



Start-up appeals raid by Fortescue

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Body

A so-called "green metal" start-up has lodged an appeal in a bid to overturn a judge's decision that allowed mining giant **Fortescue** to seize millions of files from the homes and offices of its staff as part of a battle over intellectual property.

Element Zero, founded by ex-**Fortescue** executives Michael Masterman, Bart Kolodziejczyk and Bjorn Winther-Jensen, is accused of stealing the Andrew Forrest's clean energy trade secrets before they launched their own business.

Fortescue secured search -orders from a Federal Court judge in May. The orders allowed it to carry out surprise raids on the houses of Dr Kolodziejczyk and Dr Winther-Jensen to seize millions of files for their case off the back of what the Element Zero personnel described as "unprecedented" surveillance.

Mr Masterman and Dr Kolodziejczyk challenged the initial decision to grant **Fortescue** the search orders. Federal Court judge Brigitte Markovic dismissed their application.

A **Fortescue** spokesman reiterated a previous statement. "**Fortescue** will vigorously defend Element Zero's attempt to have the decision of the court overturned," he said. Now, the Element Zero team has lodged an appeal against Justice Markovic's decision to allow the search orders. She had found **Fortescue** failed to inform the primary judge about a series of meetings involving the two companies and a nondisclosure agreement signed by Mr Masterman.

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