Element Zero Pty Limited & Ors,
Federal Court Proceeding No. NSD527 of 2024**

Dear Colleagues

We are continuing to review the extent to which your clients have failed to comply with their discovery obligations, however at this stage it is apparent that your clients have at least failed to comply with their obligations under rule 20.17(2)(b) and (c) and have not complied with the instruction in the Court's order that documents be discovered in native form.

Rule 20.17(2)(b) and (c)

Rule 20.17(2)(b) and (c) require a description of each document in the List of Documents to be discovered: *Hastwell v Kott Gunning No 3* [2019] FCA 1641 [21] – [31]. This obligation needs to be complied with in respect of every document referred to in the list of documents including:

- (a) documents which have been but are no longer in your clients' control (rule 20.17(2)(b)); and
- (b) documents in respect of which your clients make a claim for privilege (rule 20.17(2)(c)).

Yours clients have failed to meet this obligation in the Lists of Documents served on our client on 29 April 2025. We require you to remedy this defect by no later than 12 May 2025 (noting that you have been on notice of this defect since the last case management hearing on 30 April 2025).

Documents in native form

We refer to our email of 6 May 2025, and your response of the same date.

dcc.com**Attention:** Michael Williams
Rebecca Dunn
Mike Hales
Daniella Lambert**Contact:** Paul Dewar
PDewar@dcc.comGrace O'Connor
GOConnor@dcc.com

As noted in our email, it is a requirement of the Orders of Justice Markovic of 26 February 2025 that discovery of documents in Schedule 1 be provided in native form.

Your response to our email failed to engage with the reality that the provision of discovery in native form is a requirement of her Honour's orders. It is not a mere "request" by our clients.

In your email of 6 May 2025, you indicated that your clients would provide their discovery in native form, but it has not yet been provided.

It will be highly inefficient (and wholly unreasonable) for our client to be required to review your clients' discovery twice; once in PDF form, and then again in native form.

Please provide your clients' discovery in a native form by Monday 12 May 2025.

Our clients reserve all of their rights.

Yours faithfully

A handwritten signature in black ink, reading "David Collison Cave Law". The signature is written in a cursive, flowing style.

DAVIES COLLISON CAVE LAW

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 COVER SHEET

This is **Annexure PAD-44** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD527/2024

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule
Applicant

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule
Respondent

ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 19 June 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Applicants' IA

1. By 4 July 2025, the applicants are to notify the respondents of:
 - (a) the asserted deficiencies in the respondents' discovery to be relied upon by the applicants for the purposes of paragraph 1 of the interlocutory application filed 17 June 2025 (**Applicants' IA**);
 - (b) the documents referred to in the respondents' lists of documents in respect of which the applicants dispute the respondents' claims of privilege for the purpose of paragraph 2 of the Applicant's IA.
2. By 18 July 2025, each respondent is to provide a response to the applicants' notification in:
 - (a) Order 1(a) above outlining, for each asserted deficiency, whether he/it accepts the deficiency or, if not, the reasons why he/it does not do so; and
 - (b) Order 1(b) above outlining, for each disputed claim of privilege, whether he/it accepts the disputation or, if not, the reason(s) why he/it claims privilege over the alleged communication.
3. By 8 August 2025, the applicants are to file and serve their evidence in support of the Applicants' IA.



4. By 22 August 2025, the respondents are to file and serve their evidence in answer to the Applicants' IA.
5. By 29 August 2025, the applicants are to file and serve any evidence in reply to the evidence served in accordance with Order 4 above.
6. By 12 September 2025, the applicants are to file and serve submissions, not exceeding 12 pages in length, in support of the Applicants' IA.
7. By 19 September 2025, the respondents are to file and serve submissions, not exceeding 12 pages in length, in reply to the Applicants' IA.
8. The Applicants' IA be listed for hearing on 24 September 2025 at 10.15 am.

Separation of liability and quantum

9. Pursuant to r 30.01 of the *Federal Court Rules 2011* (Cth), all issues relating to liability, including as to additional damages, be determined prior to and separately from any issues of quantum.

Evidence

10. By 28 October 2025, the applicants are to file and serve their affidavit evidence, including any expert evidence.
11. By 6 February 2026, the respondents are to file and serve their affidavit evidence in answer, including any expert evidence.
12. By 28 February 2026, the applicants are to file and serve any affidavit evidence in reply, including any expert evidence

THE COURT NOTES THAT:

13. The question of whether paragraph 2 of the Applicants' IA should be determined by a different Judge is to be considered and determined after the respondents have filed their evidence in answer to the Applicants' IA.

Date orders authenticated: 19 June 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: NSD527/2024

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Applicant	FORTESCUE FUTURE INDUSTRIES PTY LTD ACN 625 711 373
Third Applicant	FMG PERSONNEL SERVICES PTY LTD ACN 159 057 646
Second Respondent	BARTLOMIEJ PIOTR KOŁODZIEJCZYK
Third Respondent	BJORN WINTHER-JENSEN
Fourth Respondent	MICHAEL GEORGE MASTERMAN

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 COVER SHEET

This is **Annexure PAD-49** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me:.....

From: Kevin Huang
Sent: Thursday, 31 July 2025 12:08 PM
To: Oliver Hoare; Rebecca Dunn; Paul Dewar; Grace O'Connor; Ashley Cameron; Jessica Sapountsis; Rohit Dighe; Michael Williams; Caitlin Meade
Cc: Mike Hales; Jackson Lavell-Lee; Daniella Lambert; Meaghan Philp; Molly Eason
Subject: RE: NSD527/2024 - Fortescue Limited & Ors v Element Zero Pty Limited & Ors [ME-ME.FID8480918] [ITUSEONLY-LAW.FID86345]

Dear Colleagues

We refer to the EZ Respondents' and Third Respondent's letters dated 24 July 2025.

In those letters, both the EZ Respondents and the Third Respondent undertook to produce further documents in response to deficiencies raised by Fortescue. Those documents have not yet been produced.

Please provide those documents without delay. Any further delay will prejudice our clients' ability to prepare their evidence in support of the interlocutory application.

Yours faithfully

Kevin Huang
 Lawyer



DAVIES COLLISON CAVE LAW | dcc.com

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*We extend our respect to all Aboriginal and Torres Strait Islander peoples throughout Australia and acknowledge the Traditional Owners and Custodians of the lands on which we work.
 We recognise their ongoing connection to land, sea and community.*

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From: Oliver Hoare <Oliver.Hoare@minterellison.com>
Sent: Thursday, 24 July 2025 7:23 PM
To: Rebecca Dunn <RDunn@gtlaw.com.au>; Kevin Huang <KHuang@dcc.com>; Paul Dewar <PDewar@dcc.com>; Grace O'Connor <GOConnor@dcc.com>; Ashley Cameron <ACameron@dcc.com>; Jessica Sapountsis <JSapountsis@dcc.com>; Rohit Dighe <RDighe@dcc.com>; Michael Williams <MWilliams@gtlaw.com.au>; Caitlin Meade <CMeade@gtlaw.com.au>
Cc: Mike Hales <Mike.Hales@minterellison.com>; Jackson Lavell-Lee <Jackson.Lavell-Lee@minterellison.com>; Daniella Lambert <Daniella.Lambert@minterellison.com>; Meaghan Philp <Meaghan.Philp@minterellison.com>; Molly Eason <Molly.Eason@minterellison.com>
Subject: NSD527/2024 - Fortescue Limited & Ors v Element Zero Pty Limited & Ors [ME-ME.FID8480918]

Dear Colleagues

We refer to order 2 of the orders made 19 June 2025.

Please see **attached** correspondence.

Yours sincerely

Oliver

Oliver Hoare

Lawyer

T +61 8 6189 7852 M +61 410 823 441

oliver.hoare@minterellison.com

MinterEllison One The Esplanade 1 The Esplanade Perth WA 6000

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ACKNOWLEDGEMENT OF COUNTRY

MinterEllison respectfully acknowledges the Traditional Custodians on whose lands we live, work and learn. We offer our respects to Elders past and present.

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 COVER SHEET

This is **Annexure PAD-50** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

From: Oliver Hoare <Oliver.Hoare@minterellison.com>
Sent: Wednesday, 6 August 2025 9:53 PM
To: Jessica Sapountsis; Grace O'Connor; Amelia Cooper; Daisy Cullen; Paul Dewar; Kevin Huang; Rohit Dighe; Ashley Cameron; Rebecca Dunn; Michael Williams; Caitlin Meade
Cc: Mike Hales; Daniella Lambert; Meaghan Philp
Subject: NSD527/2024 | Fortescue Limited & Ors v Element Zero Pty Limited & Ors [ME-ME.FID8496586]
Attachments: 2025-07-31 - Confidentiality Undertaking Discovery signed BWJ.pdf

Dear Colleagues

We refer to our letter of 24 July 2025 and the foreshadowed provision of documents.

We confirm access to the confidential documents is available at the following sharefile link:
<https://share.minterellison.com/w/f-2a464aa-1f65-4180-995a-6efdccc4b2dd>

Please would you provide the confirmations in relation to documents listed at item 65, 67, 72, 73, 74, 75, 76, 77 of paragraph 4 of our letter.

Please also see **attached** the confidentiality undertaking signed by the Third Respondent.

We reserve our client's position in respect of the Applicants' claims that all Part 1B documents should be restricted to lawyers only.

Yours sincerely

Oliver

Oliver Hoare

Lawyer

T +61 8 6189 7852 M +61 410 823 441

oliver.hoare@minterellison.com

MinterEllison One The Esplanade 1 The Esplanade Perth WA 6000

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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 COVER SHEET

This is **Annexure PAD-51** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

Partner Michael Williams
 Contact Amelia Cooper
 M +61 423 125 146
 acooper@gtlaw.com.au
 Our ref MJW:AZC:1058625



L 35, Tower Two, International Towers Sydney
 200 Barangaroo Avenue
 Barangaroo NSW 2000 AUS
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 T +61 2 9263 4000 F +61 2 9263 4111
 www.gtlaw.com.au

8 August 2025

By email: pdewar@dcc.com

Mr Paul Dewar
 Davies Collison Cave
 Level 4, 7 Macquarie Place
 SYDNEY NSW 2000

Dear Colleagues

Fortescue Limited & Ors v Element Zero Pty Limited & Ors - Proceedings in the Federal Court of Australia (NDS527/2024)

We refer to your email dated 31 July 2025.

As indicated in our letter of 24 July 2025, our clients are prepared to produce further documents in response to the issues raised by your clients (without any admission that they are required to do so).

There is no basis to suggest that your clients require these further documents to prepare their evidence in support of the interlocutory application. Your clients have identified alleged deficiencies, and, where indicated in our letter of 24 July 2025, our clients are resolving certain of those alleged deficiencies by conducting further searches, reviewing and producing further documents. The contents of those documents do not bear on or relate to your clients' application.

Our clients will produce the additional documents once they have completed the searches and review that we have indicated they will undertake.

We expect your clients' evidence to be filed in a timely fashion, and we otherwise reserve all of our clients' rights.

Yours faithfully

Michael Williams
 Partner
 +61 2 9263 4271
 mwilliams@gtlaw.com.au

Rebecca Dunn
 Partner
 +61 2 9263 4625
 rdunn@gtlaw.com.au

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 COVER SHEET

This is **Annexure PAD-52** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

**Third Respondent's discovery in category 2A –
List of exfiltrated documents (not particularised in the FASOC) which contain
the Applicants' confidential information**

No.	Document ID	Document Title	Document Date
1.	BWJ.5000.0001.8632	Invention disclosure Fortescue Future Industries.docx	17/01/2021
2.	BWJ.5000.0002.0600	Report on FMG Testwork with Boston Metals MOE December 2020(CSM) jp (2).docx	15/02/2021
3.	BWJ.5000.0002.1938		03/03/2021
4.	BWJ.5000.0002.0626	Microsoft_Excel_____.xlsx	15/02/2021
5.	BWJ.5000.0002.0971	R&D lab layout.pptx	18/02/2021
6.	BWJ.5000.0002.1323	Electrochemical Iron deposition.pptx	22/02/2021
7.	BWJ.5000.0002.1606	Downstream Options V2.pptx	24/02/2021
8.	BWJ.5000.0002.1799	Magnetite concentrare composition.docx	25/02/2021
9.	BWJ.5000.0002.1870	Regarding Patenting of alkaline, solid-state reduction of iron ore.docx	26/02/2021
10.	BWJ.5000.0002.1871	Electrochemical Green Steel.docx	26/02/2021
11.	BWJ.5000.0002.1919	Rubbers.docx	02/03/2021
12.	BWJ.5000.0002.1926	Time line for Green Steel R&D.xlsx	02/03/2021
13.	BWJ.5000.0002.1937	Magnetite concentrare [sic] composition.docx	03/03/2021
14.	BWJ.5000.0002.1964	Microsoft_Excel_____.xlsx	03/03/2021
15.	BWJ.5000.0002.2646	Electrochemist Applicants 12March2021.pdf	16/03/2021
16.	BWJ.5000.0002.2824	Shopping list for FFI electrochemical research and development upstart.docx	17/03/2021
17.	BWJ.5000.0002.2850	Wish list for temp Echem lab.docx	17/03/2021
18.	BWJ.5000.0002.2855	Fortescue Metals Group_SOQ14555(FORMET)(PERTH SCIENTIFIC PTY LTD)(2021-03-18).pdf	18/03/2021
19.	BWJ.5000.0002.2958	Shopping list Chemicals.docx	19/03/2021
20.	BWJ.5000.0002.2997	Electrochemist Applicants 22March2021.pdf	22/03/2021
21.	BWJ.5000.0002.3243	DKSH - Fortescue Metals Group Ltd - GJBYQ1753.pdf	26/03/2021
22.	BWJ.5000.0002.3378	Lab furniture shopping list (MARC).docx	29/03/2021
23.	BWJ.5000.0002.3379	100 kg pilot plant.docx	29/03/2021

No.	Document ID	Document Title	Document Date
24.	BWJ.5000.0002.3547	Electrochemical ore reduction Figures and flow diagram.pptx	31/03/2021
25.	BWJ.5000.0002.3636	Electrochemist Applicants 5April2021.pdf	06/04/2021
26.	BWJ.5000.0002.3714	Quotation LabGear Bjorn WInther- Jensen_QU69002100.pdf	06/04/2021
27.	BWJ.5000.0002.3717	Quotation Helm (PTFE gear from Bohlender GmbH).doc	06/04/2021
28.	BWJ.5000.0002.3770	Dynapump P804699 Rev 1 Quotation.pdf	13/04/2021
29.	BWJ.5000.0002.3952	Short note on Green Cement.docx	21/04/2021
30.	BWJ.5000.0002.4635	Notes from Grinding meeting 23_4_21.docx	23/04/2021
31.	BWJ.5000.0002.4656	ALS Q23186 - Fortescue Metals Group - ChristmasCreek ISAMill- April2021.pdf	23/04/2021
32.	BWJ.5000.0002.4657	CLS-Q21.0056 - Fortescue Future Industries - New Building at Perth Airport - Laboratory Equipment.pdf	23/04/2021
33.	BWJ.5000.0002.4676	Airport facility layout 9_4_21.pdf	23/04/2021
34.	BWJ.5000.0002.4686	BWJ Copy of Book3 end April 21.xlsx	29/04/2021
35.	BWJ.5000.0002.4843	35557986AU- Specification_Draft_3May (35557986) BWJ1.docx	06/05/2021
36.	BWJ.5000.0002.4861	35557986AU- Specification_Draft_3May (35557986) BWJ2.docx	06/05/2021
37.	BWJ.5000.0002.4881	Ore composition after drying.xlsx	07/05/2021
38.	BWJ.5000.0002.4884	Scientific Partners chem 070521 VA- P_man_Rev06-2013_UK_uk_.pdf	07/05/2021
39.	BWJ.5000.0002.5275	Lab needs.docx	14/05/2021
40.	BWJ.5000.0002.5276	Copy of N9432XD20 - XRD Report - BVMUT FMG.xlsx	14/05/2021
41.	BWJ.5000.0002.5424	Copy of NJ1728-MA Data Analysis 20210517 TV.xlsx	17/05/2021
42.	BWJ.5000.0002.5431	Flow chart for iron ore powder 1.pptx	18/05/2021
43.	BWJ.5000.0002.5435	Membrane pocket.pptx	19/05/2021
44.	BWJ.5000.0002.5436	Iron ore reduction in flow reactor - parameters.docx	19/05/2021
45.	BWJ.5000.0002.5467	ATA Particle size Mastersizer 3000E MATAQ9282 - Fortescue MS3000E.pdf	24/05/2021

No.	Document ID	Document Title	Document Date
46.	BWJ.5000.0002.5470	Malvern P Q-57884-1 FMG Epsilon 4 15W (002).pdf	24/05/2021
47.	BWJ.5000.0002.5486	Across Int. Oven QTQ20210214 FFI.pdf	24/05/2021
48.	BWJ.5000.0002.5488	TechSpan Ultrasonic cleaner Quote QX0352.pdf	24/05/2021
49.	BWJ.5000.0002.5489	Scientific Partners Airport Quotation 00002342.pdf	24/05/2021
50.	BWJ.5000.0002.5490	Scientific Partners Belmont Quote 00002343.pdf	24/05/2021
51.	BWJ.5000.0002.5491	35557986AU-Specification_Draft_21May_Clean (35557986).docx	24/05/2021
52.	BWJ.5000.0002.5567	XRD instrument from Malvern Manalytical Q-58559-1 FMG Fortescue Future Industries Aeris XRD.pdf	27/05/2021
53.	BWJ.5000.0002.5584	Copy of Tech POs +BWJ.xlsx	30/05/2021
54.	BWJ.5000.0002.5693	A22314 - ISAMill SigPlot Report Final.pdf	03/06/2021
55.	BWJ.5000.0002.5709	20210604_094250.jpg	04/06/2021
56.	BWJ.5000.0002.5738	PP EC cell.pptx	04/06/2021
57.	BWJ.5000.0002.5739	PP 220A Power supply .pptx	04/06/2021
58.	BWJ.5000.0002.5868	Bureau Veritas Copy of FMG Pricing Table - BVM July 2020.xlsx	08/06/2021
59.	BWJ.5000.0002.5875	Patent Candidate Management listing.xlsx	08/06/2021
60.	BWJ.5000.0002.5894	Red Brick.xlsx	09/06/2021
61.	BWJ.5000.0002.5898	Patent Candidate Management listing +.xlsx	10/06/2021
62.	BWJ.5000.0002.5904	20210611_090750.jpg	11/06/2021
63.	BWJ.5000.0002.5907	EC cell parts.pptx	11/06/2021
64.	BWJ.5000.0002.5910	Surface area calculator.xlsx	13/06/2021
65.	BWJ.5000.0002.5915	Pocket with B-HDPE +CA blank_01_CV_C05_10.txt	14/06/2021
66.	BWJ.5000.0002.5932	Pocket with B-HDPE +CA 20% 8um_01_CV_C05_9.txt	14/06/2021
67.	BWJ.5000.0002.5949	Pocket with B-HDPE +CA 10% 8um_01_CV_C05_30.txt	14/06/2021
68.	BWJ.5000.0002.5966	Pocket with B-HDPE +CA 30% 8um_01_CV_C05_9.txt	14/06/2021

No.	Document ID	Document Title	Document Date
69.	BWJ.5000.0002.5983	Pocket with B-HDPE +CA 20% 20um_01_CV_C05_11.txt	14/06/2021
70.	BWJ.5000.0002.6000	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_3.txt	14/06/2021
71.	BWJ.5000.0002.6017	Pocket with B-HDPE +CA 30% 20um_01_CV_C05_11.txt	14/06/2021
72.	BWJ.5000.0002.6034	Pocket with B-HDPE +CA 10% 20um_01_CV_C05_21.txt	14/06/2021
73.	BWJ.5000.0002.6051	Pocket with B-HDPE +CA 40% 20um_01_CV_C05_31.txt	14/06/2021
74.	BWJ.5000.0002.6068	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_5.txt	14/06/2021
75.	BWJ.5000.0002.6085	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_7.txt	14/06/2021
76.	BWJ.5000.0002.6102	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_11.txt	14/06/2021
77.	BWJ.5000.0002.6119	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_13.txt	14/06/2021
78.	BWJ.5000.0002.6136	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_9.txt	14/06/2021
79.	BWJ.5000.0002.6153	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_15.txt	14/06/2021
80.	BWJ.5000.0002.6170	Pocket with B-HDPE 40% 20um var speed 700-0 rpm_C05_21.txt	14/06/2021
81.	BWJ.5000.0002.6187	Pocket with B-HDPE 40% 20um var temp 90-110C_C05_4.txt	14/06/2021
82.	BWJ.5000.0002.6204	Pocket with B-HDPE 40% 20um var temp 90-110C_C05_17.txt	14/06/2021
83.	BWJ.5000.0002.6221	Pocket with B-HDPE 40% 20um var temp 90-110C_C05_33.txt	14/06/2021
84.	BWJ.5000.0002.6238	Pocket with B-HDPE 40% 20um var temp 90-110C_C05_38.txt	14/06/2021
85.	BWJ.5000.0002.6255	Pocket with B-HDPE 40% 20um var temp 90-110C_C05_28.txt	14/06/2021
86.	BWJ.5000.0002.6272	Pocket with B-HDPE 40% 20um var temp 90-110C_C05_43.txt	14/06/2021
87.	BWJ.5000.0002.6293	Copy of A22314 - SigPlot Report Final.xlsx	15/06/2021
88.	BWJ.5000.0002.6294	Initial ore reduction testing.pptx	15/06/2021
89.	BWJ.5000.0002.6301	Fittings for EC cell setup.docx	16/06/2021
90.	BWJ.5000.0002.6302	8 or 20 um temp - conc - rpm.xlsx	20/06/2021
91.	BWJ.5000.0002.6303	green iron quick intro.pptx	20/06/2021

No.	Document ID	Document Title	Document Date
92.	BWJ.5000.0002.6311	Copy of NJ1728-MA Data Analysis 20210517 TV.xlsx	20/06/2021
93.	BWJ.5000.0002.6376	Electrochemistry Results 06-21.pptx	30/06/2021
94.	BWJ.5000.0002.6391	Carbon electrodes.docx	01/07/2021
95.	BWJ.5000.0002.6395	Carbon-carbon composite electrodes 2906-21.pptx	01/07/2021
96.	BWJ.5000.0002.6419	Green Iron Intro (Rough).pdf	04/07/2021
97.	BWJ.5000.0002.6424	green iron intro for 23-06-21.pptx	04/07/2021
98.	BWJ.5000.0002.6448	Flow cell ore reduction.xlsx	07/07/2021
99.	BWJ.5000.0002.6637	Green_Steel_PFD_Example_Overview BWJ 16-07-21.pdf	16/07/2021
100.	BWJ.5000.0002.6647	cell issues 0907-21.docx	16/07/2021
101.	BWJ.5000.0002.6659	SEM update July20-21.pptx	22/07/2021
102.	BWJ.5000.0002.6733	210730_FMG Green Steel_Ore Leach_Rob.xlsx	30/07/2021
103.	BWJ.5000.0002.7666	Senior Chemical Engineer applicants aug21.pdf	17/08/2021
104.	BWJ.5000.0002.7926	Electrochemical Green Iron flow cell schematic .pptx	20/08/2021
105.	BWJ.5000.0002.7947	ID Form FFI BWJ-RK 22-08-21 continous [sic] cathode.docx	23/08/2021
106.	BWJ.5000.0002.8088	Chlor-Alkali Chemical Engineers.pdf	31/08/2021
107.	BWJ.5000.0002.8144	Continous [sic] iron deposition on moving cathode.pptx	31/08/2021
108.	BWJ.5000.0002.8208	Space usage and requierements [sic] - V2.docx	02/09/2021
109.	BWJ.5000.0002.8232	Electrochemical Green Iron flow cell schematic .pptx	09/09/2021
110.	BWJ.5000.0002.8252	Copy of Leaching samples_EDX bwj.xlsx	09/09/2021
111.	BWJ.5000.0002.8269	245 BALCATT RD - SITE LAYOUT_rA_FOR REVIEW.pdf	13/09/2021
112.	BWJ.5000.0002.8270	Green Iron Update (10.09.2021) v1.pdf	13/09/2021
113.	BWJ.5000.0002.8278	210830_IP disclosure_Green cementbricks_caustic soda purification via crystallisation of zeolites_NTH.docx	13/09/2021
114.	BWJ.5000.0002.8284		13/09/2021
115.	BWJ.5000.0002.8290	210830_IP disclosure_Green cementbricks_Reuse of waste caustic soda stream_NTH.docx	13/09/2021
116.	BWJ.5000.0002.8296	Fume hoods and arms.docx	15/09/2021

No.	Document ID	Document Title	Document Date
117.	BWJ.5000.0002.8302	Invention disclosure [sic] - Leaching to obtain high purity iron ore.docx	16/09/2021
118.	BWJ.5000.0002.8311	Invention disclosure - Leaching to obtain high purity iron ore (BK).docx	20/09/2021
119.	BWJ.5000.0002.8316	210914_IP disclosure_Utilisation of caustic waste from iron ore leaching_ASH_R1.docx	20/09/2021
120.	BWJ.5000.0002.8326	Leaching calculator.xlsx	20/09/2021
121.	BWJ.5000.0002.8331	210914_IP disclosure_Utilisation of caustic waste from iron ore leaching_ASH_R2.docx	21/09/2021
122.	BWJ.5000.0002.8345	245 BALCATT RD - SITE LAYOUT_rA_FOR REVIEW - CP PH Markup 170921.pdf	22/09/2021
123.	BWJ.5000.0002.8346	Nikki - possible methods.xlsx	22/09/2021
124.	BWJ.5000.0002.8347	Beneficiaiton [sic] workshop.pptx	22/09/2021
125.	BWJ.5000.0002.8359	Lab needs 22-09-2021.docx	22/09/2021
126.	BWJ.5000.0002.8362	Tasks BWJ 16-09-21.docx	27/09/2021
127.	BWJ.5000.0002.8401	Comments to 245 Balcatta Rd layout 04-10-21.docx	04/10/2021
128.	BWJ.5000.0002.8402	Industry Open Commitment Report - Sep 21 (002).xlsx	05/10/2021
129.	BWJ.5000.0002.8430	Draft Green Iron Plant calculator.xlsx	06/10/2021
130.	BWJ.5000.0002.8431	ID1000 A GA PLAN - DN Review 07-10.pdf	07/10/2021
131.	BWJ.5000.0002.8436	Space usage and requirements [sic] - V2 11-10-21.docx	11/10/2021
132.	BWJ.5000.0002.8440	Lab layout 28-09-2021 Final.pptx	13/10/2021
133.	BWJ.5000.0002.8447	Cathode material Invention disclosure Aug 21.docx	14/10/2021
134.	BWJ.5000.0002.8478	FFI0302-10000-00-EG-BOD-0001_A (003) +BWJ.docx	18/10/2021
135.	BWJ.5000.0002.8516	Deliverables .docx	18/10/2021
136.	BWJ.5000.0002.8519	Deliverables_ (002).docx	19/10/2021
137.	BWJ.5000.0002.8525	Copy of Recruitment forecast +BWJ.xlsx	21/10/2021
138.	BWJ.5000.0002.8526	Leaching testing in 2 litre PTFE reactors.docx	22/10/2021
139.	BWJ.5000.0003.4272	Technology Base May 22.pdf	21/05/2022
140.	BWJ.5000.0003.4278		21/05/2022

No.	Document ID	Document Title	Document Date
141.	BWJ.5000.0003.4526	Technology Base May 22.pptx	26/05/2022
142.	BWJ.5000.0003.4536	Tech base May22.pdf	26/05/2022
143.	BWJ.5000.0003.5099	Technology Base May 22.pptx	14/06/2022
144.	BWJ.5000.0003.5109	First Q June 22.pdf	14/06/2022
145.	BWJ.5000.0003.5118		14/06/2022
146.	BWJ.5000.0003.5281	Technology Base June 22.pptx	04/07/2022
147.	BWJ.5000.0003.5741	Technology Base Juli 22.pptx	25/07/2022
148.	BWJ.5000.0003.5751	Tech base July 22.pdf	25/07/2022
149.	BWJ.5000.0003.8422	Tech base July 22.pdf	24/08/2022
150.	BWJ.5003.0001.0183	902107c5de5047cd0cd6b3437c6c123759b7fddf.jpeg	23/10/2024
151.	BWJ.5003.0001.0188	3136d45b79c3271d58c9df0ba95814f78fe97404.jpeg	23/10/2024

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 COVER SHEET

This is **Annexure PAD-53** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

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 Kolodziejczyk**
Address: Unit 1/19 Oxleigh Drive, Malaga WA 6090
Occupation: Chief Technology Officer
Date: 19 June 2024

Contents

Document number	Details	Paragraph	Page
1	First affidavit of Bartłomiej Piotr Kolodziejczyk sworn 19 June 2024	2 - 79	2- 14
2	" Exhibit BPK-1 ", being a bundle of documents	8	3
3	" Confidential Exhibit BPK-2 ", being a confidential bundle of documents	8	3

Filed on behalf of (name & role of party) The First, Second and Fourth Respondents
Prepared by (name of person/lawyer) Michael John Williams, Partner
Law firm (if applicable) Gilbert + Tobin
Tel (02) 9263 4271 Fax (02) 9263 4111
Email mwilliams@gtlaw.com.au
Address for service Level 35, International Tower Two
(include state and postcode) 200 Barangaroo Avenue, Barangaroo NSW 2000




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."

