

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,
Petitioner,

v.

CLEVELAND MEDICAL DEVICES, INC.,
Patent Owner.

Case IPR2023-00565
U.S. Patent No. 10,076,269

PATENT OWNER'S REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner, Cleveland Medical Devices, Inc. (“Patent Owner”), requests the opportunity to present oral argument in this matter. The oral argument is presently scheduled for February 4, 2025. *See* Paper 24 at 11 (“May 6, 2024 Scheduling Order”).

The parties have agreed to an in-person oral hearing.

The issues to be argued with respect to IPR2023-00565 include the following:

1. Whether Petitioner has met its burden of proving that Challenged Claims 1-3, 5, and 7 of the ’269 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Genger in view of Schmidt, Westbrook, Farrell, and the knowledge of the POSITA;
2. Whether Petitioner has met its burden of proving that Challenged Claims 4 and 6 of the ’269 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Genger in view of Schmidt, Westbrook, Farrell, Paradiso, and the knowledge of the POSITA;
3. Whether Petitioner has met its burden of proving that Challenged Claims 8-11 and 13 of the ’269 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Stahmann in view of Edgar and the knowledge of the POSITA;
4. Whether Petitioner has met its burden of proving that Challenged Claim 12 of the ’269 Patent is unpatentable as obvious under 35 U.S.C. § 103

over Stahmann in view of Edgar, Schmidt, and the knowledge of the POSITA;

5. Whether Petitioner has met its burden of proving that Challenged Claim 14 of the '269 Patent is unpatentable as obvious under 35 U.S.C. § 103 over Stahmann in view of Edgar, Paradiso, and the knowledge of the POSITA;
6. Whether Petitioner has met its burden of proving that Challenged Claims 15-16 and 18-19 of the '269 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Kocinski in view of Farrell, Bluetooth, and the knowledge of the POSITA;
7. Whether Petitioner has met its burden of proving that Challenged Claim 17 of the '269 Patent is unpatentable as obvious under 35 U.S.C. § 103 over Kocinski in view of Farrell, Bluetooth, Guilleminault-2004, Westbrook, and the knowledge of the POSITA;
8. Whether Petitioner has met its burden of proving that Challenged Claim 20 of the '269 Patent is unpatentable as obvious under 35 U.S.C. § 103 over Kocinski in view of Farrell, Bluetooth, Paradiso, and the knowledge of the POSITA;
9. Any claim construction disputes raised by the parties;
10. Patent Owner's and Petitioner's Motion to Exclude Evidence, if any;

11. Any additional issues on which the Board seeks clarification; and
12. Rebuttal of any arguments made by Petitioner.

Petitioner is the party with the burden of proof and will present first at the oral hearing. Patent Owner will address any issues raised by Petitioner, or questions raised by the Board during presentation. Patent Owner also respectfully reserves the right to supplement and/or amend the foregoing statement of issues to the extent the Rules permit.

The parties have agreed to request that each party have a total of sixty (60) minutes for each side's arguments addressing the '269 patent, with the opportunity to reserve a portion of that time for rebuttal.

Dated: December 18, 2024

/James Hannah/

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Request for Oral Hearing
IPR2023-00565 (U.S. Patent No. 10,076,269)

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(Case No. IPR2023-00565)

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Petitioner as detailed below.

<i>Date of service</i>	December 18, 2024
<i>Manner of service</i>	Electronic Mail (tiffanymiller@us.dlapiper.com; ed.sikorski@us.dlapiper.com; jim.heintz@us.dlapiper.com; DLA-ResMed-CleveMed-IPR@us.dlapiper.com)
<i>Documents served</i>	PATENT OWNER’S REQUEST FOR ORAL HEARING
<i>Persons Served</i>	DLA Piper LLP (US) Tiffany C. Miller Edward H. Sikorski James M. Heintz

/James Hannah/
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