



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD516/2016

DOMINO'S PIZZA ENTERPRISES LTD

Applicant

PRECISION TRACKING PTY LTD and another/others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE ROBERTSON

DATE OF ORDER: 07 February 2017

WHERE MADE: Sydney

THE COURT ORDERS BY CONSENT THAT:

1. By 27 March 2017, the Applicant/First Cross Respondent (**Domino's**) and the Second Cross-Respondent (**Navman**) give discovery of documents, pursuant to Part 20 of the *Federal Court Rules 2011* (Cth) (the **Rules**), to be provided in electronic searchable .pdf format, in the categories listed in Schedule 'A' attached to this order.
2. The Interlocutory Application be otherwise dismissed, and the date for hearing of the Application on 10 February 2017 be vacated.
3. Costs of the Interlocutory Application be costs in the cause.

THE COURT FURTHER ORDERS BY CONSENT THAT:

4. By 27 March 2017, Precision Tracking give standard discovery of documents, to be produced in electronic searchable .pdf format, pursuant to Rule 20.14 of the Rules.



Schedule

No. NSD 516 of 2016

Federal Court of Australia
District Registry: Registry New South Wales
Division: General Division

Applicant

Applicant: Domino's Pizza Enterprises Limited (ACN 010 489 326)

Respondents

First Respondent: Precision Tracking Pty Ltd (ACN 133 616 369)

Second Respondent: Vladimir Lasky

Third Respondent: Nathan Parrott

Fourth Respondent: Alexander Green

Cross-Claimant

Cross Claimant: Precision Tracking Pty Ltd (ACN 133 616 369)

Cross-Respondents

First Cross-Respondent: Domino's Pizza Enterprises Limited (ACN 010 489 326)

Second Cross-Respondent: Navman Wireless Australia Pty Ltd (ACN 010 489 326)



ANNEXURE A

Schedule to interlocutory application – categories for discovery by Domino’s and Navman Wireless

In this schedule, SCC refers to Precision Tracking’s Statement of Cross Claim, DD refers to Domino’s Defence and ND refers to Navman’s Defence. Defined terms used have the definitions in the pleadings. Document has the meaning given in Schedule 1 of the Federal Court Rules 2011.

SCC 32/DD 32/ND 11

1. All documents recording or evidencing any reference by Domino’s to or use of the Precision Delivery System in the course of or for the purpose of preparing the Requirements Document.
2. All documents constituting, evidencing or recording the functionality and operational requirements provided to Ms Rametta as pleaded in DD 32(a)(ii)(A), including as recorded in any meeting notes taken by Ms Rametta.

SCC 34 and 43/DD 34 and 43/ND 13 and 16

3. All documents recording or evidencing Navman’s
 - (a) electronic access to; or
 - (b) use ofthe Precision Delivery System, or any part of it with express reference to it forming part of the Precision Delivery System, between July 2014 and July 2015.
4. All communications between Domino’s and Navman between July 2014 and July 2015 referring to:
 - (a) the Precision Delivery System; or
 - (b) any part of it with express reference to it forming part of the Precision Delivery System.
5. All documents dated, or relating to events, between July 2014 and July 2015 referring to:
 - (a) the Precision Delivery System; or



(b) any part of it with express reference to it forming part of the Precision Delivery System.

SCC 35/DD 35

6. All documents recording or evidencing the circumstances in which the Tablet Code was copied from the Windows Slate Tablet Computer having MAC address of 94DE80619766.

SCC 36/DD 36

7. All documents recording or evidencing the circumstances in which the Tablet Code was executed on a computer with local IP address 10.1.64.89 and having a MAC code of F0DEF1E3F7D0.

SCC 42/DD 42/ND 16

8. All communications between Domino's and Navman dated between July 2014 and July 2015

(a) referring to; or

(b) recording or evidencing Domino's or Navman's awareness of,

any confidentiality obligations, intellectual property rights or other legal restrictions relating to the use or disclosure of the Precision Delivery System or any part of it with express reference to it forming part of the Precision Delivery System.

9. All documents dated between July 2014 and July 2015:

(a) referring to; or

(b) recording or evidencing Domino's or Navman's awareness of,

any confidentiality obligations, intellectual property rights or other legal restrictions relating to the use or disclosure of the Precision Delivery System or any part of it with express reference to it forming part of the Precision Delivery System.

SCC 55 and 57/DD 55 and 57/ND 30 and 31

10. Domino's and Navman will together produce a product/process disclosure statement which provides a detailed description of the Domino's GPS Driver Tracker as used in Australia as at July 2015, which annexes supporting documentation and which includes



a detailed description of the operation and interaction in use of each of the following components:

- (a) Car toppers;
- (b) Light boxes;
- (c) GPS tracking units;
- (d) Location receivers;
- (e) Customer order receivers;
- (f) RFID tags;
- (g) In-store driver-administration screens;
- (h) Servers which process location data received from each GPS tracking unit for use on the live tracker webpage;
- (i) Live tracker webpage displayed on Domino's' in-store screens and Domino's' Pizza Tracker Application;
- (j) Driving behaviour information data provided by Navman;
- (k) Components having functionality representing each highlighted component of the Requirements Document as set out in Confidential Schedule 3 to the SCC; and
- (l) the Pizza Tracker Application.

SCC 64/DD 64/ND 37 [Discovery of this category is limited to Alex Green of Precision Tracking, Precision Tracking's legal representatives and an independent forensic accountant engaged by Precision Tracking, all of whom must sign an appropriate confidentiality undertaking and provide copies of same to Domino's and Navman prior to discovery being given]

11. Business records which together are sufficient to fully record:

- (a) all remuneration, fees or revenue earned by, paid to or received by Domino's or Navman in relation to Domino's GPS Driver Tracker or parts thereof, whether by way of licence fee, royalty, fee for services or otherwise, including such remuneration, fees or revenue earned from the use or licensing of the Domino's GPS Driver Tracker outside Australia; and
- (b) the expenses incurred by Domino's or Navman associated with (a).



Date that entry is stamped:

Warrick Soden
Registrar



Schedule

No: NSD516/2016

Federal Court of Australia
District Registry: New South Wales
Division: General

Second Respondent VLADIMIR LASKY
Third Respondent NATHAN PARROTT
Fourth Respondent ALEXANDER GREEN

CROSS CLAIM

Cross-Claimant PRECISION TRACKING PTY LTD
Cross Respondent DOMINO'S PIZZA ENTERPRISES LTD
Second Cross
Respondent NAVMAN WIRELESS AUSTRALIA PTY LTD ACN 123 981
457

CROSS CLAIM

Cross-Claimant NAVMAN WIRELESS AUSTRALIA PTY LTD ACN 123 981
457
Cross Respondent PRECISION TRACKING PTY LTD