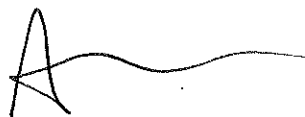
45. On 25 October 2021, I became aware that access to my Fortescue account had been cut off, which meant that I could no longer access Fortescue's system or access Fortescue documents to carry out tasks I had been asked to complete remotely, in particular working on invention disclosures for Fortescue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

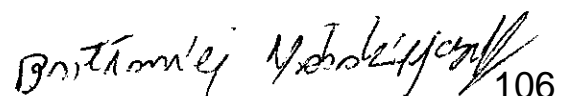
56. I have set out more details of the communications with Mr Roper on page 2 of **Confidential Exhibit BPK-2**.

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

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 COVER SHEET

This is **Annexure PAD-54** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 



Form 59
Rule 29.02(1)

Affidavit

Federal Court of Australia

No. NSD 527 of 2024

District Registry: New South Wales

Division: General

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule

Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule

Respondents

Affidavit of: **Bjorn Winther-Jensen**

Address: Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia, 6019

Occupation: Engineer and Scientist

Date: 8 July 2024

Contents

Document number	Details	Paragraph	Page
1.	Affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024		1 – 14
2.	Annexure BWJ-1 being a copy of an email from Rachelle Doyle to Bjorn Winther-Jensen at 6:04pm on 11 November 2021	23(a)	15 – 16

Filed on behalf of (name & role of party)

Third Respondent, Bjorn Winther-Jensen

Prepared by (name of person/lawyer)

Michael Geoffrey Hales

Law firm (if applicable) MinterEllison

Tel (08) 6189 7800

Fax

Email perthbusinessservices@minterellison.com; Mike.Hales@minterellison.com;

Daniella.Lambert@minterellison.com; Lachlan.McLean@minterellison.com

Address for service

MinterEllison, Level 9, One the Esplanade, PERTH WA 6000

(include state and postcode)

[Version 3 form approved 02/05/2019]

Document number	Details	Paragraph	Page
3.	Annexure BWJ-2 being a copy of an email from Mr Winther-Jensen to Michaela Johnstone at 10:10pm on 11 November 2021.	24	17 – 18
4.	Annexure BWJ-3 being a copy of an email chain between Mr Winther-Jensen and Julie Shuttleworth on 11 and 12 November 2021	26	19 – 20

I, Bjorn Winther-Jensen, Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia, 6019, Engineer and Scientist, sincerely declare and affirm that:

1. I am the Third Respondent in these proceedings.
2. I affirm this affidavit from my own knowledge, except where otherwise indicated. Where I depose to matters based on information and belief, I believe these matters to be true and I set out the source of that information or belief.
3. On 14 May 2024, the Applicants obtained search orders against the First to Fourth Respondents (**Search Orders**).
4. I affirm this affidavit in support of the First, Second and Fourth Respondents' interlocutory application dated 21 June 2024, which seeks to set aside or vary the Search Orders (**Set Aside Application**).
5. In preparing this affidavit, I have reviewed affidavits filed by the First, Second and Fourth Respondents in support of the Set Aside Application and the affidavits relied upon by the Applicants in obtaining the Search Orders. In particular, I have reviewed:
 - (a) the affidavit of Dr Bartłomiej Piotr Kolodziejczyk sworn 19 June 2024, in support of the Set Aside Application;
 - (b) the affidavit of Dr Anand Indravadan Bhatt affirmed 1 May 2024; and
 - (c) the affidavit of Wayne McFaull affirmed 1 May 2024.
6. In this affidavit, I respond to certain statements in those affidavits. However, to the extent that I do not refer to other statements in those affidavits, I do not intend to be taken to agree with them.
7. I do not waive my legal professional privilege or client privilege in respect of any matter in this affidavit.




No. NSD527 of 2024

Federal Court of Australia
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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

ANNEXURE COVER SHEET

This is **Annexure PAD-55** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 



VIQ SOLUTIONS

T: 1800 287 274

E: clientservices@viqsolutions.com

W: www.viqsolutions.com.au

Ordered by: Ian Pascarl

For: Davies Collison Cave Law (VIC)

Email: khuang@dcc.com

TRANSCRIPT OF PROCEEDINGS

O/N H-1952808

FEDERAL COURT OF AUSTRALIA

NEW SOUTH WALES REGISTRY

MARKOVIC J

No. NSD 527 of 2024

FORTESCUE LIMITED and OTHERS

and

ELEMENT ZERO PTY LIMITED and OTHERS

SYDNEY

10.16 AM, MONDAY, 19 AUGUST 2024

MR J.S. COOKE SC appears with MR D.B. LARISH, MR W.H. WU and MS S.K. YATES for the applicants

MR D. STUDDY SC appears with MR C.D. McMENIMAN for the 1st, 2nd and 4th respondents

MS F. ST JOHN appears for the 3rd respondent

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if this is not helpful, but the documents before Perry J are found in the court book at tabs 57, 58, 59, 60 and 61, and the affidavits that were relied upon before her Honour, including the large number of exhibits, is tabs 64 to 184. The transcript of the two hearings before her Honour are behind tabs 62 and 63. The evidence on the
 5 set-aside application, for your Honour, is - - -

HER HONOUR: This is your client's evidence.

10 MR STUDDY: Sorry, your Honour?

HER HONOUR: This is the evidence that you rely on.

MR STUDDY: The evidence that we rely upon, your Honour, is behind tabs 7 to 12. 7 to 10 are affidavits – your Honour will see the first, second and third – sorry,
 15 the - - -

HER HONOUR: And fourth.

MR STUDDY: - - - affidavits behind 7, 8 and 9 are employees of Element Zero.
 20 Behind tab 10 is the affidavit of Mr Williams, and I also read on this application the affidavits behind tabs 11 and 12, the affidavit of Mr Hales, my learned friend, Ms St John's instructing solicitor and the affidavit behind tab 12 of the third respondent.

HER HONOUR: I think we need to deal with all of those now formally, and we
 25 also need to deal with the exhibits by affidavit, and I understand there is an application to be made in connection with the parts of the exhibit. Is that how you want to proceed, or do you want to proceed on Mr Cooke's suggestion that it all be subject to a 37AI order?

30 MR STUDDY: I think that's the way to go. Yes, your Honour.

HER HONOUR: Which one?

MR STUDDY: Yes.
 35

HER HONOUR: The latter, not the former.

MR STUDDY: As Mr Cooke, as I understand, has suggested, if that's suitable to your Honour.
 40

HER HONOUR: It is, but - - -

MR STUDDY: Yes, your Honour.

45 HER HONOUR: Well, when should I make that order until? Mr Cooke, there are no objections to any of those affidavits. Is that correct?

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 COVER SHEET

This is **Annexure PAD-56** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

working on one to be related or transferable to the other. From an equipment perspective, the Element Zero technology has significant similarities to traditional electrowinning equipment used (for example, in the copper and gold industry). It is not comparable to the flow-cell system used by Fortescue. Further, the assumption that Element Zero is using an initial water-based beneficiation/leaching step is incorrect.

My work for Element Zero

38. As stated above, when I resigned I did not intend to work again.
39. After I ceased work for Fortescue, I travelled to Denmark to be with my sister and then to Thailand to reunite with my wife and niece, which was a key factor in my resignation from FMGPS. I returned to Perth in early February 2022.
40. In March 2022 (after returning to Perth in early February) I started setting up electrochemical gear in my garage. This was driven by curiosity and to have a small retirement "project" exploring the footsteps of Humphry Davy's and Michael Faraday's work from 1807 on electrodeposition from molten hydroxides. I worked with nickel initially but then branched into iron in about July 2022. It was this work that eventually led to the creation of Element Zero.
41. I was a director of Element Zero from 7 December 2022 to 11 January 2024. I ended my employment with Element Zero in December 2023.
42. I remain a shareholder of Element Zero.
43. The work I did at FMGPS has no connection to the work that I did on the technology that was developed by Element Zero. The work I did at Element Zero was based on a long and established body of scientific literature that is unrelated to the methods I was working on at FMGPS.

Comparison between Fortescue and Element Zero technology

44. Between January to April 2021, while I was located in Thailand, my work was limited to literature based studies and considerations.
45. At paragraphs 79 to 84 of his affidavit, Dr Bhatt describes that I suggested a 'change in approach' to the work I was involved in. Since the SIDERWIN approach was being considered from the start, I do not agree that the correspondence Dr Bhatt describes in




No. NSD527 of 2024

Federal Court of Australia

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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

ANNEXURE COVER SHEET

This is **Annexure PAD-61** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

NOTICE OF FILING**Details of Filing**

Document Lodged:	List of Documents - Form 38 - Rule 20.17(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	29/04/2025 3:27:53 PM AEST
Date Accepted for Filing:	29/04/2025 3:27:58 PM AEST
File Number:	NSD527/2024
File Title:	FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

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 38
Rule 20.17(1)

List of documents

No. 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

Pursuant to the order for discovery made on 26 February 2025, the Second Respondent makes this list of documents and affidavit.

Affidavit

On 29 April 2025, I **Bartłomiej Piotr Kolodziejczyk** of Unit 1/19 Oxleigh Drive, Malaga WA 6090, Chief Technology Officer, say on oath:

1. I am the Second Respondent.
2. I have made reasonable enquiries as to the existence and location of the documents specified in the order.
3. To the best of my knowledge there are no documents specified in the order that are or have been in my control, other than the documents specified in this list of documents.
4. The documents set out in part 1 are in my control and I do not claim privilege from production for any of these documents.
5. The documents set out in part 2 are in my control but I claim privilege from production of each of these documents on the grounds set out in part 2.
6. The documents set out in part 3 have been but are no longer in my control. Details of when each document was last in my control and what became of it are set out in part 3.




Filed on behalf of (name & role of party)	The First, Second and Fourth Respondents		
Prepared by (name of person/lawyer)	Michael John Williams, Partner		
Law firm (if applicable)	Gilbert + Tobin		
Tel	(02) 9263 4271	Fax	(02) 9263 4111
Email	mwilliams@gtlaw.com.au		
Address for service	Level 35, International Tower Two		
(include state and postcode)	200 Barangaroo Avenue, Barangaroo NSW 2000		

)
)
)
)
)

Signed by deponent

Maak



Rebecca Mary Dunn
Partner of Michael John Williams, solicitor for
the Second Respondent

Part 1 - Documents in the control of Second Respondent

Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0001.0001.0606		Thank you for contributing to this new SAE EDGE Research Report	29/09/21 3:44	1; 3	
EZR.0001.0001.0607	EZR.0001.0001.0606	Muelaner_EPR2021021_Published09152021.pdf	29/09/21 3:44	1	
EZR.0001.0001.0002		10182-0000-PM-REP-0001 Green Metal SS Rev_A (1).pdf	17/04/23 12:59	11(a)	Yes
EZR.0001.0001.0003		10182-0000-PM-REP-0001 Green Metal SS Rev_A.pdf	12/04/23 23:17	11(a)	Yes
EZR.0001.0001.0004		10202-0000-ME-LAY-0001_A.pdf	6/09/23 21:22	11(a)	Yes
EZR.0001.0001.0005		10202-0000-PM-MEM-0002_Rev A Pilot Plant Description.pdf	11/09/23 11:58	11(a)	Yes
EZR.0001.0001.0008		10260-0000-PM-REP-0001_0 Class 4 Estimate Update.pdf	19/12/24 16:30	11(a)	Yes
EZR.0001.0001.0017		10260-0000-PR-PFD-0002_0.pdf	19/12/24 2:03	11(b)	Yes
EZR.0001.0001.0018		10260-1000-PDC-0001_0 Pilot Plant Process Design Criteria.pdf	18/12/24 23:50	11(a)	Yes
EZR.0001.0001.0019		10260-0000-GA-LAY-0001_0.pdf	19/12/24 2:22	11(b)	Yes
EZR.0001.0001.0020		10260-0000-GA-LAY-0002_0.pdf	19/12/24 2:23	11(a)	Yes
EZR.0001.0001.0021		10260-0000-GE-WBS-0001_0 WBS.pdf	18/12/24 19:44	11(a)	Yes
EZR.0001.0001.0022		10260-0000-PR-BFD-0001_0.pdf	19/12/24 1:59	11(b)	Yes
EZR.0001.0001.0023		10260-0000-PR-MB-0001_0 Pilot Plant Mass Balance.pdf	18/12/24 20:07	11(a)	Yes
EZR.0001.0001.0024		10260-0000-PR-PFD-0001_0.pdf	19/12/24 2:01	11(b)	Yes
EZR.0001.0001.0026		Green Metals Study Outcomes Presentation.pdf	22/03/23 19:58	11(a)	Yes
EZR.0001.0001.0027		H2 DRI vs EZI rev C.pdf	31/07/23 12:15	11(a)	Yes
EZR.0001.0001.0039		10202-0000-ME-LAY-0001_C.pdf	2/11/23 2:14	11(b)	Yes
EZR.0001.0001.0040		10202-0000-PM-MEM-0002_Rev_A Scope.docx	14/01/24 10:40	11(a)	Yes
EZR.0001.0001.0041		10202-0000-PR-BFD-0001_A.pdf	2/11/23 1:14	11(b)	Yes
EZR.0001.0001.0042		10202-0000-PR-BFD-0001_C.pdf	15/11/23 20:55	11(b)	Yes
EZR.0001.0001.0043		10202-0000-PR-BFD-0001_E.pdf	23/01/24 21:44	11(b)	Yes




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EZR.0001.0001.0045		10202-1510-P-ME-0040-DAT-0001 Rev A Rectifier.xlsx	3/11/23 18:49	11(a)	Yes
EZR.0001.0001.0046		10202-1900-PR-PFD-0001_A.pdf	19/12/23 2:49	11(b)	Yes
EZR.0001.0001.0047		111223_10202-TN-002_BK_v2.docx	12/12/23 7:16	11(f)	Yes
EZR.0001.0001.0048		1202-TN-004.docx	15/01/24 11:54	11(a)	Yes
EZR.0001.0001.0049	EZR.0001.0001.0048	Microsoft_Visio_Drawing.vsd	15/01/24 11:54	11(a)	Yes
EZR.0001.0001.0050		16012024 EPCM Schedule.pdf	16/01/24 18:57	11(a)	Yes
EZR.0001.0001.0051		180124_10202-TN-003 Rev1.docx	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0052	EZR.0001.0001.0051	Microsoft_Visio_Drawing.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0053	EZR.0001.0001.0051	Microsoft_Visio_Drawing1.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0054	EZR.0001.0001.0051	Microsoft_Visio_Drawing2.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0055	EZR.0001.0001.0051	Microsoft_Visio_Drawing3.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0056		B3302 001 A.pdf	17/02/24 11:24	11(a)	Yes
EZR.0001.0001.0064		Lab scale pump _ Moulten Caustic 28_11_23.pdf	28/11/23 15:40	11(a)	Yes
EZR.0001.0001.0068		NewPro Green Metals Pilot Plant 2a Capex ME 2024_RevF.pdf	1/02/24 12:39	11(a)	Yes
EZR.0001.0001.0069		Process Design Criteria Rev E.pdf	18/01/24 19:53	11(a)	Yes
EZR.0001.0001.0074		NewPro report 10182-0000-PM-REP-0001 Green Metal SS Rev_A.pdf	17/04/23 17:22	11(a)	Yes
EZR.0001.0001.0075		Pilbara Super Iron Hub Energy Consumption.xlsx	8/01/24 16:03	11(a)	Yes
EZR.0001.0001.0077		Testwork Process Review Rev B.docx	6/12/23 16:38	11(f)	Yes
EZR.0001.0001.0078		Water removal from iron ore.xlsx	3/01/24 15:40	11(f)	Yes
EZR.0001.0001.0079		doc01140220230809101813.pdf	17/02/25 10:52	11(a)	Yes
EZR.0001.0001.0081		10182-1000-MB-0001 Mass Balance Rev B Green Metals.pdf	23/03/23 0:02	11(a)	Yes
EZR.0001.0001.0082		Equipment List.pdf	23/03/23 1:03	11(a)	Yes
EZR.0001.0001.0085		Process Design Criteria Rev C.xlsx	22/03/23 23:54	11(a)	Yes
EZR.0001.0001.0086		WBS Rev A.pdf	23/03/23 1:05	11(a)	Yes
EZR.0001.0001.0089		Green Metals Proposal 2 spreadsheet sh 2.pdf	11/05/23 16:50	11(a)	Yes
EZR.0001.0001.0091		image001.png	17/02/25 10:52	11(a)	Yes
EZR.0001.0001.0094		1.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0095		10.jpg	17/02/25 10:54	11(a)	Yes

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EZR.0001.0001.0096		2.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0097		3.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0098		4.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0099		5.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0100		6.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0103		9.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0104		pilot plant description.pdf	4/09/23 17:35	11(a)	Yes
EZR.0001.0001.0105		1066097-S_report.pdf	15/02/24 17:20	11(f)	Yes
EZR.0001.0001.0106		1066097-W_report.pdf	15/02/24 17:20	11(f)	Yes
EZR.0001.0001.0111		2024-02-21 Lab meeting minutes.pdf	22/02/24 13:00	11(f)	Yes
EZR.0001.0001.0112		2024-02-21 Lab meeting minutes_V2.pdf	22/02/24 15:24	11(f)	Yes
EZR.0001.0001.0114		4863 Assay Analysis of Magnetite Sample.xlsx	28/02/24 10:11	11(f)	Yes
EZR.0001.0001.0115		Bjorn_s method of Electrodeposition_work plan.pdf	26/02/24 17:18	11(f)	Yes
EZR.0001.0001.0121		Deposited iron in HCl.mp4	17/02/25 10:24	11(f)	Yes
EZR.0001.0001.0122		EZ What we know and what we need to know +BWJ.docx	19/03/24 14:12	11(f)	Yes
EZR.0001.0001.0134		Ez Flow Sheet Parameters_BK_v01.xlsx	16/02/24 16:16	11(f)	Yes
EZR.0001.0001.0136		Hydroxide stoichiometrics v3.xlsx	18/01/24 17:05	11(f)	Yes
EZR.0001.0001.0137		Hydroxide stoichiometrics.xlsx	15/02/25 17:37	11(f)	Yes
EZR.0001.0001.0138		IMG-20240325-WA0008.jpg	17/02/25 10:21	11(f)	Yes
EZR.0001.0001.0139		LG3 Tip Assays.xlsx	13/02/24 20:27	11(f)	Yes
EZR.0001.0001.0140		1034203 - Element Zero Pty Ltd.pdf	17/01/24 12:59	11(f)	Yes
EZR.0001.0001.0141		1034203-A1 - Element Zero Pty Ltd.pdf	19/01/24 13:27	11(f)	Yes
EZR.0001.0001.0142		Quotation Q24_0039 - Element Zero.pdf	17/01/24 12:04	11(f)	Yes
EZR.0001.0001.0145		NewPro calculations.xlsx	12/12/23 12:11	11(f)	Yes
EZR.0001.0001.0146		Processing of BHP iron ore sample.docx	15/02/24 9:49	11(f)	Yes
EZR.0001.0001.0147		Recovery Calculations.xlsx	31/01/24 18:11	11(f)	Yes
EZR.0001.0001.0148		Nov - Dec 23 Monthly report_KW.pdf	24/12/23 16:42	11(f)	Yes
EZR.0001.0001.0195		Silicon deposit.jpg	17/02/25 10:23	11(f)	Yes
EZR.0001.0001.0196		Sodium hydroxide and sodium ferrite.docx	4/02/24 22:40	11(f)	Yes
EZR.0001.0001.0197		TMA01002 data 13_10.XLS.xlsx	15/10/23 17:59	11(a)	Yes
EZR.0001.0001.0198		2024-11-06 at 16.28.52_737f389d.mp4	17/02/25 10:25	11(f)	Yes
EZR.0001.0001.0199		20240717A_AW RioTinto Presentation.pptx	15/11/24 16:56	11(f)	Yes

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EZR.0001.0001.0201		20241029A_AW_Results.pdf	7/11/24 12:41	11(f)	Yes
EZR.0001.0001.0202		20241029A_AW_WorkPlan_BK.docx	13/11/24 3:23	11(f)	Yes
EZR.0001.0001.0203		20241029A_AW_WorkPlan_v0.4.docx	25/11/24 14:21	11(f)	Yes
EZR.0001.0001.0210		20240226_121633.jpg	17/02/25 10:33	11(f)	Yes
EZR.0001.0001.0211		20240226_125233.jpg	17/02/25 10:33	11(f)	Yes
EZR.0001.0001.0212		20240226_144942.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0213		20240223_100607.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0214		20240227_122405.mp4	17/02/25 10:35	11(f)	Yes
EZR.0001.0001.0216		20240227_123501.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0217		20240227_123737.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0218		20240227_124452.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0219		20240227_124509.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0220		20240227_133221.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0221		20240228_095306.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0222		IMG-20240226-WA0010.jpeg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0269		Stokes law calculator_v02.docx	7/03/24 15:30	11(f)	Yes
EZR.0001.0001.0270		Stokes law calculator_v02.xlsx	7/03/24 15:35	11(f)	Yes
EZR.0001.0001.0283		225 Leach _ 150 kg Leach Prep 20_3_24.pdf	20/03/24 18:50	11(f)	Yes
EZR.0001.0001.0284		24 Hr leach completed Wed-Wed finishing 24_1_24.pdf	24/01/24 18:51	11(f)	Yes
EZR.0001.0001.0285		24_1_24_ Ongoing 225aa.pdf	24/01/24 11:14	11(f)	Yes
EZR.0001.0001.0286		Commissioning pathway for EW1000 – Workshop scale EW cell "Trial Plant Scale" 6_3_23.pdf	6/03/24 18:51	11(a)	Yes
EZR.0001.0001.0287		Commissioning pathway for EW1000 – Workshop scale EW cell "Trial Plant Scale" 7_3_23.docx	7/03/24 13:16	11(a)	Yes
EZR.0001.0001.0288		DJA HAZID Feedback on actions etc 23_2_24.pdf	23/02/24 16:24	11(a)	Yes
EZR.0001.0001.0292		Duplicated kiln request 19_1_24.docx	19/01/24 16:18	11(a); 11(f)	Yes
EZR.0001.0001.0293		EW1000 Progressive build 6_12_21a.pdf	6/12/23 16:59	11(a)	Yes
EZR.0001.0001.0294		EW1000 _ Ongoing Stage 1 commissioning _ 18_19_3_24.pdf	19/03/24 18:53	11(f)	Yes

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EZR.0001.0001.0295		EW1000 _ approaching completion of Stage 1 27_3_24.pdf	27/03/24 15:44	11(a)	Yes
EZR.0001.0001.0296		EW1000 after 350 deg trial 4_12_23.pdf	4/12/23 13:00	11(f)	Yes
EZR.0001.0001.0297		EW1000 ongoing Stage 1 Commissioning 13_3_24.pdf	13/03/24 17:51	11(a)	Yes
EZR.0001.0001.0299		Insulated Slat – EW1000 11_12_23.pdf	11/12/23 18:23	11(a)	Yes
EZR.0001.0001.0300		L225 22_1_24 dry eutectic Mondaya.pdf	22/01/24 11:46	11(f)	Yes
EZR.0001.0001.0301		L225 8 day data trends final 25_1_24.XLS.xlsx	25/01/24 17:44	11(f)	Yes
EZR.0001.0001.0302		L225 8 day data trends final Updated plot on Mins 31_1_24.xlsx	31/01/24 11:55	11(f)	Yes
EZR.0001.0001.0304		L225 Haematite 350 deg MACF leach event 27_3_24.pdf	27/03/24 13:35	11(f)	Yes
EZR.0001.0001.0305		L225 January Trials 08_15 Thursday 18_1_24.pdf	18/01/24 12:03	11(f)	Yes
EZR.0001.0001.0306		L225 Photoblog 200kg _Magnetite 25_3_24.pdf	26/03/24 12:23	11(f)	Yes
EZR.0001.0001.0307		Leaching Haemetite and harvesting 28_3_24.pdf	28/03/24 17:47	11(f)	Yes
EZR.0001.0001.0308		Lifting frame certifying 400kg WLL 14_12_23.pdf	14/12/23 18:46	11(a)	Yes
EZR.0001.0001.0309		Low cost temperature controllers review _7_3_24.pdf	7/03/24 17:17	11(a)	Yes
EZR.0001.0001.0310		Mag Separator tripping breaker 26_3_24.pdf	26/03/24 13:42	11(a)	Yes
EZR.0001.0001.0311		Moving moving hydroxides 8_3_24.pdf	8/03/24 16:47	11(a)	Yes
EZR.0001.0001.0312		Ongoing EW1000 Stage 1 commissioning 20_3_24.pdf	20/03/24 18:37	11(f)	Yes
EZR.0001.0001.0313		Paddle A 60.pdf	14/03/24 12:55	11(a)	Yes
EZR.0001.0001.0314		Paddle C 30.pdf	14/03/24 12:50	11(a)	Yes
EZR.0001.0001.0315		Pre checks L225 15_1_24.pdf	15/01/24 18:56	11(f)	Yes
EZR.0001.0001.0316		Rectifier delivery 22_3_24 Oxleigh unit #7.pdf	22/03/24 11:23	11(a)	Yes
EZR.0001.0001.0317		Test Work Plan – Element Zero – 100 kg_ Day Leach and EW 11_1_23.pdf	12/01/24 11:38	11(f)	Yes

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EZR.0001.0001.0318		Test of Rods leach kiln EZ elements 31_1_24.pdf	31/01/24 18:29	11(a); 11(f)	Yes
EZR.0001.0001.0319		Thermal view of EW1000 at 250 Deg C 15_2_24.pdf	15/02/24 18:37	11(a)	Yes
EZR.0001.0001.0320		Thermal view of EW1000 whilst at 250 deg C _ Front electrode pack installed 14_3_24.pdf	14/03/24 12:31	11(a)	Yes
EZR.0001.0001.0321		Typical Copper gold electrowinning cells 21_2_24.pdf	21/02/24 13:12	11(a)	Yes
EZR.0001.0001.0322		Vent Box EW1000 11_12_23.pdf	11/12/23 18:31	11(a)	Yes
EZR.0001.0001.0323		Workshop _ additional items 21_2_24.xlsx	21/02/24 14:26	11(a)	Yes
EZR.0001.0001.0325		summary of some of the planned activities on EW1000 19_2_24.docx	19/02/24 17:11	11(f)	Yes
EZR.0001.0001.0327		Magnetic Separation Testwork T3495 - Element Zero Pty Ltd 20241031.xlsx	31/10/24 20:21	11(f)	Yes
EZR.0001.0001.0328		20_ Mass Balance Rev D.xls	6/09/24 17:59	11(f)	Yes
EZR.0001.0001.0330		1-11-23 Leaching Tank Top, Bottom V1.pdf	8/07/24 18:43	11(f)	Yes
EZR.0001.0001.0331		20240408A_KW Report.pdf	18/06/24 12:26	11(f)	Yes
EZR.0001.0001.0333		20240927 KW_BHP -45um Fe ore dissolution in eutectic melt.pdf	5/12/24 19:43	11(f)	Yes
EZR.0001.0001.0334		20240927 KW_BHP -45um Fe ore dissolution in eutectic melt.pptx	18/11/24 19:02	11(f)	Yes
EZR.0001.0001.0335		20240927 KW_BHP lump dissolution in eutectic melt.pdf	21/01/25 18:24	11(f)	Yes
EZR.0001.0001.0336		20240927 KW_Whyalla Hem lump dissolution in eutectic melt.pdf	21/01/25 18:23	11(f)	Yes
EZR.0001.0001.0337		20240927 KW_Whyalla Hem lump dissolution in eutectic melt.pptx	18/11/24 19:01	11(f)	Yes
EZR.0001.0001.0338		20241029A_AW_Update_20241204.pdf	5/12/24 13:24	11(f)	Yes
EZR.0001.0001.0339		20241029B_KW Report DRAFT 20241204.pdf	5/12/24 19:22	11(f)	Yes
EZR.0001.0001.0340		20241029B_KW Report.pdf	7/01/25 14:55	11(f)	Yes
EZR.0001.0001.0341		20241029B_KW Report_Appendix.pdf	6/01/25 16:19	11(f)	Yes
EZR.0001.0001.0342		20241029B_KW takeaways.pdf	8/01/25 14:06	11(f)	Yes
EZR.0001.0001.0343		20241204_PM Presentation.pdf	5/12/24 19:21	11(f)	Yes

