

Moreover, a POSITA would have found it obvious to combine different versions of a product that similarly accomplish home sleep test diagnostics, *e.g.*, Crystal Monitor 16, Crystal Monitor 20, and/or SleepScout. For example, a POSITA in 2007 viewing the Embletta product as it was produced in 2002 would also look to the Embletta product as it was produced in 2006.

All of the reasons discussed above for combining references are incorporated by reference into the claim charts whether or not specifically stated.

D. The '269 Patent

1. Identification of Prior Art

The following prior art patents and published patent applications relate to the invalidity of the asserted claims of the '269 patent. Each of the following may qualify as prior art as of an earlier date than the listed date, *e.g.*, an earlier publication or filing date. ResMed reserves the right to supplement the priority dates for the below listed references as discovery continues.

Prior Art Patents and Published Applications	Filed Date	Issue/Publication Date
United States Patent No. 6,167,258 (“Schmidt”)	10/09/1998	12/26/2000
PCT Publication No. WO 2005/096737 (“Farrell”)	03/30/2005	10/20/2005
United States Patent Application Publication No. 2005/0211249 (“Wagner”)	05/19/2005	09/29/2005
United States Patent Application Publication No. 2002/0022973 (“Sun”)	03/21/2001	02/21/2002
United States Patent Application Publication No. 2002/0165462 (“Westbrook”)	12/28/2002	11/07/2002
United States Patent No. 8,069,852 to Burton et al. (“Burton”)	04/08/2005	12/06/2011
United States Patent Application Publication No. 2005/0239838 (“Edgar”)	04/25/2005	10/27/2005
United States Patent Application Publication No. 2001/0018557 (“Lynn”)	02/06/2001	08/30/2001

there are not “additional features” (as the *Alice* Court cited) that make this claim more than a recitation of the abstract idea. For example, the claims recite no non-routine components or unique steps. Lastly, the dependent claims add nothing inventive and fail to offer any meaningful limitation over the abstract idea claimed in the independent claims.

II. PRIOR ART DOCUMENT PRODUCTION

Pursuant to Paragraph 3(d) of the Scheduling Order, ResMed is concurrently producing prior art references herewith. Some of the produced prior art documents are highly confidential and are being produced on an outside attorneys’ eyes only basis (HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY) pursuant to the Stipulated Protective Order entered in this matter. (See D.I. 46).

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CERTIFICATE OF SERVICE

I, Brian A. Biggs, do hereby certify that on this 21st day of February, 2023, the attached **DEFENDANTS' INVALIDITY CONTENTIONS** was served upon the following counsel of record via electronic mail:

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