



FED:Fortescue lands major court win against ex-employees

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Body

Mining giant **Fortescue** has landed a major court win as it pursues ex-employees - including a former chief scientist - for alleged intellectual property theft.

The Federal Court ruled on Friday to dismiss an application by the ex-employees to return evidence located during searches of their homes and computers following the alleged corporate espionage.

Justice Brigitte Markovic also ordered the former employees pay **Fortescue**'s legal costs for contesting the application.

Fortescue says its ex-chief scientist Bartlomiej Kolodziejczyk and technology development lead Bjorn Winther-Jensen applied green-iron technology they helped develop while working for the miner to form rival startup Element Zero.

The Andrew "Twiggy" Forrest-controlled iron ore miner is suing the men as well as Element Zero and its chief executive, Michael Masterman.

In May, Element Zero's offices and Dr Kolodziejczyk and Dr Winther-Jensen's homes were searched under order of Federal Court Justice Melissa Perry and four terabytes of material was seized.

Soon after, the group filed an interlocutory application claiming the search orders were granted on incorrect grounds and seeking to have them overturned and the material returned.

Lawyers for **Fortescue** labelled the bid to retroactively overturn the search order a "monumental waste of time" and an attempt to avoid properly facing the allegations being levelled at the ex-employees.

In granting the search order, Justice Perry said there was a strong prima facie case from **Fortescue** and if the searches had been flagged in advance there was a real risk information might be destroyed or "squirrelled away".

In the lawsuit, Element Zero and the executives have been accused of breach of contract, copyright infringement, breach of corporations and consumer law, and breach of their fiduciary duties.

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Fortescue is seeking damages or compensation, which could include any profits gained by Element Zero from the allegedly stolen invention.

The matter will return to court on October 23 for a case management hearing.

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