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EZR.0001.0001.0344		20241209A_KW_WorkPlan.docx	11/12/24 12:21	11(f)	Yes
EZR.0001.0001.0345		20241216A_KW_Fe ore chemical conversion and dissolution.pdf	14/01/25 18:48	11(f)	Yes
EZR.0001.0001.0346		20250124A_KW_WorkPlan.docx	23/01/25 12:25	11(f)	Yes
EZR.0001.0001.0348		Research Meeting 2024-08-19.pptx	19/08/24 16:01	11(f)	Yes
EZR.0001.0001.0350		TGA for EZ.pptx	31/10/24 20:30	11(f)	Yes
EZR.0001.0001.0351		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 1.jpg	17/02/25 10:48	11(f)	Yes
EZR.0001.0001.0352		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 2.jpg	17/02/25 10:47	11(f)	Yes
EZR.0001.0001.0353		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 3.jpg	17/02/25 10:47	11(f)	Yes
EZR.0001.0001.0354		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 4 (1).jpg	17/02/25 10:46	11(f)	Yes
EZR.0001.0001.0355		BHP #3 Iron Ore Caustic Roasting Test Plan.pdf	7/03/24 13:17	11(f)	Yes
EZR.0001.0001.0356		BHP #3 Iron Ore Roasted 800 Deg C Test Plan.pdf	19/03/24 19:49	11(f)	Yes
EZR.0001.0001.0357		BHP #3 Iron Ore Roasted 970 Deg C 1.5 V Test Plan.pdf	17/04/24 16:52	11(f)	Yes
EZR.0001.0001.0358		BHP #3 Roasted - Electrode After 72.0 Hours (21 + 22.5 + 72 + 24 Total) No 1.jpg	17/02/25 10:47	11(f)	Yes
EZR.0001.0001.0360		BHP #3 Roasted - Electrode After 72.0 Hours (21 + 22.5 + 72 + 24 Total) No 3.jpg	17/02/25 10:46	11(f)	Yes
EZR.0001.0001.0371		MgO Buttons & Crucible Corrosion Test 360 Deg C Test.docx	14/06/24 12:06	11(f)	Yes
EZR.0001.0001.0372		MgO Buttons & Crucible Corrosion Test 360 Deg C Test.pdf	25/07/24 13:39	11(f)	Yes
EZR.0001.0001.0373		MgO Coupons Corrosion Test 360 Deg C Test Plan.docx	27/03/24 18:31	11(f)	Yes
EZR.0001.0001.0374		Molten Sodium Hydroxide Tests.xlsx	16/02/24 20:03	11(f)	Yes
EZR.0001.0001.0376		Progress Report Molten NaOH Tests 14-15 Feb 2024.docx	16/02/24 20:00	11(f)	Yes
EZR.0001.0001.0388		Report Molten NaOH Test 3 - Roasted Leach Only.docx	13/03/24 20:01	11(f)	Yes

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EZR.0001.0001.0389		Report Molten NaOH Test 6 - Roasted 970 Deg C 1.5 V.pdf	6/05/24 14:39	11(f)	Yes
EZR.0001.0001.0390		Report Molten NaOH Tests 1 & 2 - Dried and Roasted Iron Ore.docx	26/03/24 15:34	11(f)	Yes
EZR.0001.0001.0418		2306 OWJ EZ lab report for Jun 23.pdf	6/11/23 16:05	11(f)	Yes
EZR.0001.0001.0419		2307 OWJ EZ lab report for Jul 23.pdf	6/11/23 16:04	11(f)	Yes
EZR.0001.0001.0420		2308 OWJ EZ lab report for Aug 23.pdf	6/11/23 16:04	11(f)	Yes
EZR.0001.0001.0421		2309 OWJ EZ lab report for Sep 23.pdf	6/11/23 16:03	11(f)	Yes
EZR.0001.0001.0422		2310 OWJ EZ lab report for Oct 23.pdf	6/11/23 16:03	11(f)	Yes
EZR.0001.0001.0423		2311-12 OWJ EZ lab report for Nov-Dec 23.pdf	14/12/23 18:48	11(f)	Yes
EZR.0001.0001.0424		5 Kg Leach Tank Test 1 Report.docx	9/05/24 11:45	11(f)	Yes
EZR.0001.0001.0425		5 Kg Leach Tank Test 2 Report.docx	9/05/24 14:49	11(f)	Yes
EZR.0001.0001.0426		Iron deposit washing investigation - work plan.docx	13/05/24 17:07	11(f)	Yes
EZR.0001.0001.0427		Leaching Brainstorming Session.docx	9/04/24 15:51	11(f)	Yes
EZR.0001.0001.0431		4863-Test 10002 Magnetite For Sizing (de-mag).pdf	29/01/24 15:20	11(f)	Yes
EZR.0001.0001.0432		Attachments.pdf	31/05/24 12:39	11(a)	Yes
EZR.0001.0001.0433		Leach Test Report 10002.docx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0434	EZR.0001.0001.0433	Microsoft Excel Worksheet.xlsx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0435	EZR.0001.0001.0433	Microsoft Excel Worksheet1.xlsx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0436	EZR.0001.0001.0433	Microsoft Excel Worksheet2.xlsx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0437		Trial Plant Proposal.docx	31/05/24 15:46	11(a)	Yes
EZR.0001.0001.0438		Trial Plant Work Plan 1.docx	30/05/24 11:23	11(f)	Yes
EZR.0001.0001.0439		Using citric acid to wash the iron deposits.docx	7/06/24 14:57	11(f)	Yes
EZR.0001.0001.0440		What we know.docx	25/01/24 13:47	11(f)	Yes
EZR.0001.0001.0441		Work Plan - Magnetite Leaching Trial Plant.docx	20/03/24 18:53	11(f)	Yes
EZR.0001.0001.0442		Workshop activities 16_11_23.xlsx	17/11/23 14:40	11(a); 11(f)	Yes
EZR.0001.0001.0464		Examples of deposition from 22-23.pdf	17/02/24 13:54	11(f)	Yes
EZR.0001.0001.0465		Processing of GFG iron ore sample.docx	3/04/24 19:06	11(f)	Yes




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EZR.0001.0001.0489		Iron flow battery - prior art and novelty of current invention	5/11/21 12:32	3; 2A(b)	
EZR.0001.0001.0490	EZR.0001.0001.0489	Iron Flow Battery.docx	5/11/21 12:32	2A(b)	
EZR.0003.0003.0041	EZR.0003.0003.0040	EMZ001 Overview - August 23.pptx	8/08/23 0:32	11(d)	Yes
EZR.0003.0003.0042		FW: Most up to date deck for Playground meeting	8/08/23 0:34	11(d)	Yes
EZR.0003.0003.0043	EZR.0003.0003.0042	EMZ001 Overview - August 23.pptx	8/08/23 0:34	11(d)	Yes
EZR.0003.0003.0044		Fwd: ARENA application (as submitted)	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0045	EZR.0003.0003.0044	BK006_v2_00 - Research Commercialisation Plan.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0046	EZR.0003.0003.0044	BK006_v2_00 - Project Support Letter, CVs of Key Personnel, Response to EOI Feedback, Pilot Site Evaluation.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0047	EZR.0003.0003.0044	BK006_v2_00 - Confirmation of Compliance with Funding Agreement.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0048	EZR.0003.0003.0044	BK006_v2_00 - Project Plan.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0049	EZR.0003.0003.0044	BK006_v2_00 - Risk Management Plan.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0050	EZR.0003.0003.0044	BK006_v2_00 - Project Timeline.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0051	EZR.0003.0003.0044	BK006_v2_00 - Further Budget Justification.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0052	EZR.0003.0003.0044	BK006_v2_00 - Application.docx	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0053		Fwd: Ammonia production in molten 50:50 NaOH:KOH with Fe2O3 catalyst at 200 deg C	8/08/23 11:10	11(d)	Yes
EZR.0003.0003.0054	EZR.0003.0003.0053	licht2014.pdf	8/08/23 11:10	11(d)	Yes
EZR.0003.0003.0055		Fwd: Boodarie SIA - Updated Element Zero Project Proposal	23/08/23 17:33	11(d)	Yes
EZR.0003.0003.0056	EZR.0003.0003.0055	Element Zero Boodarie SIA Project Proposal vfinal_02.pdf	23/08/23 17:33	11(d)	Yes
EZR.0003.0003.0057		Fwd: Element Zero - one page.docx	4/10/23 13:52	11(d)	Yes
EZR.0003.0003.0058	EZR.0003.0003.0057	Element Zero - one page.docx	4/10/23 13:52	11(d)	Yes
EZR.0003.0003.0059		Fwd: First draft - First Movers Coalition	29/11/23 18:01	11(d)	Yes
EZR.0003.0003.0060	EZR.0003.0003.0059	Near-Zero Steel Enabling Technologies.docx	29/11/23 18:01	11(d)	Yes

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EZR.0003.0003.0061		Fwd: Meeting Follow up - Element Zero and Mitsui	13/11/23 20:29	11(d)	Yes
EZR.0003.0003.0062	EZR.0003.0003.0061	Element Zero - Mitsui Meeting Material 13th Nov. 2023.pdf	13/11/23 20:29	11(d)	Yes
EZR.0003.0003.0063		Leach tank + pumps getting ready for leaching	7/09/23 21:26	11(d)	Yes
EZR.0003.0003.0064		Mineral resources market size v03.xlsx	7/12/23 7:29	11(d)	Yes
EZR.0003.0003.0065	EZR.0003.0003.0064	Mineral resources market size v03.xlsx	7/12/23 7:29	11(d)	Yes
EZR.0003.0003.0066		Progress on analysis	25/04/24 7:55	11(d)	Yes
EZR.0003.0003.0067	EZR.0003.0003.0066	DSR6955 - Element Zero.pdf	25/04/24 7:55	11(d)	Yes
EZR.0003.0003.0068		RE: Aramco Deck	23/12/23 4:15	11(d)	Yes
EZR.0003.0003.0069	EZR.0003.0003.0068	EMZ004 Overview - Final Dec 23.pdf	23/12/23 4:15	11(d)	Yes
EZR.0003.0003.0070		RE: Feedback on EZ Logo Design	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0071	EZR.0003.0003.0070	EMZ002 Element Zero Briefing Pack Final.pptx	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0072	EZR.0003.0003.0070	Microsoft_Excel_Worksheet.xlsx	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0073	EZR.0003.0003.0070	Microsoft_Excel_Worksheet1.xlsx	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0074		RE: Rendering for CAD model	11/12/23 18:11	11(d)	Yes
EZR.0003.0003.0077		Re: Ammonia production in molten 50:50 NaOH:KOH with Fe ₂ O ₃ catalyst at 200 deg C	8/08/23 12:58	11(d)	Yes
EZR.0003.0003.0078		Re: Brief chat with Kevin R. , talking to a Congressman next week, hosting a Senator at PG on the 9th.	19/11/23 13:12	11(d)	Yes
EZR.0003.0003.0079	EZR.0003.0003.0078	DRI vs EZ.pptx	19/11/23 13:12	11(d)	Yes
EZR.0003.0003.0081		Re: Connecting with the white house on a green steel pilot	26/09/23 10:16	11(d)	Yes
EZR.0003.0003.0082		Re: Element Zero - Messaging	25/09/23 10:02	11(d)	Yes
EZR.0003.0003.0087		Re: Element Zero - three pager overview	3/10/23 13:03	11(d)	Yes
EZR.0003.0003.0088	EZR.0003.0003.0087	Element Zero overview (Bart-Julie).docx	3/10/23 13:03	11(d)	Yes
EZR.0003.0003.0091		Re: Element Zero on Copper and a non-dilutive funding opportunity	19/10/23 11:26	11(d)	Yes
EZR.0003.0003.0092		Re: Playground Marketing/Communications Questionnaire	24/08/23 15:23	11(d)	Yes
EZR.0003.0003.0093	EZR.0003.0003.0092	EMZ002 Updated Pitch - Teaser.pdf	24/08/23 15:23	11(d)	Yes

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EZR.0003.0003.0094		Re: Rudd + Albanese	12/08/23 18:27	11(d)	Yes
EZR.0003.0003.0095	EZR.0003.0003.0094	10202-0000-GE-SPL-0001_A.pdf	12/08/23 18:27	11(d)	Yes
EZR.0003.0003.0097		Update to push forward Boodarie land allocation	24/11/23 20:49	11(d)	Yes
EZR.0003.0003.0098	EZR.0003.0003.0097	Element Zero Boodarie SIA update Final.docx	24/11/23 20:49	11(d)	Yes
EZR.0003.0003.0099		WA Development - Boodarie application	27/07/23 11:30	11(d)	Yes
EZR.0003.0003.0100	EZR.0003.0003.0099	Element Zero Boodarie SIA Project Proposal vfinal.pdf	27/07/23 11:30	11(d)	Yes
EZR.0003.0003.0103		20230605 - Element Zero Presentation.pdf	5/06/23 15:43	11(d)	Yes
EZR.0003.0003.0111		20230330 - U2_30 Oxleigh Drive Lease Agreement.pdf	27/02/25 14:32	11(d)	Yes
EZR.0003.0003.0121		CAPEX table 31-05.xlsx	27/02/25 14:32	11(d)	Yes
EZR.0003.0003.0125		20200517 - Technical Q&A.pdf	17/05/23 20:02	11(d)	Yes
EZR.0002.0001.0289		Re: thoughts on a distributed ammonia company?	25/10/23 17:13	11(d)	Yes
EZR.0002.0001.0290	EZR.0002.0001.0289	Screen Shot 2023-10-24 at 4.05.46 PM.png	25/10/23 17:13	11(d)	Yes
EZR.0002.0001.0336		Re: Peter in Australia - to be rescheduled to later in the afternoon	3/03/23 20:10	11(d)	Yes
EZR.0002.0001.0600		Re: Element Zero Presentation	30/11/23 10:16	11(d)	Yes
EZR.0002.0001.0601	EZR.0002.0001.0600	Element Zero Deck (Short).pdf	30/11/23 10:16	11(d)	Yes
EZR.0002.0001.0602	EZR.0002.0001.0600	image001.gif	30/11/23 10:16	11(d)	Yes
EZR.0003.0001.0001		01. ANNA - LAB WORK - 2024.pdf	22/05/24 18:29	11(c)	Yes
EZR.0003.0001.0002		02. Philip - EZ.pdf	22/05/24 18:29	11(c)	Yes
EZR.0003.0001.0003		03. H EO.pdf	22/05/24 18:29	11(c)	Yes
EZR.0003.0001.0005		05. Nicholas Megalos - Chemical Engineer.pdf	22/05/24 17:47	11(c)	Yes
EZR.0003.0002.0001		Re: Coating in nickel foil	8/12/22 15:35	11(f)	Yes
EZR.0003.0002.0002		Re: Coating in nickel foil	10/12/22 19:42	11(f)	Yes
EZR.0003.0002.0005		Re: Coating in nickel foil	10/12/22 16:37	11(f)	Yes
EZR.0003.0002.0006		Re: Coating in nickel foil	10/12/22 19:46	11(f)	Yes
EZR.0003.0002.0007		Re: Coating in nickel foil	10/12/22 19:40	11(f)	Yes
EZR.0003.0002.0008		Re: Silicon	25/10/22 19:56	11(f)	Yes
EZR.0003.0002.0009		Re: Coating in nickel foil	11/12/22 20:21	11(f)	Yes

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EZR.0003.0002.0014		Re: Coating in nickel foil	10/12/22 19:54	11(f)	Yes
EZR.0003.0002.0015		Re: Superprotonics	18/10/22 14:15	11(f)	Yes
EZR.0003.0002.0018		Re: Coating in nickel foil	10/12/22 19:15	11(f)	Yes
EZR.0003.0002.0019		Re: Silicon	26/10/22 1:18	11(f)	Yes
EZR.0003.0002.0021		Re: Silicon	25/10/22 19:39	11(f)	Yes
EZR.0003.0002.0027		Re: Silicon	25/10/22 20:10	11(f)	Yes
EZR.0003.0002.0028		Re: Coating tests and news	12/01/23 14:22	11(f)	Yes
EZR.0003.0002.0029		Re: Superprotonics	18/10/22 15:00	11(f)	Yes
EZR.0003.0002.0030		Silicon	25/10/22 18:47	11(f)	Yes
EZR.0003.0002.0031	EZR.0003.0002.0030	20221025_154308.jpg	25/10/22 18:47	11(f)	Yes
EZR.0003.0002.0032		Re: coating	12/10/22 16:00	11(f)	Yes
EZR.0003.0002.0033		Re: Coating in nickel foil	10/12/22 19:10	11(f)	Yes
EZR.0003.0002.0034	EZR.0003.0002.0033	20221210_135342.jpg	10/12/22 19:10	11(f)	Yes
EZR.0003.0002.0035	EZR.0003.0002.0033	20221210_155948.jpg	10/12/22 19:10	11(f)	Yes
EZR.0003.0002.0040		Re: Scale up	19/09/22 12:07	11(f)	Yes
EZR.0003.0002.0041		Re: Scale up	19/09/22 10:55	11(f)	Yes
EZR.0003.0002.0042		Scale up	19/09/22 10:10	11(f)	Yes
EZR.0003.0002.0044		Re: Coating tests and news	12/01/23 11:47	11(f)	Yes
EZR.0003.0002.0045		Re: Coating in nickel foil	8/12/22 15:09	11(f)	Yes
EZR.0003.0002.0051		coating	12/10/22 15:36	11(f)	Yes
EZR.0003.0002.0074		Re: first metal...	26/05/22 21:33	11(f)	Yes
EZR.0003.0002.0078		RE: first metal...	25/05/22 19:38	11(f)	Yes
EZR.0003.0002.0079		Re: first metal...	26/05/22 21:34	11(f)	Yes
EZR.0003.0002.0080	EZR.0003.0002.0079	rust 26 may 11.jpg	26/05/22 21:34	11(f)	Yes
EZR.0003.0002.0081		Re: first metal...	25/05/22 22:14	11(f)	Yes
EZR.0003.0002.0083		Re: first metal...	25/05/22 18:24	11(f)	Yes
EZR.0003.0002.0094		Re: Silicon	26/10/22 20:15	11(f)	Yes
EZR.0003.0002.0096		Re: Paper on molten hydroxide reduction	22/05/23 16:51	11(f)	Yes
EZR.0003.0002.0100		Re: newest from Perth	17/06/22 10:35	11(f)	Yes
EZR.0003.0002.0102		newest from Perth	16/06/22 23:04	11(f)	Yes
EZR.0003.0002.0103		Paper on molten hydroxide reduction	21/05/23 20:44	11(f)	Yes
EZR.0003.0002.0104	EZR.0003.0002.0103	06_NL_4_230521_203934.pdf	21/05/23 20:44	11(f)	Yes
EZR.0003.0002.0105		Re: Paper on molten hydroxide reduction	22/05/23 17:44	11(f)	Yes
EZR.0003.0002.0106		Re: Paper on molten hydroxide reduction	22/05/23 16:46	11(f)	Yes

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EZR.0003.0002.0109		Re: Paper on molten hydroxide reduction	22/05/23 16:57	11(f)	Yes
EZR.0003.0002.0111		Hematite solubility in NaOH	21/07/22 21:18	11(f)	Yes
EZR.0003.0002.0112	EZR.0003.0002.0111	1-s2.0-S0304386X96000680-main.pdf	21/07/22 21:18	11(f)	Yes
EZR.0003.0002.0114		Re: Silicon	26/10/22 18:28	11(f)	Yes
EZR.0003.0002.0115	EZR.0003.0002.0114	DSC09434.JPG	26/10/22 18:28	11(f)	Yes
EZR.0003.0002.0116		Re: Silicon	26/10/22 18:28	11(f)	Yes
EZR.0003.0002.0120		Coating tests and news	11/01/23 21:08	11(f)	Yes
EZR.0003.0002.0121	EZR.0003.0002.0120	Ni electrodes.pptx	11/01/23 21:08	11(f)	Yes
EZR.0003.0002.0126		Coating in nickel foil	8/12/22 14:21	11(f)	Yes
EZR.0003.0002.0127	EZR.0003.0002.0126	20221208_091618.jpg	8/12/22 14:21	11(f)	Yes
EZR.0003.0002.0128	EZR.0003.0002.0126	20221207_152010.jpg	8/12/22 14:21	11(f)	Yes
EZR.0003.0002.0135		Re: first metal...	25/05/22 13:48	11(f)	Yes
EZR.0003.0002.0138		Re: Silicon	26/10/22 20:38	11(f)	Yes
EZR.0003.0002.0139		Re: first metal...	25/05/22 13:50	11(f)	Yes
EZR.0003.0002.0142		Re: first metal...	25/05/22 14:56	11(f)	Yes
EZR.0003.0002.0146		RE: first metal...	25/05/22 11:36	11(f)	Yes
EZR.0003.0002.0147		Re: first metal...	25/05/22 13:18	11(f)	Yes
EZR.0003.0002.0148		first metal...	25/05/22 10:45	11(f)	Yes
EZR.0003.0002.0152		Re: first metal...	25/05/22 13:10	11(f)	Yes
EZR.0003.0002.0153	EZR.0003.0002.0152	image.png	25/05/22 13:10	11(f)	Yes
EZR.0003.0002.0154	EZR.0003.0002.0152	image.png	25/05/22 13:10	11(f)	Yes
EZR.0003.0002.0162		Re: Lab coming to live...	6/04/22 18:46	11(f)	Yes
EZR.0003.0002.0163		Re: Lab coming to live...	9/04/22 8:38	11(f)	Yes
EZR.0003.0002.0165		Re: Lab coming to live...	9/04/22 8:14	11(f)	Yes
EZR.0003.0002.0170		RE: Pics	3/05/22 19:57	11(f)	Yes
EZR.0003.0002.0172		Re: "low" voltage measurements	25/05/22 15:07	11(f)	Yes
EZR.0003.0002.0173		"low" voltage measurements	25/05/22 11:33	11(f)	Yes
EZR.0003.0002.0174		Re: "low" voltage measurements	25/05/22 15:12	11(f)	Yes
EZR.0003.0002.0175		RE: Pics	3/05/22 19:59	11(f)	Yes
EZR.0003.0002.0176		Re: Pics	28/04/22 18:29	11(f)	Yes
EZR.0003.0002.0181		Re: Lab coming to live...	6/04/22 22:08	11(f)	Yes
EZR.0003.0002.0182	EZR.0003.0002.0181	PTFE Cell.jpg	6/04/22 22:08	11(f)	Yes
EZR.0003.0002.0183	EZR.0003.0002.0181	image.png	6/04/22 22:08	11(f)	Yes
EZR.0003.0002.0184		Re: Lab coming to live...	9/04/22 22:02	11(f)	Yes

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EZR.0003.0002.0185	EZR.0003.0002.0184	KOH-NaOH eutec 79.pdf	9/04/22 22:02	11(f)	Yes
EZR.0003.0002.0186		Re: Lab coming to live...	19/04/22 23:14	11(f)	Yes
EZR.0003.0002.0187		Re: Pics	3/05/22 21:08	11(f)	Yes
EZR.0003.0002.0188		RE: Pics	28/04/22 18:16	11(f)	Yes
EZR.0003.0002.0189		Re: Pics	28/04/22 21:18	11(f)	Yes
EZR.0003.0002.0190		Re: How is corporate life going ?	3/04/22 14:45	11(f)	Yes
EZR.0003.0002.0191		Lab coming to live...	2/04/22 17:17	11(f)	Yes
EZR.0003.0002.0192	EZR.0003.0002.0191	20220402_141610.jpg	2/04/22 17:17	11(f)	Yes
EZR.0003.0002.0193		Re: Pics	3/05/22 20:40	11(f)	Yes
EZR.0003.0002.0194		Pics	28/04/22 17:57	11(f)	Yes
EZR.0003.0002.0195	EZR.0003.0002.0194	20220428_152655.jpg	28/04/22 17:57	11(f)	Yes
EZR.0003.0002.0196		Re: How is corporate life going ?	3/04/22 14:08	11(f)	Yes
EZR.0003.0002.0198		Re: Pics	3/05/22 19:47	11(f)	Yes
EZR.0003.0002.0199		Re: Lab coming to live...	14/04/22 8:21	11(f)	Yes
EZR.0003.0002.0200	EZR.0003.0002.0199	titanium crucible.PDF	14/04/22 8:21	11(f)	Yes
EZR.0003.0002.0201	EZR.0003.0002.0199	titanium cap.PDF	14/04/22 8:21	11(f)	Yes
EZR.0003.0002.0207		Re: How is corporate life going ?	2/04/22 14:47	11(f)	Yes
EZR.0003.0002.0208		Re: Lab coming to live...	20/04/22 11:35	11(f)	Yes
EZR.0003.0002.0209		Re: How is corporate life going ?	1/04/22 14:43	11(f)	Yes
EZR.0003.0002.0214		Re: How is corporate life going ?	2/04/22 9:09	11(f)	Yes
EZR.0003.0002.0215	EZR.0003.0002.0214	titanium crucible.PDF	2/04/22 9:09	11(f)	Yes
EZR.0003.0002.0216		Re: How is corporate life going ?	1/04/22 14:23	11(f)	Yes
EZR.0003.0002.0217	EZR.0003.0002.0216	20211130_124322.jpg	1/04/22 14:23	11(f)	Yes
EZR.0003.0002.0218	EZR.0003.0002.0216	Screenshot_20220401-132036_Chrome.jpg	1/04/22 14:23	11(f)	Yes
EZR.0003.0002.0220		0304-4203_2892_2990029-a.pdf	18/12/02 1:09	2A(f)	
EZR.0003.0002.0221		1.4800921.pdf	21/12/16 21:54	2A(f)	
EZR.0003.0002.0222		10.1021@acs.iecr.9b02757.pdf	19/07/19 16:46	2A(f)	
EZR.0003.0002.0223		2018001510-20180328090802.pdf	4/04/18 1:18	2A(f)	
EZR.0003.0002.0224		2067.pdf	25/02/20 20:13	2A(f)	
EZR.0003.0002.0225		2880.pdf	25/02/20 20:13	2A(f)	
EZR.0003.0002.0226		6305-2RS1_20211016.pdf	24/02/25 10:16	2A(f)	
EZR.0003.0002.0227		AAAS membership fee.pdf	14/10/21 17:23	2A(f)	
EZR.0003.0002.0228		AGP_2019.pdf	25/06/19 20:58	2A(f)	

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EZR.0003.0002.0229		A_Mesoproterozoic_titanomagnetite_ore_deposit_in_S.pdf	19/09/16 18:38	2A(f)	
EZR.0003.0002.0230		Appcaliton 40u40.docx	25/10/20 21:02	2A(f)	
EZR.0003.0002.0231		Assignment Notice .pdf	24/02/25 10:15	2A(f)	
EZR.0003.0002.0232		BBC FEL (BK).docx	11/08/21 15:27	2A(f)	
EZR.0003.0002.0233		BLT Turbine Assembly.PDF	5/10/21 21:14	2A(f)	
EZR.0003.0002.0234		CEnv Awards Finalist.pdf	8/10/21 14:14	2A(f)	
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EZR.0003.0002.0236		DL170_Module_2v1.2.pdf	11/12/20 4:36	2A(f)	
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EZR.0003.0002.0247		Dr Bartlomiej Kolodziejczyk - AIPS.pdf	8/10/21 14:14	2A(f)	
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EZR.0003.0002.0252		HCRv3_wheel.PDF	3/10/21 15:27	2A(f)	
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EZR.0003.0002.0258		Module 2_Obtaining Rights Abroad.pdf	30/03/21 23:49	2A(f)	
EZR.0003.0002.0259		Module 3_Licensing Selling Licensed Products Abroad_rev.pdf	30/03/21 23:50	2A(f)	

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EZR.0003.0002.0263		NYT FFI article.pdf	18/10/21 12:42	2A(f)	
EZR.0003.0002.0264		Neutron Emissions from Hydrodynamic Cavitation.pdf	18/10/21 12:22	2A(f)	
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EZR.0003.0002.0340		Tech slides 02-03-2023.pptx	3/03/23 1:02	11(f)	Yes
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EZR.0003.0003.0026	EZR.0003.0003.0022	Element Zero - 3 Nov Board Meeting - Final.pdf	3/11/23 11:40	11(d)	Yes
EZR.0003.0003.0027		Element Zero Board Meeting	3/11/23 11:45	11(d)	Yes
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EZR.0003.0003.0032		Element Zero progress update	6/06/23 22:15	11(d)	Yes
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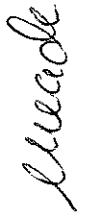
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EZR.0004.0001.0295	EZR.0004.0001.0293	image004.png	25/06/21 15:21	1	
EZR.0004.0001.0296	EZR.0004.0001.0293	image005.jpg	25/06/21 15:21	1	
EZR.0004.0001.0297	EZR.0004.0001.0293	Policy brief gH2 for T20_draft 23042021_submitted (BK).docx	25/06/21 15:21	1	
EZR.0004.0001.0298		Re: Ammonia EDGE report	19/11/20 9:24	1; 3	
EZR.0004.0001.0299	EZR.0004.0001.0298	SAE EDGE Ammonia FINAL DRAFT v3_MNInput_02112020.docx	19/11/20 9:24	1	
EZR.0004.0001.0300		SAE EDGE Research Report Review	5/02/21 15:32	1; 3	
EZR.0004.0001.0301	EZR.0004.0001.0300	EPR2021003_FinalPass_02042021.pdf	5/02/21 15:32	1	
EZR.0004.0001.0302		RE: Draft T20 paper	23/04/21 17:49	1; 3	

