

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 NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner Cleveland Medical Devices, Inc. (“CleveMed” or “Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered May 2, 2025 (Paper 42), and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 10,076,269 (“the ’269 Patent”) at issue in *inter partes* review IPR2023-00565. This notice is timely under 37 C.F.R. § 90.3(b), having been filed no later than 63 days after the Order denying Director Review of the Final Written Decision, entered on July 17, 2025 (Paper 46).

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, the Board’s interpretation and construction of the claims, including the Board’s express and implied construction of terms in the Final Written Decision; the Board’s determination that Petitioner showed by a preponderance of the evidence that Claims 1-20 of the ’269 Patent are obvious under 35 U.S.C. § 103; any finding or determination supporting or related to those issues; and all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Copies of Patent Owner’s Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: August 27, 2025

/James Hannah/

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(Case No. IPR2023-00565)

Attorneys for Patent Owner
Cleveland Medical Devices, Inc.

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>	August 27, 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 NOTICE OF APPEAL
<i>Persons Served</i>	DLA Piper LLP (US) Tiffany C. Miller Edward H. Sikorski James M. Heintz

In addition, the foregoing Patent Owner's Notice of Appeal was filed by Electronic Mail on August 27, 2025, with the United States Patent and Trademark Office at the following e-mail address: efileSO@uspto.gov.

The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on August 27, 2025.

/James Hannah /
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Lead Counsel for Patent Owner