

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,
Petitioner,

v.

CLEVELAND MEDICAL DEVICES, INC.,
Patent Owner.

Case IPR2025-00246
U.S. Patent No. 11,857,333

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Patent Owner Cleveland Medical Devices, Inc. (“CleveMed” or “Patent Owner”) objects under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following documents submitted by Petitioner ResMed Corp. (“ResMed” or “Petitioner”) in its Petitioner’s Reply to Patent Owner’s Response. *See* Paper 30. Thus, Patent Owner’s objections are timely under 37 C.F.R. § 42.64(b)(1). Patent Owner serves Petitioner with these objections to provide notice that Patent Owner will move to exclude the above-identified exhibits as improper evidence.

I. PETITIONER’S EVIDENCE

A. Various Exhibits and Publications

Patent Owner objects to the admissibility of the following exhibits for at least the following reasons:

Exhibit No.	Description
Ex. 1056	ResMedica – clinical newsletter – An Interview with Dr. Michael Berthon-Jones (2002)
Ex. 1057	Sleep Review – What’s New With CPAP Technology? (2002), available at https://sleepreviewmag.com/sleep-treatments/therapy2/

Petitioner has failed to authenticate Exhibits 1056-1057 under FRE 901 and FRE 602. Specifically, Petitioner has failed to establish that Exhibits 1056-1057

are what Petitioner claims they are, and has failed to authenticate Exhibits 1056-1057.

To the extent that Petitioner attempts to rely on any date that appears on Exhibits 1056-1057 to establish public accessibility of Exhibits 1056-1057 as a printed publication or prior art reference, the date is hearsay under FRE 801 and does not fall within a hearsay exception under FRE 802 and FRE 803. Further, the dates in Exhibits 1056-1057 have not been authenticated and are inadmissible under FRE 901.

Exhibits 1056-1057 are incomplete and thus confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under FRE 403.

Respectfully submitted,

Dated: January 22, 2026

/Jeffrey H. Price/
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(Case No. IPR2025-00246)

Attorneys for Patent Owner
Cleveland Medical Devices Inc.

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the P-TACTS constitutes electronic service, if Patent Owner provides the foregoing document (excluding exhibits), service was made on the Petitioner as detailed below.

<i>Date of service</i>	January 22, 2026
<i>Manner of service</i>	Electronic Filing and Electronic Mail (PH-ResMed-CleveMed@paulhastings.com)
<i>Documents served</i>	PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64
<i>Persons Served</i>	Paul Hastings LLP Lisa K. Nguyen David M. Tennant Eric E. Lancaster Grace Wang Howard Herr Kamilah Alexander Rachel Wu Hankinson

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