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EZR.0004.0001.0303	EZR.0004.0001.0302	Policy brief gH2 for T20_draft 23042021.docx	23/04/21 17:49	1	
EZR.0004.0001.0304		RE: Draft T20 paper	23/04/21 17:23	1; 3	
EZR.0004.0001.0305	EZR.0004.0001.0304	Draft PB gH2 for T20_19042021 PCR + abstract.docx	23/04/21 17:23	1	
EZR.0004.0001.0306		Ammonia EDGE report	13/11/20 10:18	1; 3	
EZR.0004.0001.0307	EZR.0004.0001.0306	SAE EDGE Ammonia FINAL DRAFT v3_MNinput_02112020.docx	13/11/20 10:18	1	
EZR.0004.0001.0308	EZR.0004.0001.0306	Ammonia Image Inventory Log.xlsx	13/11/20 10:18	1	
EZR.0004.0001.0309		RE: Draft T20 paper	20/04/21 2:37	1; 3	
EZR.0004.0001.0310	EZR.0004.0001.0309	Draft PB gH2 for T20_19042021 PCR.docx	20/04/21 2:37	1	
EZR.0004.0001.0311		RE: Green H2 comments on PB	8/07/21 18:29	1; 3	
EZR.0004.0001.0312	EZR.0004.0001.0311	Policy brief gH2 for T20_draft 23042021_submitted (BK+PCR+LF).docx	8/07/21 18:29	1	
EZR.0004.0001.0313		RE: Green H2 comments on PB	6/07/21 4:42	1; 3	
EZR.0004.0001.0314	EZR.0004.0001.0313	Referee report PB11 tasks + responses clean.docx	6/07/21 4:42	1	
EZR.0004.0001.0315	EZR.0004.0001.0313	Policy brief gH2 for T20_draft 23042021_submitted (BK+PCR).docx	6/07/21 4:42	1	
EZR.0004.0001.0316		FW: Green H2 comments on PB	1/07/21 2:10	1	
EZR.0004.0001.0317	EZR.0004.0001.0316	Policy brief gH2 for T20_draft 23042021_submitted (BK+DB).docx	1/07/21 2:10	1	
EZR.0004.0001.0318	EZR.0004.0001.0316	Referee report PB11 tasks + responses.docx	1/07/21 2:10	1	
EZR.0004.0001.0319		Draft report for SAE International	17/10/20 1:44	1; 3	
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EZR.0004.0001.0322		Re: Draft report for SAE International	24/10/20 11:10	1; 3	
EZR.0004.0001.0323	EZR.0004.0001.0322	SAE EDGE Ammonia DRAFT v1.1_JACN.docx	24/10/20 11:10	1	
EZR.0004.0001.0324		Fwd: Congrats on the EDGE publications	23/12/19 22:13	1; 3	
EZR.0004.0001.0325	EZR.0004.0001.0324	EPR2019002.pdf	23/12/19 22:13	1	
EZR.0004.0001.0326		Fwd: Congrats on the EDGE publications	25/08/20 12:05	1; 3	
EZR.0004.0001.0327	EZR.0004.0001.0326	EPR2019002.pdf	25/08/20 12:05	1	
EZR.0004.0001.0328		Congrats on the EDGE publications	1/11/19 7:20	1; 3	



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EZR.0004.0001.0329	EZR.0004.0001.0328	EPR2019002.pdf	1/11/19 7:20	1	
EZR.0004.0001.0330		Re: SAE ammonia report	17/10/20 1:37	1; 3	
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EZR.0004.0001.0332		Re: SAE ammonia report	25/10/20 13:35	1; 3	
EZR.0004.0001.0333	EZR.0004.0001.0332	SAE EDGE Ammonia DRAFT v1-Xu-Liu.docx	25/10/20 13:35	1	
EZR.0004.0001.0334		SAE ammonia report	22/09/20 2:29	1; 3	
EZR.0004.0001.0335	EZR.0004.0001.0334	EPR2019002.pdf	22/09/20 2:29	1	
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EZR.0004.0001.0346	EZR.0004.0001.0345	EPR2019002.pdf	7/11/19 18:08	1	
EZR.0004.0001.0347		Re: Draft SAE report for review	6/11/19 8:45	1; 3	
EZR.0004.0001.0348	EZR.0004.0001.0347	EPR2019002.pdf	6/11/19 8:45	1	
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EZR.0004.0001.0411		SAE Report for review and comments	6/10/19 17:29	1; 3	
EZR.0004.0001.0412	EZR.0004.0001.0411	EPR2019002_WKedit092419 (BK).pdf	6/10/19 17:29	1	
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EZR.0004.0001.0462		Re: EDGE report copyedit	2/10/19 21:35	1; 3	
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EZR.0004.0001.0471	EZR.0004.0001.0470	SAE EDGE Hydrogen DRAFT v3.docx	8/08/19 23:11	1	
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EZR.0005.0001.0005		RedScarf.pptx	30/04/20 3:53	2A(e)	
EZR.0005.0001.0006		YellowScarf.pptx	1/05/20 0:48	2A(e)	
EZR.0005.0001.0007		RedScarf2.pptx	5/05/20 1:46	2A(e)	
EZR.0005.0001.0008		YellowScarf2.pptx	5/05/20 1:49	2A(e)	
EZR.0005.0001.0009		Examensbevis (Degree Certificate) <This is a no-reply e-mail>	20/12/22 0:40	3; 2A(e)	
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EZR.0005.0001.0011		Re: supervision	13/05/22 19:23	3; 2A(e)	
EZR.0005.0001.0012	EZR.0005.0001.0011	Guidelines thesis ESD700.pdf	13/05/22 19:23	2A(e)	
EZR.0005.0001.0013		Re: supervision	27/04/22 20:44	3; 2A(e)	
EZR.0005.0001.0014	EZR.0005.0001.0013	HI_27April (BKolodziejczyk) v3_2.docx	27/04/22 20:44	2A(e)	
EZR.0005.0001.0015	EZR.0005.0001.0013	Guidelines thesis ESD700.pdf	27/04/22 20:44	2A(e)	
EZR.0005.0001.0016		Re: Feedback on SAE report II on ammonia fuel - economics and safety	24/04/21 1:58	3; 2A(e)	
EZR.0005.0001.0017	EZR.0005.0001.0016	Ammonia Report II DRAFT_JACN.docx	24/04/21 1:58	2A(e)	
EZR.0005.0001.0018		RE: Feedback on SAE report II on ammonia fuel - economics and safety	22/04/21 22:49	3; 2A(e)	
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EZR.0005.0001.0021		Re: Feedback on SAE report II on ammonia fuel - economics and safety	18/04/21 18:57	3; 2A(e)	
EZR.0005.0001.0022	EZR.0005.0001.0021	Ammonia Report II DRAFT-pl.docx	18/04/21 18:57	2A(e)	
EZR.0005.0001.0023		Fwd: Feedback on SAE report II on ammonia fuel - economics and safety	8/04/21 18:08	3; 2A(e)	
EZR.0005.0001.0024	EZR.0005.0001.0023	Ammonia Report II DRAFT.docx	8/04/21 18:08	2A(e)	
EZR.0005.0001.0025		Feedback on SAE report II on ammonia fuel - economics and safety	8/04/21 18:02	3; 2A(e)	
EZR.0005.0001.0026	EZR.0005.0001.0025	Ammonia Report II DRAFT.docx	8/04/21 18:02	2A(e)	
EZR.0005.0001.0027		Payslip	25/02/22 14:51	3; 2A(e)	
EZR.0005.0001.0028	EZR.0005.0001.0027	Payslip_00579095_000000.pdf	25/02/22 14:51	2A(e)	
EZR.0005.0001.0029		Re: CSci registration fee	17/06/22 21:51	3; 2A(e)	
EZR.0005.0001.0030	EZR.0005.0001.0029	image001.jpg	17/06/22 21:51	2A(e)	

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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0005.0001.0031	EZR.0005.0001.0029	csci-registration-form.pdf	17/06/22 21:51	2A(e)	
EZR.0005.0001.0032	EZR.0005.0001.0029	Bart-Kolodziejczyk-CV (short).pdf	17/06/22 21:51	2A(e)	
EZR.0005.0001.0033		Re: Auto-Renewal - 2022 Membership	21/07/21 10:12	3; 2A(e)	
EZR.0005.0001.0034	EZR.0005.0001.0033	Explorers club fellowship fee.pdf	21/07/21 10:12	2A(e)	
EZR.0005.0001.0035	EZR.0005.0001.0033	Fellow details.PNG	21/07/21 10:12	2A(e)	
EZR.0005.0001.0036		Re: Commercial Vehicle Decarbonization report for SAE International	17/03/21 3:49	3; 2A(e)	
EZR.0005.0001.0037	EZR.0005.0001.0036	Commercial_Power_Options-02-In_Template_JWGT_2021-03-15 (BK).docx	17/03/21 3:49	2A(e)	
EZR.0005.0001.0038	EZR.0005.0001.0036	image001.png	17/03/21 3:49	3; 2A(e)	
EZR.0005.0001.0042		Re: FW: ANZEC Members Online Book Shop to be launched soon – Please review your book - "Unsettled Issues Concerning the Use of Fuel Cells in Electric Ground Vehicles"	7/06/22 22:18	3; 2A(e)	
EZR.0005.0001.0043	EZR.0005.0001.0042	Receipt_Dues_22_from_The_Explorers_Club.pdf	7/06/22 22:18	2A(e)	
EZR.0005.0001.0062		Payslip	30/12/21 16:19	3; 2A(e)	
EZR.0005.0001.0063	EZR.0005.0001.0062	Payslip_00579095_000000.pdf	30/12/21 16:19	2A(e)	
EZR.0005.0001.0064		Re: Invitation to be an author on IUCN Synbio and Biodiversity Conservation Review Manuscript - Final Approval due by Friday July 2	25/06/21 12:05	3; 2A(e)	
EZR.0005.0001.0065	EZR.0005.0001.0064	nr-competing-interests-BK.pdf	25/06/21 12:05	2A(e)	
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EZR.0005.0001.0067	EZR.0005.0001.0064	image005.jpg	25/06/21 12:05	2A(e)	
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EZR.0005.0001.0069	EZR.0005.0001.0064	image002.png	25/06/21 12:05	2A(e)	
EZR.0005.0001.0070	EZR.0005.0001.0064	image007.png	25/06/21 12:05	2A(e)	
EZR.0005.0001.0071		RE: Invitation to be an author on IUCN Synbio and Biodiversity Conservation Review Manuscript - Final Approval due by Friday July 2	24/06/21 23:35	3; 2A(e)	
EZR.0005.0001.0072	EZR.0005.0001.0071	Synbio biodiversity manuscript v2.0.pdf	24/06/21 23:35	2A(e)	

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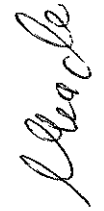
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EZR.0005.0001.0075	EZR.0005.0001.0071	image005.jpg	24/06/21 23:35	2A(e)	
EZR.0005.0001.0076	EZR.0005.0001.0071	image006.jpg	24/06/21 23:35	2A(e)	
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EZR.0005.0001.0078	EZR.0005.0001.0071	image007.png	24/06/21 23:35	2A(e)	
EZR.0005.0001.0079		Important - FY22 Update to Superannuation	29/06/21 15:52	3; 2A(e)	
EZR.0005.0001.0080	EZR.0005.0001.0079	FY22 Superannuation Information.pdf	29/06/21 15:52	2A(e)	
EZR.0005.0001.0081		Fwd: ING Order APV-MMT9-PM3, 89 THE AVENUE, SPOTSWOOD, VIC - 3015 : Completed Valuation	18/06/21 9:50	3; 2A(e)	
EZR.0005.0001.0082	EZR.0005.0001.0081	Valocity Order APV-MMT9-PM3 145077.pdf	18/06/21 9:50	2A(e)	
EZR.0005.0001.0083	EZR.0005.0001.0081	Attachment1	18/06/21 9:50	2A(e)	
EZR.0005.0001.0084	EZR.0005.0001.0081	Attachment2	18/06/21 9:50	2A(e)	
EZR.0005.0001.0085	EZR.0005.0001.0081	Attachment3	18/06/21 9:50	2A(e)	
EZR.0005.0001.0086		Payslip	14/05/21 18:10	3; 2A(e)	
EZR.0005.0001.0087	EZR.0005.0001.0086	Payslip_00579095_202011.pdf	14/05/21 18:10	2A(e)	
EZR.0005.0001.0091		Exit letter and farewell greetings	9/06/21 20:00	3; 2A(e)	
EZR.0005.0001.0092	EZR.0005.0001.0091	Exit letter_Bart.pdf	9/06/21 20:00	2A(e)	
EZR.0005.0001.0093	EZR.0005.0001.0091	Farewell Greetings for Bart.pdf	9/06/21 20:00	2A(e)	
EZR.0005.0001.0098		CEng - Referece request	28/05/21 11:19	3; 2A(e)	
EZR.0005.0001.0099	EZR.0005.0001.0098	Supporter_Reference_Form_V8.4_June_2019.doc	28/05/21 11:19	2A(e)	
EZR.0005.0001.0100		Iridium and hydrogen technologies	1/06/21 14:54	3; 2A(e)	
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EZR.0005.0001.0105	EZR.0005.0001.0102	Assignment 3_2BART_ANcomments.pdf	2/07/21 11:52	2A(e)	
EZR.0005.0001.0106		Mortgage applicaiton - 89 The Avenue, Spotswood	19/04/21 11:53	3; 2A(e)	
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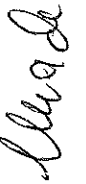
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EZR.0005.0001.0110	EZR.0005.0001.0106	Payslip_00579095_202008.pdf	19/04/21 11:53	2A(e)	
EZR.0005.0001.0111		Re: following up on the EDGE Report	8/04/21 17:07	3; 2A(e)	
EZR.0005.0001.0112	EZR.0005.0001.0111	Ammonia Report II Outline.docx	8/04/21 17:07	2A(e)	
EZR.0005.0001.0113		Fwd: signed contract	19/04/21 8:31	3; 2A(e)	
EZR.0005.0001.0114	EZR.0005.0001.0113	Contract of Sale & Vendor Statement-2-2.pdf	19/04/21 8:31	2A(e)	
EZR.0005.0001.0115		Fwd: signed contract	19/04/21 7:24	3; 2A(e)	
EZR.0005.0001.0116	EZR.0005.0001.0115	Contract of Sale & Vendor Statement-2-2.pdf	19/04/21 7:24	2A(e)	
EZR.0005.0001.0117		Re: McKinsey ELP – Final checklist prior to beginning on Monday	21/05/21 16:53	3; 2A(e)	
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EZR.0005.0001.0120		McKinsey & Company - Welcome to the 2021 Executive Leadership Program	29/03/21 20:48	3; 2A(e)	
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EZR.0005.0001.0123		Re: FedEx Clearance Delay Notification - 976885867675	30/03/21 7:18	3; 2A(e)	
EZR.0005.0001.0124	EZR.0005.0001.0123	Invoice-2021.03.29.pdf	30/03/21 7:18	2A(e)	
EZR.0005.0001.0125		Re: Introduction	16/02/21 12:00	3; 2A(e)	
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EZR.0005.0001.0128	EZR.0005.0001.0127	Warrigal - Purchaser Instructions (BK).docx	28/04/21 16:36	2A(e)	
EZR.0005.0001.0129		Fwd: Signed Contract of Sale: 89 The Avenue Spotswood	19/04/21 10:39	3; 2A(e)	
EZR.0005.0001.0130	EZR.0005.0001.0129	SIGNED Contract of Sale & Vendor Statement-2.pdf	19/04/21 10:39	2A(e)	
EZR.0005.0001.0131		Fwd: Signed Contract of Sale: 89 The Avenue Spotswood	19/04/21 9:50	3; 2A(e)	



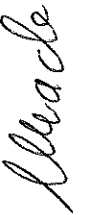

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EZR.0005.0001.0147		Re: SAE International Report Draft	5/03/21 15:46	3; 2A(e)	
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EZR.0005.0001.0149		Quote for stainless steel parts	5/03/21 13:46	3; 2A(e)	
EZR.0005.0001.0150	EZR.0005.0001.0149	Machining Parts SPM QUOTE-2021.03.05.pdf	5/03/21 13:46	2A(e)	
EZR.0005.0001.0151		SAE International Report Draft	22/09/20 16:00	3; 2A(e)	
EZR.0005.0001.0152	EZR.0005.0001.0151	EPR2019002.pdf	22/09/20 16:00	2A(e)	
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EZR.0005.0001.0169		HRH The Prince of Wales call	13/11/20 6:13	3; 2A(e)	




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EZR.0005.0001.0170	EZR.0005.0001.0169	Prince Charles call.pdf	13/11/20 6:13	2A(e)	
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EZR.0005.0001.0172		Re: Invitation to be an author on IUCN Synbio and Biodiversity Conservation Review Manuscript	9/04/21 13:54	3; 2A(e)	
EZR.0005.0001.0173	EZR.0005.0001.0172	Synbio biodiversity manuscript v1.0 (BK).docx	9/04/21 13:54	2A(e)	
EZR.0005.0001.0174		SAE ammonia fuel	19/11/20 8:05	3; 2A(e)	
EZR.0005.0001.0175	EZR.0005.0001.0174	SAE EDGE Ammonia FINAL DRAFT v3_MNInput_02112020.docx	19/11/20 8:05	2A(e)	
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EZR.0005.0001.0181	EZR.0005.0001.0179	OfferConfirmationReceipt.pdf	1/12/20 23:13	2A(e)	
EZR.0005.0001.0192		Tercentenary Awards for Excellence Application - Bart Kolodziejczyk	2/04/21 20:38	3; 2A(e)	
EZR.0005.0001.0193	EZR.0005.0001.0192	Edinburgh_Law_School_Scholarship_Application_(BKolodziejczyk).pdf	2/04/21 20:38	2A(e)	
EZR.0005.0001.0194		Re: Order of Australia	27/10/20 16:31	3; 2A(e)	
EZR.0005.0001.0195	EZR.0005.0001.0194	Update letter (BKolodziejczyk).docx	27/10/20 16:31	2A(e)	
EZR.0005.0001.0196	EZR.0005.0001.0194	Update letter (BKolodziejczyk).pdf	27/10/20 16:31	2A(e)	
EZR.0005.0001.0200		Invitation for the Global Young Scientist Scholar Roundtable under 2020 WYSS	15/10/20 11:01	3; 2A(e)	
EZR.0005.0001.0201	EZR.0005.0001.0200	Invitation Letter_Bartlomiej Kolodziejczyk.pdf	15/10/20 11:01	2A(e)	
EZR.0005.0001.0202		RE: Draft T20 paper	23/04/21 17:49	3; 2A(e)	
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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
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EZR.0005.0001.0254		Mortgage in Perth	17/01/21 21:05	3; 2A(e)	
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EZR.0005.0001.0261		Re: English proficiency requirement reminder	18/07/20 10:22	3; 2A(e)	
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EZR.0005.0001.0263		Re: Verified Contributor Payment	20/07/20 21:16	3; 2A(e)	
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EZR.0005.0001.0265	EZR.0005.0001.0263	image03ba79.PNG	20/07/20 21:16	2A(e)	
EZR.0005.0001.0266		FW: EPR2021003	5/12/20 3:38	3; 2A(e)	




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EZR.0005.0001.0270	EZR.0005.0001.0268	EIC-FTI 2020_Part II_Guidelines for Evaluation Experts.pptx	29/10/20 5:13	2A(e)	
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EZR.0005.0001.0273		Payslip	12/02/21 20:23	3; 2A(e)	
EZR.0005.0001.0274	EZR.0005.0001.0273	Payslip_00579095_202008.pdf	12/02/21 20:23	2A(e)	
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EZR.0005.0001.0297	EZR.0005.0001.0296	Confirming instructions.pdf	16/06/21 13:10	2A(e)	
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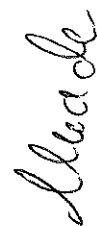
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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
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EZR.0005.0001.0440		July 2021 RICH Seminar Series - Dr. Bart Kolodziejczyk	5/07/21 14:50	3; 2A(e)	
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EZR.0005.0001.0445	EZR.0005.0001.0444	SAE International Permission Request_blank_noauthor- (Final).pdf	19/02/20 22:26	2A(e)	
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EZR.0005.0001.0449	EZR.0005.0001.0448	SAE International Permission Request_blank_noauthor- (Final).pdf	14/02/20 12:38	2A(e)	
EZR.0005.0001.0450		Fwd: Congrats on the EDGE publications	23/12/19 22:13	3; 2A(e)	
EZR.0005.0001.0451	EZR.0005.0001.0450	EPR2019002.pdf	23/12/19 22:13	2A(e)	
EZR.0005.0001.0452		Payslip	12/03/21 19:02	3; 2A(e)	
EZR.0005.0001.0453	EZR.0005.0001.0452	Payslip_00579095_202009.pdf	12/03/21 19:02	2A(e)	
EZR.0005.0001.0454		Re: Media Request, (via Neal Sullivan)	25/08/21 17:09	3; 2A(e)	
EZR.0005.0001.0455	EZR.0005.0001.0454	EPR2020002_05262020.pdf	25/08/21 17:09	2A(e)	
EZR.0005.0001.0456		Re: Andrew's Letter to Fortescue	9/07/21 11:08	3; 2A(e)	
EZR.0005.0001.0457	EZR.0005.0001.0456	20210707 KOLODZIEJCZYK Bart Reporting Line Change.pdf	9/07/21 11:08	2A(e)	
EZR.0005.0001.0458		Re: Andrew's Letter to Fortescue	1/10/21 12:19	3; 2A(e)	
EZR.0005.0001.0459	EZR.0005.0001.0458	Letter Fortescue Border Control Access to WA for Exempt Traveller Bartlomiej Kolodziejczyk 15 July 2020.pdf	1/10/21 12:19	2A(e)	
EZR.0005.0001.0460	EZR.0005.0001.0458	Letter to Department of Home Affairs - Travel Exemption for Bart Kolodziejczyk.pdf	1/10/21 12:19	2A(e)	
EZR.0005.0001.0461		Re: Andrew's Letter to Fortescue	29/12/20 19:33	3; 2A(e)	
EZR.0005.0001.0462	EZR.0005.0001.0461	FFI Special One-Off Payment Letter (281220) - Bartlomiej Piotr KOLODZIEJCZYK.pdf	29/12/20 19:33	2A(e)	
EZR.0005.0001.0465		Re: SAE ammonia report	17/10/20 1:37	3; 2A(e)	
EZR.0005.0001.0466	EZR.0005.0001.0465	SAE EDGE Ammonia DRAFT v1.docx	17/10/20 1:37	2A(e)	
EZR.0005.0001.0467		SAE ammonia report	22/09/20 2:29	3; 2A(e)	
EZR.0005.0001.0468	EZR.0005.0001.0467	EPR2019002.pdf	22/09/20 2:29	2A(e)	
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EZR.0005.0001.0538	EZR.0005.0001.0532	2009-01-1901.pdf	11/01/20 17:31	2A(e)	
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EZR.0005.0001.0551	EZR.0005.0001.0550	RSC Model Release_RSC (signed).pdf	27/02/21 18:57	2A(e)	
EZR.0005.0001.0552		Re: Draft SAE report for review	7/11/19 18:08	3; 2A(e)	
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EZR.0005.0001.0558		EC Communication: H2020 EIC-FTI 19-02-2020 cut-off: Proposal allocation - Panel Biotechnology	22/02/20 2:32	3; 2A(e)	
EZR.0005.0001.0559	EZR.0005.0001.0558	EIC-FTI 2020_Part I_Presentation of the EIC-FTI programme.pptx	22/02/20 2:32	2A(e)	
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EZR.0005.0001.0581		T20 - Comments Peer review - PB	8/06/21 23:40	3; 2A(e)	
EZR.0005.0001.0582	EZR.0005.0001.0581	Referee report PB11.docx	8/06/21 23:40	2A(e)	
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EZR.0005.0001.0605		Verified Contributors - Post-COVID-19 Economies: Green Hydrogen	24/06/20 22:09	3; 2A(e)	
EZR.0005.0001.0606	EZR.0005.0001.0605	DFF_Supplier_Registration_Guide.pdf	24/06/20 22:09	2A(e)	
EZR.0005.0001.0607	EZR.0005.0001.0605	Verified Contributors Terms and Conditions.pdf	24/06/20 22:09	2A(e)	
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EZR.0005.0001.0613		RE: book chapter	29/12/20 1:17	3; 2A(e)	
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EZR.0005.0001.0617	EZR.0005.0001.0615	Expression of Interest (BKolodziejczyk).pdf	24/08/20 11:10	2A(e)	
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EZR.0005.0001.0619		WG: Call: Nomination to ERC Scientific Council	20/08/20 23:52	2A(e)	

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EZR.0005.0001.0688		Request for permission to reuse figure	12/12/20 14:57	3; 2A(e)	
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EZR.0005.0001.0707		Re: FW: ANZEC Members Online Book Shop to be launched soon – Please review your book - "Unsettled Issues Concerning the Use of Fuel Cells in Electric Ground Vehicles"	7/06/22 22:18	3; 2A(e)	
EZR.0005.0001.0708	EZR.0005.0001.0707	Receipt_Dues_22_from_The_Explorers_Club.pdf	7/06/22 22:18	2A(e)	
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EZR.0005.0001.0733		Re: Chief Scientist - Fortescue Metals Group Ltd.	30/07/20 16:33	3; 2A(e)	
EZR.0005.0001.0734	EZR.0005.0001.0733	Letter to Department of Home Affairs - Travel Exemption for Bart Kolodziejczyk.pdf	30/07/20 16:33	2A(e)	

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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0005.0001.0735	EZR.0005.0001.0733	Letter Fortescue Border Control Access to WA for Exempt Traveller Bartłomiej Kolodziejczyk 15 July 2020.pdf	30/07/20 16:33	2A(e)	
EZR.0005.0001.0736		RE: Invitation to be an author on IUCN Synbio and Biodiversity Conservation Review Manuscript - Final Approval due by Friday July 2	24/06/21 23:35	3; 2A(e)	
EZR.0005.0001.0737	EZR.0005.0001.0736	Synbio biodiversity manuscript v2.0.pdf	24/06/21 23:35	2A(e)	
EZR.0005.0001.0738	EZR.0005.0001.0736	nr-competing-interests.pdf	24/06/21 23:35	2A(e)	
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EZR.0005.0001.0759	EZR.0005.0001.0757	Bartłomiej Kolodziejczyk Confirmation Letter.pdf	27/01/21 17:37	2A(e)	

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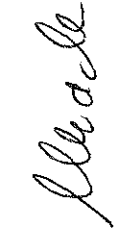
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EZR.0005.0001.0762	EZR.0005.0001.0760	transcript Poland.pdf	24/03/21 20:36	2A(e)	
EZR.0005.0001.0763		Payslip	14/06/21 19:08	3; 2A(e)	
EZR.0005.0001.0764	EZR.0005.0001.0763	Payslip_00579095_202012.pdf	14/06/21 19:08	2A(e)	
EZR.0005.0001.0765		Re: ASF / McKinsey Academy Scholarship - 2021 Executive Leadership Program	27/01/21 21:01	3; 2A(e)	
EZR.0005.0001.0766	EZR.0005.0001.0765	_ASF_permission_form (BK).pdf	27/01/21 21:01	2A(e)	
EZR.0005.0001.0767	EZR.0005.0001.0765	bkolodziejczyk2.jpeg	27/01/21 21:01	2A(e)	
EZR.0005.0001.0770		Payslip	12/11/21 17:18	3; 2A(e)	
EZR.0005.0001.0771	EZR.0005.0001.0770	Payslip_00579095_202105.pdf	12/11/21 17:18	2A(e)	
EZR.0005.0001.0772		Re: SAE International Report Draft	24/04/21 13:39	3; 2A(e)	
EZR.0005.0001.0773	EZR.0005.0001.0772	image.png	24/04/21 13:39	2A(e)	
EZR.0005.0001.0774	EZR.0005.0001.0772	Ammonia Report II v7.docx	24/04/21 13:39	2A(e)	
EZR.0005.0001.0775		Re: Draft report for SAE International	5/03/21 15:49	3; 2A(e)	
EZR.0005.0001.0776	EZR.0005.0001.0775	BK_EPR2021003_Published.pdf	5/03/21 15:49	2A(e)	
EZR.0005.0001.0779		Payslip	14/10/20 19:42	3; 2A(e)	
EZR.0005.0001.0780	EZR.0005.0001.0779	Payslip_00579095_202004.pdf	14/10/20 19:42	2A(e)	
EZR.0005.0001.0783		Re: Draft T20 paper	14/04/21 17:37	3; 2A(e)	
EZR.0005.0001.0784	EZR.0005.0001.0783	image007.png	14/04/21 17:37	2A(e)	
EZR.0005.0001.0785	EZR.0005.0001.0783	image008.png	14/04/21 17:37	2A(e)	
EZR.0005.0001.0786	EZR.0005.0001.0783	image004.jpg	14/04/21 17:37	2A(d)	
EZR.0005.0001.0787	EZR.0005.0001.0783	image006.jpg	14/04/21 17:37	2A(e)	
EZR.0005.0001.0788	EZR.0005.0001.0783	image010.jpg	14/04/21 17:37	2A(e)	
EZR.0005.0001.0789	EZR.0005.0001.0783	Draft PB gH2 for T20 PCR LF (BK).docx	14/04/21 17:37	2A(e)	
EZR.0005.0001.0795		RE: Draft T20 paper	23/04/21 17:49	3; 2A(e)	
EZR.0005.0001.0796	EZR.0005.0001.0795	Policy brief gH2 for T20_draft 23042021.docx	23/04/21 17:49	2A(e)	
EZR.0005.0001.0797		Re: Draft T20 paper	8/04/21 17:18	3; 2A(e)	
EZR.0005.0001.0798	EZR.0005.0001.0797	image002.jpg	8/04/21 17:18	2A(e)	
EZR.0005.0001.0799	EZR.0005.0001.0797	image003.png	8/04/21 17:18	2A(e)	
EZR.0005.0001.0800	EZR.0005.0001.0797	image004.png	8/04/21 17:18	2A(e)	
EZR.0005.0001.0801	EZR.0005.0001.0797	Ammonia Report II DRAFT.docx	8/04/21 17:18	2A(e)	
EZR.0005.0001.0802	EZR.0005.0001.0797	BK_EPR2021003_Published.pdf	8/04/21 17:18	2A(e)	

