

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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IPR2023-00565  
Patent 10,076,269

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Before ULRIKE W. JENKS, SHERIDAN K. SNEDDEN, and  
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

JENKS, *Administrative Patent Judge*.

ORDER  
Conduct of proceeding  
*37 C.F.R. § 42.5*

On November 16, 2023, upon Petitioner's request for rehearing by the Director (Paper 14; Ex. 3100), the Director determined that review of the Board's Decision was appropriate. Paper 15. The Director's Rehearing Order vacated the Decision Denying Institution (Paper 13) and remanded the proceeding back to the panel. Paper 15, 6.

The Director granted Petitioner's request to file a two-page supplemental brief "regarding Judge Williams' projected time-to-trial, and addressing any arguments based on case assignment." Paper 15, 5–6 (citing Ex. 3003; Paper 14, 6–10). The Director also authorized a two-page supplemental response by Patent Owner. Paper 15, 6. Upon receipt of the additional briefing, the Director instructs the panel to reevaluate institution in light of all of the pre-institution papers, including the supplemental briefings from Petitioner and Patent Owner.

Pursuant to the Revised Interim Director Review Process<sup>1</sup> and Standard Operating Procedure 3,<sup>2</sup> the panel will issue the institution decision on or before May 16, 2024.

#### ORDER

Accordingly, it is:

ORDERED that the Institution Decision will issue on or before May 16, 2024.

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<sup>1</sup> <https://www.uspto.gov/patents/ptab/decisions/revised-interim-director-review-process> (last visited November 17, 2023).

<sup>2</sup> [www.uspto.gov/sites/default/files/documents/ptab\\_sop\\_3-2023-oct.pdf](https://www.uspto.gov/sites/default/files/documents/ptab_sop_3-2023-oct.pdf) (last visited November 17, 2023).

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FOR PETITIONER:

Tiffany Miller  
Edward Sikorski  
James Heintz  
DLA PIPER LLP  
tiffany.miller@dlapiper.com  
ed.sikorski@dlapiper.com  
jim.heintz@dlapiper.com

FOR PATENT OWNER:

James Hannah  
Jeffrey Price  
Jenna Fuller  
Jeffrey Eng  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
jhannah@kramerlevin.com  
jprice@kramerlevin.com  
jfuller@kramerlevin.com  
jeng@kramerlevin.com