

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RESMED CORP.,  
Petitioner,

v.

CLEVELAND MEDICAL DEVICES, INC.,  
Patent Owner.

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IPR2025-00158 (Patent 11,690,512 B1)  
IPR2025-00159 (Patent 11,375,921 B1)  
IPR2025-00160 (Patent 11,786,680 B1)  
IPR2025-00246 (Patent 11,857,333 B1)  
IPR2025-00247 (Patent 11,872,029 B1)

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Before SHERIDAN K. SNEDDEN, NEIL T. POWELL, and  
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER  
Authorizing Briefing Regarding Petitioner's  
Identification of Real Parties in Interest  
*37 C.F.R. § 42.5*

IPR2025-00158 (Patent 11,690,512 B1)  
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On September 26, 2025, the Director de-designated *SharkNinja Operating LLC v. iRobot Corp.*, IPR2020-00734, Paper 11 (PTAB Oct. 6, 2020) (“*SharkNinja*”) as precedential. In a memorandum dated October 28, 2025 (“*Corning Optical Memo*”),<sup>1</sup> the Director designated *Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (“*Corning Optical*”), as precedential (except for § II.E.1). The *Corning Optical Memo* states that “[u]nder *Corning Optical*, the Office will now enforce § 312(a)(2)’s requirement that a petition must ‘identif[y] all real parties in interest.’” *Corning Optical Memo*, 4. The *Corning Optical Memo* also makes clear that “[t]he integrity of PTAB proceedings depends on knowing who is behind a petition—who funds it, directs it, and/or benefits from it.” *Id.* at 4. Consequently, the *Corning Optical Memo* and the precedential designation of *Corning Optical* ended the practice of permitting the Board to avoid engaging in the “extensive analysis” required to determine whether a party is an unnamed real part in interest if the result of that analysis would have no material impact on the proceeding. *SharkNinja*, Paper 11 at 19–20.

On February 3, 2026, the Director also de-designated *Proppant Express Invests., LLC v. Oren Techs., LLC*, IPR2017-01917, Paper 86 (PTAB Feb. 13, 2019) (“*Proppant*”) and *Adello Biologics LLC v. Amgen Inc.*, PGR2019-00001, Paper 11 (PTAB Feb. 14, 2019) (“*Adello*”) as precedential. *Aylo Freesites Ltd. v. Dish Technologies LLC*, IPR2024-

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<sup>1</sup> Ex. 3004 in IPR2025-00158, IPR2025-00159, and IPR2025-00160; Ex. 3001 in IPR2025-00246 and IPR2025-00247.

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00940, Paper 75 (PTAB Feb. 3, 2026). *Proppant* and *Adello* permitted a petitioner to amend its identification of real parties in interest while maintaining the petition's original filing date after considering: (1) whether the petitioner has attempted to circumvent the time bar or estoppel rules; (2) petitioner bad faith; (3) prejudice to a patent owner from the delay; and (4) petitioner gamesmanship. The Director determined, however, that those cases conflict with the decision in *Corning Optical*, which holds that a petitioner's amended identification of real parties in interest requires according the petition a new filing date. *Id.*

In an email sent to the Board on February 11, 2026,<sup>2</sup> counsel for Patent Owner requested permission to file a motion to terminate the Petitions in the above-captioned proceedings for failure to name all real parties in interest. In its email, Patent Owner also indicates that Petitioner opposes Patent Owner's request.<sup>3</sup>

Having considered Patent Owner's request in view of the *Corning Optical* Memo and recent changes to the precedential cases governing mandatory identification of real parties in interest, we authorize briefing regarding whether Petitioner has identified all real parties in interest and, if

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<sup>2</sup> Ex. 3005 in IPR2025-00158, IPR2025-00159, and IPR2025-00160; Ex. 3002 in IPR2025-00246 and IPR2025-00247.

<sup>3</sup> We also acknowledge receipt of Petitioner's responsive email dated February 11, 2026. The parties are reminded that an email to the Board should not contain substantive arguments or attachments. Such emails will not be made of record and the panel will not consider any arguments made or information introduced outside of the authorized briefing.

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not, whether the Petitions should be dismissed in accordance with *Corning Optical*. Patent Owner shall file a single motion to terminate applicable to all of the above-captioned cases. More specifically, Patent Owner is authorized to file an opening brief of no more than 7 pages that is due no later than 10 calendar days after the date of this Order. Petitioner is authorized to file a responsive brief of no more than 7 pages that is due no later than 10 calendar days after the filing date of Patent Owner's opening brief. Patent Owner is authorized to file a reply brief of no more than 5 pages that is due 5 calendar days after the filing date of Petitioner's responsive brief. The parties are authorized to file relevant exhibits with the opening brief and responsive brief.

#### ORDER

Accordingly, it is

ORDERED that Patent Owner is authorized to file an opening brief of no more than 7 pages that is due no later than 10 calendar days after the date of this Order;

FURTHER ORDERED that Petitioner is authorized to file a responsive brief of no more than 7 pages that is due no later than 10 calendar days after the filing date of Patent Owner's opening brief;

FURTHER ORDERED that Patent Owner is authorized to file a reply brief of no more than 5 pages that is due 5 calendar days after the filing date of Petitioner's responsive brief; and

FURTHER ORDERED that the papers authorized in this Order shall be limited to addressing Petitioner's identification of real parties in interest

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and whether the Petitions should be dismissed in the event that Petitioner has failed to identify all real parties in interest.

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