

## **Executive Legal Summary**

### ***Zomojo Pty Ltd v Hurd & Ors***

On 21 February 2013, Matthew Hurd, Zeptonics Pty Ltd and related companies applied to the Federal Court of Australia for leave to issue an appeal against the judgment of Justice Gordon made on 5 February 2013. An application was also made for a stay of the orders of Justice Gordon.

During the hearing of the applications before Justice Marshall on 26 February 2013, sworn evidence was put forward by Zeptonics that it had terminated the employment of all its employees on 14 February 2013.

Justice Marshall ruled against Mr Hurd and the Zeptonics companies. Leave to appeal was not granted and a stay of the orders was not made.

The dismissal of those applications means that Justice Gordon's judgment and orders remain in full force and effect.

Zomojo requires that Zeptonics' clients remove the relevant hardware purchased from Zeptonics and return it to Zomojo. Zomojo regrets that the conduct of Zeptonics in selling/licensing intellectual property to third parties in circumstances where such intellectual property did not, and never had, belonged to Mr Hurd or the Zeptonics companies has meant that such third parties are in a difficult position. Zomojo remains willing to work with such parties to minimise disruption. However, unauthorised use of Zomojo's intellectual property will not be permitted.

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