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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0005.0001.0806		EC Communication: H2020 EIC-FTI 27-10-2020 cut-off: Proposal allocation - Biotechnology	29/10/20 5:13	3; 2A(e)	
EZR.0005.0001.0807	EZR.0005.0001.0806	EIC-FTI 2020_Part I_Presentation of the EIC-FTI programme.pptx	29/10/20 5:13	2A(e)	
EZR.0005.0001.0808	EZR.0005.0001.0806	EIC-FTI 2020_Part II_Guidelines for Evaluation Experts.pptx	29/10/20 5:13	2A(e)	
EZR.0005.0001.0809	EZR.0005.0001.0806	FAQs for EIC-FTI 2020 experts.docx	29/10/20 5:13	2A(e)	
EZR.0005.0001.0813		Payslip	12/06/20 18:31	3; 2A(e)	
EZR.0005.0001.0814	EZR.0005.0001.0813	Payslip_00579095_201912.pdf	12/06/20 18:31	2A(e)	
EZR.0005.0001.0815		Re: Verified Contributor Payment	20/07/20 21:16	3; 2A(e)	
EZR.0005.0001.0816	EZR.0005.0001.0815	image03ba79.PNG	20/07/20 21:16	2A(e)	
EZR.0005.0001.0817	EZR.0005.0001.0815	BKolodziejczyk invoice (012020).pdf	20/07/20 21:16	2A(e)	
EZR.0005.0001.0820		Re: EU Climate Pact Ambassadors – Your application and welcome	24/04/21 18:15	3; 2A(e)	
EZR.0005.0001.0821	EZR.0005.0001.0820	Declaration of Honour (BKolodziejczyk).pdf	24/04/21 18:15	2A(e)	
EZR.0005.0001.0822		Payslip	14/05/20 19:05	3; 2A(e)	
EZR.0005.0001.0823	EZR.0005.0001.0822	Payslip_00579095_201911.pdf	14/05/20 19:05	2A(e)	
EZR.0005.0001.0824		EC Communication: H2020 EIC-FTI 19-02-2020 cut-off: Proposal allocation - Panel BIOTECHNOLOGY	11/06/20 1:36	3; 2A(e)	
EZR.0005.0001.0825	EZR.0005.0001.0824	EIC-FTI 2020_Part I_Presentation of the EIC-FTI programme.pptx	11/06/20 1:36	2A(e)	
EZR.0005.0001.0826	EZR.0005.0001.0824	EIC-FTI 2020_Part II_Guidelines for Evaluation Experts.pptx	11/06/20 1:36	2A(e)	
EZR.0005.0001.0827	EZR.0005.0001.0824	FAQs for EIC-FTI 2020 experts.docx	11/06/20 1:36	2A(e)	
EZR.0005.0001.0843		Re: FW: Fellow Application - IET member no 1100778725:	25/10/20 23:00	3; 2A(e)	
EZR.0005.0001.0844	EZR.0005.0001.0843	~WRD0000.jpg	25/10/20 23:00	2A(e)	
EZR.0005.0001.0845	EZR.0005.0001.0843	Fellowship Letter Dr Kolodziejczyk.pdf	25/10/20 23:00	2A(e)	
EZR.0005.0001.0846		Payslip	14/07/20 18:04	3; 2A(e)	
EZR.0005.0001.0847	EZR.0005.0001.0846	Payslip_00579095_202001.pdf	14/07/20 18:04	2A(e)	
EZR.0005.0001.0848		July 2021 RICH Seminar Series - Dr. Bart Kolodziejczyk	5/07/21 14:50	3; 2A(e)	



Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0005.0001.0849	EZR.0005.0001.0848	image001_5b9d5da2-5226-498c-8efe-a7084a62646b.png	5/07/21 14:50	2A(e)	
EZR.0005.0001.0850	EZR.0005.0001.0848	social_logos_bc6725d5-148a-4909-ae81-760d8b1c3dc4.png	5/07/21 14:50	2A(e)	
EZR.0005.0001.0851	EZR.0005.0001.0848	RICH Seminar Series Kolodziejczyk_June2021_v1.pdf	5/07/21 14:50	2A(e)	
EZR.0005.0001.0854		EC Communication: H2020 EIC-FTI 19-02-2020 cut-off: Proposal allocation - Panel Biotechnology	22/02/20 2:32	3; 2A(e)	
EZR.0005.0001.0855	EZR.0005.0001.0854	EIC-FTI 2020_Part I_Presentation of the EIC-FTI programme.pptx	22/02/20 2:32	2A(e)	
EZR.0005.0001.0856	EZR.0005.0001.0854	EIC-FTI 2020_Part II_Guidelines for Evaluation Experts.pptx	22/02/20 2:32	2A(e)	
EZR.0005.0001.0857	EZR.0005.0001.0854	FAQs for EIC-FTI 2020 experts.docx	22/02/20 2:32	2A(e)	
EZR.0005.0001.0860		Re: Verified Contributors - Post-COVID-19 Economies: Green Hydrogen	25/06/20 11:34	3; 2A(e)	
EZR.0005.0001.0861	EZR.0005.0001.0860	Verified Contributors Terms and Conditions (BKolodziejczyk).pdf	25/06/20 11:34	2A(e)	
EZR.0005.0001.0867		Re: Verified Contributors - Post-COVID-19 Economies: Green Hydrogen	30/06/20 14:18	3; 2A(e)	
EZR.0005.0001.0868	EZR.0005.0001.0867	Green Hydrogen Report.docx	30/06/20 14:18	2A(e)	
EZR.0005.0001.0872		Re: Call: Nomination to ERC Scientific Council	24/08/20 11:10	3; 2A(e)	
EZR.0005.0001.0873	EZR.0005.0001.0872	image001.jpg	24/08/20 11:10	2A(e)	
EZR.0005.0001.0874	EZR.0005.0001.0872	ERC statement_qualifications (BKolodziejczyk).pdf	24/08/20 11:10	2A(e)	
EZR.0005.0001.0875	EZR.0005.0001.0872	Expression of Interest (BKolodziejczyk).pdf	24/08/20 11:10	2A(e)	
EZR.0005.0001.0876		Payslip	14/09/20 18:15	3; 2A(e)	
EZR.0005.0001.0877	EZR.0005.0001.0876	Payslip_00579095_202003.pdf	14/09/20 18:15	2A(e)	
EZR.0005.0001.0878		SAE International - Ammonia Fuel in Ground Vehicles	21/04/20 17:45	3; 2A(e)	
EZR.0005.0001.0879	EZR.0005.0001.0878	EPR2019002.pdf	21/04/20 17:45	2A(e)	
EZR.0005.0001.0897		Payslip	13/11/20 19:22	3; 2A(e)	
EZR.0005.0001.0898	EZR.0005.0001.0897	Payslip_00579095_202005.pdf	13/11/20 19:22	2A(e)	
EZR.0005.0001.0899		[Pitch] Hydrogen fuel cells and iridium price	11/06/21 17:17	3; 2A(e)	

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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0005.0001.0900	EZR.0005.0001.0899	Iridium catalyst.docx	11/06/21 17:17	2A(e)	
EZR.0005.0001.0906		Re: Previous SAE reports	4/11/19 22:23	3; 2A(e)	
EZR.0005.0001.0907	EZR.0005.0001.0906	EPR2019002.pdf	4/11/19 22:23	2A(e)	
EZR.0005.0001.0913		Fwd: permission	7/01/21 14:00	3; 2A(e)	
EZR.0005.0001.0914	EZR.0005.0001.0913	SAE International Permission Request_John Holbrook.pdf	7/01/21 14:00	2A(e)	
EZR.0005.0001.0915		Re: permission	16/12/20 7:29	3; 2A(e)	
EZR.0005.0001.0916	EZR.0005.0001.0915	SAE International Permission Request_John Holbrook.pdf	16/12/20 7:29	2A(e)	
EZR.0006.0001.0001		Re: Connecting with the white house on a green steel pilot	22/09/23 15:29	11(d)	Yes
EZR.0006.0001.0002		Re: Press release updates	6/12/23 9:52	11(d)	Yes
EZR.0006.0001.0003		Re: Green metal refining / steelmaking in the US	4/12/23 16:06	11(d)	Yes
EZR.0006.0001.0004		Re: Green metal refining / steelmaking in the US	4/12/23 12:24	11(d)	Yes
EZR.0006.0001.0005		RE: us iron locations	7/12/23 10:41	11(d)	Yes
EZR.0006.0001.0006		Five Lessons for Industrial Project Finance from H2 Green Steel - RMI	29/10/23 19:22	11(d)	Yes
EZR.0006.0001.0008		Re: Element Zero - Pr... - @michael@elementzero.green are you ha...	23/11/23 10:33	11(d)	Yes
EZR.0006.0001.0009	EZR.0006.0001.0008	Element Zero Pilot Plant.png	23/11/23 10:33	11(d)	Yes
EZR.0006.0001.0010		List of locations and companies	15/12/23 9:06	11(d)	Yes
EZR.0006.0001.0011	EZR.0006.0001.0010	IMG_9504.jpg	15/12/23 9:06	11(d)	Yes
EZR.0006.0001.0012		Element Zero - 3 Nov Board Meeting - Final.pptx	2/11/23 21:46	11(d)	Yes
EZR.0006.0001.0013	EZR.0006.0001.0012	Element Zero - 3 Nov Board Meeting - Final.pdf	2/11/23 21:46	11(d)	Yes
EZR.0006.0001.0015		Re: Element Zero - Pr... - @michael@elementzero.green are you ha...	11/10/23 6:13	11(d)	Yes
EZR.0006.0001.0017		Taggart would we qualify for manufacturing tax credits?	29/11/23 7:30	11(d)	Yes
EZR.0006.0001.0018		Re: us iron locations	7/12/23 12:06	11(d)	Yes

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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0006.0001.0020		Re: seems like we might want someone to go to this:	5/11/23 14:59	11(d)	Yes
EZR.0006.0001.0021		Press release updates	5/12/23 12:03	11(d)	Yes
EZR.0006.0001.0022	EZR.0006.0001.0021	Element Zero Pilot Plant (1).png	5/12/23 12:03	11(d)	Yes
EZR.0007.0001.0002		WO_2024082020_A1 (1).pdf	23/04/25 21:41	13	
EZR.0007.0001.0003		WO_2025000050_A1 (1).pdf	23/04/25 21:48	13	
EZR.0001.0001.1308		EZ Trial Expenditure.xlsx	27/04/25 23:45	12	Yes
EZR.0001.0001.1309		Pilot Plant Expenditure.xlsx	28/04/25 11:19	12	Yes

Part 2 – Documents in the control of Second Respondent for which privilege from production is claimed

No.	Description of document	Date of document	State grounds of privilege
1	Correspondence, memoranda, briefs and other documents including copies thereof being confidential communications between the Second Respondent and his legal advisors, or the Second Respondent's legal advisors and third parties which came into existence for the dominant purpose of obtaining or tendering advice or for use in litigation and anticipated litigation or are communications which embody advice which has been given to the Second Respondent in confidence and the Second Respondent has not waived privilege in respect of those documents	Various	Legal professional privilege / litigation privilege
2	Correspondence, memoranda, briefs and other documents including copies thereof being confidential communications between the Second Respondent and his patent attorneys, or the Second Respondent's patent attorneys and third parties which came into existence for the dominant purpose of providing intellectual property advice or are communications which embody advice which has been given to the Second Respondent in confidence and the Second Respondent has not waived privilege in respect of those documents	Various	Patent attorney privilege pursuant to section 200 of the <i>Patents Act 1990</i> (Cth)

Part 3 -- Documents that have been but are no longer in the control of Second Respondent

No.	Description of document	Date of document	What became of document
3	Documents which may have been lost, deleted or destroyed over time or in the ordinary course of business which documents cannot be identified	Unknown	Lost, deleted or destroyed
4	Emails and other documents stored electronically which may have been deleted and which cannot now be recovered from back-up tapes or databases, and which therefore cannot now be identified.	Unknown	Lost, deleted or destroyed

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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 COVER SHEET

This is **Annexure PAD-62** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

NOTICE OF FILING**Details of Filing**

Document Lodged:	List of Documents - Form 38 - Rule 20.17(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	13/06/2025 2:21:56 PM AEST
Date Accepted for Filing:	13/06/2025 2:22:00 PM AEST
File Number:	NSD527/2024
File Title:	FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

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 38
Rule 20.17(1)

Supplementary list of documents

No. 527 of 2024

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

FORTESCUE LIMITED ACN 002 594 872 and others
Applicants

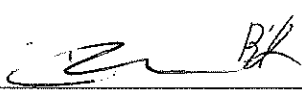
ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others
Respondents

Pursuant to the order for discovery made on 26 February 2025, the First Respondent makes this supplementary list of documents and affidavit.

Affidavit

On 13 June 2025, I **Bartłomiej Piotr Kolodziejczyk** of Unit 1/19 Oxleigh Drive, Malaga WA 6090, Chief Technology Officer, say on oath:

1. I am a director and Chief Technology Officer of the First Respondent, and I am authorised to make this affidavit of the First Respondent's behalf.
2. I swore a previous List of Documents on 29 April 2025 on behalf of the First Respondent (**the 29 April 2025 List**). This Supplementary List of Documents reproduces Part 1 of the 29 April 2025 List, and provides additional descriptions of the documents in Parts 2 and 3.
3. I have made reasonable enquiries as to the existence and location of the documents specified in the order.
4. To the best of my knowledge, information and belief, there are no documents specified in the order that are or have been in the control of the First Respondent, other than the documents specified in this list of documents.



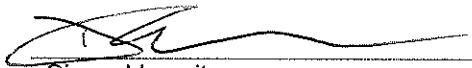
Filed on behalf of (name & role of party)	The First, Second and Fourth Respondents		
Prepared by (name of person/lawyer)	Michael John Williams, Partner		
Law firm (if applicable)	Gilbert + Tobin		
Tel	(02) 9263 4271	Fax	(02) 9263 4111
Email	mwilliams@gtlaw.com.au		
Address for service	Level 35, International Tower Two		
(include state and postcode)	200 Barangaroo Avenue, Barangaroo NSW 2000		

5. The documents set out in Part 1 are in the control of the First Respondent and the First Respondent does not claim privilege from production for any of these documents.
6. The documents set out in Part 2 are in the control of the First Respondent but the First Respondent claims privilege from production of each of these documents on the grounds set out in Part 2.
7. To the best of my recollection, there are no documents for the First Respondent to disclose under Part 3.

Sworn by the deponent
at Hadfield, Victoria
on 13 June 2025
Before me:

)
)
)
)
)

Bart J. ...
Signed by deponent


Signed by witness


Daisy Edrei Cullen, Solicitor

This document was signed and witnessed over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000 (NSW).

Inspection of documents

The documents set out in Part 1 have been provided by way of electronic file transfer to the Applicants and Third Respondent.

Date: 13 June 2025


Rebecca Mary Dunn
Partner of Michael John Williams, solicitor for
the First Respondent

Part 1 - Documents in the control of First Respondent

Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0001.0001.0002		10182-0000-PM-REP-0001 Green Metal SS Rev_A (1).pdf	17/04/23 12:59	11(a)	Yes
EZR.0001.0001.0003		10182-0000-PM-REP-0001 Green Metal SS Rev_A.pdf	12/04/23 23:17	11(a)	Yes
EZR.0001.0001.0004		10202-0000-ME-LAY-0001_A.pdf	6/09/23 21:22	11(a)	Yes
EZR.0001.0001.0005		10202-0000-PM-MEM-0002_Rev A Pilot Plant Description.pdf	11/09/23 11:58	11(a)	Yes
EZR.0001.0001.0008		10260-0000-PM-REP-0001_0 Class 4 Estimate Update.pdf	19/12/24 16:30	11(a)	Yes
EZR.0001.0001.0017		10260-0000-PR-PFD-0002_0.pdf	19/12/24 2:03	11(b)	Yes
EZR.0001.0001.0018		10260-1000-PDC-0001_0 Pilot Plant Process Design Criteria.pdf	18/12/24 23:50	11(a)	Yes
EZR.0001.0001.0019		10260-0000-GA-LAY-0001_0.pdf	19/12/24 2:22	11(b)	Yes
EZR.0001.0001.0020		10260-0000-GA-LAY-0002_0.pdf	19/12/24 2:23	11(a)	Yes
EZR.0001.0001.0021		10260-0000-GE-WBS-0001_0 WBS.pdf	18/12/24 19:44	11(a)	Yes
EZR.0001.0001.0022		10260-0000-PR-BFD-0001_0.pdf	19/12/24 1:59	11(b)	Yes
EZR.0001.0001.0023		10260-0000-PR-MB-0001_0 Pilot Plant Mass Balance.pdf	18/12/24 20:07	11(a)	Yes
EZR.0001.0001.0024		10260-0000-PR-PFD-0001_0.pdf	19/12/24 2:01	11(b)	Yes
EZR.0001.0001.0026		Green Metals Study Outcomes Presentation.pdf	22/03/23 19:58	11(a)	Yes
EZR.0001.0001.0027		H2 DRI vs EZI rev C.pdf	31/07/23 12:15	11(a)	Yes
EZR.0001.0001.0039		10202-0000-ME-LAY-0001_C.pdf	2/11/23 2:14	11(b)	Yes
EZR.0001.0001.0040		10202-0000-PM-MEM-0002_Rev_A Scope.docx	14/01/24 10:40	11(a)	Yes
EZR.0001.0001.0041		10202-0000-PR-BFD-0001_A.pdf	2/11/23 1:14	11(b)	Yes
EZR.0001.0001.0042		10202-0000-PR-BFD-0001_C.pdf	15/11/23 20:55	11(b)	Yes
EZR.0001.0001.0043		10202-0000-PR-BFD-0001_E.pdf	23/01/24 21:44	11(b)	Yes
EZR.0001.0001.0045		10202-1510-P-ME-0040-DAT-0001 Rev A Rectifier.xlsx	3/11/23 18:49	11(a)	Yes
EZR.0001.0001.0046		10202-1900-PR-PFD-0001_A.pdf	19/12/23 2:49	11(b)	Yes



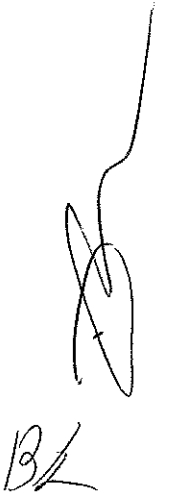
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EZR.0001.0001.0047		111223_10202-TN-002_BK_v2.docx	12/12/23 7:16	11(f)	Yes
EZR.0001.0001.0048		1202-TN-004.docx	15/01/24 11:54	11(a)	Yes
EZR.0001.0001.0049	EZR.0001.0001.0048	Microsoft_Visio_Drawing.vsd	15/01/24 11:54	11(a)	Yes
EZR.0001.0001.0050		16012024 EPCM Schedule.pdf	16/01/24 18:57	11(a)	Yes
EZR.0001.0001.0051		180124_10202-TN-003 Rev1.docx	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0052	EZR.0001.0001.0051	Microsoft_Visio_Drawing.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0053	EZR.0001.0001.0051	Microsoft_Visio_Drawing1.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0054	EZR.0001.0001.0051	Microsoft_Visio_Drawing2.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0055	EZR.0001.0001.0051	Microsoft_Visio_Drawing3.vsd	18/01/24 17:56	11(a)	Yes
EZR.0001.0001.0056		B3302 001 A.pdf	17/02/24 11:24	11(a)	Yes
EZR.0001.0001.0064		Lab scale pump_Moulten Caustic 28_11_23.pdf	28/11/23 15:40	11(a)	Yes
EZR.0001.0001.0068		NewPro Green Metals Pilot Plant 2a Capex ME 2024_RevF.pdf	1/02/24 12:39	11(a)	Yes
EZR.0001.0001.0069		Process Design Criteria Rev E.pdf	18/01/24 19:53	11(a)	Yes
EZR.0001.0001.0074		NewPro report 10182-0000-PM-REP-0001 Green Metal SS Rev A.pdf	17/04/23 17:22	11(a)	Yes
EZR.0001.0001.0075		Pilbara Super Iron Hub Energy Consumption.xlsx	8/01/24 16:03	11(a)	Yes
EZR.0001.0001.0077		Testwork Process Review Rev B.docx	6/12/23 16:38	11(f)	Yes
EZR.0001.0001.0078		Water removal from iron ore.xlsx	3/01/24 15:40	11(f)	Yes
EZR.0001.0001.0079		doc01140220230809101813.pdf	17/02/25 10:52	11(a)	Yes
EZR.0001.0001.0081		10182-1000-MB-0001 Mass Balance Rev B Green Metals.pdf	23/03/23 0:02	11(a)	Yes
EZR.0001.0001.0082		Equipment List.pdf	23/03/23 1:03	11(a)	Yes
EZR.0001.0001.0085		Process Design Criteria Rev C.xlsb.pdf	22/03/23 23:54	11(a)	Yes
EZR.0001.0001.0086		WBS Rev A.pdf	23/03/23 1:05	11(a)	Yes
EZR.0001.0001.0089		Green Metals Proposal 2 spreadsheet sh 2.pdf	11/05/23 16:50	11(a)	Yes
EZR.0001.0001.0091		image001.png	17/02/25 10:52	11(a)	Yes
EZR.0001.0001.0094		1.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0095		10.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0096		2.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0097		3.jpg	17/02/25 10:54	11(a)	Yes

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Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0001.0001.0098		4.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0099		5.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0100		6.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0103		9.jpg	17/02/25 10:54	11(a)	Yes
EZR.0001.0001.0104		pilot plant description.pdf	4/09/23 17:35	11(a)	Yes
EZR.0001.0001.0105		1066097-S_report.pdf	15/02/24 17:20	11(f)	Yes
EZR.0001.0001.0106		1066097-W_report.pdf	15/02/24 17:20	11(f)	Yes
EZR.0001.0001.0111		2024-02-21 Lab meeting minutes.pdf	22/02/24 13:00	11(f)	Yes
EZR.0001.0001.0112		2024-02-21 Lab meeting minutes_V2.pdf	22/02/24 15:24	11(f)	Yes
EZR.0001.0001.0114		4863 Assay Analysis of Magnetite Sample.xlsx	28/02/24 10:11	11(f)	Yes
EZR.0001.0001.0115		Bjorn_s method of Electrodeposition_work plan.pdf	26/02/24 17:18	11(f)	Yes
EZR.0001.0001.0121		Deposited iron in HCl.mp4	17/02/25 10:24	11(f)	Yes
EZR.0001.0001.0122		EZ What we know and what we need to know +BWJ.docx	19/03/24 14:12	11(f)	Yes
EZR.0001.0001.0134		Ez Flow Sheet Parameters_BK_v01.xlsx	16/02/24 16:16	11(f)	Yes
EZR.0001.0001.0136		Hydroxide stoichiometrics v3.xlsx	18/01/24 17:05	11(f)	Yes
EZR.0001.0001.0137		Hydroxide stoichiometrics.xlsx	15/02/25 17:37	11(f)	Yes
EZR.0001.0001.0138		IMG-20240325-WA0008.jpg	17/02/25 10:21	11(f)	Yes
EZR.0001.0001.0139		LG3 Tip Assays.xlsx	13/02/24 20:27	11(f)	Yes
EZR.0001.0001.0140		1034203 - Element Zero Pty Ltd.pdf	17/01/24 12:59	11(f)	Yes
EZR.0001.0001.0141		1034203-A1 - Element Zero Pty Ltd.pdf	19/01/24 13:27	11(f)	Yes
EZR.0001.0001.0142		Quotation Q24_0039 - Element Zero.pdf	17/01/24 12:04	11(f)	Yes
EZR.0001.0001.0145		NewPro calculations.xlsx	12/12/23 12:11	11(f)	Yes
EZR.0001.0001.0146		Processing of BHP iron ore sample.docx	15/02/24 9:49	11(f)	Yes
EZR.0001.0001.0147		Recovery Calculations.xlsx	31/01/24 18:11	11(f)	Yes
EZR.0001.0001.0148		Nov - Dec 23 Monthly report_KW.pdf	24/12/23 16:42	11(f)	Yes
EZR.0001.0001.0195		Silicon deposit.jpg	17/02/25 10:23	11(f)	Yes
EZR.0001.0001.0196		Sodium hydroxide and sodium ferrite.docx	4/02/24 22:40	11(f)	Yes
EZR.0001.0001.0197		TMA01002 data 13_10.XLS.xlsx	15/10/23 17:59	11(a)	Yes
EZR.0001.0001.0198		2024-11-06 at 16:28:52_737f389d.mp4	17/02/25 10:25	11(f)	Yes
EZR.0001.0001.0199		20240717A_AW RioTinto Presentation.pptx	15/11/24 16:56	11(f)	Yes
EZR.0001.0001.0201		20241029A_AW_Results.pdf	7/11/24 12:41	11(f)	Yes

Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0001.0001.0202		20241029A AW WorkPlan_BK.docx	13/11/24 3:23	11(f)	Yes
EZR.0001.0001.0203		20241029A AW WorkPlan_v0.4.docx	25/11/24 14:21	11(f)	Yes
EZR.0001.0001.0210		20240226 121633.jpg	17/02/25 10:33	11(f)	Yes
EZR.0001.0001.0211		20240226 125233.jpg	17/02/25 10:33	11(f)	Yes
EZR.0001.0001.0212		20240226 144942.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0213		20240223 100607.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0214		20240227 122405.mp4	17/02/25 10:35	11(f)	Yes
EZR.0001.0001.0216		20240227 123501.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0217		20240227 123737.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0218		20240227 124452.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0219		20240227 124509.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0220		20240227 133221.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0221		20240228 095306.jpg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0222		IMG-20240226-WVA0010.jpeg	17/02/25 10:34	11(f)	Yes
EZR.0001.0001.0269		Stokes law calculator_v02.docx	7/03/24 15:30	11(f)	Yes
EZR.0001.0001.0270		Stokes law calculator_v02.xlsx	7/03/24 15:35	11(f)	Yes
EZR.0001.0001.0283		225 Leach _150 kg Leach Prep 20_3_24.pdf	20/03/24 18:50	11(f)	Yes
EZR.0001.0001.0284		24 Hr leach completed Wed-Wed finishing 24_1_24.pdf	24/01/24 18:51	11(f)	Yes
EZR.0001.0001.0285		24_1_24 _Ongoing 225aa.pdf	24/01/24 11:14	11(f)	Yes
EZR.0001.0001.0286		Commissioning pathway for EW1000 – Workshop scale EW cell "Trial Plant Scale" 6_3_23.pdf	6/03/24 18:51	11(a)	Yes
EZR.0001.0001.0287		Commissioning pathway for EW1000 – Workshop scale EW cell "Trial Plant Scale" 7_3_23.docx	7/03/24 13:16	11(a)	Yes
EZR.0001.0001.0288		DJA HAZID Feedback on actions etc 23_2_24.pdf	23/02/24 16:24	11(a)	Yes
EZR.0001.0001.0292		Duplicated kiln request 19_1_24.docx	19/01/24 16:18	11(a); 11(f)	Yes
EZR.0001.0001.0293		EW1000 Progressive build 6_12_21a.pdf	6/12/23 16:59	11(a)	Yes
EZR.0001.0001.0294		EW1000 _Ongoing Stage 1 commissioning _ 18_19_3_24.pdf	19/03/24 18:53	11(f)	Yes

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EZR.0001.0001.0295		EW1000 _approaching completion of Stage 1 27_3_24.pdf	27/03/24 15:44	11(a)	Yes
EZR.0001.0001.0296		EW1000 after 350 deg trial 4_12_23.pdf	4/12/23 13:00	11(f)	Yes
EZR.0001.0001.0297		EW1000 ongoing Stage 1 Commissioning 13_3_24.pdf	13/03/24 17:51	11(a)	Yes
EZR.0001.0001.0299		Insulated Slat – EW1000 11_12_23.pdf	11/12/23 18:23	11(a)	Yes
EZR.0001.0001.0300		L225 22_1_24 dry eutetic Mondaya.pdf	22/01/24 11:46	11(f)	Yes
EZR.0001.0001.0301		L225 8 day data trends final 25_1_24.XLS.xlsx	25/01/24 17:44	11(f)	Yes
EZR.0001.0001.0302		L225 8 day data trends final Updated plot on Mins 31_1_24.xlsx	31/01/24 11:55	11(f)	Yes
EZR.0001.0001.0304		L225 Haematite 350 deg MACF leach event 27_3_24.pdf	27/03/24 13:35	11(f)	Yes
EZR.0001.0001.0305		L225 January Trials 08_15 Thursday 18_1_24.pdf	18/01/24 12:03	11(f)	Yes
EZR.0001.0001.0306		L225 Photoblog 200kg_Magnetite 25_3_24.pdf	26/03/24 12:23	11(f)	Yes
EZR.0001.0001.0307		Leaching Haemetite and harvesting 28_3_24.pdf	28/03/24 17:47	11(f)	Yes
EZR.0001.0001.0308		Lifting frame certifying 400kg WLL 14_12_23.pdf	14/12/23 18:46	11(a)	Yes
EZR.0001.0001.0309		Low cost temperature controllers review 7_3_24.pdf	7/03/24 17:17	11(a)	Yes
EZR.0001.0001.0310		Mag Separator tripping breaker 26_3_24.pdf	26/03/24 13:42	11(a)	Yes
EZR.0001.0001.0311		Moving moving hydroxides 8_3_24.pdf	8/03/24 16:47	11(a)	Yes
EZR.0001.0001.0312		Ongoing EW1000 Stage 1 commissioning 20_3_24.pdf	20/03/24 18:37	11(f)	Yes
EZR.0001.0001.0313		Paddle A 60.pdf	14/03/24 12:55	11(a)	Yes
EZR.0001.0001.0314		Paddle C 30.pdf	14/03/24 12:50	11(a)	Yes
EZR.0001.0001.0315		Pre checks L225 15_1_24.pdf	15/01/24 18:56	11(f)	Yes
EZR.0001.0001.0316		Rectifier delivery 22_3_24 Oxleigh unit #7.pdf	22/03/24 11:23	11(a)	Yes




Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0001.0001.0317		Test Work Plan – Element Zero – 100 kg_ Day Leach and EW 11_1_23.pdf	12/01/24 11:38	11(f)	Yes
EZR.0001.0001.0318		Test of Rods leach kiln EZ elements 31_1_24.pdf	31/01/24 18:29	11(a); 11(f)	Yes
EZR.0001.0001.0319		Thermal view of EW1000 at 250 Deg C 15_2_24.pdf	15/02/24 18:37	11(a)	Yes
EZR.0001.0001.0320		Thermal view of EW1000 whilst at 250 deg C – Front electrode pack installed 14_3_24.pdf	14/03/24 12:31	11(a)	Yes
EZR.0001.0001.0321		Typical Copper gold electrowinning cells 21_2_24.pdf	21/02/24 13:12	11(a)	Yes
EZR.0001.0001.0322		Vent Box EW1000 11_12_23.pdf	11/12/23 18:31	11(a)	Yes
EZR.0001.0001.0323		Workshop_additional items 21_2_24.xlsx	21/02/24 14:26	11(a)	Yes
EZR.0001.0001.0325		summary of some of the planned activities on EW1000 19_2_24.docx	19/02/24 17:11	11(f)	Yes
EZR.0001.0001.0327		Magnetic Separation Testwork T3495 - Element Zero Pty Ltd 20241031.xlsx	31/10/24 20:21	11(f)	Yes
EZR.0001.0001.0328		20_Mass Balance Rev D.xls	6/09/24 17:59	11(f)	Yes
EZR.0001.0001.0330		1-11-23 Leaching Tank Top, Bottom V1.pdf	8/07/24 18:43	11(f)	Yes
EZR.0001.0001.0331		20240408A_KW Report.pdf	18/06/24 12:26	11(f)	Yes
EZR.0001.0001.0333		20240927 KW_BHP -45um Fe ore dissolution in eutectic melt.pdf	5/12/24 19:43	11(f)	Yes
EZR.0001.0001.0334		20240927 KW_BHP -45um Fe ore dissolution in eutectic melt.pptx	18/11/24 19:02	11(f)	Yes
EZR.0001.0001.0335		20240927 KW_BHP lump dissolution in eutectic melt.pdf	21/01/25 18:24	11(f)	Yes
EZR.0001.0001.0336		20240927 KW_Whyalla Hem lump dissolution in eutectic melt.pdf	21/01/25 18:23	11(f)	Yes
EZR.0001.0001.0337		20240927 KW_Whyalla Hem lump dissolution in eutectic melt.pptx	18/11/24 19:01	11(f)	Yes
EZR.0001.0001.0338		20241029A_AW_Update_20241204.pdf	5/12/24 13:24	11(f)	Yes
EZR.0001.0001.0339		20241029B_KW Report DRAFT 20241204.pdf	5/12/24 19:22	11(f)	Yes
EZR.0001.0001.0340		20241029B_KW Report.pdf	7/01/25 14:55	11(f)	Yes

Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0001.0001.0341		20241029B_KW_Report_Appendix.pdf	6/01/25 16:19	11(f)	Yes
EZR.0001.0001.0342		20241029B_KW_takeaways.pdf	8/01/25 14:06	11(f)	Yes
EZR.0001.0001.0343		20241204_PM_Presentation.pdf	5/12/24 19:21	11(f)	Yes
EZR.0001.0001.0344		20241209A_KW_WorkPlan.docx	11/12/24 12:21	11(f)	Yes
EZR.0001.0001.0345		20241216A_KW_Fe ore chemical conversion and dissolution.pdf	14/01/25 18:48	11(f)	Yes
EZR.0001.0001.0346		20250124A_KW_WorkPlan.docx	23/01/25 12:25	11(f)	Yes
EZR.0001.0001.0348		Research Meeting 2024-08-19.pptx	19/08/24 16:01	11(f)	Yes
EZR.0001.0001.0350		TGA for EZ.pptx	31/10/24 20:30	11(f)	Yes
EZR.0001.0001.0351		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 1.jpg	17/02/25 10:48	11(f)	Yes
EZR.0001.0001.0352		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 2.jpg	17/02/25 10:47	11(f)	Yes
EZR.0001.0001.0353		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 3.jpg	17/02/25 10:47	11(f)	Yes
EZR.0001.0001.0354		BHP #3 Dried - Electrode After 72.0 Hours (19.5 + 25.0 + 72 + 24 Total) No 4 (1).jpg	17/02/25 10:46	11(f)	Yes
EZR.0001.0001.0355		BHP #3 Iron Ore Caustic Roasting Test Plan.pdf	7/03/24 13:17	11(f)	Yes
EZR.0001.0001.0356		BHP #3 Iron Ore Roasted 800 Deg C Test Plan.pdf	19/03/24 19:49	11(f)	Yes
EZR.0001.0001.0357		BHP #3 Iron Ore Roasted 970 Deg C 1.5 V Test Plan.pdf	17/04/24 16:52	11(f)	Yes
EZR.0001.0001.0358		BHP #3 Roasted - Electrode After 72.0 Hours (21 + 22.5 + 72 + 24 Total) No 1.jpg	17/02/25 10:47	11(f)	Yes
EZR.0001.0001.0360		BHP #3 Roasted - Electrode After 72.0 Hours (21 + 22.5 + 72 + 24 Total) No 3.jpg	17/02/25 10:46	11(f)	Yes
EZR.0001.0001.0371		MgO Buttons & Crucible Corrosion Test 360 Deg C Test.docx	14/06/24 12:06	11(f)	Yes
EZR.0001.0001.0372		MgO Buttons & Crucible Corrosion Test 360 Deg C Test.pdf	25/07/24 13:39	11(f)	Yes
EZR.0001.0001.0373		MgO Coupons Corrosion Test 360 Deg C Test Plan.docx	27/03/24 18:31	11(f)	Yes
EZR.0001.0001.0374		Molten Sodium Hydroxide Tests.xlsx	16/02/24 20:03	11(f)	Yes

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EZR.0001.0001.0376		Progress Report Molten NaOH Tests 14-15 Feb 2024.docx	16/02/24 20:00	11(f)	Yes
EZR.0001.0001.0388		Report Molten NaOH Test 3 - Roasted Leach Only.docx	13/03/24 20:01	11(f)	Yes
EZR.0001.0001.0389		Report Molten NaOH Test 6 - Roasted 970 Deg C 1.5 V.pdf	6/05/24 14:39	11(f)	Yes
EZR.0001.0001.0390		Report Molten NaOH Tests 1 & 2 - Dried and Roasted Iron Ore.docx	26/03/24 15:34	11(f)	Yes
EZR.0001.0001.0418		2306 OWJ EZ lab report for Jun 23.pdf	6/11/23 16:05	11(f)	Yes
EZR.0001.0001.0419		2307 OWJ EZ lab report for Jul 23.pdf	6/11/23 16:04	11(f)	Yes
EZR.0001.0001.0420		2308 OWJ EZ lab report for Aug 23.pdf	6/11/23 16:04	11(f)	Yes
EZR.0001.0001.0421		2309 OWJ EZ lab report for Sep 23.pdf	6/11/23 16:03	11(f)	Yes
EZR.0001.0001.0422		2310 OWJ EZ lab report for Oct 23.pdf	6/11/23 16:03	11(f)	Yes
EZR.0001.0001.0423		2311-12 OWJ EZ lab report for Nov-Dec 23.pdf	14/12/23 18:48	11(f)	Yes
EZR.0001.0001.0424		5 Kg Leach Tank Test 1 Report.docx	9/05/24 11:45	11(f)	Yes
EZR.0001.0001.0425		5 Kg Leach Tank Test 2 Report.docx	9/05/24 14:49	11(f)	Yes
EZR.0001.0001.0426		Iron deposit washing investigation - work plan.docx	13/05/24 17:07	11(f)	Yes
EZR.0001.0001.0427		Leaching Brainstorming Session.docx	9/04/24 15:51	11(f)	Yes
EZR.0001.0001.0431		4863-Test 10002 Magnetite For Sizing (de-mag).pdf	29/01/24 15:20	11(f)	Yes
EZR.0001.0001.0432		Attachments.pdf	31/05/24 12:39	11(a)	Yes
EZR.0001.0001.0433		Leach Test Report 10002.docx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0434	EZR.0001.0001.0433	Microsoft Excel Worksheet.xlsx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0435	EZR.0001.0001.0433	Microsoft Excel Worksheet1.xlsx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0436	EZR.0001.0001.0433	Microsoft Excel Worksheet2.xlsx	31/01/24 19:13	11(f)	Yes
EZR.0001.0001.0437		Trial Plant Proposal.docx	31/05/24 15:46	11(a)	Yes
EZR.0001.0001.0438		Trial Plant Work Plan 1.docx	30/05/24 11:23	11(f)	Yes
EZR.0001.0001.0439		Using citric acid to wash the iron deposits.docx	7/06/24 14:57	11(f)	Yes
EZR.0001.0001.0440		What we know.docx	25/01/24 13:47	11(f)	Yes
EZR.0001.0001.0441		Work Plan - Magnetite Leaching Trial Plant.docx	20/03/24 18:53	11(f)	Yes



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EZR.0001.0001.0442		Workshop activities 16_11_23.xlsx	17/11/23 14:40	11(a); 11(f)	Yes
EZR.0001.0001.0464		Examples of deposition from 22-23.pdf	17/02/24 13:54	11(f)	Yes
EZR.0001.0001.0465		Processing of GFG iron ore sample.docx	3/04/24 19:06	11(f)	Yes
EZR.0003.0003.0041	EZR.0003.0003.0040	EMZ001 Overview - August 23.pptx	8/08/23 0:32	11(d)	Yes
EZR.0003.0003.0042		FW: Most up to date deck for Playground meeting	8/08/23 0:34	11(d)	Yes
EZR.0003.0003.0043	EZR.0003.0003.0042	EMZ001 Overview - August 23.pptx	8/08/23 0:34	11(d)	Yes
EZR.0003.0003.0044		Fwd: ARENA application (as submitted)	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0045	EZR.0003.0003.0044	BK006_v2_00 - Research Commercialisation Plan.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0046	EZR.0003.0003.0044	BK006_v2_00 - Project Support Letter, CVs of Key Personnel, Response to EOI Feedback, Pilot Site Evaluation.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0047	EZR.0003.0003.0044	BK006_v2_00 - Confirmation of Compliance with Funding Agreement.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0048	EZR.0003.0003.0044	BK006_v2_00 - Project Plan.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0049	EZR.0003.0003.0044	BK006_v2_00 - Risk Management Plan.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0050	EZR.0003.0003.0044	BK006_v2_00 - Project Timeline.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0051	EZR.0003.0003.0044	BK006_v2_00 - Further Budget Justification.pdf	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0052	EZR.0003.0003.0044	BK006_v2_00 - Application.docx	29/11/23 18:04	11(d)	Yes
EZR.0003.0003.0053		Fwd: Ammonia production in molten 50:50 NaOH:KOH with Fe2O3 catalyst at 200 deg C	8/08/23 11:10	11(d)	Yes
EZR.0003.0003.0054	EZR.0003.0003.0053	licht2014.pdf	8/08/23 11:10	11(d)	Yes
EZR.0003.0003.0055		Fwd: Boodarie SIA - Updated Element Zero Project Proposal	23/08/23 17:33	11(d)	Yes
EZR.0003.0003.0056	EZR.0003.0003.0055	Element Zero Boodarie SIA Project Proposal vfinal_02.pdf	23/08/23 17:33	11(d)	Yes
EZR.0003.0003.0057		Fwd: Element Zero - one page.docx	4/10/23 13:52	11(d)	Yes
EZR.0003.0003.0058	EZR.0003.0003.0057	Element Zero - one page.docx	4/10/23 13:52	11(d)	Yes
EZR.0003.0003.0059		Fwd: First draft - First Movers Coalition	29/11/23 18:01	11(d)	Yes
EZR.0003.0003.0060	EZR.0003.0003.0059	Near-Zero Steel Enabling Technologies.docx	29/11/23 18:01	11(d)	Yes



Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0003.0003.0061		Fwd: Meeting Follow up - Element Zero and Mitsui	13/11/23 20:29	11(d)	Yes
EZR.0003.0003.0062	EZR.0003.0003.0061	Element Zero - Mitsui Meeting Material 13th Nov. 2023.pdf	13/11/23 20:29	11(d)	Yes
EZR.0003.0003.0063		Leach tank + pumps getting ready for leaching	7/09/23 21:26	11(d)	Yes
EZR.0003.0003.0064		Mineral resources market size v03.xlsx	7/12/23 7:29	11(d)	Yes
EZR.0003.0003.0065	EZR.0003.0003.0064	Mineral resources market size v03.xlsx	7/12/23 7:29	11(d)	Yes
EZR.0003.0003.0066		Progress on analysis	25/04/24 7:55	11(d)	Yes
EZR.0003.0003.0067	EZR.0003.0003.0066	DSR6955 - Element Zero.pdf	25/04/24 7:55	11(d)	Yes
EZR.0003.0003.0068		RE: Aramco Deck	23/12/23 4:15	11(d)	Yes
EZR.0003.0003.0069	EZR.0003.0003.0068	EMZ004 Overview - Final Dec 23.pdf	23/12/23 4:15	11(d)	Yes
EZR.0003.0003.0070		RE: Feedback on EZ Logo Design	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0071	EZR.0003.0003.0070	EMZ002 Element Zero Briefing Pack Final.pptx	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0072	EZR.0003.0003.0070	Microsoft Excel Worksheet.xlsx	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0073	EZR.0003.0003.0070	Microsoft Excel Worksheet1.xlsx	5/10/23 22:08	11(d)	Yes
EZR.0003.0003.0074		RE: Rendering for CAD model	11/12/23 18:11	11(d)	Yes
EZR.0003.0003.0077		Re: Ammonia production in molten 50:50 NaOH:KOH with Fe2O3 catalyst at 200 deg C	8/08/23 12:58	11(d)	Yes
EZR.0003.0003.0078		Re: Brief chat with Kevin R. , talking to a Congressman next week, hosting a Senator at PG on the 9th.	19/11/23 13:12	11(d)	Yes
EZR.0003.0003.0079	EZR.0003.0003.0078	DRI vs EZ.pptx	19/11/23 13:12	11(d)	Yes
EZR.0003.0003.0081		Re: Connecting with the white house on a green steel pilot	26/09/23 10:16	11(d)	Yes
EZR.0003.0003.0082		Re: Element Zero - Messaging	26/09/23 10:02	11(d)	Yes
EZR.0003.0003.0087		Re: Element Zero - three pager overview	3/10/23 13:03	11(d)	Yes
EZR.0003.0003.0088	EZR.0003.0003.0087	Element Zero overview (Bart-Julie).docx	3/10/23 13:03	11(d)	Yes
EZR.0003.0003.0091		Re: Element Zero on Copper and a non-dilutive funding opportunity	19/10/23 11:26	11(d)	Yes
EZR.0003.0003.0092		Re: Playground Marketing/Communications Questionnaire	24/08/23 15:23	11(d)	Yes



Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0003.0003.0093	EZR.0003.0003.0092	EMZ002 Updated Pitch - Teaser.pdf	24/08/23 15:23	11(d)	Yes
EZR.0003.0003.0094		Re: Rudd + Albanese	12/08/23 18:27	11(d)	Yes
EZR.0003.0003.0095	EZR.0003.0003.0094	10202-0000-GE-SPL-0001_A.pdf	12/08/23 18:27	11(d)	Yes
EZR.0003.0003.0097		Update to push forward Boodarie land allocation	24/11/23 20:49	11(d)	Yes
EZR.0003.0003.0098	EZR.0003.0003.0097	Element Zero Boodarie SIA update Final.docx	24/11/23 20:49	11(d)	Yes
EZR.0003.0003.0099		WA Development - Boodarie application	27/07/23 11:30	11(d)	Yes
EZR.0003.0003.0100	EZR.0003.0003.0099	Element Zero Boodarie SIA Project Proposal vfinal.pdf	27/07/23 11:30	11(d)	Yes
EZR.0003.0003.0103		20230605 - Element Zero Presentation.pdf	5/06/23 15:43	11(d)	Yes
EZR.0003.0003.0111		20230330 - U2_30 Oxleigh Drive Lease Agreement.pdf	27/02/25 14:32	11(d)	Yes
EZR.0003.0003.0121		CAPEX table 31-05.xlsx	27/02/25 14:32	11(d)	Yes
EZR.0003.0003.0125		20200517 - Technical Q&A.pdf	17/05/23 20:02	11(d)	Yes
EZR.0002.0001.0289		Re: thoughts on a distributed ammonia company?	25/10/23 17:13	11(d)	Yes
EZR.0002.0001.0290	EZR.0002.0001.0289	Screen Shot 2023-10-24 at 4.05.46 PM.png	25/10/23 17:13	11(d)	Yes
EZR.0002.0001.0336		Re: Peter in Australia - to be rescheduled to later in the afternoon	3/03/23 20:10	11(d)	Yes
EZR.0002.0001.0600		Re: Element Zero Presentation	30/11/23 10:16	11(d)	Yes
EZR.0002.0001.0601	EZR.0002.0001.0600	Element Zero Deck (Short).pdf	30/11/23 10:16	11(d)	Yes
EZR.0002.0001.0602	EZR.0002.0001.0600	image001.gif	30/11/23 10:16	11(d)	Yes
EZR.0003.0001.0001		01. ANNA - LAB WORK - 2024.pdf	22/05/24 18:29	11(c)	Yes
EZR.0003.0001.0002		02. Phillip - EZ.pdf	22/05/24 18:29	11(c)	Yes
EZR.0003.0001.0003		03. H EO.pdf	22/05/24 18:29	11(c)	Yes
EZR.0003.0001.0005		05. Nicholas Megalos - Chemical Engineer.pdf	22/05/24 17:47	11(c)	Yes
EZR.0003.0002.0295		water balance for dissolution and deposition.docx	18/05/23 23:55	11(f)	Yes
EZR.0003.0002.0297		2023-05-07.Draft Prov Spec. v1.09-05-2023.docx	9/05/23 16:17	13	

Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0003.0002.0309		p5039pct01.specification as filed.06-12-24.pdf	6/12/24 15:17	13	Yes
EZR.0003.0002.0329		2023-06-30.hp4523au-pr.Provisional as filed.pdf	30/06/23 16:42	13	
EZR.0003.0002.0340		Tech slides 02-03-2023.pptx	3/03/23 1:02	11(f)	Yes
EZR.0003.0003.0004		6 February 2024 Element Zero Board Papers	3/02/24 10:37	11(d)	Yes
EZR.0003.0003.0005	EZR.0003.0003.0004	Element Zero - 6 Feb 2024 Board Meeting - Final.pdf	3/02/24 10:37	11(d)	Yes
EZR.0003.0003.0006		Draft Presentation for Aramco	7/12/23 9:06	11(d)	Yes
EZR.0003.0003.0007	EZR.0003.0003.0006	EMZ002 Overview - Playground Dec 23.pdf	7/12/23 9:06	11(d)	Yes
EZR.0003.0003.0008		EMZ002 Updated Pitch.pptx	18/08/23 11:36	11(d)	Yes
EZR.0003.0003.0009	EZR.0003.0003.0008	EMZ002 Updated Pitch.pptx	18/08/23 11:36	11(d)	Yes
EZR.0003.0003.0010	EZR.0003.0003.0008	Microsoft Excel Worksheet.xlsx	18/08/23 11:36	11(d)	Yes
EZR.0003.0003.0011	EZR.0003.0003.0008	Microsoft Excel Worksheet1.xlsx	18/08/23 11:36	11(d)	Yes
EZR.0003.0003.0012		EMZ004 April Update V7.pptx	8/04/24 19:48	11(d)	Yes
EZR.0003.0003.0013	EZR.0003.0003.0012	EMZ004 April Update V7.pdf	8/04/24 19:48	11(d)	Yes
EZR.0003.0003.0014		EMZ004 Overview - Final Dec 23.pptx	26/03/24 19:48	11(d)	Yes
EZR.0003.0003.0015	EZR.0003.0003.0014	EMZ004 Overview - Final Dec 23.pdf	26/03/24 19:48	11(d)	Yes
EZR.0003.0003.0016		EMZ004 Overview - Playground Dec 23.pptx	8/12/23 5:53	11(d)	Yes
EZR.0003.0003.0017	EZR.0003.0003.0016	EMZ004 Overview - Playground Dec 23.pptx	8/12/23 5:53	11(d)	Yes
EZR.0003.0003.0018	EZR.0003.0003.0016	Microsoft Excel Worksheet.xlsx	8/12/23 5:53	11(d)	Yes
EZR.0003.0003.0019	EZR.0003.0003.0016	Microsoft Excel Worksheet1.xlsx	8/12/23 5:53	11(d)	Yes
EZR.0003.0003.0020		Element Zero - three pager overview	3/10/23 11:35	11(d)	Yes
EZR.0003.0003.0021	EZR.0003.0003.0020	Element Zero overview (Julie).docx	3/10/23 11:35	11(d)	Yes
EZR.0003.0003.0022		Element Zero Board Meeting	3/11/23 11:40	11(d)	Yes
EZR.0003.0003.0023	EZR.0003.0003.0022	Financial Report - Element Zero Pty Limited - 2023.pdf	3/11/23 11:40	11(d)	Yes
EZR.0003.0003.0024	EZR.0003.0003.0022	EZ P&L Jan to Sep 2023.pdf	3/11/23 11:40	11(d)	Yes
EZR.0003.0003.0025	EZR.0003.0003.0022	EZ Balance Sheet 30 Sept 2023.pdf	3/11/23 11:40	11(d)	Yes



Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0003.0003.0026	EZR.0003.0003.0022	Element Zero - 3 Nov Board Meeting - Final.pdf	3/11/23 11:40	11(d)	Yes
EZR.0003.0003.0027		Element Zero Board Meeting	3/11/23 11:45	11(d)	Yes
EZR.0003.0003.0028	EZR.0003.0003.0027	Financial Report - Element Zero Pty Limited - 2023.pdf	3/11/23 11:45	11(d)	Yes
EZR.0003.0003.0029	EZR.0003.0003.0027	EZ P&L Jan to Sep 2023.pdf	3/11/23 11:45	11(d)	Yes
EZR.0003.0003.0030	EZR.0003.0003.0027	EZ Balance Sheet 30 Sept 2023.pdf	3/11/23 11:45	11(d)	Yes
EZR.0003.0003.0031	EZR.0003.0003.0027	Element Zero - 3 Nov Board Meeting - Final.pdf	3/11/23 11:45	11(d)	Yes
EZR.0003.0003.0032		Element Zero progress update	6/06/23 22:15	11(d)	Yes
EZR.0003.0003.0033	EZR.0003.0003.0032	Element Zero - Playground Update v02.pdf	6/06/23 22:15	11(d)	Yes
EZR.0003.0003.0034		FW: Aramco Deck	4/02/24 9:33	11(d)	Yes
EZR.0003.0003.0035	EZR.0003.0003.0034	EMZ004 Overview - Final Dec 23.pdf	4/02/24 9:33	11(d)	Yes
EZR.0003.0003.0036		FW: Element Zero - Requesting Further Information	10/01/24 13:24	11(d)	Yes
EZR.0003.0003.0037	EZR.0003.0003.0036	Key characteristics Table Element Zero Dec 2023.pdf	10/01/24 13:24	11(d)	Yes
EZR.0003.0003.0038	EZR.0003.0003.0036	Corporate Overview Table - Element Zero Dec 2023.pdf	10/01/24 13:24	11(d)	Yes
EZR.0003.0003.0039	EZR.0003.0003.0036	Element Zero Boodarie SIA Project Proposal vfinal_02.pdf	10/01/24 13:24	11(d)	Yes
EZR.0003.0003.0040		FW: Most up to date deck for Playground meeting	8/08/23 0:32	11(d)	Yes
EZR.0004.0001.0001		061223_10202-TN-001 (1) (1).docx	6/12/23 17:10	11(a)	Yes
EZR.0004.0001.0002	EZR.0004.0001.0001	Microsoft_Visio_Drawing.vsdw	6/12/23 17:10	11(a)	Yes
EZR.0002.0002.0084		Ore composition after drying.xlsx	19/01/23 23:47	6	
EZR.0001.0005.0001		Silicon deposit 2.JPG	17/02/25 10:22	11(f)	Yes
EZR.0006.0001.0001		Re: Connecting with the white house on a green steel pilot	22/09/23 15:29	11(d)	Yes
EZR.0006.0001.0002		Re: Press release updates	6/12/23 9:52	11(d)	Yes
EZR.0006.0001.0003		Re: Green metal refining / steelmaking in the US	4/12/23 16:06	11(d)	Yes

Document ID	Parent Document ID	Document Title	Date/Time	Category	Confidential
EZR.0006.0001.0004		Re: Green metal refining / steelmaking in the US	4/12/23 12:24	11(d)	Yes
EZR.0006.0001.0005		RE: us iron locations	7/12/23 10:41	11(d)	Yes
EZR.0006.0001.0006		Five Lessons for Industrial Project Finance from H2 Green Steel - RMI	29/10/23 19:22	11(d)	Yes
EZR.0006.0001.0008		Re: Element Zero - Pr... - @michael@elementzero.green are you ha...	23/11/23 10:33	11(d)	Yes
EZR.0006.0001.0009	EZR.0006.0001.0008	Element Zero Pilot Plant.png	23/11/23 10:33	11(d)	Yes
EZR.0006.0001.0010		List of locations and companies	15/12/23 9:06	11(d)	Yes
EZR.0006.0001.0011	EZR.0006.0001.0010	IMG_9504.jpg	15/12/23 9:06	11(d)	Yes
EZR.0006.0001.0012		Element Zero - 3 Nov Board Meeting - Final.pptx	2/11/23 21:46	11(d)	Yes
EZR.0006.0001.0013	EZR.0006.0001.0012	Element Zero - 3 Nov Board Meeting - Final.pdf	2/11/23 21:46	11(d)	Yes
EZR.0006.0001.0015		Re: Element Zero - Pr... - @michael@elementzero.green are you ha...	11/10/23 6:13	11(d)	Yes
EZR.0006.0001.0017		Taggart would we qualify for manufacturing tax credits?	29/11/23 7:30	11(d)	Yes
EZR.0006.0001.0018		Re: us iron locations	7/12/23 12:06	11(d)	Yes
EZR.0006.0001.0020		Re: seems like we might want someone to go to this:	5/11/23 14:59	11(d)	Yes
EZR.0006.0001.0021		Press release updates	5/12/23 12:03	11(d)	Yes
EZR.0006.0001.0022	EZR.0006.0001.0021	Element Zero Pilot Plant (1).png	5/12/23 12:03	11(d)	Yes
EZR.0007.0001.0002		WO_2024082020_A1 (1).pdf	23/04/25 21:41	13	
EZR.0007.0001.0003		WO_2025000050_A1 (1).pdf	23/04/25 21:48	13	
EZR.0001.0001.1308		EZ Trial Expenditure.xlsx	27/04/25 23:45	12	Yes
EZR.0001.0001.1309		Pilot Plant Expenditure.xlsx	28/04/25 11:19	12	Yes

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first
BK

Part 2 – Documents in the control of Second Respondent for which privilege from production is claimed

Document ID	Parent Document ID	Document Title	Sort Date/Time	Category	State grounds of privilege
EZR.0003.0003.0122		20230421 - Element Zero Legal Advice.pdf	24/04/23 9:05	11(d)	Legal Professional Privilege
EZR.0002.0001.0255		Re: Freedom to operate scope	30/06/23 18:53	11(d)	Patent Attorney Privilege
EZR.0002.0001.0256	EZR.0002.0001.0255	2023-06-30.hp4523au-pr.Provisional as filed.pdf	30/06/2023 18:53	11(d)	Patent Attorney Privilege
EZR.0002.0001.0266		Re: Freedom to operate scope	27/06/23 7:04	11(d)	Legal Professional Privilege
EZR.0002.0001.0267	EZR.0002.0001.0266	FTO Search (Australia).pdf	27/06/2023 7:04	11(d)	Legal Professional Privilege
EZR.0003.0002.0289		2023-05-26.DRAFT. Prov Spec. v2.docx	27/05/23 15:30	13	Patent Attorney Privilege
EZR.0003.0002.0290		2023-05-26.DRAFT. Prov Spec. v3.docx	7/06/23 9:48	13	Patent Attorney Privilege
EZR.0003.0002.0291		P5039WO01.DRAFT.Complete.v2.04-12-2024.docx	6/12/24 11:03	13	Patent Attorney Privilege
EZR.0003.0002.0292		P5039WO01.DRAFT.Complete.v2.04-12-2024 (1).docx	4/12/24 17:39	13	Patent Attorney Privilege
EZR.0003.0002.0294		2023-05-07.Draft Prov Spec. v1.09-05-2023 (BK) (BWJ).docx	10/05/23 22:30	13	Patent Attorney Privilege
EZR.0003.0002.0296		P5039AU-Pr.DRAFT.Prov Spec.v3.07-12-2023 +BWJ (3).docx	7/12/23 14:41	13	Patent Attorney Privilege
EZR.0003.0002.0298		P5039AU-Pr.DRAFT.Prov Spec.v3.07-12-2023.docx	7/12/23 10:37	13	Patent Attorney Privilege
EZR.0003.0002.0299		hp4396-pr.DRAFT.Complete.17-10-2023 +BWJ + BK.docx	18/10/23 18:49	13	Patent Attorney Privilege



