

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 UPDATED EXHIBIT LIST

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Exhibit	Description
2001	Scheduling Order, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW, D.I. 40 (D. Del. Nov. 3, 2022)
2002	Excerpts from ResMed Inc.'s Amended Initial Invalidity Contentions, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW (D. Del. Apr. 5, 2023)
2003	Cleveland Medical Devices, Inc.'s Initial Infringement Contentions and Initial Election of Asserted Claims, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW (D. Del. Jan. 9, 2023)
2004	Oral Order Denying Stipulation to Modify Scheduling Order, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW, D.I. 56 (D. Del. Mar. 9, 2023)
2005	ResMed Inc.'s Motion for Reconsideration, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW, D.I. 61 (D. Del. Mar. 20, 2023)
2006	Email correspondence between counsel for CleveMed and counsel for ResMed, dated Feb. 15., 2023 - Exhibit 2 to ResMed Inc.'s Motion for Reconsideration, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW, D.I. 61-3 (D. Del. Mar. 20, 2023)
2007	Declaration of Benu Wells in Support of Patent Owner's Preliminary Response
2008	Joint Claim Construction Brief, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW, D.I. 96 (D. Del. June 21, 2023)
2009	Excerpts from Defendant ResMed Inc.'s Initial Invalidity Contentions, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW (D. Del. Feb. 21, 2023)

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2010	LaFrenz, C., “How the pandemic changed ResMed boss Mick Farrell” (May 21, 2021) https://www.afr.com/companies/healthcare-and-fitness/how-the-pandemic-changed-resmed-boss-mick-farrell-20210514-p57s49
2011	Thompson, H., “ResMed is disrupting connected health: Here’s how” (Apr. 3, 2018) https://www.medicaldesignandoutsourcing.com/resmed-is-disrupting-connected-health-heres-how/
2012	Email from Kramer Levin to counsel for Petitioner regarding Service of Patent Owner’s Preliminary Response and Exhibits (June 28, 2023)
2013	Memorandum Opinion, <i>Cleveland Medical Devices Inc. v. ResMed Inc.</i> , No. 22-cv-00794-GBW, D.I. 181 (D. Del. Oct. 30, 2023)
2014	Transcript of Telephonic Conference Hearing with Board (P.T.A.B. Dec. 8, 2023)
2015	U.S. Patent No. 5,704,345 (“Berthon-Jones”)
2016	Transcript of Deposition of Jacob Sharony, Ph.D., <i>ResMed Corp. v. Cleveland Medical Devices, Inc.</i> , IPR2023-00565, taken on July 10, 2024
2017	Declaration of Dr. David A. Borkholder in Support of Patent Owner’s Response
2018	Declaration of Dr. Susheel Patil in Support of Patent Owner’s Response
2019	Excerpts from Microsoft Computer Dictionary (5th Ed. 2002)
2020	Cleveland Clinic webpage – “CPAP Machine: What It Is, How It Works & Side Effects,” available at https://my.clevelandclinic.org/health/treatments/22043-cpap-machine , dated July 28, 2024

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2021	Drugs webpage – “What is a CPAP Machine, Benefits, Usage Tips,” available at https://www.drugs.com/cg/cpap.html , dated July 7, 2024
2022	G. White, et al., “Right-Sizing Cable Modem Buffers for Maximum Application Performance”
2023	“Sleep-Related Breathing Disorders in Adults: Recommendations for Syndrome Definition and Measurement Techniques in Clinical Research,” Sleep, Vol. 22, No. 5 (1999)
2024	P. J. Strollo, Jr., et al., “Positive Pressure Therapy,” Clinics in Chest Medicine, Vol. 19, No. 1 (1998)
2025	A. Guerrero, et al., “Sleep Breathing Flow Characteristics as a Sign for the Detection of Wakefulness in Patients with Sleep Apnea,” Respiration 2010, 80:495-499 (2009)
2026	U.S. Dept. of Health and Human Services, Food and Drug Admin., “Deciding When to Submit a 510(k) for a Change to an Existing Device,” (Oct. 25, 2017)
2027	U.S. Dept. of Health and Human Services, Food and Drug Admin., “The 510(k) Program: Evaluating Substantial Equivalence in Premarket Notifications [510(k)],” (July 28, 2014)
2028	T. Young, et al., “The Occurrence of Sleep-Disordered Breathing Among Middle-Aged Adults,” The New England Journal of Medicine (April 29, 1993)
2029	The AASM Manual for the Scoring of Sleep and Associated Events, Version 3 (2023), https://aasm.org/clinical-resources/scoring-manual/
2030	Patent Owner's Demonstratives

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Respectfully submitted,

Dated: January 30, 2025

/James Hannah/

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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 the Petitioner as detailed below.

<i>Date of service</i>	January 30, 2025
<i>Manner of service</i>	Electronic Mail (tiffany.miller@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 UPDATED EXHIBIT LIST
<i>Persons Served</i>	DLA Piper LLP (US) Tiffany C. Miller Edward H. Sikorski James M. Heintz

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