

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S329 of 2019

BETWEEN:

CALIDAD PTY LTD ACN 002 758 312

First Appellant

CALIDAD HOLDINGS PTY LTD ACN 002 105 562

Second Appellant

CALIDAD DISTRIBUTORS PTY LTD ACN 060 504 234

Third Appellant

BUSHTA TRUST REG

Fourth Appellant

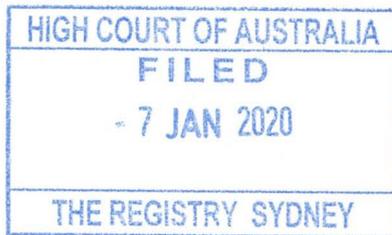
and

SEIKO EPSON CORPORATION

First Respondent

EPSON AUSTRALIA PTY LTD ACN 002 625 783

Second Respondent



APPELLANTS' CHRONOLOGY

20 **Part I:**

I certify that this chronology is in a form suitable for publication on the internet.

Part II:

Date	Event	CAB / AFM reference
7/3/2013	Australian Patent No 2009233643 (643 Patent) for a Printing material container and board granted.	AFM 5-93
October 2013	Seiko Epson Corporation and Epson Australia Pty Ltd (together, Seiko), and Calidad Pty Ltd, Calidad Holdings Pty Ltd, and Calidad Distributors Pty Ltd entered into the Settlement Deed.	CAB 120 at PJ1 ¹ [428]

¹ *Seiko Epson Corporation v Calidad Pty Ltd* (2017) 133 IPR 1; [2017] FCA 1403 (**PJ1**).

Filed on behalf of the appellants by:

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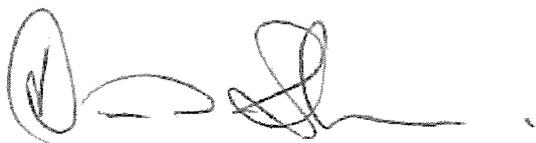
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Date	Event	CAB / AFM reference
17/08/2015	Seiko sent a cease and desist letter to Calidad Pty Ltd, Calidad Holdings Pty Ltd, Calidad Distributors Pty Ltd, and Bushta Trust Reg (together, Calidad) alleging infringement of the 643 Patent, trade mark infringement, breach of the Settlement Deed, misleading or deceptive conduct and breach of the <i>Business Names Registration Act 2011</i> (Cth).	
20/08/2015	Australian Patent No 2013219239 (239 Patent) for a Printing material container granted.	AFM 94-185
1/09/2015	Seiko commence proceedings in the Federal Court of Australia, including (relevantly) for infringement of the 643 Patent.	
24/09/2015	Seiko filed their Amended Originating Application and Further Amended Statement of Claim to include infringement of the 239 Patent.	
April 2016	Cartridges in categories 1, 2, 3, and A begin to be sold.	CAB 34 at PJ1 [73]
April 2016	Calidad ceases selling cartridges in categories 4, 5, 6, 7, and B.	CAB 34-35 at PJ1 [73]
29/11/2017	<p>Reasons for judgment of the Federal Court of Australia comprising Burley J, reported as <i>Seiko Epson Corporation v Calidad Pty Ltd</i> (2017) 133 IPR 1; [2017] FCA 1403:</p> <ul style="list-style-type: none"> • cartridges in categories 1, 2, 3, and A did not infringe claim 1 of the patents; and • cartridges in categories 4, 5, 6, 7, and B did infringe claim 1 of the patents. 	<p>CAB 76 at PJ1 [246] re category 1; 79 at PJ1 [259] re category 2; 80 at PJ1 [265] re category 3; 81 at PJ1 [268] re category A; 83 at PJ1 [277] re category 4; 84 at PJ1 [283] re category 5; 84 at PJ1 [286] re category 6; 85 at PJ1 [291] re category 7; 86 at PJ1 [293] re category B; 86 at PJ1 [294]; 126 at PJ1 [447]</p>

Date	Event	CAB / AFM reference
16/02/2018	Reasons for judgment of the Federal Court of Australia comprising Burley J, reported as <i>Seiko Epson Corporation v Calidad Pty Ltd</i> [2018] FCA 104 (form of declaratory relief and costs).	
16/02/2018	Orders of Burley J.	CAB 128-133
9/03/2018	Calidad filed a Notice of Appeal from those parts of the judgment of the Federal Court of Australia given on 29 November 2017 that found that cartridges in categories 4, 5, 6, 7, and B infringed claim 1 of the 643 Patent and 239 Patent.	CAB 135-147
3/04/2018	Seiko filed a Notice of Cross-Appeal from those parts of the judgment of the Federal Court of Australia given on 29 November 2017 that found that cartridges in categories 1, 2, 3 and A did not infringe claim 1 of the 643 Patent and 239 Patent.	CAB 149-156
3/04/2018	Seiko filed their Notice of Contention.	CAB 158-161
24/04/2018	Calidad filed their Notice of Contention in the Cross-Appeal.	CAB 163-166
5/07/2019	Reasons for judgment of the Full Court of the Federal Court of Australia comprising Greenwood, Jagot, and Yates JJ, reported as <i>Calidad Pty Ltd v Seiko Epson Corporation</i> (2019) 370 ALR 563; (2019) 142 IPR 381; [2019] FCAFC 115 (FCJ1): <ul style="list-style-type: none"> • upheld cross-appeal; and • overturned findings that cartridges in categories 1, 2 3, and A did not infringe claim 1 of the patents. 	CAB 194-195 at FCJ1 [86]-[87] per Greenwood J. CAB 233-234 at FCJ1 [180], [183] per Jagot J. CAB 260-261 at FCJ1 [293]-[295], [297] per Yates J.
5/07/2019	Orders of the Full Court of the Federal Court of Australia comprising Greenwood, Jagot, and Yates JJ dismissing Calidad's appeal and allowing Seiko's cross-appeal.	CAB 265-266
27/09/2019	Reasons for judgment of the Full Court of the Federal Court of Australia comprising Greenwood, Jagot, and Yates JJ, reported as <i>Calidad Pty Ltd v Seiko Epson Corporation (No 2)</i> [2019] FCAFC 168 (declaration of	CAB 268-286

Date	Event	CAB / AFM reference
	infringement and form of injunction).	
29/10/2019	Order of the Full Court of the Federal Court of Australia comprising Greenwood, Jagot, and Yates JJ (declaration of infringement and form of injunction).	CAB 292-295
2/08/2019	Calidad filed their Application for Special Leave to Appeal to the High Court of Australia from the whole of the judgment of the Full Court of the Federal Court of Australia given on 5 July 2019.	
15/11/2019	Calidad was granted leave to amend their application for Special Leave to Appeal to include orders 1 to 4 made by the Full Court of the Federal Court on 29 October 2019 and was granted special leave to appeal from the whole of the judgment of the Full Court of the Federal Court of Australia given on 5 July 2019, together with orders 1 to 4 made by the Full Court of the Federal Court of Australia on 29 October 2019.	CAB 325
20/11/2019	Calidad filed their Amended Application for Special Leave to Appeal to the High Court of Australia from the whole of the judgment of the Full Court of the Federal Court of Australia given on 5 July 2019, together with orders 1 to 4 made by the Full Court of the Federal Court of Australia on 29 October 2019.	
29/11/2019	Calidad filed their Notice of Appeal to the High Court.	CAB 327-329

Dated: 6 January 2020



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