Document ID	Parent Document ID	Document Title	Sort Date/Time	Category	State grounds of privilege
EZR.0003.0002.0300		P5039AU-Pr.DRAFT.Prov.Speci.v1.01-12-2023 +BWJ.docx	5/12/23 14:22	13	Patent Attorney Privilege
EZR.0003.0002.0301		2023-06-29 DRAFT. Prov. Speci. v4.docx	29/06/23 14:51	13	Patent Attorney Privilege
EZR.0003.0002.0304		2023-05-07.Draft Prov. Speci. v1.09-05-2023 (BK) (BWJ) (1).docx	15/05/23 20:47	13	Patent Attorney Privilege
EZR.0003.0002.0305		hp4396-pr.DRAFT. Complete.17-10-2023_BK.docx	18/10/23 16:30	13	Patent Attorney Privilege
EZR.0003.0002.0307		P5039AU-Pr.DRAFT.Prov.Speci.v1.01-12-2023.docx	1/12/23 15:49	13	Patent Attorney Privilege
EZR.0003.0002.0308		2023-05-07.Draft Prov. Speci. v1.09-05-2023 (BK) (BWJ) (v3).docx	17/05/23 13:30	13	Patent Attorney Privilege
EZR.0003.0002.0311		P5039AU-Pr.DRAFT.Prov.Speci.v3.07-12-2023 +BWJ.docx	29/11/24 15:39	13	Patent Attorney Privilege
EZR.0003.0002.0312		hp4396-pr.DRAFT.Prov.Speci.v5.18-10-22 +BWJ (1).docx	18/10/22 17:19	13	Patent Attorney Privilege
EZR.0003.0002.0314		2023-05-07.Draft Prov. Speci. v1.09-05-2023 (BK).docx	10/05/23 11:18	13	Patent Attorney Privilege
EZR.0003.0002.0324		hp4396-pr.DRAFT. Complete.17-10-2023 +BWJ.docx	18/10/23 17:01	13	Patent Attorney Privilege
EZR.0003.0002.0325		2023-05-26.DRAFT. Prov. Speci. v4.docx	28/06/23 19:51	13	Patent Attorney Privilege
EZR.0003.0002.0339		hp4396-pr.DRAFT.Prov.Speci.v3.17-10-22 (1) +BK +BWJ.docx	17/10/22 15:38	13	Patent Attorney Privilege
EZR.0003.0002.0341		hp4396-pr.DRAFT.Prov.Speci.v5.18-10-22.docx	18/10/22 14:48	13	Patent Attorney Privilege
EZR.0003.0002.0342		hp4396-pr.DRAFT.Prov.Speci.v3.17-10-22 (1).docx	17/10/22 12:59	13	Patent Attorney Privilege



Document ID	Parent Document ID	Document Title	Sort Date/Time	Category	State grounds of privilege
EZR.0003.0002.0343		hp4396-pr.DRAFT.Prov. Spec v3.17-10-22.docx	17/10/22 11:13	13	Patent Attorney Privilege
EZR.0003.0002.0344		hp4396-pr.DRAFT.Prov. Spec v3.17-10-22+BK +BWJ.docx	17/10/22 18:24	13	Patent Attorney Privilege
EZR.0003.0002.0345		hp4396-pr.DRAFT.Prov. Spec.11-10-22.docx	11/10/22 12:07	13	Patent Attorney Privilege
EZR.0005.0001.0697		Re: Green Metals and Proton Systems review	5/12/22 11:07	3; 2A(e)	Legal Professional Privilege
EZR.0005.0001.0698	EZR.0005.0001.0697	190122 KOLODZIEJCZYK Bart_LOO (signed).pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege
EZR.0005.0001.0699	EZR.0005.0001.0697	20220215 KOLODZIEJCZYK Bart.pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege
EZR.0005.0001.0700	EZR.0005.0001.0697	Non Disclosure and Confidentiality Agreement (clean 06.04.2020) BK.pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege
EZR.0005.0001.0701	EZR.0005.0001.0697	Letter Fortescue Border Control Access to WA for Exempt Traveller Bartlomiej Kolodziejczyk 15 July 2020.pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege
EZR.0005.0001.0702	EZR.0005.0001.0697	Andrew Forrest agreement.pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege
EZR.0005.0001.0703	EZR.0005.0001.0697	Responsibilities Letter (JShuttleworth).pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege
EZR.0005.0001.0704	EZR.0005.0001.0697	Letter to Department of Home Affairs - Travel Exemption for Bart Kolodziejczyk.pdf	5/12/2022 11:07	2A(e)	Legal Professional Privilege

Part 3 – Documents that have been but are no longer in the control of Second Respondent

FIRST BK

No.	Description of document	Date of document	What became of document
1	N/A	N/A	N/A

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 COVER SHEET

This is **Annexure PAD-67** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

[MS-XLSB]: Excel (.xlsb)⁴¹⁰ Binary File Format

05/21/2025

Specifies the Excel (.xlsb) Binary File Format, which is a collection of records and structures that specify Excel workbook content. The content can include unstructured or semi-structured tables of numbers, text, or both numbers and text, formulas, external data connections, charts and images.

This page and associated content may be updated frequently. We recommend you subscribe to the [RSS feed](#) to receive update notifications.

Published Version

 Expand table

Date	Protocol Revision	Revision Class	Downloads
5/20/2025	20.1	Minor	PDF DOCX

[Click here to download a zip file of all PDF files for Office File Formats.](#)

Previous Versions

 Expand table

Date	Protocol Revision	Revision Class	Downloads
4/4/2025	20.0	Major	PDF DOCX
2/18/2025	19.0	Major	PDF DOCX
8/20/2024	18.0	Major	PDF DOCX
5/21/2024	17.1	Minor	PDF DOCX
4/16/2024	17.0	Major	PDF DOCX
2/20/2024	16.0	Major	PDF DOCX
5/17/2022	15.2	Minor	PDF DOCX
2/15/2022	15.1	Minor	PDF DOCX
11/16/2021	15.0	None	PDF DOCX

Date	Protocol Revision	Revision Class	Downloads
8/17/2021	15.0	Major	PDF DOCX
4/22/2021	14.0	Major	PDF DOCX
2/16/2021	13.1	Minor	PDF DOCX
8/18/2020	13.0	Major	PDF DOCX
2/19/2020	12.2	Minor	PDF DOCX
9/24/2019	12.1	Minor	PDF DOCX
3/19/2019	12.0	None	PDF DOCX
1/11/2019	12.0	Major	PDF DOCX
12/11/2018	11.1	Minor	PDF DOCX
8/28/2018	11.0	Major	PDF DOCX
4/27/2018	10.0	Major	PDF DOCX
12/12/2017	9.3	Minor	PDF DOCX
9/19/2017	9.2	Minor	PDF DOCX
6/20/2017	9.1	Minor	PDF DOCX
1/18/2017	9.0	Major	PDF DOCX
10/17/2016	8.0	None	PDF DOCX
9/29/2016	8.0	None	PDF DOCX
9/14/2016	8.0	None	PDF DOCX
7/15/2016	8.0	None	PDF DOCX
9/4/2015	8.0	Major	PDF DOCX
3/16/2015	7.0	Major	PDF DOCX
10/30/2014	6.0	None	PDF DOCX
7/31/2014	6.0	Major	PDF DOCX
4/30/2014	5.3	Minor	PDF DOCX
2/10/2014	5.2	None	PDF DOCX
11/18/2013	5.2	None	PDF DOCX

Date	Protocol Revision	Revision Class	Downloads
7/30/2013	5.2	Minor	PDF DOCX
2/11/2013	5.1	Minor	PDF DOCX
10/8/2012	5.0	Major	PDF
7/16/2012	4.0	Major	PDF
4/11/2012	3.0	None	PDF
1/20/2012	3.0	Major	PDF
6/10/2011	2.6	None	
3/18/2011	2.6	Minor	
12/17/2010	2.05	None	
11/15/2010	2.05	None	
9/27/2010	2.05	Minor	
7/23/2010	2.04	None	
6/29/2010	2.04	Editorial	
6/7/2010	2.03	Editorial	
4/30/2010	2.02	Editorial	
3/31/2010	2.01	Editorial	
2/19/2010	2.0	Major	
11/6/2009	1.07	Editorial	
8/28/2009	1.06	Editorial	
7/13/2009	1.05	Major	
1/16/2009	1.04	Minor	
12/12/2008	1.03	Minor	
10/6/2008	1.02	Minor	
6/27/2008	1.0	New	

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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 COVER SHEET

This is **Annexure PAD-69** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me:.....

Historical Company Extract for ELEMENT ZERO PTY LIMITED

525

035

Extracted from ASIC database on 13 March 2024 07:43 AM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

Current Organisation Details

Name:	ELEMENT ZERO PTY LIMITED
A.C.N:	664342081
A.B.N:	38664342081
Status:	Registered
Registered In:	NSW
Registration Date:	07/12/2022
Review Date:	07/12/2024
Name Start Date:	07/12/2022
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	07/12/2022
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered charity:	No
Document Number:	

Organisation Address

Status	Address Type	Address	Start Date - End Date	Doc Number
Current	Registered Office	MITCHELL & PARTNERS SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000	07/12/2022 -	3EPJ34874
Current	Principal Place of Business	UNIT 2 30 OXLEIGH DRIVE MALAGA WA 6090	23/10/2023 -	5EII82859
Former	Principal Place of Business	UNIT 4 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019	07/12/2022 - 22/10/2023	3EPJ34874

Organisation Officers

Role	Officer Details	Address	Appointment Date - Cease Date	Court Details	Doc Number
Current Director	MICHAEL GEORGE MASTERMAN Date of Birth: 07/01/1963 Place of Birth: SYDNEY NSW	9 RITCHARD AVENUE COOGEE NSW 2034	07/12/2022 -		3EPJ34874
Current Director	BARTLOMIEJ PIOTR KOLODZIEJCZYK Date of Birth: 03/05/1985 Place of Birth: RZESZOW POLAND	5A VOLGA STREET HADFIELD VIC 3046	07/12/2022 -		3EPJ34874
Current Director	PETER BARRETT Date of Birth: 11/12/1967 Place of Birth: SYDNEY NSW	1160 BRYANT STREET PALO ALTO CA 94301 UNITED STATES	12/12/2023 -		5EIW23174
Former Director	BJORN WINTHER-JENSEN Date of Birth: 09/04/1960 Place of Birth: GLADSAXE DENMARK	UNIT 4 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019	07/12/2022 - 11/01/2024		3EPJ34874

Appointment of secretary is optional. In the event no secretary is appointed the director(s) assume the responsibilities under the Law

Share Structure

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	NCRP NON-CUMULATIVE REDEEMABLE PREFERENCE	1268	\$15,205,778.00	\$0.00	5EIC31298

Status	Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
Current	ORD ORD	3000	\$3,000.00	\$0.00	5EHG52099

036

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Shareholders

Status	Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
Current	NCRP	320	No	Yes	SYMMALL PTY. LIMITED SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000 ACN: 080538530 ABN: 18080538530	5EIC31298
Current	NCRP	948	Yes	Yes	PLAYGROUND VENTURES III L.P 380 PORTAGE AVENUE PALO ALTO CA 94306 UNITED STATES	5EIC31298
Current	ORD	1000	No	Yes	SYMMALL PTY. LIMITED SUITE 3 LEVEL 2 66 CLARENCE STREET SYDNEY NSW 2000 ACN: 080538530 ABN: 18080538530	3EPJ34874
Current	ORD	1000	Yes	Yes	BJORN WINTHER-JENSEN UNIT 4 213 GILDERCLIFFE STREET SCARBOROUGH WA 6019	5EHD87228
Current	ORD	1000	Yes	Yes	BARTLOMIEJ PIOTR KOLODZIEJCZYK 5A VOLGA STREET HADFIELD VIC 3046	5EHG52099

Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484 Change to Company Details 484E Appointment or Cessation of a Company Officeholder 484E1 Cessation of Company Director Later Than 28 Days	2	11/01/2024	11/01/2024	11/01/2024	5EIW23174
484	484C Change to Company Details Change of Principal Place Of Business (Address)	2	23/10/2023	23/10/2023	23/10/2023	5EII82859
484	484 Change to Company Details 484O Changes to Share Structure 484G Notification of Share Issue 484N Changes to (Members) Share Holdings	3	24/08/2023	24/08/2023	21/08/2023	5EIC31298
484	484 Change to Company Details 484O Changes to Share Structure 484G Notification of Share Issue 484N Changes to (Members) Share Holdings	2	16/01/2023	16/01/2023	20/12/2022	5EHG52099
484	484 Change to Company Details 484O Changes to Share Structure 484G Notification of Share Issue 484N Changes to (Members) Share Holdings	2	15/12/2022	15/12/2022	12/12/2022	5EHD87228
201	201C Application For Registration as a Proprietary Company	3	07/12/2022	07/12/2022	07/12/2022	3EPJ34874

Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Status	Address	Start Date - End Date	Doc Number
Current	GPO BOX 5460 SYDNEY NSW 2001	12/12/2022 -	

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 COVER SHEET

This is **Annexure PAD-71** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

NOTICE OF FILING AND HEARING**Filing and Hearing Details**

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	20/11/2024 6:29:09 PM AEDT
Date Accepted for Filing:	21/11/2024 8:50:41 AM AEDT
File Number:	NSD527/2024
File Title:	FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Hearing
Time and date for hearing:	06/02/2025, 10:15 AM
Place:	Please check Daily Court List for details

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 35
Rule 17.01(1)

Interlocutory application

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

To the Respondents

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

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

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to

Date:

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

Filed on behalf of (name & role of party)	Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd (the Applicants)		
Prepared by (name of person/lawyer)	Paul Alexander Dewar		
Law firm (if applicable)	Davies Collison Cave Law		
Tel	(02) 9293 1000	Fax	(02) 9262 1080
Email	PDewar@dcc.com		
Address for service (include state and postcode)	Level 4, 7 Macquarie Place, Sydney NSW 2000		

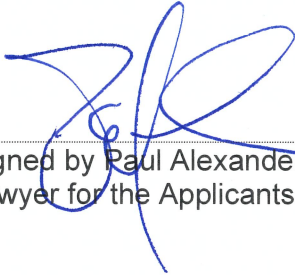
Interlocutory orders sought

1. By [DATE], each of the Respondents give non-standard discovery pursuant to rules 20.15 to 20.17 of the *Federal Court Rules 2011* (Cth) of all documents within the categories set out in **Schedule 1** to these orders.
2. The Respondents pay the Applicants' costs of this application.
3. Such further or other orders as the Court sees fit.

Service on the Respondents

It is intended to serve this application on all the Respondents.

Date: 20 November 2024



Signed by Paul Alexander Dewar
Lawyer for the Applicants

SCHEDULE 1
Applicants' Categories of Documents
to be Discovered by the Respondents

Definitions

- a. **"directly relevant"** means a document that falls within any of the criteria in rule 20.14(2) of the *Federal Court Rules 2011* (Cth).
- b. **"document"** has the meaning given to that term in Schedule 1 of the *Federal Court Rules*.
- c. **"First Specified Documents"** means the documents referred to in the particulars of paragraphs 19 and 20 of the FASOC including:

No.	Name	Ref
1	Green Iron Update (02.08.2021).pdf	see FASOC [19(i)(1)]
2	35557986AU- Specification as filed (35557986).pdf	see FASOC [19(i)(2)], see FASOC [20(i)(4)]
3	35557986AU - Drawings as filed (35557986).pdf	see FASOC [19(i)(2)], see FASOC [20(i)(4)]
4	Document titled "Basis of Design – Chameleon Pilot Plant" having document number or file name FFI0302-10000-00-EG-BOD-0001	see FASOC [19(i)(3)]
5	Bumblebee PID markups 26_10_21.pdf	see FASOC [19(i)(4)]
6	The SharePoint documents identified in paragraphs 112 to 118 of the affidavit of Dr Anand Indravadan Bhatt affirmed on 1 May 2024 and Annexure AIB-29	see FASOC [19(ii)], see FASOC [20(iv)]
7	The internal Fortescue procedures and specifications listed in paragraph 103 of the affidavit of Mr Wayne McFaull affirmed on 1 May 2024	see FASOC [19(iii)], see FASOC [20(v)]
8	211029_Iron ore leaching_Report_ASH.R1.docx	see FASOC [20(i)(1)]
9	211014_FFI Green Steel_Ore Leach_ASH_XRF results.csv	see FASOC [20(i)(2)]

No.	Name	Ref
10	211014_FFI Green Steel_Ore Leach_ASH_ICP results.csv	see FASOC [20(i)(3)]
11	Technical Evaluation.xlsx	see FASOC [20(i)(5)]
12	Email from David White sent on 4 November 2024 with Subject "Technical Evaluation of Green Iron process"	see FASOC [20(i)(5)]
13	Green Iron Update (01.11.2021).pdf	see FASOC [20(i)(6)]

- d. **"Fortescue"** has the meaning given to that term in paragraph 4 of the Further Amended Statement of Claim filed 24 October 2024 (**FASOC**).
- e. **"Ionic Liquid"** means any salt or mixture of salts that is capable of acting as an electrolyte in electrowinning and/or electroplating of metals and/or ores when in its liquid form (irrespective of the temperature range at which the salt or mixture is in its liquid form) including, without limitation, electrolytes that may be described as ionic liquids, molten salts, eutectics, molten hydroxide-based electrolytes, molten carbonate-based electrolytes, "hydroxide alkali melt or eutectic melt" (referred to in paragraph 29(a)(i) of the EZ Parties' defence) and/or "molten hydroxide eutectic" (referred to in paragraph 29(c) of Dr Winther-Jensen's defence).
- f. **"Second Specified Documents"** means any:
- modified forms of First Specified Documents, including previous or subsequent drafts;
 - documents created directly or indirectly using the First Specified Documents.

Categories

Ionic Liquid documents

- All documents recording or evidencing work undertaken by the Second Respondent, the Third Respondent and/or Fortescue at any time during the period from 25 March 2019 to 12 November 2021 in relation to an electrochemical reduction process involving Ionic Liquid. **[Note: the Respondents agree to this category if the words after "in relation to" were replaced with "Ionic Liquid R&D as defined in paragraph 12 of the FASOC".]**

2. To the extent not covered by category 1, all documents recording or evidencing work undertaken by the Second Respondent, the Third Respondent and/or Fortescue at any time during the period from 25 March 2019 to 12 November 2021 in relation to:
- (a) “low temperature oxide (predominantly iron ore) reduction technology” work, being the work referred to in Annexure AIB-5 to the affidavit of Anand Bhatt affirmed 1 May 2024 (**Bhatt**);
 - (b) “low-temperature metal oxide reduction from mixed electrolytes” work, being the work referred to in Bhatt AIB-5 p 52, or AIB-6 p 61;
 - (c) the “preliminary work that we have done in ionic liquids and low temperature iron ore reduction”, being the work referred to in Bhatt AIB-7;
 - (d) work relating to “our internal endeavours, where Fortescue develops a new type of electrolyser”, being the work referred to in Bhatt AIB-8;
 - (e) “low-temperature processing from ionic liquids” work, being the work referred to in Bhatt AIB-9 p 81;
 - (f) work for “getting our manufacturing and R&D facilities set up”, being the work referred to in Bhatt AIB-10 p 85;
 - (g) “low temperature [electrochemical reduction] using ionic liquids as iron ore solvents” work, being the work referred to in Bhatt AIB-10 p 86;
 - (h) the “low-temperature electrochemical ores reduction in ionic liquid electrolytes” work, being the work referred to in Bhatt AIB-12 p 93;
 - (i) the “work over Christmas to establish our Perth manufacturing in early 2021”, being the work referred to in Bhatt AIB-12 p 94;
 - (j) “electrolysers and low-temperature electrochemical iron ore processing plants” work, being the further work referred to in Bhatt AIB-12 p 94;
 - (k) “low temperature electrochemical ores reduction” work, being the work referred to in the Patent Assessment Form and email dated 22 December 2020 in Bhatt AIB-13 pp 96 – 100;
 - (l) drafts of the “intended patent application” referred to in the email dated 22 December 2020 in Bhatt AIB-13 p 96;
 - (m) “the use of ionic solvents and electrochemical devices for the low-temperature reduction of ores and oxides” work, being the work referred to in the Patent Assessment Form in Bhatt AIB-13 p 97;

- (n) the “ionic liquid or mixture of ionic liquids” work, being the work referred to in the Patent Assessment Form in Bhatt AIB-13 p 97;
- (o) the “selection of ionic liquid or mixture of ionic liquids”, “application of ionic liquids in metal oxide reduction”, and “the selection of electrode materials and cell design” work, being further work referred to in the Patent Assessment Form in Bhatt AIB-13 p 97;
- (p) the “develop[ment]” and “test[ing]” work as referred to Bhatt AIB-13 pp 96, 97;
- (q) the work intended to be “scaled up”, as referred to Bhatt AIB-13 pp 96, 97;
- (r) the “low-temperature electrochemical ore reduction in ionic liquids” work, including the “R&D roadmaps”, “write-ups” and proposed “patent applications”, being the work referred to in Bhatt AIB-14 p 104;
- (s) the “R&D roadmap” and development “using solvents capable of dissolving iron ore at low temperatures <300 deg C and/or using molten carbonate electrolyte” work, being the work referred to in Bhatt AIB-15 p 106;
- (t) the work concerning “alternative processes that would utilise lower temperatures and direct electrochemical reduction of iron ore into iron and further steel. The electrochemical reduction is done in a liquid phase, hence iron ore has to be dissolved in the electrolyte prior to being electrolysed”, being the work referred to in Bhatt AIB-16;
- (u) the work concerning “enabling technologies for iron ore processing to produce green commodities”, “apply[ing] this green electricity to electrochemically reduce Fortescue’s iron ore dissolved in a unique electrolyte”, and/or “selection of electrolyte, electrode material and other materials used in the process”, including the proposed “patents covering this development”, being the work referred to in Bhatt AIB-17;
- (v) the work concerning “water, ionic liquids, and molten carbonate”, being the work referred to in Bhatt AIB-19 p 120;
- (w) the work concerning “[m]olten salts”, “[m]olten carbonates” and “[i]onic liquids”, being the work referred to in Bhatt AIB-20 pp 132-133; and
- (x) the work concerning “initial evaluation of various suitable electrolytes”, “laboratory desktop studies”, “R&D roadmap” and “internal electrochemical developments” being work referred to in Annexure SMH-3 to the affidavit of Susanne Monica Hantos affirmed on 1 May 2024, pp 82, 83.

- 2A. All documents, and all documents recording or evidencing information, copied, taken or otherwise obtained by the Second Respondent or the Third Respondent from Fortescue (including Fortescue's network, systems or devices) in the period from September 2021 to November 2021, including:
- (a) the documents copied by the Second Respondent while working from home in October and November 2021;
 - (b) the documents taken by the Second Respondent "to finish off [his] work for Fortescue", referred to in paragraph 50 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (c) the documents "saved on the local drives of [the Second Respondent's] Fortescue laptop", referred to in paragraph 50 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (d) "the files on the local drives" deleted from the Second Respondent's Fortescue laptop, referred to in paragraph 51 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (e) the documents in the TempSD folder, referred to in paragraph 52 of the Second Respondent's affidavit sworn on 19 June 2024;
 - (f) the documents on the Toshiba USB device (serial 07080A078F1B6304) and on the Kingston USB device (serial 900042ACAE668708); and
 - (g) the documents sent by the Third Respondent from his Fortescue email address "bjorn.wintherjensen@fmgl.com.au" to his personal email address "bjornwj@gmail.com".
3. All documents recording or evidencing the location and storage of any of the documents referred to in category 1, 2 and 2A above during:
- (a) the period 25 March 2019 to 12 November 2021;
 - (b) after 12 November 2021.
4. All documents recording or evidencing any conduct or attempt by the Second Respondent and/or the Third Respondent to make any of the documents referred to in category 1, 2 and 2A above unavailable to Fortescue.
5. All documents recording or evidencing any of the Respondents' consideration of the confidentiality of any of the documents referred to in category 1, 2 and 2A above.

Specified Documents

6. All documents constituting or referring to the First Specified Documents. [**Note:** *Category agreed between the parties.*]
7. All documents constituting or referring to the Second Specified Documents.
8. All documents recording or evidencing any use or disclosure of any one or more of the First and/or Second Specified Documents by any one or more of the Respondents or their agents. [**Note:** *the Respondents agree to this category if the words "and/or Second" were deleted, thereby removing the "Second Specified Documents" from its scope.*]
9. All documents directly relevant to any of the matters pleaded or particularised in paragraph 31, 33 and/or 78 of the FASOC.

Element Zero-related documents

10. All documents recording or evidencing consideration by any one or more of the Second, Third and/or Fourth Respondents at any time during the period 25 March 2019 to 31 July 2022 as to their present or future involvement in an enterprise (other than Fortescue) for electrochemical reduction of iron.
11. All versions, including drafts, of the following documents (howsoever described):
 - (a) basis of design documents for the First Respondent's pilot or trial plant/s, including the "**Element Zero Trial Plant**" (referred to in paragraph 30 of the EZ Parties' defence);
 - (b) piping and instrumentation documents for the First Respondent's pilot or trial plant/s, including the Element Zero Trial Plant;
 - (c) laboratory books (either in hard or soft copy) recording work done with respect to the development of each of beneficiation and leaching of ores and electroplating and/or electrowinning and/or electrolyte development during the period from January 2022 to February 2024;
 - (d) any documents provided by or on behalf of the Respondents or any of them to Playground Ventures containing any information in relation to chemical processes, plant design, the green iron/green steel industry and/or industry participants;
 - (e) documents recording or evidencing the "retirement 'project'", the "work[] with nickel [and] iron", and the "work that eventually led to the creation of Element Zero", referred to in paragraph 40 of the affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024;

- (f) documents recording the research and development of:
 - i. the “Element Zero Process” referred to in paragraph 29 of the EZ Parties’ defence; or
 - ii. the “Element Zero process” referred to in paragraphs 29(b)-(c) of Dr Winther-Jensen’s defence,

during the period from January 2022 to February 2024.

12. One or more documents recording or evidencing the amount of expenditure on designing, engineering and constructing the First Respondent’s pilot or trial plant/s, including the Element Zero Trial Plant. *[Note: Category agreed between the parties.]*

Documents showing use / patent docs

13. Copies of all patents and patent applications (or divisional or related patents and patent applications) filed by any of the Respondents, or in which the Second, Third, and/or Fourth Respondents are named as an inventor concerning any aspect of an electrochemical reduction process involving Ionic Liquid, leaching and/or any aspect of a pilot or trial plant for the electrochemical reduction of ore (including the Element Zero Trial Plant), including drafts thereof, and including but not limited to: *[Note: the Respondents agree to this category if the words “including drafts thereof,” were deleted.]*
 - (a) no. 2022903090 entitled “Method of ore processing”;
 - (b) no. 2023902103 entitled “Ore Processing Method for Metal Recovery”;
 - (c) no. 2023903979 entitled “Electrowinning from Molten Salt” (979 Application);
 - (d) no. PCT/AU2023/051041 entitled “Method of ore processing”;
 - (e) any patent application for an electrochemical reduction process involving Ionic Liquid;
 - (f) any patent application concerning leaching;
 - (g) any patent application that relates to the features of a pilot or trial plant (including the Element Zero Trial Plant) in respect of electrochemical reduction of ore;
 - (h) the patents or patent applications that “cover the overall process and its unique chemistry” as referred to on the Element Zero website as shown at Bhatt AIB-22 p 141;
 - (i) the patents or patent applications that cover “the complete circuit design for mineral processing incorporating a unique electrolyte” as referred to on the Element Zero website, as shown at Bhatt AIB-22 p 141.

14. All documents evidencing or recording the use of any of the documents in categories 1, 2, 2A, 6 and/or 7 above for or in preparing or inventing any of the patents or patent applications referred to in category 13 above. *[Note: the Respondents agree to this category to the extent it refers to category 1 (as amended per the note to that category) and category 6 only.]*

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 COVER SHEET

This is **Annexure PAD-72** produced and shown to **PAUL ALEXANDER DEWAR** at the time of affirming his affidavit.

