

24 November 2022

## BOART LONGYEAR UNSUCCESSFUL IN FEDERAL COURT APPLICATION TO STAY CERTAIN ORDERS RELATING TO CORE ORIENTATION TECHNOLOGIES

Leading global Mining-Tech company, Imdex Limited (**IMDEX** or **the Company**), today provides a further update on its commitment to protecting its leading patented technologies.

On 28 October 2022 the Australian Federal Court made declarations that Globaltech<sup>1</sup> along with Boart Longyear<sup>2</sup> infringed AMC's<sup>3</sup> 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.

These declarations were set out in more detail in the announcement issued to the market on 2 November 2022. As announced, certain orders were temporarily stayed pending determination of Boart Longyear's application for a stay pending appeal.

In an interlocutory hearing held on 21 November 2022, Boart Longyear was unsuccessful in its application to extend the stay of certain orders.

Accordingly, the orders which were previously made are now in effect and restrain Globaltech and Boart Longyear from:

1. Making, hiring, selling, importing or exporting 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.

Globaltech and Boart Longyear have 28 days to deliver up the key housing and circuit board components of the Infringing TruCore UPIX Tools to IMDEX. These components will be stored pending the outcome of the appeal of the original ruling, which is not expected to be heard until mid-2023.

Similarly, Globaltech and Boart Longyear have 90 days to collect from their customers or any third parties the Infringing TruCore UPIX Tools in Australia and deliver up the same key components to IMDEX.

Reflex<sup>4</sup> has undertaken to the Court that it is ready and willing to supply its ACT III™ core orientation tool to any impacted drillers, including Boart Longyear service company drillers, in advance of withdrawal of the Infringing TruCore UPIX Tools, to ensure that there is no interruption to ongoing drilling operations. Reflex is offering to supply its ACT III™ kits at its standard rates and without any lock-in periods.

<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**)

<sup>3</sup> Australian Mud Company Pty Ltd (AMC) is a subsidiary of IMDEX

<sup>4</sup> Reflex Instruments Asia Pacific Pty Ltd (Reflex) is a subsidiary of IMDEX

Globaltech and Boart Longyear are also required to destroy any promotional, advertising and instruction materials relating to the Infringing TruCore UPIX Tools in their possession or custody.

Finally, Globaltech and Boart Longyear are restrained from advertising or supplying any further versions of a core orientation device, which use the same hardware as the Infringing TruCore UPIX Tools, without providing prior notice to IMDEX.

IMDEX is committed to working with Boart Longyear to minimise any impact on customers who are currently being supplied the Infringing TruCore UPIX Tools. IMDEX's ACT III™ core orientation tools are ready to meet demand.

## **BACKGROUND**

IMDEX and its 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 Reflex, 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.**

**Ends**

## 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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