

**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 JAMES HANNAH IN SUPPORT OF
DEFENDANT CLEVELAND MEDICAL DEVICES INC.'S
OPPOSITION TO PLAINTIFF RESMED CORP.'S
MOTION FOR TEMPORARY STAY PENDING MEDIATION**

I, James Hannah, 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 opposition to Plaintiff ResMed Corp.’s (“ResMed”) Motion for Temporary Stay Pending Mediation.

2. To date, in this case, CleveMed has served 63 requests for production, 11 interrogatories, and 14 requests for admissions. ResMed has served 52 requests for production and 14 interrogatories.

3. While this case is occurring, the parties are also litigating in the United States District Court for the District of Delaware, *Cleveland Medical Devices Inc. v. ResMed Inc.*, Case No. 22-794-JLH (“Delaware case”), where CleveMed sued ResMed for the infringement of seven patents, which are related to this case’s Asserted Patents. The parties have a mutual agreement that documents produced in the Delaware case can be used in this case. To date, CleveMed has produced approximately 5,352 pages in this case, which is in addition to the approximately 97,712 pages already produced to ResMed in the Delaware case, which the parties agreed can be used across cases. ResMed has produced approximately 4,752 pages in this case, in addition to the approximately 318,689 pages it produced in the Delaware case.

4. Outside counsel for ResMed and CleveMed engaged in settlement negotiation discussions, which ended in late March of 2024. The settlement negotiation discussions were not successful.

5. Attached hereto as **Exhibit 1** is a true and correct copy of a press release for ResMed’s fourth quarter earnings for its fiscal year 2024 entitled “ResMed Inc. Announces

11. Attached hereto as **Exhibit 7** is a true and correct copy of a ResMed press release entitled “ResMed Acquires Somnoware, a Leader in Digital Sleep and Respiratory Care Diagnostics Software,” dated July 5, 2023, available at <https://newsroom.resmed.com/news-releases/news-details/2023/ResMed-Acquires-Somnoware-a-Leader-in-Digital-Sleep-and-Respiratory-Care-Diagnostics-Software/default.aspx>, last visited on August 20, 2024.

12. Attached hereto as **Exhibit 8** is a true and correct copy of a ResMed press release entitled “ResMed Acquires Ectosense, a Leader in Connected Home Sleep Testing,” dated October 1, 2021, available at <https://newsroom.resmed.com/news-releases/news-details/2021/ResMed-Acquires-Ectosense-a-Leader-in-Connected-Home-Sleep-Testing/default.aspx>, last visited on August 20, 2024.

13. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from counsel for ResMed to counsel for CleveMed, dated August 13, 2024, regarding CleveMed’s discovery.

14. Attached hereto as **Exhibit 10** is a true and correct copy of a document entitled “Decision Denying Institution of Inter Partes Review,” filed on September 25, 2023, 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. IPR2023-00565, regarding U.S. Patent No. 10,076,269.

I declare under penalty of perjury of the United States of America that the foregoing is true and correct. Executed on August 21, 2024, in Redwood Shores, California.

/s/ James Hannah
James Hannah