

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 B1

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's Scheduling Order (Paper 24), Petitioner ResMed Corp. respectfully requests oral argument for the trial currently scheduled on February 4, 2025. The parties have agreed to an in-person oral argument.

Pursuant to 37 C.F.R. 42.70, Petitioner requests the oral argument to address the issues raised in the parties' filings, including the following:

1. Issues related to the Board's Institution Decision and the grounds Instituted in the Decision;
2. Whether claims 1-3, 5, and 7 are unpatentable as obvious under 35 U.S.C. § 103 in view of Genger, Schmidt, Westbrook, Farrell and the knowledge of POSITA;
3. Whether claims 4 and 6 are unpatentable as obvious under 35 U.S.C. § 103 in view of Genger, Schmidt, Westbrook, Farrell, Paradiso, and the knowledge of POSITA;
4. Whether claims 8-11 and 13 are unpatentable as obvious under 35 U.S.C. § 103 in view of Stahmann, Edgar, and the knowledge of POSITA;
5. Whether claim 12 is unpatentable as obvious under 35 U.S.C. § 103 in view of Stahmann, Edgar, Schmidt, and the knowledge of POSITA;

6. Whether claim 14 is unpatentable as obvious under 35 U.S.C. § 103 in view of Stahmann, Edgar, Paradiso, and the knowledge of POSITA;
7. Whether claims 15-16, and 18-19 are unpatentable as obvious under 35 U.S.C. § 103 in view of Kocinski, Farrell, Bluetooth and the knowledge of POSITA;
8. Whether claim 17 is unpatentable as obvious under 35 U.S.C. § 103 in view of Kocinski, Farrell, Bluetooth, Guilleminault-2004, Westbrook and the knowledge of POSITA;
9. Whether claim 20 is unpatentable as obvious under 35 U.S.C. § 103 in view of Kocinski, Farrell, Bluetooth, Paradiso and the knowledge of POSITA;
10. Any claim construction disputes raised by the parties;
11. Any briefings associated with the exclusion of evidence;
12. Any additional issues the Board deems necessary for issuing a final written decision.

Petitioner requests the ability to present demonstratives and exhibits to the Board, permission to use computers at the hearing, and permission to use a computer and screen to show the exhibits and demonstratives (e.g., to avoid the

need for the parties to bring paper copies of the record into the hearing room and to facilitate efficient answering of panel questions).

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

December 23, 2024

Respectfully Submitted,

By: /s/ Tiffany C. Miller
Tiffany C. Miller
Reg. No. 52,032
Attorney for Petitioner

CERTIFICATE OF SERVICE
UNDER 37 C.F.R. § 42.105

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) and agreement by the attorneys listed below and the undersigned, the undersigned certifies that on December 23, 2024, a complete and entire copy of this **Petitioner's Request for Oral Argument**, was served electronically via email to the following:

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Dated: December 23, 2024

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