

ResMed’s invalidity contentions, including this chart, are based in part on Cleveland Medical’s (“CleveMed”) infringement contentions and apparent claim interpretations. In some instances, certain claim limitations are expressly or inherently present in the prior art in light of CleveMed’s apparent claim interpretations in its infringement contentions. ResMed offers these contentions in response to CleveMed’s infringement contentions and without prejudice to any position ResMed may later take as to any claim construction issues. To the extent these contentions reflect claim constructions that are consistent with CleveMed’s infringement contentions, no implication is intended, nor should any inference be drawn, that ResMed agrees with any construction implied by CleveMed’s infringement contentions.

CleveMed has asserted claims 1, 2, 3, 6, 12, and 14-20 (“the asserted claims”) of U.S. Patent No. 11,602,284 (“the ’284 patent”). The asserted claims of the ’284 patent are invalid in view of U.S. Patent App. Pub. No. 2007/0161913 (“Farrell”) as either anticipated, under pre-AIA and post-AIA 35 U.S.C. § 102, and/or as obvious, under 35 U.S.C. § 103. The chart below discloses how this prior art reference discloses, either expressly or inherently, and/or renders obvious the asserted claims.

The citations provided are exemplary and do not necessarily include each and every disclosure of a limitation in the reference. ResMed has endeavored to cite to the most relevant portions of the identified prior art, but other portions of the identified prior art may additionally disclose, either expressly or inherently, and/or render obvious, one or more limitations of the asserted claims. ResMed reserves the right to rely on: (1) uncited portions of the identified prior art; (2) other prior art not identified herein; (3) references that show the state of the art and the knowledge of a person of skill in the art, irrespective of whether such references themselves qualify as prior art to the asserted patents; (4) factual testimony from the inventors or authors of the prior art references, or purveyors of prior art devices; and/or (5) expert testimony, to provide context to or aid in understanding the prior art, the state of the art, and/or the knowledge of a person of ordinary skill in the art. ResMed reserves the right to rely on any materials incorporated by reference into any cited prior art reference. To the extent ResMed asserts that a claim limitation is indefinite, ResMed has used its best efforts to interpret the claims to fulfill its duties in charting the prior art references.

Where ResMed cites to a particular drawing or figure in the accompanying charts, the citation encompasses the description of the drawing or figure, as well as any text associated with the drawing or figure. Similarly, where ResMed cites to text concerning a figure, the citation encompasses that figure. This prior art at least discloses certain claim limitations, and ResMed reserves the right to rely on inherency to demonstrate the invalidity of the asserted claims. ResMed may rely on cited or uncited portions of the prior art, other documents, factual testimony, and expert testimony to invalidate the asserted claims.

U.S. Patent App. Pub. No. 2007/0161913 (“Farrell”) was filed on March 30, 2005, claims priority to a Provisional Application filed on March 31, 2004, and was published on July 12, 2007. Farrell qualifies as prior art under at least pre-AIA 35 U.S.C. § 102(a) and 102(e), and post-AIA § 102(a)(1), (2). This chart also references the following disclosures:

Exhibit A03- Invalidity of '284 Patent – U.S. Patent App. Pub. No. 2007/0161913 (“Farrell”)

- WO 2005/096737 to Farrell et al., filed March 30, 2005 and published October 20, 2005 (“Farrell”);
- US Patent No. 5,704,345 to Berthon-Jones, filed November 4, 1994, issued January 6, 1998 (“Berthon-Jones” or “Berthon-Jones-345”);
- US Patent No. 6,152,129 to Berthon-Jones, filed August 14, 1997, issued November 28, 2000 (“Berthon-Jones-129”);
- US Patent Application Publication 2007/055208 to Pirzada, filed December 30, 2006, published July 5, 2007 (“Pirzada”);
- US Patent Application Publication 2016/0193437 to Bao, which claims priority to a provisional application filed August 5, 2013, published July 7, 2016 (“Bao”);
- US Patent Application Publication 2004/0129838 to Lisý, filed January 3, 2003, published July 8, 2004 (“Lisý”);
- WO 2021/152526 A1 to Shouldice, filed January 29, 2021 and published August 5, 2021 (“Shouldice”);
- US Patent No. 5,424,942 to Dong, filed August 10, 1993, issued June 13, 1995 (“Dong”);
- WO 02/078775A2 to Genger, filed April 2, 2002 and published October 10, 2002 (“Genger”) (the present chart cites to the certified English translation);
- WO 2005/028029 to Stahmann, filed September 17, 2004 and published March 31, 2005 (“Stahmann”);
- Mohd Fadlee A. Rasid and Bryan Woodward, *Bluetooth Telemedicine Processor for Multichannel Biomedical Signal Transmission via Mobile Cellular Networks*, IEEE Transactions on Information Technology in Biomedicine, Vol. 9, No. 1, March 2005, at 35 (“Rasid IEEE”);
- Mohd Fadlee A Rasid, Multi-Channel GPRS-Based Mobile Telemedicine System With Bluetooth and J2ME Interfaces, Doctoral Thesis, Department of Electronic and Electrical Engineering, Loughborough University (October 2005) (“Rasid Thesis”);
- Jasemian and Arendt Nielsen, *Evaluation of realtime, remote monitoring telemedicine system using the Bluetooth protocol and a mobile phone network*, Journal of Telemedicine and Telecare 2005, Vol. 11, Issue 5, at 256 (“Jasemian”);
- B. Woodward and M.F.A. Rasid, Wireless Telemedicine: The Next Step, 4th Int'l IEEE EMBS Special Topic Conference on Information Technology Applications in Biomedicine, 2003, at 43 (“Woodward”); and
- R. Paradiso, et al., Wearable Health Care System for Vital Signs Monitoring, 4th Annual IEEE Conf. on Information Technology Applications in Biomedicine, 2003, at 283 (“Paradiso”).

US 11,602,284 Claim	Invalidating Prior Art Disclosure – Farrell
1. [pre] A positive airway pressure (PAP) sleep disorder treatment system comprising:	To the extent the preamble is limiting, Farrell discloses or at least renders obvious this preamble. For example, Farrell discloses: