

Filed on behalf of: Resmed Corp.

Filed: May 8, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,

Petitioner,

v.

CLEVELAND MEDICAL DEVICES INC.,

Patent Owner.

Case No. IPR2025-00246
U.S. Patent No. 11,857,333

STIPULATION REGARDING CLAIM CONSTRUCTION

Pursuant to the April 2, 2026 conference call with the Board, Petitioner (hereinafter, “Resmed Corp.”) submits the following stipulation. Without conceding that “Resmed Corp. has taken inconsistent claim construction positions in *ResMed Corp. v. Cleveland Medical Devices, Inc.*, No. 1:23-cv-02221 (N.D. Ohio) (“Parallel Litigation”), and solely to remove any perceived discrepancy between forums, *see Caption Health, Inc. v. The Univ. of British Columbia*, IPR2025-01422, Paper 15, at 3 (Dec. 18, 2025), Resmed Corp. stipulates as follows:

1. In connection with IPR2025-00246 (U.S. Patent No. 11,857,333), Resmed Corp. will apply the same construction to this proceeding and the Parallel Litigation for any term in the challenged claims.
2. Specifically, Resmed Corp. agrees not to pursue indefiniteness challenges as to the claim terms identified by Patent Owner below:
 - a. “transmitting, in either order, both 1) the collected data and/or the quantified level of severity data to a cellular phone via a radio frequency wireless link; and 2) the collected data and/or the quantified level of severity data to the remote station from either a) the PAP or CPAP device via a cellular system, or b) the cellular phone to a remote station via the cellular system or the Internet for further analysis with a second processor or a

server at the remote station and review of the collected data, the quantified level of severity and/or this analysis by a clinician, technician or physician” (Claim 15).

- b. “the therapy efficacy data” (Claim 15).
3. Within 14 days after the district court stay is lifted, or by such later date as the district court directs, Resmed Corp. will file any notice, amendment, withdrawal, or other paper reasonably necessary to confirm that position in the Parallel Litigation.
4. For avoidance of doubt, this stipulation only applies to the construction of terms in the ’333 Patent.

Dated: May 8, 2026

Respectfully submitted,

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RESMED CORP.

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2026, a true and correct copy of the foregoing **STIPULATION REGARDING CLAIM CONSTRUCTION** is being served by electronic mail on Patent Owner's counsel of record listed below, pursuant to its

Mandatory Notices:

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