

Filed on behalf of: ResMed Corp.

Filed: November 5, 2025

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

**PETITIONER'S OBJECTIONS
TO PATENT OWNER'S EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner ResMed Corp. ("Petitioner") submits the following objections to evidence submitted by Patent Owner Cleveland Medical Services Inc. ("Patent Owner"). Petitioner's objections apply equally to Patent Owner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within five business days of service. Notwithstanding these objections, Petitioner expressly reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibit 2022

Petitioner objects to Exhibit 2022 as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent Exhibit 2022 impermissibly acts as a conduit for hearsay, including the hearsay objected to herein, and does not rely on the kinds of facts or data that experts in the relevant field would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioner further objects to Exhibit 2022 for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent it offers testimony in areas outside of the area of expertise of the

Declarants, or fails to properly provide the underlying facts, data, and other required disclosures.

Petitioner further objects to Exhibit 2022 as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions if Patent Owner does not make Dr. Borkholder available for deposition for this proceeding.

Exhibits 2026 and 2032

Petitioner objects to Exhibits 2026 and 2032 as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent Exhibits 2026 and 2032 impermissibly act as a conduit for hearsay, including the hearsay objected to herein, and do not rely on the kinds of facts or data that experts in the relevant field would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioner further objects to Exhibits 2026 and 2032 for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent they offer testimony in areas outside of the area of expertise of the Declarants, or fail to properly provide the underlying facts, data, and other required disclosures.

Petitioner further objects to Exhibits 2026 and 2032 as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions if Patent Owner does not make Dr. Schwartz or Dr. Goodrich available for deposition for this proceeding.

Exhibits 2023-2025, 2027-2031, 2034, 2035

Petitioner objects to Exhibits 2023-2025, 2027-2031, 2034, and 2035 as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902.

Petitioner further objects to these exhibits as irrelevant under FRE 401 and 402 because they were created, and describe technology or understandings, well after the relevant time period.

To the extent Patent Owner relies on these exhibits for the truth of the matter asserted, Petitioner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 2023-2025, 2030, 2031, 2033-2035

Petitioner objects to Exhibits 2023-2025, 2030, 2031, and 2033-2035 as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902.

Petitioner further objects to these exhibits under FRE 106 (completeness), as the exhibits are incomplete and only include select portions of larger documents that in fairness ought to be considered in connection with the exhibit.

To the extent Patent Owner relies on these exhibits for the truth of the matter asserted, Petitioner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Dated: November 5, 2025

Respectfully submitted,

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RESMED CORP.

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2025, a true and correct copy of the **Petitioner's Objections to Patent Owner's Evidence** is being served by electronic mail on Patent Owner's counsel of record listed below, pursuant to its Mandatory

Notices:

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