

2 November 2022

## IMDEX SUCCESSFULLY DEFENDS PATENTED CORE ORIENTATION TECHNOLOGIES AND IS ENTITLED TO ADDITIONAL DAMAGES

Leading global Mining-Tech company, Imdex Limited (**IMDEX** or **the Company**), today provides an update on its commitment to protecting its leading patented technologies. Australian Mud Company Pty Ltd (**AMC**) and Reflex Instruments Asia Pacific Pty Ltd (**RIAP**) are subsidiaries of IMDEX.

Following the decision handed down on 6 October 2022 by the Federal Court of Australia, on 28 October 2022 the Court made declarations that Globaltech<sup>1</sup> along with Boart Longyear<sup>2</sup> infringed AMC's patent (Australian Standard Patent no. 2010200162) by their supply of the "TruCore™ UPIX Tool" or the "UPIX Orifinder Tool" (**Infringing TruCore UPIX Tools**) in Australia.

On 2 November 2022, the Court sealed various orders, including restraining Globaltech and Boart Longyear from:

1. making, hiring, selling or importing their current Infringing TruCore UPIX Tools;
2. supplying or offering to supply any core sample orientation tool or system using the method claimed in AMC's patent; and
3. advertising any core sample orientation tool or system using the method claimed in AMC's patent.

Orders for the delivery up of the Infringing TruCore UPIX Tools, and for the destruction of related promotional, advertising and instructional materials were also made.

These orders have been temporarily stayed until 21 November 2022 to allow Globaltech and Boart Longyear time to apply for a stay pending appeal, at which point the Court will determine whether the orders will continue to be stayed until after the appeal is decided and/or whether Globaltech and Boart Longyear will be required to recall and deliver up the Infringing TruCore UPIX Tools in accordance with the orders summarised above (subject to the discretion of the Court to make any further or other orders).

Globaltech and Boart Longyear are also restrained from exporting their Infringing TruCore UPIX Tools from Australia until the matter returns to Court on 21 November 2022.

The actions of Globaltech and Boart Longyear, including failing to comply with previous Court orders made against Globaltech on 14 December 2018, resulted in the Court making a ruling that AMC and RIAP are entitled to an award of additional damages against Globaltech and Boart Longyear, which is a rare outcome in Australian patent infringement cases.

The quantum of damages to be awarded, together with the quantum of additional damages, or alternatively an account of profits, is to be determined at a future hearing.

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<sup>1</sup> Globaltech Corporation Pty Ltd and Globaltech Pty Ltd (together **Globaltech**)

<sup>2</sup> Boart Longyear Pty Ltd (BLPL) and Boart Longyear Australia Pty Ltd (BLYA) (together **Boart Longyear**)

The Court also dismissed BLYA's cross-claim, which sought to invalidate AMC's patent.

Separately, IMDEX is progressing its enforcement actions against Globaltech and Boart Longyear's related entities in the United States, Canada and South Africa for infringement of the equivalent patents in those jurisdictions.

## **BACKGROUND**

IMDEX subsidiaries have previously been successful in protecting their core orientation patent, including:

- in 2018, when the Federal Court of Australia ruled in favour of AMC and RIAP, making orders which found that Globaltech had infringed certain patent rights; and
- in 2020, when the validity of IMDEX subsidiaries' US patent before the United States Patents and Trademarks Office was successfully upheld after a challenge by Boart Longyear.

**This announcement has been approved for lodgement by the IMDEX Company Secretary.**

## **ABOUT IMDEX™**

IMDEX is a leading global Mining-Tech company, which enables successful and cost-effective operations from exploration to production. The ASX listed company develops cloud-connected sensors and drilling optimisation products to improve the process of identifying and extracting mineral resources for drilling contractors and resource companies globally. IMDEX's unique end-to-end solutions for the mining value chain integrate its leading AMC™ and REFLEX™ brands. Together they enable clients to drill faster and smarter, obtain accurate subsurface data and receive critical information in real-time.

For further information visit [www.imdexlimited.com](http://www.imdexlimited.com)

## **FURTHER INFORMATION**

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