

NOTICE OF FILING

Details of Filing

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File Title: DYNO NOBEL ASIA PACIFIC PTY LTD ACN 003 269 010 v ORICA
EXPLOSIVES TECHNOLOGY PTY LTD ACN 075 659 353 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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.



No. NSD 1484 of 2025

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

On appeal from the Federal Court of Australia

Dyno Nobel Asia Pacific Pty Ltd (ACN 003 269 010)

Appellant

Orica Explosives Technology Pty Ltd (ACN 075 659 353) and others named in the schedule

Respondents

Orica Australia Pty Ltd (ACN 004 117 828)

Cross-appellant

Dyno Nobel Asia Pacific Pty Ltd (ACN 003 269 010)

Cross-respondent

CROSS-APPELLANT'S CHRONOLOGY IN RELATION TO CROSS-APPEAL

Information in red text contains confidential information the subject of suppression orders.

No.	Date	Event
1.	11 January 2010	Filing date of Australian Patent No. 2010207873 (873 Patent).
2.	[REDACTED] ¹	[REDACTED] blasts involving CyberDet I Devices occurred at the Big Bell mine site (Big Bell) which the Cross-appellant (Orica) alleges infringed each asserted claim of the 873 Patent. ² Orica accepts the number of infringing blasts at Big Bell during this period would reduce to [REDACTED], ³ if the Cross-respondent (Dyno)'s construction of " <i>plurality of such devices at a blast site</i> " in the Notice of Cross-contention is accepted.

¹ This period corresponds to the dates of blasts reviewed and considered to be infringing by Orica's expert, Mr Papillon, as recorded in Dyno's discovered documents relating to the Big Bell mine. By order of Downes J dated 14 May 2024 (order 2), Dyno's discovery was limited to blasts occurring at the Big Bell and Sunrise Dam mines before 1 September 2023.

² Papillon 3, Conf Ann BEP-21 [1]-[47], [99]-[100]. The final results of Mr Papillon's analysis for the Big Bell mine are summarised in Papillon 3, Conf Ann BEP-22.

³ Papillon 3, Conf Ann BEP-21 [47(a) and (b)], [99], [100]; Napier 3, Conf Ann AN-51 [83], [84](a).

No.	Date	Event
3.	██████████ ██████████ ⁴	<p>██████ blasts involving CyberDet I Devices occurred at the Sunrise Dam mine site (Sunrise Dam) which Orica alleges infringed each asserted claim of the 873 Patent.⁵</p> <p>Orica accepts the number of infringing blasts at Sunrise Dam during this period would reduce to ██████,⁶ if Dyno's construction of "<i>plurality of such devices at a blast site</i>" in the Notice of Cross-contention is accepted.</p>
4.	24 July 2025	Injunction ordered against Dyno for the terms of the 079 and the 165 Patents (Injunction) ⁷ is stayed on an interim basis until 11 September 2025.
5.	21 August 2025	The stay of the Injunction is varied to permit Dyno to, <i>inter alia</i> , continue to use and authorise the use of CyberDet I Devices for blasting at Big Bell and Sunrise Dam pending determination of the appeal. ⁸

⁴ This period corresponds to the dates of blasts reviewed and considered to be infringing by Orica's expert, Mr Papillon, as recorded in Dyno's discovered documents relating to the Sunrise Dam mine. By order of Downes J dated 14 May 2024 (order 2), Dyno's discovery was limited to blasts occurring at the Big Bell and Sunrise Dam mines before 1 September 2023.

⁵ Papillon 3, Conf Ann BEP-21 [1]-[4], [48]-[100]. The final results of Mr Papillon's analysis for the Sunrise Dam mine are summarised in Papillon 3, Conf Ann BEP-23.

⁶ Papillon 3, Conf Ann BEP-21 [98(a)], [99], [100]; Napier 3, Conf Ann AN-51 [83], [84](b).

⁷ Orders of Downes J made on 24 July 2025 (orders 5 and 11).

⁸ Orders of Downes J made on 21 August 2025 (order 3).

Schedule

No. NSD 1484 of 2025

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

Respondents

Second Respondent: Orica Australia Pty Ltd (ACN 004 117 828)

Third Respondent: Orica Limited (ACN 004 145 868)