Before me: 

Rohit Dighe

From: Kevin Huang
Sent: Wednesday, 19 February 2025 3:23 PM
To: Associate MarkovicJ; Rohit Dighe
Cc: EA - Markovic J; nsd5272024@fedcourt.gov.au; Paul Dewar; Ashley Cameron; Michael Williams; Rebecca Dunn; Caitlin Meade; Daisy Cullen; Mike Hales; Lachlan McLean; Daniella Lambert; Oliver Hoare
Subject: RE: NSD527/2024 - FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS [SEC=OFFICIAL] [ITUSEONLY-LAW.FID86345]
Attachments: NSD527of2024 - Parties' Proposed SMO - 19 February 2025.docx

Dear Associate

We refer to your email below.

In accordance with her Honour's comments, the parties have now agreed the **attached** amended proposed orders, in which:

1. former proposed order 3 has been deleted; and
2. a new proposed order 3 has been added which contemplates that discovery of category 11 of schedule 1 of the proposed orders is conditional upon the provision of a confidentiality undertaking by the solicitors and any expert retained who are to receive documents responsive to that category. The undertaking is included in schedule 3 to the proposed orders.

The Respondents' lawyers are copied on, and have consented to, this email.

Yours sincerely

Kevin Huang
Lawyer

Ashley Cameron
Managing Associate



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From: Associate MarkovicJ <Associate.MarkovicJ@fedcourt.gov.au>
Sent: Thursday, 13 February 2025 12:59 PM
To: Rohit Dighe <RDighe@dcc.com>
Cc: EA - Markovic J <EA.Markovicj@fedcourt.gov.au>; Associate MarkovicJ <Associate.MarkovicJ@fedcourt.gov.au>; nsd5272024@fedcourt.gov.au; Paul Dewar <PDewar@dcc.com>; Ashley Cameron <ACameron@dcc.com>; Michael Williams <MWilliams@gtlaw.com.au>; Rebecca Dunn <RDunn@gtlaw.com.au>; Caitlin Meade <CMeade@gtlaw.com.au>; Daisy Cullen <DCullen@gtlaw.com.au>; Mike Hales <Mike.Hales@minterellison.com>; Lachlan McLean <Lachlan.McLean@minterellison.com>; Daniella Lambert <daniella.lambert@minterellison.com>; Oliver Hoare <oliver.hoare@minterellison.com>; Kevin Huang <KHuang@dcc.com>

Subject: RE: NSD527/2024 - FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS [ITUSEONLY-LAW.FID86345] [SEC=OFFICIAL]

OFFICIAL

Dear practitioners,

I refer to Mr Dighe's email dated 12 February 2025, and in particular to the proposed orders attached thereto.

I confirm that her Honour is content with the form of orders, subject to the following:

1. her Honour will not make proposed order 3; and
2. the proposed orders do not contemplate that discovery of category 11 of schedule 1 of the proposed orders is conditional upon the provision of a confidentiality undertaking by the solicitors and any expert retained who are to receive documents responsive to that category. Her Honour requests that the parties add a notation to the proposed orders, or in schedule 1 to the proposed orders, to reflect this condition and to provide a form of undertaking which should be annexed to the orders.

I otherwise confirm that, subject to resolution by consent between the parties in the interim, her Honour proposes to hear the parties on the timetable for the provision of discovery on 20 February 2025.

Kind regards

Zachary Forrai (he/him) | Associate to The Hon Justice Brigitte Markovic
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000
T. 02 8099 8368 | E. Associate.MarkovicJ@fedcourt.gov.au

From: Rohit Dighe <RDighe@dcc.com>
Sent: Wednesday, 12 February 2025 10:58 AM
To: Associate MarkovicJ <Associate.MarkovicJ@fedcourt.gov.au>
Cc: Paul Dewar <PDewar@dcc.com>; Ashley Cameron <ACameron@dcc.com>; nsd5272024@fedcourt.gov.au; EA - Markovic J <EA.Markovicj@fedcourt.gov.au>; Michael Williams <MWilliams@gtlaw.com.au>; Rebecca Dunn <RDunn@gtlaw.com.au>; Caitlin Meade <CMeade@gtlaw.com.au>; Daisy Cullen <DCullen@gtlaw.com.au>; Mike Hales <Mike.Hales@minterellison.com>; Lachlan McLean <Lachlan.McLean@minterellison.com>; Daniella Lambert <daniella.lambert@minterellison.com>; Oliver Hoare <oliver.hoare@minterellison.com>; Kevin Huang <KHuang@dcc.com>
Subject: RE: NSD527/2024 - FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS [SEC=OFFICIAL] [ITUSEONLY-LAW.FID86345]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Associate

We refer to your email below.

The parties have conferred in relation to orders which reflect her Honour's rulings and have agreed the **attached** orders, save that the parties have been unable to agree on the date for the provision of discovery. The parties request to be heard in relation to the timetable when the matter is listed on 20 February 2025 for hearing of the balance of the parties' discovery applications.

In the meantime, we confirm that the parties have commenced searches for documents which are required to be discovered, in accordance with the categories described in the attached orders.

Please do not hesitate to contact us if we can provide any further assistance to her Honour.

Yours sincerely

Rohit Dighe
Associate

Paul Dewar
Principal Lawyer



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From: Associate MarkovicJ <Associate.MarkovicJ@fedcourt.gov.au>

Sent: Friday, 7 February 2025 3:57 PM

To: Kevin Huang <KHuang@dcc.com>

Cc: Paul Dewar <PDewar@dcc.com>; Ashley Cameron <ACameron@dcc.com>; Rohit Dighe <RDighe@dcc.com>; nsd5272024@fedcourt.gov.au; EA - Markovic J <EA.Markovicj@fedcourt.gov.au>; Michael Williams <MWilliams@gtlaw.com.au>; Rebecca Dunn <RDunn@gtlaw.com.au>; Caitlin Meade <CMeade@gtlaw.com.au>; Daisy Cullen <DCullen@gtlaw.com.au>; Mike Hales <Mike.Hales@minterellison.com>; Lachlan McLean <Lachlan.McLean@minterellison.com>; Daniella Lambert <daniella.lambert@minterellison.com>; Oliver Hoare <oliver.hoare@minterellison.com>

Subject: RE: NSD527/2024 - FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS [SEC=OFFICIAL]

OFFICIAL

Dear practitioners,

I refer to the email from Mr Huang below.

Her Honour has made the proposed consent orders in Chambers, save that her Honour has amended proposed order 3 to require filing of the redacted Confidential Exhibit PAD-B by 4.00 pm on 10 February 2025. A sealed copy of her Honour's orders will be available through the Commonwealth Courts Portal shortly.

I otherwise note that Chambers awaits receipt from the parties of (i) proposed consent orders giving effect to her Honour's rulings during yesterday's hearing; and (ii) confirmation as to whether the parties require a further listing to hear the balance of the interlocutory applications and if so, the parties' mutually available date for that further listing (having regard to her Honour's availability).

Kind regards

Zachary Forrai (he/him) | Associate to The Hon Justice Brigitte Markovic
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000
T. 02 8099 8368 | E. Associate.MarkovicJ@fedcourt.gov.au

From: Kevin Huang <KHuang@dcc.com>

Sent: Friday, 7 February 2025 3:09 PM

To: Associate MarkovicJ <Associate.MarkovicJ@fedcourt.gov.au>

Cc: Paul Dewar <PDewar@dcc.com>; Ashley Cameron <ACameron@dcc.com>; Rohit Dighe <RDighe@dcc.com>; nsd5272024@fedcourt.gov.au; EA - Markovic J <EA.Markovicj@fedcourt.gov.au>; Michael Williams

<MWilliams@gtlaw.com.au>; Rebecca Dunn <RDunn@gtlaw.com.au>; Caitlin Meade <CMeade@gtlaw.com.au>; Daisy Cullen <DCullen@gtlaw.com.au>; Mike Hales <Mike.Hales@minterellison.com>; Lachlan McLean <Lachlan.McLean@minterellison.com>; Daniella Lambert <daniella.lambert@minterellison.com>; Oliver Hoare <oliver.hoare@minterellison.com>

Subject: NSD527/2024 - FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS

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Dear Associate

We refer to her Honour's direction during yesterday's discovery hearing regarding confidentiality orders in respect of Confidential Exhibit PAD-B to the Affidavit of Paul Alexander Dewar affirmed on 20 November 2024.

Please find **attached** a set of proposed suppression orders to that effect which has been agreed between the parties.

If her Honour is minded to make orders in accordance with the proposed SMO, we **attach** a copy of Confidential Exhibit PAD-B which has been redacted in accordance with Annexure A to the proposed SMO. The parties are content for this document to be uploaded to the public file.

The Respondents are copied on, and have consented to, this correspondence.

Yours sincerely

Kevin Huang
Lawyer



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Form 1
Rule 2.13(2)

Proposed Short Minutes of Order

No. NSD 527 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule

Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule

Respondents

THE COURT ORDERS THAT:

1. By [date to be determined] each of the Respondents give non-standard discovery pursuant to rules 20.15 to 20.17 of the *Federal Court Rules 2011* (Cth) of all documents within the categories set out in **Schedule 1** to these orders.
2. By [date to be determined] each of the Applicants give non-standard discovery pursuant to rules 20.15 to 20.17 of the *Federal Court Rules 2011* (Cth) of all documents within the categories set out in **Schedule 2** to these orders.
3. Such further or other orders as the Court sees fit. Documents produced by the Respondents pursuant to category 11 of **Schedule 1** may only be inspected by or disclosed to the external solicitors of record and counsel for the Applicants, and independent experts retained by the Applicants for the purpose of this proceeding, who have first provided an undertaking to the court substantially in the form of **Schedule 3** to this order.

Filed on behalf of	Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd, the Applicants		
Prepared by	Paul Dewar		
Law firm	Davies Collison Cave Law		
Tel	02 9293 1000	Fax	02 9262 1080
Email	PDewar@dcc.com		
Address for service	Level 4, 7 Macquarie Place, Sydney NSW 2000		

[Form approved 01/08/2011]

SCHEDULE 1

Applicants' Categories of Documents to be Discovered by the Respondents

Definitions

- a. **"directly relevant"** means a document that falls within any of the criteria in rule 20.14(2) of the *Federal Court Rules 2011* (Cth).
- b. **"document"** has the meaning given to that term in Schedule 1 of the *Federal Court Rules*.
- c. **"First Specified Documents"** means the documents referred to in the particulars of paragraphs 19 and 20 of the FASOC including:

No.	Name	Ref
1	Green Iron Update (02.08.2021).pdf	see FASOC [19(i)(1)]
2	35557986AU- Specification as filed (35557986).pdf	see FASOC [19(i)(2)], see FASOC [20(i)(4)]
3	35557986AU - Drawings as filed (35557986).pdf	see FASOC [19(i)(2)], see FASOC [20(i)(4)]
4	Document titled "Basis of Design – Chameleon Pilot Plant" having document number or file name FFI0302-10000-00-EG-BOD-0001	see FASOC [19(i)(3)]
5	Bumblebee PID markups 26_10_21.pdf	see FASOC [19(i)(4)]
6	The SharePoint documents identified in paragraphs 112 to 118 of the affidavit of Dr Anand Indravadan Bhatt affirmed on 1 May 2024 and Annexure AIB-29	see FASOC [19(ii)], see FASOC [20(iv)]
7	The internal Fortescue procedures and specifications listed in paragraph 103 of the affidavit of Mr Wayne McFaull affirmed on 1 May 2024	see FASOC [19(iii)], see FASOC [20(v)]
8	211029_Iron ore leaching_Report_ASH.R1.docx	see FASOC [20(i)(1)]
9	211014_FFI Green Steel_Ore Leach_ASH_XRF results.csv	see FASOC [20(i)(2)]

No.	Name	Ref
10	211014_FFI Green Steel_Ore Leach_ASH_ICP results.csv	see FASOC [20(i)(3)]
11	Technical Evaluation.xlsx	see FASOC [20(i)(5)]
12	Email from David White sent on 4 November 2024 with Subject “Technical Evaluation of Green Iron process”	see FASOC [20(i)(6)]
13	Green Iron Update (01.11.2021).pdf	see FASOC [20(i)(7)]

- d. **“Fortescue”** has the meaning given to that term in paragraph 4 of the Further Amended Statement of Claim filed 24 October 2024 (**FASOC**).
- e. **“Ionic Liquid”** means any salt or mixture of salts that is capable of acting as an electrolyte in electrowinning and/or electroplating of metals and/or ores when in its liquid form (irrespective of the temperature range at which the salt or mixture is in its liquid form) including, without limitation, electrolytes that may be described as ionic liquids, molten salts, eutectics, molten hydroxide-based electrolytes, molten carbonate-based electrolytes, “hydroxide alkali melt or eutectic melt” (referred to in paragraph 29(a)(i) of the EZ Parties’ defence) and/or “molten hydroxide eutectic” (referred to in paragraph 29(c) of Dr Winther-Jensen’s defence).
- f. **“Second Specified Documents”** means any modified forms of First Specified Documents, including previous or subsequent drafts.

Categories

Ionic Liquid documents

1. All documents recording or evidencing work undertaken by the Second Respondent and/or Fortescue at any time during the period from 25 March 2019 to 12 November 2021, and/or the Third Respondent at any time during the period from 15 February 2021 to 12 November 2021, in relation to an electrochemical reduction process involving Ionic Liquid.
2. [Not used]
- 2A. All documents, and all documents recording information, copied, taken or otherwise obtained by the Second Respondent or the Third Respondent from Fortescue (including Fortescue’s network, systems or devices) in the period from September 2021 to November 2021, including:

- (a) the documents copied by the Second Respondent while working from home in October and November 2021;
 - (b) the documents taken by the Second Respondent “to finish off [his] work for Fortescue”, referred to in paragraph 50 of the Second Respondent’s affidavit sworn on 19 June 2024;
 - (c) the documents “saved on the local drives of [the Second Respondent’s] Fortescue laptop”, referred to in paragraph 50 of the Second Respondent’s affidavit sworn on 19 June 2024;
 - (d) “the files on the local drives” deleted from the Second Respondent’s Fortescue laptop, referred to in paragraph 51 of the Second Respondent’s affidavit sworn on 19 June 2024;
 - (e) the documents in the TempSD folder, referred to in paragraph 52 of the Second Respondent’s affidavit sworn on 19 June 2024;
 - (f) the documents on the Toshiba USB device (serial 07080A078F1B6304) and on the Kingston USB device (serial 900042ACAE668708); and
 - (g) the documents sent by the Third Respondent from his Fortescue email address “bjorn.wintherjensen@fmgl.com.au” to his personal email address “bjornwj@gmail.com”.
3. All documents evidencing the location and storage of any of the documents referred to in category 1 and 2A above during:
- (a) the period 25 March 2019 to 12 November 2021;
 - (b) after 12 November 2021;
- noting that compliance with this category does not require the “forensic investigation and analysis of the Element Zero Respondents’ computer systems”, in the sense described in the affidavit of Michael Williams sworn 29 December 2024 at paragraph [45].
4. [Not used]
5. All documents recording or evidencing any of the Respondents’ reference to the confidentiality of any of the documents referred to in category 1 and 2A above.

Specified Documents

- 6. All documents constituting or referring to the First Specified Documents.
- 7. All documents constituting or referring to the Second Specified Documents.

8. All documents recording or evidencing any use or disclosure of any one or more of the First and/or Second Specified Documents by any one or more of the Respondents or their agents.
9. [Not used]

Element Zero-related documents

10. [Not used]
11. All versions, including drafts, of the following documents (howsoever described):
 - (a) basis of design documents for the First Respondent's pilot or trial plant/s, including the "**Element Zero Trial Plant**" (referred to in paragraph 30 of the EZ Parties' defence);
 - (b) piping and instrumentation documents for the First Respondent's pilot or trial plant/s, including the Element Zero Trial Plant;
 - (c) laboratory books (either in hard or soft copy) recording work done with respect to the development of each of beneficiation and leaching of ores and electroplating and/or electrowinning and/or electrolyte development during the period from January 2022 to February 2024;
 - (d) any documents provided by or on behalf of the Respondents or any of them to Playground Ventures containing any information in relation to chemical processes, plant design, the green iron/green steel industry and/or industry participants;
 - (e) documents recording or evidencing the "retirement 'project'", the "work[] with nickel [and] iron", and the "work that eventually led to the creation of Element Zero", referred to in paragraph 40 of the affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024;
 - (f) documents recording the research and development of:
 - i. the "Element Zero Process" referred to in paragraph 29 of the EZ Parties' defence; or
 - ii. the "Element Zero process" referred to in paragraphs 29(b)-(c) of Dr Winther-Jensen's defence,

during the period from January 2022 to February 2024.
12. One or more documents recording or evidencing the amount of expenditure on designing, engineering and constructing the First Respondent's pilot or trial plant/s, including the Element Zero Trial Plant.

Documents showing use / patent docs

13. Copies of all patents and patent applications (or divisional or related patents and patent applications) filed by any of the Respondents, or in which the Second, Third, and/or Fourth Respondents are named as an inventor concerning any aspect of an electrochemical reduction process involving Ionic Liquid, leaching and/or any aspect of a pilot or trial plant for the electrochemical reduction of ore (including the Element Zero Trial Plant), including drafts thereof, and including but not limited to:
- (a) no. 2022903090 entitled “Method of ore processing”;
 - (b) no. 2023902103 entitled “Ore Processing Method for Metal Recovery”;
 - (c) no. 2023903979 entitled “Electrowinning from Molten Salt” (979 Application);
 - (d) no. PCT/AU2023/051041 entitled “Method of ore processing”;
 - (e) any patent application for an electrochemical reduction process involving Ionic Liquid;
 - (f) any patent application concerning leaching;
 - (g) any patent application that relates to the features of a pilot or trial plant (including the Element Zero Trial Plant) in respect of electrochemical reduction of ore;
 - (h) the patents or patent applications that “cover the overall process and its unique chemistry” as referred to on the Element Zero website as shown at Bhatt AIB-22 p 141;
 - (i) the patents or patent applications that cover “the complete circuit design for mineral processing incorporating a unique electrolyte” as referred to on the Element Zero website, as shown at Bhatt AIB-22 p 141;
- except that the:
- (I) Second Respondent is not required to give discovery in respect of patents, patent applications, and drafts thereof that he did not work on after 25 March 2019; and
 - (II) Third Respondent is not required to give discovery in respect of patents, patent applications, and drafts thereof that he did not work on after 15 February 2021.
14. All documents evidencing or recording the use of any of the documents in categories 1, 2A, 6 and/or 7 above for or in preparing or inventing any of the patents or patent applications referred to in category 13 above.

SCHEDULE 2

Capitalised terms are defined in the Further Amended Statement of Claim dated 23 October 2024 (**FASOC**).

Document has the same meaning as in the Evidence Act 1995 (Cth) not including any Excluded Documents.

Excluded Documents means documents already produced by the Applicants in the Proceedings.

Proceedings means the claim commenced by Fortescue in the Federal Court of Australia numbered NSD527/2024.

Notes:

- All documents are to be produced in native form.
 - Each Document must be identified in relation to a discovery category
1. Documents recording all research and development work undertaken by the Second Respondent or the Third Respondent during the period from 25 March 2019 to 12 November 2021 on Direct Electrochemical Reduction processes, including approvals of research, research instructions, work undertaken, target timescales for that work, funding approvals and budgets and invoices for equipment and products used in such processes.
 2. Documents recording the Ionic Liquid R&D Information and any research or development work undertaken in relation to Ionic Liquid R&D by the Second Respondent, the Third Respondent and/or Fortescue during the period from 25 March 2019 to 12 November 2021, including approvals of research, research instructions, work undertaken, target timescales for that work, funding approvals and budgets and invoices for equipment and products used in such processes.
 3. Documents recording the end of Dr Kolodziejczyk's employment with Fortescue, including documents concerning:
 - a. his resignation and terms on which his employment ended, including the preparation of a Deed of Separation;
 - b. any instructions given to him in respect of the period following him giving notice of his resignation; and
 - c. communications and records of any meetings between Dr Kolodziejczyk and Fortescue employees between 22 October 2021 and 5 November 2021.

SCHEDULE 3**Confidentiality Undertaking**No. NSD 527 of 2024Federal Court of AustraliaDistrict Registry: New South WalesDivision: General**FORTESCUE LIMITED ACN 002 594 872****and others named in the schedule**Applicants**ELEMENT ZERO PTY LIMITED ACN 664 342 081****and others named in the schedule**Respondents

I, _____

of _____,
being an Australian external legal practitioner or an Australian barrister acting for the Applicants, or
an independent expert witness retained by the Applicants for the purposes of this Proceeding,
undertake to the Court, effective from the date set out on the final page of this undertaking, that until
and unless the Court otherwise orders or the Respondent(s) otherwise agrees in writing:

1. Confidentiality, disclosure and use

1.1 I will keep the Confidential Material confidential at all times.

1.2 To the extent I have access to Confidential Material:

1.2.1 I will use, handle, keep and store the Confidential Material in such a manner that will
at all times preserve its confidentiality;

1.2.2 I will establish and maintain reasonable security measures to safeguard the
Confidential Material from unauthorised access or use; and

1.2.3 I will not make any copies of Confidential Material except as reasonably necessary for
the sole purpose of the conduct of the Proceeding.

1.3 I will not use the Confidential Material for any purpose other than for the sole purpose of the
conduct of the Proceeding.

1.4 I will not use the Confidential Material for the purpose of:

1.4.1 drafting, amending or prosecuting any patent application or utility model in any
jurisdiction; or

1.4.2 any other legal proceeding in any jurisdiction (existing or otherwise).

1.5 Subject to paragraph 1.6 below, I will not disclose the Confidential Material (either in whole or in part) either directly or indirectly to any person including the Applicants, their servants, agents and related companies without the prior written consent of the Respondent(s)' Lawyers, unless:

1.5.1 such disclosure is expressly authorised by the Court, including by way of a determination by the Court:

(a) that I be released from this undertaking with respect to the relevant Confidential Material; or

(b) that the relevant Confidential Material is not confidential;

1.5.2 the Confidential Material is in, or enters into, the public domain other than in contravention of a confidentiality undertaking or other obligation of confidence; or

1.5.3 such disclosure is required by law.

1.6 The Confidential Material may be disclosed by me:

1.6.1 to any Judge, employee or other personnel of the Court or any person associated with recording the transcript at any hearing in the Proceeding for the purpose of the Proceeding and provided the Confidential Material is:

(a) in the case of oral disclosures in relation to the Confidential Material, stated to be subject to this confidentiality undertaking; and

(b) otherwise, clearly identified and marked "Confidential" and is otherwise kept confidential in accordance with this undertaking;

1.6.2 to the Applicants' Lawyers and Australian barristers retained by or on behalf of the Applicants to act for the Applicants in the Proceeding who have signed and provided to the Court undertakings in the same terms as this undertaking before that person has access to the Confidential Material;

1.6.3 to support and administrative staff employed by (or, in the case of Australian barristers, employed or engaged by the barrister or by their chambers) persons referred to in sub-paragraph 1.6.2 above who reasonably require access to the Confidential Material for the purpose of the Proceeding;

1.6.4 in an affidavit filed in the Proceeding by or on behalf of the Applicants, provided the Confidential Material is in an annexure or exhibit to such an affidavit and any such annexure or exhibit is clearly identified and marked "Confidential" and otherwise kept confidential in accordance with this undertaking; and

1.6.5 to independent experts retained by the Applicants' Lawyers in relation to the Proceeding who have signed and provided to the Court undertakings in the same terms as this undertaking before that person has access to the Confidential Material.

1.7 If I propose to disclose or otherwise use Confidential Material in any interlocutory or final hearing in the Proceeding, then subject to paragraph 1.6.4 above, I will take all necessary steps to ensure that the disclosure is not made in open Court and that the transcript of that portion of the hearing is confidential, with access thereto limited to the persons who have liberty to view such material under this undertaking or any orders of the Court.

1.8 Within 30 days of the final determination of the Proceeding or on the expiry of any applicable appeal period (whichever is the later) I will:

1.8.1 destroy all hard copies (including, without limitation, computer disks and USB drives) of all Confidential Material in my possession, custody, control or power,

and give (or cause to be given) notice in writing to the Respondent(s)' Lawyers certifying the destruction of all such hard copies of Confidential Material; and

1.8.2 take all reasonable action to permanently delete, so as not be retrievable by any means, all Confidential Material stored in any electronic storage facility owned or used by me and give (or cause to be given) notice in writing to the Respondent(s)' Lawyers certifying the permanent deletion of all such electronic copies of Confidential Material or that I have taken such action, as the case may be.

except that:

1.8.3 the Applicants' Lawyers may retain one copy of the Confidential Documents;

1.8.4 the Applicants' Lawyers and Australian barristers retained by or on behalf of the Applicants may retain: (i) any notes, memoranda, summaries, reports, analyses, records and opinions made or caused to be made by the Applicants' Lawyers or Australian barristers (including any briefs to experts and any expert reports) which may contain Confidential Information; (ii) any evidence in the Proceeding or transcript of the Proceeding which may contain Confidential Information, in each case for record-keeping purposes, provided that they are stored confidentially within the internal records of the Applicants' Lawyers or Australian barristers (as the case may be); and

1.8.5 copies of the Confidential Material may be contained in electronic files created pursuant to automatic archiving and back-up procedures in the ordinary course of business,

provided that any such copies are kept confidential, and not accessible by any person, other than in accordance with the terms of this undertaking.

1.9 I will notify the Court and Respondent(s)' Lawyers (or cause the Court and Respondent(s)' Lawyers to be notified) as soon as practicable if I become aware of any suspected or actual unauthorised access, use or disclosure of any Confidential Material, and will provide all reasonable assistance requested by the Court, Respondent(s) and/or the Respondent(s)' Lawyers in relation to any action that the Court and/or Respondent(s) may take against any person for unauthorised use or disclosure of any Confidential Material provided to me pursuant to this undertaking.

2. Definitions

The following definitions apply in this undertaking:

2.1.1 **Applicants** means Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd.

2.1.2 **Applicants' Lawyers** means Davies Collison Cave Law.

2.1.3 **Confidential Document** means all documents (in any form or media) produced by any of the Respondents in response to category 11 in Schedule 1 to the orders of Justice Markovic dated [date of orders] in the Proceeding, being:

11. All versions, including drafts, of the following documents (howsoever described):

(a) basis of design documents for the First Respondent's pilot or trial plant/s, including the "**Element Zero Trial Plant**" (referred to in paragraph 30 of the EZ Parties' defence);

(b) piping and instrumentation documents for the First Respondent's pilot or trial plant/s, including the Element Zero Trial Plant;

(c) laboratory books (either in hard or soft copy) recording work done with respect to the development of each of beneficiation and leaching of ores and electroplating and/or electrowinning and/or electrolyte development during the period from January 2022 to February 2024;

(d) any documents provided by or on behalf of the Respondents or any of them to Playground Ventures containing any information in relation to chemical processes, plant design, the green iron/green steel industry and/or industry participants;

(e) documents recording or evidencing the “retirement ‘project’”, the “work[] with nickel [and] iron”, and the “work that eventually led to the creation of Element Zero”, referred to in paragraph 40 of the affidavit of Bjorn Winther-Jensen affirmed on 8 July 2024;

(f) documents recording the research and development of:

i. the “Element Zero Process” referred to in paragraph 29 of the EZ Parties’ defence; or

ii. the “Element Zero process” referred to in paragraphs 29(b)-(c) of Dr Winther-Jensen’s defence,

during the period from January 2022 to February 2024.

2.1.4 **Confidential Information** means the contents of, and all information in, any Confidential Document, all information derived therefrom or in notes taken or reports or other documents generated therefrom.

2.1.5 **Confidential Material** means Confidential Information and Confidential Documents.

2.1.6 **Court** means the Federal Court of Australia.

2.1.7 **Proceeding** means Federal Court of Australia proceeding number NSD 527 of 2024, any cross-claim filed in that proceeding, and any appeal(s) therefrom, any applications for special leave to appeal, and any costs recovery proceedings in relation to any such proceedings.

2.1.8 **Respondent(s)** means the Respondent(s) to the Proceeding.

2.1.9 **Respondent(s)’ Lawyers** means the respective Respondent’s legal representatives of record in this Proceeding.

3. This undertaking

3.1 I acknowledge that this undertaking continues in force after the conclusion of the Proceeding.

3.2 I irrevocably submit to the jurisdiction of the Court for the purposes of enforcing this undertaking.

Signature: _____ Date: _____

Signature of Witness: _____

Name of Witness: _____

ScheduleNo. NSD 527 of 2024Federal Court of AustraliaDistrict Registry: New South WalesDivision: GeneralApplicants

Second Applicant: FORTESCUE FUTURE INDUSTRIES PTY LTD
ACN 625 711 373

Third Applicant: FMG PERSONNEL SERVICES PTY LTD
ACN 159 057 646

Respondents

Second Respondent: BARTLOMIEJ PIOTR KOLODZIEJCZYK

Third Respondent: BJORN WINTHER-JENSEN

Fourth Respondent: MICHAEL GEORGE MASTERMAN

Schedule

No. NSD 527 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

Applicants

Second Applicant:

FORTESCUE FUTURE INDUSTRIES PTY LTD**ACN 625 711 373**

Third Applicant:

FMG PERSONNEL SERVICES PTY LTD**ACN 159 057 646****Respondents**

Second Respondent:

BARTLOMIEJ PIOTR KOLODZIEJCZYK

Third Respondent:

BJORN WINTHER-JENSEN

Fourth Respondent:

MICHAEL GEORGE MASTERMAN