

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

RESMED CORP.,	)	
	)	
Plaintiff and	)	Case No. 1:23-cv-02221-BMB
Counterclaim Defendant,	)	
	)	
v.	)	
	)	
CLEVELAND MEDICAL DEVICES, INC.,	)	
	)	
Defendant and	)	
Counterclaim Plaintiff.	)	
_____	)	

**DECLARATION OF LISA KOBIALKA IN SUPPORT OF  
DEFENDANT CLEVELAND MEDICAL DEVICES INC.'S  
OPPOSITION TO PLAINTIFF RESMED CORP.'S MOTION TO STAY**

I, Lisa Kobialka, declare as follows:

1. I am a partner at Kramer Levin Naftalis & Frankel LLP, counsel of record for Defendant Cleveland Medical Devices, Inc. (“CleveMed”). I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of CleveMed’s Opposition to Plaintiff ResMed Corp.’s (“ResMed”) Motion to Stay (Dkt. No. 99).

2. ResMed served its Supplemental Initial Invalidity Contentions on January 9, 2025.

3. CleveMed served its Supplemental Initial Infringement Contentions on January 13, 2025.

4. After the Court lifted the temporary stay pending mediation, CleveMed has produced about 750 pages of additional documents. In the same timeframe, ResMed has produced about 1,790 pages of additional documents.

5. CleveMed served its Second Set of Requests for Production (Nos. 64-74) on January 2, 2025, and its Second Set of Requests for Admission (Nos. 15-18) on January 22, 2025. The parties are in the process of coordinating the timing of source code review and the scope of email discovery.

6. Attached hereto as **Exhibit 1** is a true and correct copy of email correspondence between counsel for CleveMed and counsel for ResMed, dated January 10, 2025 to January 22, 2025, regarding ResMed’s discovery and invalidity contentions.

7. Attached hereto as **Exhibit 2** is a true and correct of excerpts from a document entitled “Plaintiff and Counterclaim Defendant ResMed Corp.’s Initial Invalidity and

13. Attached hereto as **Exhibit 8** is a true and correct copy of a Minute Order, dated December 12, 2024, in the matter *Feit Elec. Co. v. Savant Techs. LLC*, Case No. 1:24-cv-00473 (N.D. Ohio).

14. Attached hereto as **Exhibit 9** is a true and correct copy of a document entitled “Ex Parte Reexamination Historical Statistics,” last updated December 2023, available at <https://www.uspto.gov/learning-and-resources/statistics/reexamination-information>, last visited on January 24, 2024.

15. Attached hereto as **Exhibit 10** is a true and correct of excerpts from a document entitled “Petition for *Inter Partes* Review of U.S. Patent No. 11,375,921,” filed on December 6, 2024, before the United States Patent and Trademark Office’s Patent Trial and Appeal Board, in the matter *ResMed Corp. v. Cleveland Medical Devices, Inc.*, Case No. IPR2025-00159, regarding U.S. Patent No. 11,375,921.

16. Attached hereto as **Exhibit 11** is a true and correct of excerpts from a document entitled “Petition for *Inter Partes* Review of U.S. Patent No. 11,690,512,” filed on December 6, 2024, before the United States Patent and Trademark Office’s Patent Trial and Appeal Board, in the matter *ResMed Corp. v. Cleveland Medical Devices, Inc.*, Case No. IPR2025-00158, regarding U.S. Patent No. 11,690,512.

I declare under penalty of perjury of the United States of America that the foregoing is true and correct. Executed on January 24, 2025, in Redwood Shores, California.

/s/ Lisa Kobialka  
Lisa Kobialka