

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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File Number: NSD1288/2025
File Title: CPC PATENT TECHNOLOGIES PTY LTD (ACN 615 736 028) v APPLE
PTY LIMITED & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 123
Rule 36.21(1)



Notice of cross-appeal

No. NSD 1288 of 2025

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

On appeal from the Federal Court

CPC PATENT TECHNOLOGIES PTY LTD (ACN 615 736 028)

Appellant

APPLE PTY LIMITED (ACN 002 510 054) and another named in the schedule

Respondents

To the Appellant (**CPC**).

The Respondents (**Apple**) conditionally appeal from part of the judgment as set out in this notice of cross-appeal.

The papers in the cross-appeal will be settled before a Registrar at the time and place to be advised.

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party)	Apple Pty Limited and Apple Inc (Respondents)		
Prepared by (name of person/lawyer)	Robynne Sanders		
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Details of cross-appeal

This cross-appeal is advanced only to the extent that, on the appeal, the Full Court holds that any of the Apple Devices fall within any of the **asserted claims** of the 168 Patent or the 293 Patent. In that circumstance, the cross-appeal relates to orders 3 and 6 of the orders made by the Honourable Justice Burley (**Primary Judge**) on 18 June 2025, consequent upon reasons published as *CPC Patent Technologies Pty Ltd v Apple Pty Ltd* [2025] FCA 489 (**Reasons**).

This notice of cross-appeal adopts the same definitions as used by the Primary Judge in the Reasons.

Grounds of cross-appeal

To the extent that the Full Court holds that any of the Apple Devices fall within any of the asserted claims, Apple relies on the following grounds:

1. The Primary Judge did not decide the ground of lack of inventive step pursuant to s 18(1)(b)(ii) of the *Patents Act 1990* (Cth) (the **Act**), as it was not necessary to do so (Reasons at [647]). To the extent that it is necessary to do so, the proceeding should be remitted to the Primary Judge for determination of that ground.
2. The Primary Judge did not decide the question of manner of manufacture pursuant to s 18(1)(a) of the Act, as it was not necessary to do so (Reasons at [651]). To the extent it is necessary to do so:
 - (a) the Full Court should find that the alleged invention, as claimed in each of the asserted claims, is not a manner of manufacture; or
 - (b) the proceeding should be remitted to the Primary Judge for determination of that ground.
3. The Primary Judge did not decide:
 - (a) the particular lack of fair basis grounds pursuant to s 40(3) of the Act identified in Reasons at [663] and [665] (see Reasons at [664] and [666]); or
 - (b) the lack of clarity ground pursuant to s 40(3) of the Act identified in Reasons at [670] (see Reasons at [671]),

as it was not necessary to do so. To the extent it is necessary to do so, the Full Court should find that those grounds are established, or alternatively the proceeding should be remitted to the Primary Judge for determination of those grounds.



4. In relation to the question of novelty pursuant to s 18(1)(b)(i) of the Act:
- (a) The primary judge did not consider the question of novelty in relation to the iPAQ Reference Guide, as it was not necessary to do so (see Reasons at [471]). To the extent it is necessary to do so, the proceeding should be remitted to the Primary Judge for determination of that ground.
 - (b) the Primary Judge should have held that, on CPC's construction of the "series feature", that feature was disclosed by each of Mathiassen, Scott, Hamid, and Wuidart and erred in holding to the contrary (Reasons at [616], [559], [588], [645]);
 - (c) the Primary Judge should have held that Hamid disclosed a "secure access signal" and erred in holding to the contrary in Reasons at [586], [174]-[176].
5. In relation to the question of lack of fair basis pursuant to s 40(3) of the Act, the Primary Judge should to have held that the disclosure of the patents is limited to a system in which the transmitter subsystem and receiver subsystem use physically separate and distinct items of hardware, and erred in holding to the contrary (Reasons at [661], [662]).

Orders sought

To the extent that the Full Court holds that any of the Apple Devices fall within any of the asserted claims, Apple seeks the following orders:

1. The cross-appeal be allowed.
2. The cross-claim be allowed.
3. An order setting aside order 3 of the orders of the Court 18 June 2025.
4. An order that order 1 of the orders of the Court dated 18 June 2025 be replaced with the following:

Claims 1, 2, 3, 5 and 6 of the 168 Patent and claims 1, 27, 29, 37, 39 and 41 of the 293 Patent, are, and were at all material times, invalid.

5. An order that order 4 of the orders of the Court dated 18 June 2025 be replaced with the following:

Claims 1, 2, 3 5 and 6 of the 168 Patent and claims 1, 27, 29, 37, 39 and 41 of the 293 Patent be revoked.



6. In the alternative, the proceeding be remitted to the Primary Judge for consideration of such parts of the cross-claim as the Court thinks fit.
7. Costs of the cross-appeal and, to the extent necessary and appropriate, of the trial below.
8. Such further or other orders as the Court thinks fit.

Respondent's address

The Respondent's address for service is:

Place: Level 14, 80 Collins Street, Melbourne, Victoria 3000

Email: robynne.sanders@dlapiper.com

The Respondent's address is: Level 2, 20 Martin Place, Sydney NSW 2000

Service on the Appellant

It is intended to serve this notice of appeal on all Appellants.

Date: 18 August 2025

A handwritten signature in blue ink, appearing to be 'RS', written over a light blue horizontal line.

Signed by Robynne Sanders
Solicitor for the Respondent

**Schedule**

No. NSD 998 of 2021

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

Respondents

Second Respondent: Apple Inc.

Cross-appellants

Cross-appellant Apple Pty Limited (ACN 002 510 054)

Second Cross-appellant: Apple Inc.

Cross-respondents

Cross-respondent: CPC Patent Technologies Pty Ltd (ACN 615 736 028)

Date: 18 August 2025